

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE RESOLUTION DRSR35151-RQ-13 (02/26)

Sponsors: Senator Swindell.

Referred to:

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 19, 2007, through Friday, March 23, 2007. In 2007, the total
15 number of positions available for election by the Senate is eight, and each position is for
16 a four-year term. A Senator may propose candidates for nomination only for the
17 openings available for election by the Senate. In order for a person to have standing to
18 be considered as a candidate for nomination by the Senate Committee, that person must
19 be formally nominated as a candidate by a member of the Senate. Only a written
20 nomination on a form provided by the Senior Chair of the Senate Committee for that
21 purpose and received in the Office of the Senate Principal Clerk on or after Monday,
22 March 19, 2007, and no later than 5:00 P.M. on Friday, March 23, 2007, shall constitute
23 a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk
24 of a nomination form by facsimile transmission or e-mail transmission shall not
25 constitute a formal nomination of a candidate. An individual is not eligible for
26 nomination in the Senate if he or she was nominated and not elected to the Board of
27 Governors by the House of Representatives during the 2007 Session.

1 3. Every person who has been formally nominated shall file a completed
2 North Carolina State Ethics Commission Statement of Economic Interest with the North
3 Carolina State Ethics Commission to be received by the North Carolina State Ethics
4 Commission no later than 5:00 P.M. on Friday, March 30, 2007.

5 4. On or after March 24, 2007, the Senate Committee shall list all proposed
6 candidates for nomination. The Senate Committee shall screen the proposed candidates
7 for nomination as to their qualifications and background and may interview each one to
8 make sure that suitable persons are nominated. The Senate Committee shall ascertain
9 that each candidate for nomination is willing and able to serve and has no statutory
10 disability. On completion of the screening process, the Senate Committee shall conduct
11 a vote to ensure that the slate of legally qualified candidates lists no more than twice the
12 number of candidates for the total seats open.

13 5. The Senior Chair of the Senate Committee shall ascertain whether the
14 nominees for election by the Senate would serve if elected. Any nominee may withdraw
15 without the approval of the sponsor.

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

18 **II. ELECTIONS IN THE SENATE.**

19 1. A ballot shall be prepared under the supervision of the Senior Chair of the
20 Senate Committee for the use of the Senate.

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

24 3. The Senate shall hold its election no later than the beginning of the daily
25 session on April 5, 2007. Before the voting begins, the Senior Chair of the Senate
26 Committee shall explain the voting rules, which are:

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

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

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

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

8 5. The Senior Chair of the Senate Committee shall be responsible for
9 canvassing the vote and declaring the results. All ballots shall be retained by the
10 Principal Clerk as part of the permanent records of the Senate and shall be open for
11 immediate public inspection.

12 6. When the Senior Chair of the Senate Committee has determined that the
13 Senate has chosen eight persons to serve as members of the Board of Governors for
14 terms of four years, the President of the Senate shall declare those eight persons to have
15 been elected to the Board of Governors by the Senate. The election of each of those
16 eight persons is provisional subject to the North Carolina State Ethics Commission's
17 evaluations of the North Carolina State Ethics Commission Statements of Economic
18 Interest of those persons in accordance with Article 3 of Chapter 138A of the General
19 Statutes.

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

22 **III. NOTIFICATION OF ELECTION RESULTS.**

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

27 **SECTION 2.** As used in this resolution, the term "Senior Chair" means the
28 Senior Chair of the Senate Education/Higher Education Committee.

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