

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
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S.R. 134
PRINCIPAL CLERK

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SENATE SIMPLE RESOLUTION DRSR15038-RQ-1 (01/19)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

1 A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND
2 ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
3 NORTH CAROLINA.

4 Be it resolved by the Senate:

5 **SECTION 1.** The following procedures for nominating and electing members of the
6 Board of Governors of The University of North Carolina are adopted:

7 **I. COMMITTEE RESPONSIBILITIES.**

8 1. It is the duty of the Senate Select Committee on Nominations (hereinafter
9 referred to as the "Senate Committee") to choose nominees for each opening on the Board of
10 Governors of The University of North Carolina to which the Senate is to elect members.

11 2. The Senate Committee shall receive suggestions of proposed nominees for
12 election to the Board of Governors of The University of North Carolina from Monday, March 6,
13 2017, through Friday, March 10, 2017. In 2017, the total number of positions available for
14 election by the Senate is six, and each position is for a four-year term. A Senator may propose
15 nominees only for the openings available for election by the Senate. In order for a person to have
16 standing to be considered as a nominee by the Senate Committee, that person must be formally
17 nominated by a member of the Senate. Only a written nomination on a form provided by the Chair
18 of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk
19 on or after Monday, March 6, 2017, and no later than 5:00 P.M. on Friday, March 10, 2017, shall
20 constitute a formal nomination of an individual. Delivery to the Office of the Senate Principal
21 Clerk of a nomination form by facsimile transmission or e-mail transmission shall not constitute a
22 formal nomination of an individual. An individual is not eligible for nomination by a member of
23 the Senate if he or she was nominated for election to the Board of Governors by a member of the
24 House of Representatives during the 2017 Session or was nominated for election to the Board of
25 Governors for a vacancy for a partial term by a member of the Senate during the 2017 Session.

26 3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
27 shall file a completed North Carolina State Ethics Commission Statement of Economic Interest
28 with the North Carolina State Ethics Commission to be received by the North Carolina State
29 Ethics Commission no later than 5:00 P.M. on Friday, March 10, 2017. The Statement of
30 Economic Interest must clearly state that the person has been nominated for the Board of
31 Governors of The University of North Carolina.

32 4. After the close of the nomination period on March 10, 2017, the Senate
33 Committee shall list all proposed nominees. The Senate Committee shall screen the nominees for
34 nomination as to their qualifications and background and may interview each one to make sure
35 that suitable individuals are nominated. The Senate Committee shall ascertain that each nominee
36 for nomination is willing and able to serve and has no statutory disability. On completion of the



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1 screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally
2 qualified nominees lists no more than twice the number of nominees for the total seats open.

3 5. The Chair of the Senate Committee shall ascertain whether the nominees for
4 election by the Senate would serve if elected. Any nominee may withdraw without the approval of
5 the sponsor.

6 6. Senate Committee nominees shall be placed before and recommended to the
7 Senate for election.

8 **II. ELECTIONS IN THE SENATE.**

9 1. A ballot shall be prepared under the supervision of the Chair of the Senate
10 Committee for the use of the Senate.

11 2. The ballot shall list only the names of those nominees proposed by the Senate
12 Committee who have consented to run and for whom the Senate is entitled to vote. Their names
13 shall be arranged alphabetically by surname.

14 3. The Senate shall hold its election no later than Wednesday, March 29, 2017.
15 Before the voting begins, the Chair of the Senate Committee shall explain the voting rules, which
16 are:

17 (a) No nomination shall be received from the floor.

18 (b) In order to be chosen, a nominee must receive the votes of a majority of all
19 members present and voting.

20 (c) Each member present and voting shall vote for as many nominees as there are
21 positions to be filled, and any ballot not so marked shall be deemed void.

22 (d) If fewer than six nominees receive the votes of a majority of all members
23 present and voting, a runoff to fill the open position or positions shall be
24 conducted among the nominees who were not elected but who received the
25 highest numbers of votes cast; and the number of nominees eligible to be voted
26 on in the runoff shall be twice the number of positions to be filled.

27 (e) If there is a tie for the last position between two nominees who are eligible for
28 the next runoff, both nominees shall be included in the next runoff balloting,
29 even though there would be more than two nominees per available position,
30 unless the deciding vote is cast in accordance with Section 13 of Article II of
31 the North Carolina Constitution.

32 (f) If more than six nominees receive the votes of a majority of all members
33 present and voting, then the six nominees receiving the highest numbers of
34 votes shall be deemed to have been chosen.

35 4. The Senators shall proceed to mark their ballots for six persons, each to serve
36 four-year terms. Every ballot shall be signed by the Senator casting it, and no unsigned ballots
37 shall be counted.

38 5. The Chair of the Senate Committee shall be responsible for canvassing the vote
39 and declaring the results. All ballots shall be retained by the Senate Principal Clerk as part of the
40 permanent records of the Senate and shall be open for immediate public inspection.

41 6. When the Chair of the Senate Committee has determined that the Senate has
42 chosen six persons to serve as members of the Board of Governors for terms of four years, the
43 President of the Senate shall entertain a motion for the simultaneous election of those persons by
44 the Senate to the indicated positions and for the indicated terms. The vote shall then be called
45 electronically. If a majority of those voting shall vote "aye" and the vote is orally confirmed, those
46 six persons named in the motion shall be declared to have been elected to the Board of Governors
47 by the Senate.

48 7. The results of the election in the Senate shall then be sent by Special Messenger
49 to the House of Representatives.

50 **III. NOTIFICATION OF ELECTION RESULTS.**

1 When the election process is complete, the Chair of the Senate Committee shall notify
2 the Secretary of the Board of Governors of The University of North Carolina of the names of the
3 persons elected by the Senate and of the term for which each person was elected.

4 **SECTION 2.** As used in this resolution, the term "Chair" means the Chair of the
5 Senate Select Committee on Nominations.

6 **SECTION 3.** This resolution is effective upon adoption.