

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION
RATIFIED BILL

RESOLUTION 17
HOUSE JOINT RESOLUTION 865

A JOINT RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING
AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE
UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the University Board of Governors Nominating Committee of the House of Representatives (hereinafter referred to as "the House Committee") to choose at least two nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the House of Representatives is to elect members. It is the duty of the Select Committee on University Board of Governors of the Senate (hereinafter referred to as "the Senate Committee") to choose at least two nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members. The House and Senate Committees shall act separately for the purpose of carrying out these duties.

2. The Senate shall vote only upon those nominees in the eight-year at-large category chosen by the Senate Committee or proposed as nominees from the floor of the joint session of the Senate and House of Representatives. The House of Representatives shall vote only upon those nominees in the eight- year at-large category chosen by the House Committee or proposed as nominees from the floor of the joint session of the Senate and House of Representatives.

3. The Senate Committee shall receive suggestions of proposed candidates for nomination for the University Board of Governors through May 22, 1985. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate Committee.

4. The House Committee shall receive suggestions of proposed candidates for nomination for election to the University Board of Governors through May 22, 1985. Any person proposed in writing by any member of the House of Representatives to the Chairman of the House Committee shall be considered as a candidate for nomination by the House Committee.

5. After May 22, 1985, the Senate and House Committees shall meet separately and receive from members of each committee formal proposals of candidates for nomination. A committee member may propose candidates for nomination only for the categories available for election by the house of which he is a member.

6. The House and Senate Committees shall screen the proposed candidates for nomination proposed to them as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category and that each candidate for nomination is willing and able to serve and has no statutory disability.

7. There is no limit on the number of persons a Senator may propose as candidates for nomination. When the proposing process is closed, the Senate Committee shall list all proposed candidates for nomination by category and shall vote "aye" or "no" on each candidate proposed for nomination and listed on the Senate ballot. A vote of a majority of those members of the Senate Committee present and voting shall constitute

one a nominee. An individual cannot be a candidate for nomination or be nominated in more than one category.

8. A Representative may propose as candidates for nomination only as many persons as there are places to be filled by the House. When the proposing process is closed, the House Committee shall list all proposed candidates for nomination by category. The House Committee shall vote to determine whether each person proposed shall be placed on the House ballot as a "Recommended Nominee" or a "Nominee". A majority vote of the members of the House Committee who are present and voting shall constitute one a "Recommended Nominee" or a "Nominee", as the Committee shall determine. An individual cannot be a candidate for nomination or be nominated in more than one category.

9. Committee nominees shall be placed before and recommended to a joint session of the House of Representatives and Senate.

II. JOINT SESSION—SELECTION OF NOMINEES.

1. The Senate and House of Representatives shall meet in joint session at 1:30 p.m. on May 29, 1985, for the purpose of nominating persons for election to the Board of Governors of The University of North Carolina. In the joint session of the Senate and House of Representatives, committee nominations shall be made first and then the floor shall be opened for the nomination by any Senator or Representative of persons for election to the Board of Governors. Nominees shall be grouped into the following categories, as required by G.S. 116-6:

- (1) Women nominees for eight-year term,
- (2) Minority race nominees for eight-year term,
- (3) Minority party nominees for eight-year term,
- (4) At-large nominees for eight-year term, Senate,
- (5) At-large nominees for eight-year term, House of Representatives.

Notwithstanding any provision herein, any person may be nominated in either category 4 or 5 above so long as his (her) name does not appear in more than one category.

2. In proposing a nominee, the nominator shall state the category for which the nominee is being proposed. An individual cannot be proposed in more than one category.

3. There is no limit on the number of persons one Senator may nominate and no limit on the categories for which he may nominate persons in the joint session. In the joint session, a Representative may nominate only as many persons as there are positions to be filled in each category.

4. Names shall continue to be received until the number of nominees is at least twice the number of places to be filled in each category, that is, there shall be nominated a minimum of two women, two Republicans, two racial minority members, four at-large nominees (Senate), and six at-large nominees (House of Representatives), all for eight-year terms.

5. No vote shall be taken on the nominees in the joint session. When the names of all nominees have been received, the joint session shall be dissolved.

6. The Chairman of the House Committee and the Chairman of the Senate Committee shall contact all nominees and ascertain whether they would serve if elected. Any nominee may withdraw his name without the approval of the person who proposed his name. If withdrawals reduce the number of nominees below twice the number of places to be filled in any category, another joint session of the Senate and House shall be held to receive sufficient additional nominations in that category.

III. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Chairman of the House Committee and the Chairman of the Senate Committee for the use of the Senate.

