

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

**H**  
**Resolution**  
**Adopted**

**Simple**

HOUSE RESOLUTION 166  
Committee Substitute Favorable 3/3/99  
Adopted 3/4/99

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Sponsors:

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Referred to:

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March 1, 1999

1 A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING  
2 AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE  
3 UNIVERSITY OF NORTH CAROLINA.

4 Be it resolved by the House of Representatives:

5 Section 1. The following procedures for nominating and electing nine  
6 members of the Board of Governors of The University of North Carolina (hereinafter the  
7 "Board of Governors") are adopted:

8 **I. COMMITTEE RESPONSIBILITIES.**

9 1. It is the duty of the University Board of Governors Nominating Committee  
10 of the House of Representatives (hereinafter the "Committee") to conduct a process for  
11 nominating and electing persons for each opening in each category of seats on the Board  
12 of Governors to which the House of Representatives is to elect members.

13 2. The Committee shall receive nominations for election to the Board of  
14 Governors through March 15, 1999. Each Representative may nominate up to two  
15 persons. In order for a person to have standing as a nominee, that person must be  
16 formally nominated by a member of the House of Representatives. Only a written  
17 nomination that includes all the requested information, which is submitted on a form  
18 provided by the Chair of the Committee for that purpose, and that is received in the

1 Office of the House Principal Clerk no later than 7:00 p.m. on March 15, 1999, shall  
2 constitute a formal nomination. Delivery by facsimile transmission shall constitute valid  
3 receipt if the communication or submission is in fact received in the Office of the House  
4 Principal Clerk no later than 7:00 p.m. on March 15, 1999. An individual cannot be a  
5 nominee or be nominated in more than one category. An individual is not eligible for  
6 nomination if he or she was nominated and not elected to the Board of Governors by the  
7 Senate during the 1999 Session.

8 3. A Representative may nominate persons only for the categories available  
9 for election by the House of Representatives. In the 1999 Session, the House of  
10 Representatives will elect:

- 11 (a) Five persons in the at-large category, four for four-year terms and one  
12 for the remainder of the unexpired term that ends on June 30, 2001;
- 13 (b) Two persons in the minority race category, for four-year terms; and
- 14 (c) Two persons in the woman category, for four-year terms.

15 4. On or after March 18, 1999, the Committee shall list all nominees by  
16 category. The Committee shall screen the nominees as to their qualifications, experience,  
17 opinions, and statutory suitability. The Committee may screen nominees by  
18 interviewing, or by soliciting written information, or by both means. On completion of  
19 the screening process, the Committee shall conduct a vote to ensure that the slate of  
20 legally qualified candidates lists no more than twice the number of candidates for the  
21 total seats open in each category.

22 5. Each nominee shall confirm his or her willingness to serve if elected. Any  
23 nominee may withdraw without the approval of the sponsor.

## 24 **II. ELECTIONS IN THE HOUSE OF REPRESENTATIVES.**

25 1. A ballot shall be prepared under the supervision of the Chair of the  
26 Committee for the use of the House of Representatives. The ballot shall include no more  
27 than twice the number of legally qualified candidates for the total seats open in each  
28 category.

29 2. The names of the nominees shall be arranged on the ballot (a) by category  
30 and (b) within each category by alphabetical order.

31 3. The House of Representatives shall hold its election no later than the  
32 beginning of the daily session on March 23, 1999. Before the voting begins, the Speaker  
33 of the House shall explain the voting rules, which are:

- 34 (a) No nomination shall be received from the floor.
- 35 (b) In order to be elected, a nominee must receive the votes of a majority of  
36 all members present and voting in the nominee's category.
- 37 (c) Each member present and voting shall vote for as many nominees as  
38 there are positions to be filled in each category.
- 39 (d) When fewer than two nominees in the minority race or the woman  
40 categories receive the votes of a majority of all members present and  
41 voting for positions in those categories, a runoff to fill the open position  
42 or positions shall be conducted among the nominees who were not  
43 elected but who received the highest number of votes cast in each

