

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE RESOLUTION 186

Sponsors: Senators Malone and Stevens.

Referred to: Education/Higher Education.

February 18, 2009

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
6 the Board of Governors of The University of North Carolina are adopted:

7 **I. COMMITTEE RESPONSIBILITIES.**

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

12 2. The Senate Committee shall receive suggestions of proposed candidates for
13 nomination for election to the Board of Governors of The University of North Carolina from
14 Monday, March 2, 2009, through Friday, March 6, 2009. In 2009, the total number of positions
15 available for election by the Senate is eight, and each position is for a four-year term. A Senator
16 may propose candidates for nomination only for the openings available for election by the
17 Senate. In order for a person to have standing to be considered as a candidate for nomination by
18 the Senate Committee, that person must be formally nominated as a candidate by a member of
19 the Senate. Only a written nomination on a form provided by the Cochairs of the Senate
20 Committee for that purpose and received in the Office of the Senate Principal Clerk on or after
21 Monday, March 2, 2009, and no later than 5:00 P.M. on Friday, March 6, 2009, shall constitute
22 a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a
23 nomination form by facsimile transmission or e-mail transmission shall not constitute a formal
24 nomination of a candidate. An individual is not eligible for nomination in the Senate if he or
25 she was nominated and not elected to the Board of Governors by the House of Representatives
26 during the 2009 Session.

27 3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
28 shall file a completed North Carolina State Ethics Commission Statement of Economic Interest
29 with the North Carolina State Ethics Commission to be received by the North Carolina State
30 Ethics Commission no later than 5:00 P.M. on Friday, March 6, 2009.

31 4. On or after March 7, 2009, the Senate Committee shall list all proposed
32 candidates for nomination. The Senate Committee shall screen the proposed candidates for
33 nomination as to their qualifications and background and may interview each one to make sure
34 that suitable persons are nominated. The Senate Committee shall ascertain that each candidate
35 for nomination is willing and able to serve and has no statutory disability. On completion of the
36 screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally
37 qualified candidates lists no more than twice the number of candidates for the total seats open.



1 5. The Cochairs 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 sponsor.

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. A ballot shall be prepared under the supervision of the Cochairs of the Senate
8 Committee for the use of the Senate.

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

12 3. The Senate shall hold its election no later than the beginning of the daily session
13 on March 31, 2009. Before the voting begins, the Cochairs of the Senate Committee shall
14 explain the voting rules, which are:

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

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

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

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

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

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

33 4. The Senators shall proceed to mark their ballots for eight persons, for four-year
34 terms.

35 Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall
36 be counted.

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

40 6. When the Cochairs of the Senate Committee have determined that the Senate has
41 chosen eight persons to serve as members of the Board of Governors for terms of four years,
42 the President of the Senate shall declare those eight persons to have been elected to the Board
43 of Governors by the Senate.

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

46 **III. NOTIFICATION OF ELECTION RESULTS.**

47 When the election process is complete, the Cochairs of the Senate Committee shall
48 notify the Secretary of the Board of Governors of The University of North Carolina of the
49 names of the persons elected by the Senate and of the term for which each person was elected.

50 **SECTION 2.** As used in this resolution, the term "Cochairs" means the Cochairs of
51 the Senate Education/Higher Education Committee.

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SECTION 3. This resolution is effective upon adoption.