

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE RESOLUTION 148

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to: Select Committee on UNC Board of Governors.

March 3, 2015

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 47.

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 Wednesday, March 4, 2015, through Friday, March 6, 2015. In 2015, 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 Chair of the
20 Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on
21 or after Wednesday, March 4, 2015, and no later than 5:00 P.M. on Friday, March 6, 2015,
22 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 by a
25 member of the Senate if he or she was nominated for election to the Board of Governors by a
26 member of the House of Representatives during the 2015 Session. Any person who has already
27 been formally nominated as a candidate by a member of the Senate and had filed a nomination
28 form with the Senate Principal Clerk's Office by 5:00 P.M. on Monday, February 23, 2015, is
29 not required to file another nomination form.

30 3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
31 shall file a completed North Carolina State Ethics Commission Statement of Economic Interest
32 with the North Carolina State Ethics Commission to be received by the North Carolina State
33 Ethics Commission no later than 5:00 P.M. on Friday, March 6, 2015. The Statement of
34 Economic Interest must clearly state that the person is a candidate who has been nominated for
35 the Board of Governors of The University of North Carolina. Any person who has formally
36 been nominated and had filed a Statement of Economic Interest with the State Ethics



1 Commission by 5:00 P.M. on Monday, February 23, 2015, is not required to file another
2 Statement of Economic Interest.

3 4. On or after March 6, 2015, the Senate Committee shall list all proposed
4 candidates for nomination. The Senate Committee shall screen the proposed candidates for
5 nomination as to their qualifications and background and may interview each one to make sure
6 that suitable persons are nominated. The Senate Committee shall ascertain that each candidate
7 for nomination is willing and able to serve and has no statutory disability. On completion of the
8 screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally
9 qualified candidates lists no more than twice the number of candidates for the total seats open.

10 5. The Chair of the Senate Committee shall ascertain whether the nominees for
11 election by the Senate would serve if elected. Any nominee may withdraw without the approval
12 of the sponsor.

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

15 II. ELECTIONS IN THE SENATE

16 1. A ballot shall be prepared under the supervision of the Chair of the Senate
17 Committee for the use of the Senate.

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

21 3. The Senate shall hold its election no later than Wednesday, March 18, 2015.
22 Before the voting begins, the Chair of the Senate Committee shall explain the voting rules,
23 which are:

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

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

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

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

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

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

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

45 5. The Chair of the Senate Committee shall be responsible for canvassing the vote
46 and declaring the results. All ballots shall be retained by the Principal Clerk as part of the
47 permanent records of the Senate and shall be open for immediate public inspection.

48 6. When the Chair of the Senate Committee has determined that the Senate has
49 chosen eight persons to serve as members of the Board of Governors for terms of four years,
50 the President of the Senate shall entertain a motion for the simultaneous election of those
51 persons by the Senate to the indicated positions and for the indicated terms. The vote shall then

1 be called electronically. If a majority of those voting shall vote "aye" and the vote is orally
2 confirmed, those eight persons named in the motion shall be declared to have been elected to
3 the Board of Governors by the Senate.

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

6 **III. NOTIFICATION OF ELECTION RESULTS**

7 When the election process is complete, the Chair of the Senate Committee shall
8 notify the Secretary of the Board of Governors of The University of North Carolina of the
9 names of the persons elected by the Senate and of the term for which each person was elected.

10 **SECTION 2.** As used in this resolution, the term "Chair" means the Chair of the
11 Senate Select Committee on UNC Board of Governors.

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