

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE RESOLUTION 46

Sponsors: Senators Apodaca (Primary Sponsor); Curtis, J. Davis, and Rabon.

Referred to: Select Committee on UNC Board of Governors.

February 5, 2013

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

4 Be it resolved by the Senate:

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

I. COMMITTEE RESPONSIBILITIES.

8 1. It is the duty of the Senate Select Committee on UNC Board of Governors
9 (hereinafter referred to as the "Senate Committee") to choose nominees for each opening on the
10 Board of Governors of The University of North Carolina to which the Senate is to elect
11 members.

12 2. The Senate Committee shall receive suggestions of proposed candidates for
13 nomination for election to the Board of Governors of The University of North Carolina from
14 Monday, February 18, 2013, through Friday, February 22, 2013. In 2013, the total number of
15 positions available for election by the Senate is eight, and each position is for a four-year term.
16 A Senator may propose candidates for nomination only for the openings available for election
17 by the Senate. In order for a person to have standing to be considered as a candidate for
18 nomination by the Senate Committee, that person must be formally nominated as a candidate
19 by a member of the Senate. Only a written nomination on a form provided by the Cochairs of
20 the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk
21 on or after Monday, February 18, 2013, and no later than 5:00 P.M. on Friday, February 22,
22 2013, shall constitute a formal nomination of a candidate. Delivery to the Office of the Senate
23 Principal Clerk of a nomination form by facsimile transmission or e-mail transmission shall not
24 constitute a formal nomination of a candidate. An individual is not eligible for nomination in
25 the Senate if he or she was nominated and not elected to the Board of Governors by the House
26 of Representatives during the 2013 Session.

27 3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
28 shall file a completed North Carolina State Ethics Commission Statement of Economic Interest
29 with the North Carolina State Ethics Commission to be received by the North Carolina State
30 Ethics Commission no later than 5:00 P.M. on Friday, February 22, 2013. The Statement of
31 Economic Interest must clearly state that the person is a candidate who has been nominated for
32 the Board of Governors of The University of North Carolina.

33 4. On or after February 23, 2013, the Senate Committee shall list all proposed
34 candidates for nomination. The Senate Committee shall screen the proposed candidates for
35 nomination as to their qualifications and background and may interview each one to make sure
36 that suitable persons are nominated. The Senate Committee shall ascertain that each candidate
37 for nomination is willing and able to serve and has no statutory disability. On completion of the



1 screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally
2 qualified candidates lists no more than twice the number of candidates for the total seats open.

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

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

8 **II. ELECTIONS IN THE SENATE.**

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

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

14 3. The Senate shall hold its election no later than the beginning of the daily session
15 on Tuesday, March 19, 2013. Before the voting begins, the Cochairs of the Senate Committee
16 shall explain the voting rules, which are:

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

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

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

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

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

32 (f) If more than eight nominees receive the votes of a majority of all members
33 present and voting, then the eight nominees receiving the highest numbers of
34 votes shall be deemed to have been chosen.

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

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

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

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

50 **III. NOTIFICATION OF ELECTION RESULTS.**

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

4 **SECTION 2.** As used in this resolution, the term "Cochairs" means the Cochairs of
5 the Senate Select Committee on UNC Board of Governors.

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