

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

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**Simple  
Resolution  
Adopted**

**SENATE RESOLUTION 186**  
**Adopted 2/26/09**

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Sponsors: Senators Malone; and Stevens.

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Referred to: Education/Higher Education.

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February 18, 2009

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:

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 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, March 2, 2009, through Friday, March 6, 2009. In 2009, the total number of positions  
15 available for election by the Senate is eight, and each position is for a four-year term. A Senator  
16 may propose candidates for nomination only for the openings available for election by the  
17 Senate. In order for a person to have standing to be considered as a candidate for nomination by  
18 the Senate Committee, that person must be formally nominated as a candidate by a member of  
19 the Senate. Only a written nomination on a form provided by the Cochairs of the Senate  
20 Committee for that purpose and received in the Office of the Senate Principal Clerk on or after  
21 Monday, March 2, 2009, and no later than 5:00 P.M. on Friday, March 6, 2009, shall constitute  
22 a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a  
23 nomination form by facsimile transmission or e-mail transmission shall not constitute a formal  
24 nomination of a candidate. An individual is not eligible for nomination in the Senate if he or  
25 she was nominated and not elected to the Board of Governors by the House of Representatives  
26 during the 2009 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, March 6, 2009.

31 4. On or after March 7, 2009, the Senate Committee shall list all proposed  
32 candidates for nomination. The Senate Committee shall screen the proposed candidates for  
33 nomination as to their qualifications and background and may interview each one to make sure  
34 that suitable persons are nominated. The Senate Committee shall ascertain that each candidate  
35 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 March 31, 2009. Before the voting begins, the Cochairs of the Senate Committee shall  
16 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, for four-year  
36 terms.

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

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

42 6. When the Cochairs of the Senate Committee have determined that the Senate has  
43 chosen eight persons to serve as members of the Board of Governors for terms of four years,  
44 the President of the Senate shall declare those eight persons to have been elected to the Board  
45 of Governors by the Senate.

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

## 48 **III. NOTIFICATION OF ELECTION RESULTS.**

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

- 1                   **SECTION 2.** As used in this resolution, the term "Cochairs" means the Cochairs of  
2 the Senate Education/Higher Education Committee.  
3                   **SECTION 3.** This resolution is effective upon adoption.