

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE RESOLUTION 174
Education/Higher Education Committee Substitute Adopted 3/12/03**

Sponsors:

Referred to:

February 25, 2003

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

4 Be it resolved by the Senate:

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

7 **I. COMMITTEE RESPONSIBILITIES.**

8 1. It is the duty of the Senate Committee on Education/Higher Education
9 (hereinafter referred to as the "Senate Committee") to choose nominees for each
10 opening on the Board of Governors of The University of North Carolina to which the
11 Senate is to elect 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
14 from Monday, March 17, 2003, through Friday, March 21, 2003. In 2003, the total
15 number of positions is eight. In order for a person to have standing to be considered as a
16 candidate for nomination by the Senate Committee, that person must be formally
17 proposed as a candidate for nomination by a member of the Senate. Only a written
18 nomination on a form provided by the cochairs of the Senate Committee for that
19 purpose and received in the Office of the Senate Principal Clerk on or after Monday,
20 March 17, 2003, and no later than 5:00 P.M. on Friday, March 21, 2003, shall constitute
21 formal proposal of a candidate. Delivery of a nomination form by facsimile
22 transmission shall not constitute a formal proposal of a candidate.

23 3. A Senator may propose candidates for nomination only for the openings
24 available for election by the Senate. In the 2003 Session of the General Assembly, the
25 Senate will elect eight persons for four-year terms.

26 4. On or after March 22, 2003, the Senate Committee shall list all proposed
27 candidates for nomination. The Senate Committee shall screen the proposed candidates
28 for nomination as to their qualifications and background and may interview each one to
29 make sure that suitable persons are nominated. The Senate Committee shall ascertain
30 that each candidate for nomination is willing and able to serve and has no statutory

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

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

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

9 II. ELECTIONS IN THE SENATE.

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

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

15 3. The Senate shall hold its election no later than the beginning of the daily
16 session on April 2, 2003. Before the voting begins, one of the cochairs of the Senate
17 Committee shall explain the voting rules, which are:

- 18 (a) No nomination shall be received from the floor.
19 (b) In order to be chosen, a nominee must receive the votes of a majority
20 of all members present and voting.
21 (c) Each member present and voting shall vote for as many nominees as
22 there are positions to be filled, and any ballot not so marked shall be
23 deemed void.
24 (d) If fewer than eight nominees receive the votes of a majority of all
25 members present and voting, a runoff to fill the open position or
26 positions shall be conducted among the nominees who were not
27 elected but who received the highest number of votes cast; and the
28 number of nominees eligible to be voted on in the runoff shall be twice
29 the number of positions to be filled.
30 (e) If there is a tie for the last position between two nominees who are
31 eligible for the next runoff, both nominees shall be included in the next
32 runoff balloting, even though there would be more than two nominees
33 per available position, unless the deciding vote is cast in accordance
34 with the North Carolina Constitution, Article II, Section 13.
35 (f) If more than eight nominees receive the votes of a majority of all
36 members present and voting, then the eight nominees receiving the
37 highest number of votes shall be deemed to have been chosen.

38 4. The Senators shall proceed to mark their ballots for eight persons, for
39 four-year terms.

40 Every ballot shall be signed by the Senator casting it, and no unsigned ballots
41 shall be counted.

42 5. The cochairs of the Senate Committee shall be responsible for canvassing
43 the vote and declaring the results. All ballots shall be retained by the Principal Clerk as

1 part of the permanent records of the Senate and shall be open for immediate public
2 inspection.

3 6. When the cochairs of the Senate Committee have determined that the
4 Senate has chosen eight persons to serve as members of the Board of Governors for
5 terms of four years, the President of the Senate shall declare those eight persons to have
6 been elected.

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

9 **III. NOTIFICATION OF ELECTION RESULTS.**

10 When the election process is complete, the cochairs of the Senate Committee
11 shall notify the Secretary of the Board of Governors of The University of North
12 Carolina of the names of the persons elected by the Senate and of the term for which
13 each person was elected.

14 **SECTION 2.** As used in this resolution, the term "cochairs" means the
15 Cochairs of the Senate Committee.

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