

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

**Simple
Resolution
Adopted**

HOUSE RESOLUTION 80
Adopted 2/12/13

Sponsors: Representative T. Moore (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:

February 11, 2013

1 A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND
2 ELECTING A PERSON TO FILL ONE VACANCY CREATED BY A RESIGNATION
3 ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

4 Be it resolved by the House of Representatives:

5 **SECTION 1.** The following procedures for nominating and electing a person to fill
6 a vacancy on the Board of Governors of The University of North Carolina (hereinafter the
7 "Board of Governors") are adopted:

8 **I. COMMITTEE RESPONSIBILITIES.**

9 1. It is the duty of the UNC Board of Governors Nominations Committee
10 (hereinafter the "Committee") to conduct a process for nominating and electing persons for
11 each vacancy in the elected membership of the Board of Governors that was created by a
12 vacating member who was originally elected by the House of Representatives.

13 2. The Committee shall receive nominations from 12:00 noon on Monday, February
14 18, 2013, through 12:00 noon on Tuesday, February 19, 2013, to elect one person to fill one
15 vacancy on the Board of Governors for a partial term ending June 30, 2015. Each
16 Representative may nominate one person. In order for a person to have standing as a nominee,
17 that person must be formally nominated by a member of the House of Representatives. Only a
18 written nomination that includes all the requested information, which is submitted on a form
19 provided by the Chair of the Committee for that purpose, and that is received in the Office of
20 the House Principal Clerk on or after 12:00 noon on Monday, February 18, 2013, and no later
21 than 12:00 noon on Tuesday, February 19, 2013, shall constitute a formal nomination. Delivery
22 to the Office of the House Principal Clerk by facsimile transmission or e-mail transmission
23 shall not constitute a formal nomination of a candidate.

24 3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
25 shall file a completed North Carolina State Ethics Commission Statement of Economic Interest
26 with the North Carolina State Ethics Commission. In order for a nomination to be complete and
27 eligible for consideration, the Statement of Economic Interest must be received by the North
28 Carolina State Ethics Commission no later than 12:00 noon on Tuesday, February 19, 2013.

29 4. On or after February 20, 2013, the Committee shall list all proposed nominees.
30 The Committee shall screen the nominees as to their qualifications, experience, and statutory
31 suitability. The Committee may screen nominees by interviewing or by soliciting written
32 information or by both means. On completion of the screening process, the Committee shall
33 conduct a vote to ensure that the slate of legally qualified nominees lists two legally qualified
34 nominees if two or more were nominated.



1 (a) To qualify for the slate, a nominee must receive the votes of a majority of all
2 members of the Committee present and voting.

3 (b) Each member of the Committee present and voting shall vote for two
4 nominees for the slate if there are a sufficient number of nominees.

5 (c) If more than two nominees receive a majority vote of all members present
6 and voting, the two nominees receiving the highest numbers of votes shall be the recommended
7 nominees on the slate.

8 (d) If fewer than two nominees receive the votes of a majority of all members
9 present and voting, a runoff to fill the slate shall be conducted among the nominees who
10 received the highest numbers of votes cast; and the number of nominees eligible to be voted on
11 in the runoff shall be twice the number of vacant slate positions if there are a sufficient number
12 of nominees.

13 (e) If there is a tie for the vacant slate positions between nominees, all of the
14 tied nominees shall be included in the next runoff balloting, even though there would be more
15 than twice the number of nominees per vacant position.

16 5. Each nominee shall confirm his or her willingness to serve if elected. Any
17 nominee may withdraw without the approval of the sponsor.

18 6. The Committee's nominees shall be placed before and recommended to the House
19 of Representatives for election.

20 **II. ELECTIONS IN THE HOUSE OF REPRESENTATIVES.**

21 1. A ballot shall be prepared under the supervision of the Chair of the Committee for
22 the use of the House of Representatives. The ballot shall list two legally qualified nominees if
23 two or more were nominated.

24 2. The names of the nominees shall be arranged on the ballot by alphabetical order
25 and shall list only the names of those nominees recommended by the Committee.

26 3. The House of Representatives shall hold its election no later than the beginning of
27 the daily session on Wednesday, February 27, 2013. Before the voting begins, the Speaker of
28 the House shall explain the voting rules, which are:

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

30 (b) In order to be elected, a nominee must receive the votes of a majority of all
31 members present and voting.

32 (c) Each member present and voting shall vote for one nominee, and any ballot
33 not so marked shall be deemed void.

34 (d) If there is a tie for the vacant position between the two nominees, a runoff to
35 fill the vacant position shall be conducted until a nominee receives the votes
36 of a majority of all members present and voting.

37 4. The members of the House of Representatives shall proceed to mark their ballots
38 for one person to fill the vacant position for a partial term ending June 30, 2015.

39 Every ballot shall be signed by the member of the House of Representatives casting
40 it, and no unsigned ballots shall be counted.

41 5. The Chair of the Committee is responsible for canvassing the vote and declaring
42 the results and may designate members of the Committee to assist. All ballots shall be retained
43 by the House Principal Clerk as part of the permanent records of the House of Representatives
44 and shall be open for immediate public inspection upon adjournment of that day's session.

45 6. When the Chair of the Committee has determined that the House of
46 Representatives has chosen one person to fill the vacant position and serve as a member of the
47 Board of Governors for a partial term ending June 30, 2015, the Speaker of the House of
48 Representatives shall entertain a motion of the election of this person to the indicated position
49 and the indicated term. The vote shall then be called electronically. If a majority of those voting
50 shall vote "aye" and it is orally confirmed, the person named in the motion shall be declared to

1 have been elected to the Board of Governors by the House of Representatives for a partial term
2 ending June 30, 2015.

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

5 **III. NOTIFICATION OF ELECTION RESULTS.**

6 When the election process is complete, the Chair of the Committee shall notify the
7 Secretary of the Board of Governors of the University of North Carolina of the name of the
8 person elected by the House of Representatives to the vacant position and the partial term for
9 which the person was elected.

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

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