

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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S.R. 133  
PRINCIPAL CLERK

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SENATE SIMPLE RESOLUTION DRSR15037-RQ-2 (01/19)

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Sponsors: Senator Rabon (Primary Sponsor).

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Referred to:

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1 A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND  
2 ELECTING A PERSON TO FILL ONE VACANCY CREATED BY A RESIGNATION ON  
3 THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

4 Be it resolved by the Senate:

5 **SECTION 1.** The following procedures for nominating and electing a person to fill a  
6 vacancy on 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 Select Committee on Nominations (hereinafter  
9 referred to as the "Senate Committee") to nominate and elect persons for each vacancy in the  
10 elected membership of the Board of Governors that was created by a vacating member who was  
11 originally elected by the Senate.

12 2. The Senate Committee shall receive nominations from Monday, March 6, 2017,  
13 through Friday, March 10, 2017, to elect one person to fill one vacancy on the Board of Governors  
14 for a partial term ending June 30, 2019. Each Senator may nominate up to two individuals. In  
15 order for a person to have standing to be considered as a nominee for the vacancy by the Senate  
16 Committee, that person must be formally nominated by a member of the Senate. Only a written  
17 nomination on a form provided by the Chair of the Senate Committee for that purpose, and that is  
18 received in the Office of the Senate Principal Clerk on or after Monday, March 6, 2017, and no  
19 later than 5:00 P.M. on Friday, March 10, 2017, shall constitute a formal nomination of an  
20 individual. Delivery to the Office of the Senate Principal Clerk by facsimile transmission or e-mail  
21 transmission shall not constitute a formal nomination of an individual. An individual is not eligible  
22 for nomination by a member of the Senate if he or she was nominated for election to the Board of  
23 Governors by a member of the House of Representatives during the 2017 Session or was  
24 nominated for election to the Board of Governors for a full four-year term by a member of the  
25 Senate during the 2017 Session.

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

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



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1 Senate Committee shall conduct a vote to ensure that the slate of legally qualified nominees lists  
2 no more than two legally qualified nominees.

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

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

## 8 **II. ELECTION 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. The ballot shall list no more than two legally qualified  
11 nominees.

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

15 3. The Senate shall hold its election no later than the beginning of the daily  
16 session on Tuesday, March 28, 2017. Before the voting begins, the Chair of the Senate Committee  
17 shall explain the voting rules, which are:

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

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

21 (c) Each member present and voting shall vote for one nominee, and any ballot not  
22 so marked shall be deemed void.

23 (d) If no nominee receives the votes of a majority of all members present and  
24 voting, a runoff to fill the vacant position shall be conducted.

25 (e) If there is a tie for the vacant position between the two nominees, a runoff to fill  
26 the vacant position shall be conducted, unless the deciding vote is cast in  
27 accordance with Section 13 of Article II of the North Carolina Constitution.

28 (f) If more than one nominee receives the votes of a majority of all members  
29 present and voting, then the nominee receiving the highest numbers of votes  
30 shall be deemed to have been chosen.

31 4. The Senators shall proceed to mark their ballots for one person to fill the vacant  
32 position for a partial term ending June 30, 2019. Every ballot shall be signed by the Senator  
33 casting it, and no unsigned ballots shall be counted.

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

37 6. When the Chair of the Senate Committee has determined that the Senate has  
38 chosen one person to fill the vacant position and serve as a member of the Board of Governors for  
39 a partial term ending June 30, 2019, the President of the Senate shall entertain a motion of the  
40 election of this person to the indicated position and the indicated term. The vote shall then be  
41 called electronically. If a majority of those voting shall vote "aye" and it is orally confirmed, the  
42 person named in the motion shall be declared to have been elected to the Board of Governors by  
43 the Senate for a partial term ending June 30, 2019.

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 Chair of the Senate Committee shall notify  
48 the Secretary of The Board of Governors of The University of North Carolina of the name of the  
49 person elected by the Senate to the vacant position and the partial term for which the person was  
50 elected.

1                   **SECTION 2.** As used in this resolution, the term "Chair" means the Chair of the  
2 Senate Committee.

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