- 1 category; and the number of nominees eligible to be voted on in the  
2 runoff shall be twice the number of positions to be filled.
- 3 (e) When more than two nominees in the minority race or woman  
4 categories receive the votes of a majority of all members present and  
5 voting for positions in those categories, then the two nominees in the  
6 minority race category, and the two nominees in the woman category  
7 receiving the highest number of votes in the category shall be deemed to  
8 have been elected.
- 9 (f) If on the first ballot five or more nominees in the at-large category  
10 receive the votes of a majority of all members present and voting for  
11 positions in that category, then the four nominees who receive the  
12 highest number of votes shall be deemed to be elected for four-year  
13 terms, and the nominee who receives the fifth highest number of votes  
14 shall be deemed to be elected to fill the unexpired term that ends on  
15 June 30, 2001.
- 16 (g) If on the first ballot fewer than five nominees in the at-large category  
17 receive the votes of a majority of all members present and voting for  
18 positions in that category, then the nominees who receive a majority of  
19 the votes of all members present and voting for positions in that  
20 category shall be deemed to be elected for a four-year term. A runoff to  
21 fill the open position or positions shall be conducted among the at-large  
22 nominees who were not elected but who received the highest number of  
23 votes cast in the at-large category; and the number of nominees eligible  
24 to be voted on in the runoff shall be twice the number of positions to be  
25 filled.
- 26 (h) If there is a runoff to fill an open position or positions in the at-large  
27 category, then the position or positions shall be filled only by nominees  
28 who are eligible to participate in the runoff election. The nominee or  
29 nominees who receive a majority of the votes of all members present  
30 and voting for positions in that category and who also receive the  
31 highest number of votes in that category shall be deemed to be elected  
32 for a four-year term. Of the remaining nominees in the runoff, the  
33 nominee who receives a majority of the votes of all members present  
34 and voting for positions in that category and who also receives the  
35 highest number of votes among the remaining nominees shall be  
36 deemed to be elected to fill the unexpired term that ends June 30, 2001.  
37 If the runoff is only to fill the open position for the unexpired term that  
38 ends June 30, 2001, then the nominee who receives a majority of the  
39 votes of all members present and voting for positions in that category  
40 and who also receives the highest number of votes among the nominees  
41 shall be deemed to be elected to fill the unexpired term.
- 42 (g) If there is a tie for the last position between two nominees who are  
43 eligible for the next runoff, both nominees shall be included in the next

1 runoff balloting, even though there would be more than two nominees  
2 per available position.

3 4. The members of the House of Representatives shall proceed to mark their  
4 ballots for the following:

- 5 (a) Five persons in the at-large category;  
6 (b) Two persons in the minority race category; and  
7 (c) Two persons in the woman category.

8 Every ballot shall be signed by the member of the House of Representatives  
9 casting it, and no unsigned ballots shall be counted.

10 5. The Chair of the Committee is responsible for canvassing the vote and  
11 declaring the results and may designate members of the Committee to assist. All ballots  
12 shall be retained by the Principal Clerk as part of the permanent records of the House of  
13 Representatives and shall be open for immediate public inspection.

14 6. When the Chair of the Committee has determined that the House of  
15 Representatives has elected two members from the minority race category, two members  
16 from the woman category, four members from the at-large category for terms of four  
17 years, and one member from the at-large category for the remainder of the unexpired  
18 term, the Speaker of the House of Representatives shall declare those nine persons to  
19 have been elected to the Board of Governors by the House of Representatives to the  
20 indicated positions and for the indicated terms.

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

### 23 **III. NOTIFICATION OF ELECTION RESULTS.**

24 When the election process is complete, the Chair of the Committee shall notify  
25 the Secretary of the Board of Governors of the names of the persons elected by the House  
26 of Representatives and the category and term for which each person was elected.

27 Section 2. This resolution is effective upon adoption.