



HOUSE BILL 17: Elect the SBE/SPI as SBE Chair.

2023-2024 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 14, 2023
Introduced by:	Reps. Blackwell, Torbett, Hardister, Willis	Prepared by:	Kara McCraw
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *HB 17 would amend the North Carolina Constitution to elect members of the State Board of Education and make the Superintendent of Public Instruction the chair of the State Board of Education.*

CURRENT LAW: Section 4 of Article IX of the North Carolina Constitution sets the membership of the State Board of Education (State Board) to include the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor and confirmed by the General Assembly in joint session. Appointments to fill vacancies are made by the Governor and not subject to confirmation. The Superintendent of Public Instruction is the secretary and chief administrative officer of the State Board, but not a voting member.

Article II, Sec. 22 of the North Carolina Constitution exempts certain matters from veto consideration. These include revision of districts for the Senate, House of Representatives, and Congress.

BILL ANALYSIS:

HB 17 would propose an amendment to the North Carolina Constitution that would make the following changes:

- The Superintendent of Public Instruction would become the chair of the State Board, in addition to being the chief administrative officer.
- Members would no longer be appointed to the State Board. Instead, a number of members equal to the number of North Carolina's apportioned members of the U.S. House of Representatives would be elected from districts established by the General Assembly. These districts would not be subject to the Governor's veto. The elected members would serve staggered four-year terms, and vacancies would be filled in a manner established by law.

The amendment would be submitted to the voters of the State at the general election held in November 2024. If a majority of the votes cast on the question favor the amendment, the State Board of Elections would certify the amendment to the Secretary of State, who would then enroll the amendment.

EFFECTIVE DATE: If the amendment were approved by the qualified voters, both the amendment and the related statutory changes would become effective January 1, 2026, and would apply to terms of office beginning January 1, 2027. Except as otherwise provided, the bill would be effective when it becomes law.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578