2. The ballot shall list only those nominees proposed by the Senate Committee who have consented to run and all those nominees proposed from the floor in the joint session who have consented to run and for whom the Senate is entitled to vote. Their

names shall be arranged (a) by category and (b) within each category, alphabetically by surname.

3. The Senate shall hold its election at the beginning of the daily session on May 30, 1985. Before the voting begins, the President of the Senate shall explain the voting rules, which are:

- (i) No nomination 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 for his category.
- (iii) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.
- (iv) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.
- (v) When fewer than two nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, a runoff to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
(For the purpose of illustration, if when the first ballot is taken, no nominee receives a majority, then the top four vote getters will be in the runoff, because there must be twice the number of persons in the runoff that there are positions to be filled and the Senate has two such positions to fill. If one person receives the votes of a majority of all members present and voting for that category, then he is elected and a runoff will be held between the two next highest vote getters. This is so because there is one position remaining to be filled and there must be twice the number of nominees in the runoff that there are positions available, therefore two.)
- (vi) If there is a tie for the last 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 per available position on the Board of Governors.
- (vii) When more than two nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, then the two nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

Two persons in the at-large category for eight-year terms, One person in the minority race category for an eight-year term, and One person in the women's category for an eight-year term.

5. The Chairman of the House Committee and the Chairman of the Senate Committee shall be responsible for canvassing the vote and declaring the results thereof. The number of votes received by each nominee shall not be released.

6. When the Chairman of the Senate Committee and the Chairman of the House Committee have determined that the Senate has chosen one member of the Board of Governors from the minority race category for a term of eight years, one member of the Board of Governors from the women's category for a term of eight years, and two members of the Board of Governors from the at-large category for terms of eight years, the Chairman of the Senate Committee shall make a motion for the simultaneous election of those four persons by the Senate to the indicated positions and for the indicated terms.

The roll of the Senate shall then be called electronically. If a majority of those voting shall vote "aye" the persons whose names appear on the list shall be declared to have been elected.

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

IV. ELECTIONS IN THE HOUSE OF REPRESENTATIVES.

1. A ballot shall be prepared under the supervision of the Chairman of the House Committee and the Chairman of the Senate Committee for the use of the House of Representatives.

2. The ballot shall list only those nominees proposed by the House Committee who have consented to run and all those nominees proposed from the floor in the joint session who have consented to run and for whom the House is entitled to vote. Their names shall be arranged (a) by category and (b) within each category, alphabetically by surname. Each person whose name appears on the ballot shall be thereon designated as a "Recommended Nominee" or "Nominee," as the House Committee shall have determined.

3. The House of Representatives shall hold its election immediately after being notified by Special Messenger that the Senate has completed its election. Before the voting begins, the Speaker of the House of Representatives shall explain the voting rules, which are:

- (i) No nomination 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 for his category.
- (iii) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.
- (iv) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.
- (v) When fewer than three nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, a runoff to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(For the purpose of illustration, if when the first ballot is taken, no nominee receives a majority, then the top six vote getters will be in the runoff, because there must be twice the number of persons in the runoff that there are positions to be filled and the House has three such positions to fill. If one person receives the votes of a majority of all members present and voting for that category, then he is elected and a runoff will be held among the four next highest vote getters. This is so because there are two positions remaining to be filled and there must be twice the number of nominees in the runoff that there are positions available, therefore four. If two persons receive the votes of a majority of the members present and voting, both will be elected and a runoff will be held between the two next highest vote getters, because only one position remains to be filled.)

(vi) If there is a tie for the last 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 per available position on the Board of Governors.

(vii) When more than three nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, then the three nominees receiving the highest number of votes shall be deemed to have been chosen.

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

Three persons in the at-large category for eight-year terms, and One person in the minority party category for an eight-year term.

5. The Chairman of the House Committee and the Chairman of the Senate Committee shall be responsible for canvassing the vote and declaring the results thereof. The number of votes received by each nominee shall not be released.

6. When the Chairman of the Senate Committee and the Chairman of the House Committee have determined that the House of Representatives has chosen three members of the Board of Governors from the at-large category for a term of eight years and one member of the Board of Governors from the minority party category for a term of eight years, the Chairman of the House Committee shall make a motion for the simultaneous election of those four persons by the House of Representatives to the indicated positions and for the indicated terms. The roll of the House shall then be called electronically. If a majority of those voting shall vote "aye", the persons whose names appear on the list shall be declared to have been elected.

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

V. NOTIFICATION OF ELECTION RESULTS.

1. When the election process is complete, the Chairman of the Senate Committee and the Chairman of the House Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the General Assembly and the category for which and term for which each of them was elected.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.