

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE RESOLUTION 245

Sponsors: Senator Rabon (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 14, 2017

1 A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND
2 ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
3 NORTH CAROLINA THAT WAS SET OUT IN SENATE RESOLUTION 134.

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 Tuesday, March 14,
13 2017, through Thursday, March 16, 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
18 Cochairs of the Senate Committee for that purpose and received in the Office of the Senate
19 Principal Clerk on or after Tuesday, March 14, 2017, and no later than 5:00 P.M. on Thursday,
20 March 16, 2017, shall constitute a formal nomination of an individual. Delivery to the Office of
21 the Senate Principal Clerk of a nomination form by facsimile transmission or e-mail transmission
22 shall not constitute a formal nomination of an individual. An individual is not eligible for
23 nomination by a member of the Senate if he or she was nominated for election to the Board of
24 Governors by a member of the House of Representatives during the 2017 Session or was
25 nominated for election to the Board of Governors for a vacancy for a partial term by a member of
26 the Senate during the 2017 Session. Any person who has already been formally nominated as a
27 candidate by a member of the Senate and had filed a nomination form with the Senate Principal
28 Clerk's Office by 5:00 P.M. on Friday, March 10, 2017, is not required to file another nomination
29 form.

30 3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
31 shall file a completed North Carolina State Ethics Statement of Economic Interest as required by
32 law no later than 5:00 P.M. on Thursday, March 16, 2017. The Statement of Economic Interest
33 must clearly state that the person has been nominated for the Board of Governors of The
34 University of North Carolina. Any person who has formally been nominated and had filed a North
35 Carolina State Ethics Statement of Economic Interest by 5:00 P.M. on Friday, March 10, 2017, is
36 not required to file another Statement of Economic Interest.

37 4. After the close of the nomination period on March 16, 2017, the Senate
38 Committee shall list all proposed nominees. The Senate Committee shall screen the nominees for



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1 nomination as to their qualifications and background and may interview each one to make sure
2 that suitable individuals are nominated. The Senate Committee shall ascertain that each nominee
3 for nomination is willing and able to serve and has no statutory disability. On completion of the
4 screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally
5 qualified nominees lists no more than twice the number of nominees for the total seats open.

6 5. The Cochairs of the Senate Committee shall ascertain whether the nominees for
7 election by the Senate would serve if elected. Any nominee may withdraw without the approval of
8 the sponsor.

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

11 **II. ELECTIONS IN THE SENATE.**

12 1. A ballot shall be prepared under the supervision of the Cochairs of the Senate
13 Committee for the use of the Senate.

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

17 3. The Senate shall hold its election no later than Wednesday, March 29, 2017.
18 Before the voting begins, the Cochairs of the Senate Committee shall explain the voting rules,
19 which are:

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

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

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

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

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

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

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

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

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

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

3 **III. NOTIFICATION OF ELECTION RESULTS.**

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

7 **SECTION 2.** As used in this resolution, the term "Cochairs" means the Cochairs of
8 the Senate Select Committee on Nominations.

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