

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS55124-LBx-189 (3/26)

Short Title: Elect State Board of Education.

(Public)

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Sponsors: Senator Brock.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE  
3 FOR ELECTION OF DISTRICT REPRESENTATIVES TO THE STATE BOARD  
4 OF EDUCATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 4(1) of Article IX of the North Carolina Constitution  
7 reads as rewritten:

8 "(1) Board. The State Board of Education shall consist of the Lieutenant  
9 Governor, the Treasurer, and ~~eleven members appointed by the Governor, subject to~~  
10 ~~confirmation by the General Assembly in joint session,~~ an additional number of  
11 members equal to the number of members of the United States House of  
12 Representatives apportioned to this State. The General Assembly shall divide the State  
13 into eight ~~Each congressional district shall be an educational districts, district. Of the~~  
14 ~~appointive members of the Board, one shall be appointed from each of the eight~~  
15 ~~educational districts and three shall be appointed from the State at large. One member of~~  
16 the board shall be elected from each congressional district. Members shall be elected for  
17 four-year terms beginning in 2006. If the number of members of the United States  
18 House of Representatives apportioned to this State changes, or if the boundaries of the  
19 congressional districts are changed, it shall have no effect on the educational districts  
20 until the time for the next election of members to the State Board of Education.  
21 ~~Appointments shall be for overlapping terms of eight years. Appointments to fill~~  
22 ~~vacancies shall be made by the Governor for the unexpired terms and shall not be~~  
23 ~~subject to confirmation."~~

24 **SECTION 2.** The amendment set out in Section 1 of this act shall be  
25 submitted to the qualified voters of the State at the next statewide general election,  
26 which election shall be conducted under the laws then governing elections in the State.

1 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the  
2 General Statutes. The question to be used in the voting systems and ballots shall be:

3 "[ ] FOR [ ] AGAINST

4 Constitutional amendment providing for district election of members of the  
5 State Board of Education by the people."

6 **SECTION 3.** If a majority of votes cast on the question are in favor of the  
7 amendment set out in Section 1 of this act, the State Board of Elections shall certify the  
8 amendments to the Secretary of State whereupon the amendments shall become  
9 effective as follows: The terms of all members of the State Board of Education other  
10 than the Lieutenant Governor and Treasurer shall expire December 31, 2006, and  
11 members of the State Board of Education shall be elected in 2006 for terms to begin  
12 January 1, 2007. Appointments shall still be made in 2005 as if this act had not been  
13 enacted, but those appointments shall also expire December 31, 2006. The Secretary of  
14 State shall enroll the amendments so certified among the permanent records of that  
15 office.

16 **SECTION 4.** G.S. 115C-10 reads as rewritten:

17 "**§ 115C-10. Appointment of Board.**

18 The State Board of Education shall consist of the Lieutenant Governor, the State  
19 Treasurer, and ~~11 members appointed by the Governor, subject to confirmation by the~~  
20 ~~General Assembly in joint session. an additional number of members equal to the~~  
21 ~~number of members of the United States House of Representatives apportioned to this~~  
22 ~~State. Not more than one public school employee paid from State or local funds may~~  
23 ~~serve as an appointive member of the State Board of Education. No spouse of any~~  
24 ~~public school employee paid from State or local funds and no employee of the~~  
25 ~~Department of Public Instruction or his spouse, may serve as an appointive member of~~  
26 ~~the State Board of Education. Of the appointive members of the State Board of~~  
27 ~~Education, one shall be appointed from each of the eight educational districts and three~~  
28 ~~shall be appointed as members at large. Appointments shall be for terms of eight years~~  
29 ~~and shall be made in four classes. Each congressional district shall be an educational~~  
30 ~~district. One member of the board shall be elected from each congressional district.~~  
31 ~~Members shall be elected for four-year terms beginning with the 2006 election. The~~  
32 ~~initial terms shall begin January 1, 2007. If the number of members of the United States~~  
33 ~~House of Representatives apportioned to this State changes, or if the boundaries of the~~  
34 ~~congressional districts are changed, it shall have no effect on the educational districts~~  
35 ~~until the time for the next election of members to the State Board of Education.~~  
36 Appointments to fill vacancies shall be made by the Governor for the unexpired terms  
37 and shall not be subject to confirmation.

38 ~~The Governor shall transmit to the presiding officers of the Senate and the House of~~  
39 ~~Representatives, on or before the sixtieth legislative day of the General Assembly, the~~  
40 ~~names of the persons appointed by him and submitted to the General Assembly for~~  
41 ~~confirmation; thereafter, pursuant to joint resolution, the Senate and the House of~~  
42 ~~Representatives shall meet in joint session for consideration of an action upon such~~  
43 ~~appointments."~~

1           **SECTION 5.** Section 4 of this act is effective only if the constitutional  
2 amendment proposed by Section 1 of this act is approved by the voters as provided by  
3 Section 2 of this act, and if so approved, the terms of all members of the State Board of  
4 Education other than the Lieutenant Governor and Treasurer shall expire December 31,  
5 2006, and members of the State Board of Education shall be elected in 2006 for terms to  
6 begin January 1, 2007. Appointments shall still be made in 2005 as if this act had not  
7 been enacted, but those appointments shall also expire December 31, 2006.