

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION
FIRST EXTRA SESSION 1982

CHAPTER 1
HOUSE BILL 4

AN ACT TO PROVIDE PROCEDURES FOR FILLING VACANCIES ON THE
UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS.

The General Assembly of North Carolina enacts:

Section 1. The first two sentences of G.S. 1 167(c) are rewritten to read:

"Whenever any vacancy shall occur in the elected membership of the Board of Governors, it shall be the duty of the Board to inform the Speaker of the House of Representatives and the President of the Senate of the vacancy, and the vacancy shall remain unfilled until the General Assembly elects a person to fill the vacancy.

The General Assembly shall fill the vacancy not later than the adjournment sine die of the next regular session of the General Assembly. The election shall be for the remainder of the unexpired term."

Sec. 2. There are hereby adopted procedures for nominating and electing a member of the Board of Governors of The University of North Carolina to fill for the remainder of the unexpired term the vacancy which existed at the convening of the 1982 extra session of the General Assembly:

- (1) It is the duty of the University Board of Governors Nominating Committee in the House of Representatives to choose at least two candidates for the vacancy on the Board of Governors of The University of North Carolina.
- (2) The committee shall consider only nominations which were made by members of the House of Representatives prior to 5 p.m. on Tuesday, February 9, 1982. The House Committee shall vote by majority vote to determine whether each person considered shall be placed on the House Ballot as a "Recommended Nominee" or a "Nominee". If two or more persons have been nominated by members of the House to fill the vacancy, the committee shall recommend at least two persons as a "Recommended Nominee".
- (3) The House of Representatives shall hold the election during the 1982 extra session at a time to be set by the Speaker of the House of Representatives. Before the voting begins, the Speaker of the House of Representatives shall explain the voting rules, which are:
 - (i) No nominations will be received from the floor.
 - (ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.
 - (iii) Each member present and voting shall vote for only one candidate, and any ballot not so marked shall be deemed void.
 - (iv) When no candidate receives a majority of the votes cast for all the candidates, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

(v) If there is a tie for the second position between two nominees who are eligible for the next runoff, both nominees will be included in the next runoff balloting, even though there would thereby be more than two nominees for the Position on the Board of Governors.

- (4) A ballot shall be prepared under the supervision of the Chairman of the University Board of Governors Nominating Committee in the House of Representatives.
- (5) The ballot shall list only those nominees proposed by the University Board of Governors Nominating Committee in the House of Representatives who have consented to run and all those nominees proposed by a member of the House of Representatives prior to 5 p.m., Tuesday, February 9, 1982, who have consented to run and for whom the House is entitled to vote. Their names shall be arranged alphabetically by surname. Each person whose name appears on the ballot shall be thereby designated as a "Recommended Nominee" or as a "Nominee" as the University Board of Governors Nominating Committee in the House of Representatives shall have determined.
- (6) The members of the House of Representatives shall proceed to mark their ballots.
- (7) The Chairman of the University Board of Governors Nominating Committee in the House of Representatives shall be responsible for canvassing the vote and declaring the results. The number of votes received by each candidate shall not be released.
- (8) When the Chairman of the University Board of Governors Nominating Committee in the House of Representatives has determined that the House has chosen one person to fill the vacancy, the chairman shall make a motion for the election of the person by the House to the position for the remainder of the unexpired term. The roll of the House shall then be called electronically. If a majority of those voting shall vote "aye", the person shall be declared to have been elected.
- (9) The results of the election in the House of Representatives shall then be sent by Special Messenger to the Senate.
- (10) When the election process is complete, the Principal Clerk of the House of Representatives shall notify the Secretary of the Board of Governors of The University of North Carolina of the name of the person elected by the General Assembly and the term for which the person was elected.

Sec. 3. This act is effective upon ratification. Section 2 of this act shall apply only to the vacancy in existence upon the convening of the 1982 extra session.

In the General Assembly read three times and ratified, this the 10th day of February, 1982.