

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Aug 16, 2021
S.R. 734
PRINCIPAL CLERK

S

D

SENATE SIMPLE RESOLUTION DRSR35321-BN-4

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

1 A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR ELECTING
2 MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES.

3 Be it resolved by the Senate:

4 **SECTION 1.** The following procedures for nominating and electing members of the
5 State Board of Community Colleges are adopted:

6 **I. COMMITTEE RESPONSIBILITIES.**

7 1. It is the duty of the Senate Committee on Education/Higher Education
8 (hereinafter referred to as the "Senate Committee") to choose nominees for membership on the
9 State Board of Community Colleges for two terms to be filled by the Senate which expire June
10 30, 2027.

11 2. The Senate Committee shall receive nominations for election to the State
12 Board of Community Colleges from Wednesday, August 18, 2021, through Thursday, August
13 19, 2021. In 2021, the total number of positions available for election by the Senate is two, and
14 each position is for a term to expire June 30, 2027. A Senator may propose nominees only for
15 the openings available for election by the Senate. In order for a person to have standing to be
16 considered as a nominee by the Senate Committee, that person must be formally nominated by a
17 member of the Senate. Only a written nomination on a form provided by the Chair of the Senate
18 Committee for that purpose and received in the Office of the Senate Principal Clerk on or after
19 Wednesday, August 18, 2021, and no later than 5:00 P.M. on Thursday, August 19, 2021, 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 email transmission shall not constitute
22 a formal nomination of an individual. An individual is not eligible for nomination by a member
23 of the Senate if he or she was nominated for election to the State Board of Community Colleges
24 by a member of the House of Representatives during the 2021 Session.

25 3. In accordance with G.S. 115D-2.2(c), as enacted by S.L. 2021-90, every
26 person who has been formally nominated shall file a completed North Carolina State Ethics
27 Statement of Economic Interest as required by law no later than 5:00 P.M. on Thursday, August
28 19, 2021. The Statement of Economic Interest must clearly state that the person has been
29 nominated for the State Board of Community Colleges.

30 4. After the close of the nomination period on Thursday, August 19, 2021, the
31 Senate Committee shall list all proposed nominees. The Senate Committee shall screen the
32 nominees as to their qualifications and background and may interview each one to make sure that
33 suitable individuals are nominated. The Senate Committee shall ascertain that each nominee is
34 willing and able to serve and has no statutory disability. On completion of the screening process,
35 the Senate Committee shall conduct a vote to ensure that the slate of legally qualified nominees
36 lists no more than twice the number of nominees for the total seats open.



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

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

6 **II. ELECTIONS IN THE SENATE.**

7 1. If the number of nominees placed before the Senate is equal to the total seats
8 open, the Senate may elect the State Board of Community Colleges members through a vote on
9 a Senate resolution containing the slate of candidates. The Senate shall hold its vote no later than
10 Tuesday, August 31, 2021. The vote shall be orally confirmed. The results of the vote in the
11 Senate shall then be sent by Special Messenger to the House of Representatives.

12 2. If the number of nominees placed before the Senate exceeds the total seats
13 open, the Senate shall use an election process as follows:

14 (a) A ballot shall be prepared under the supervision of the Chair of the Senate
15 Committee for the use of the Senate.

16 (b) The ballot shall list only the names of those nominees proposed by the Senate
17 Committee who have consented to run and for whom the Senate is entitled to
18 vote. Their names shall be arranged alphabetically by surname.

19 (c) The Senate shall hold its election no later than Tuesday, August 31, 2021.
20 Before the voting begins, the Chair of the Senate Committee shall explain the
21 voting rules, which are:

22 (1) No nomination shall be received from the floor.

23 (2) In order to be chosen, a nominee must receive the votes of a majority
24 of all members present and voting.

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

28 (4) If fewer than two nominees receive the votes of a majority of all
29 members present and voting, a runoff to fill the open position or
30 positions shall be conducted among the nominees who were not
31 elected but who received the highest numbers of votes cast and the
32 number of nominees eligible to be voted on in the runoff shall be twice
33 the number of positions to be filled.

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

39 (6) If more than two nominees receive the votes of a majority of all
40 members present and voting, then the two nominees receiving the
41 highest numbers of votes shall be deemed to have been chosen.

42 (d) The Senators shall proceed to mark their ballots for two persons, each to serve
43 terms expiring June 30, 2027. Every ballot shall be signed by the Senator
44 casting it, and no unsigned ballots shall be counted.

45 (e) The Chair of the Senate Committee shall be responsible for canvassing the
46 vote and declaring the results. All ballots shall be retained by the Senate
47 Principal Clerk as part of the permanent records of the Senate and shall be
48 open for immediate public inspection.

49 (f) When the Chair of the Senate Committee has determined that the Senate has
50 chosen two persons to serve as members of the State Board of Community
51 Colleges for terms expiring June 30, 2027, the President of the Senate shall

1 entertain a motion for the simultaneous election of those persons by the Senate
2 to the indicated positions and for the indicated terms. The vote shall then be
3 called electronically. If a majority of those voting shall vote "aye" and the vote
4 is orally confirmed, those two persons named in the motion shall be declared
5 to have been elected to the State Board of Community Colleges.

- 6 (g) The results of the election in the Senate shall then be sent by Special
7 Messenger to the House of Representatives.

8 **III. NOTIFICATION OF ELECTION RESULTS.**

9 When the election process is complete, the Chair of the Senate Committee shall notify
10 the State Board of Community Colleges of the names of the persons elected by the Senate and of
11 the term for which each person was elected.

12 **SECTION 2.** As used in this resolution, the term "Chair" means the Chair of the
13 Senate Committee on Education/Higher Education.

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