

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 641

Short Title: Elect State Board of Education. (Public)

Sponsors: Senators Brock; Blake, Carpenter, Forrester, Pittenger, Shubert, Sloan,
and Tillman.

Referred to: Education/Higher Education.

April 1, 2003

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

SECTION 2. The amendment set out in Section 1 of this act shall be
submitted to the qualified voters of the State at the next statewide general election,
which election shall be conducted under the laws then governing elections in the State.
Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

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

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

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

"§ 115C-10. Appointment of Board.

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

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

SECTION 5. Section 4 of this act is effective only if the constitutional amendment proposed by Section 1 of this act is approved by the voters as provided by Section 2 of this act, and if so approved, the terms of all members of the State Board of

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