GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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SENATE RESOLUTION DRSR35059-RQ-4 (02/11)

Sponsors:	Senators Malone, and Stevens.
Referred to:	

A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND
 ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
 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:

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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 nomination for election to the Board of Governors of The University of North Carolina from 13 Monday, March 2, 2009, through Friday, March 6, 2009. In 2009, the total number of positions 14 available for election by the Senate is eight, and each position is for a four-year term. A Senator 15 may propose candidates for nomination only for the openings available for election by the 16 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 the Senate. Only a written nomination on a form provided by the Cochairs of the Senate 19 Committee for that purpose and received in the Office of the Senate Principal Clerk on or after 20 Monday, March 2, 2009, and no later than 5:00 P.M. on Friday, March 6, 2009, shall constitute 21 a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a 22 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.

3. Notwithstanding G.S. 138A-22, every person who has been formally nominated
shall file a completed North Carolina State Ethics Commission Statement of Economic Interest
with the North Carolina State Ethics Commission to be received by the North Carolina State
Ethics Commission no later than 5:00 P.M. on Friday, March 6, 2009.

4. On or after March 7, 2009, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.



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1 2 3	5. The Cochairs of the Senate Committee shall ascertain whether election by the Senate would serve if elected. Any nominee may withdraw with of the sponsor.		
4	6. Senate Committee nominees shall be placed before and reco	mmended to the	
5	Senate for election.		
6	II. ELECTIONS IN THE SENATE.		
7	1. A ballot shall be prepared under the supervision of the Cocha	irs of the Senate	
8	Committee for the use of the Senate.		
9	2. The ballot shall list only the names of those nominees propose	•	
10	Committee who have consented to run and for whom the Senate is entitled to v	ote. Their names	
11	shall be arranged alphabetically by surname.		
12	3. The Senate shall hold its election no later than the beginning of	-	
13	on March 31, 2009. Before the voting begins, the Cochairs of the Senate	Committee shall	
14	explain the voting rules, which are:		
15	(a) No nomination shall be received from the floor.	· · · · · · · · · · · · · · · · · · ·	
16 17	(b) In order to be chosen, a nominee must receive the votes of	a majority of all	
17 18	members present and voting.	aminaga og thang	
18 19	(c) Each member present and voting shall vote for as many n are positions to be filled, and any ballot not so marked shall		
20	(d) If fewer than eight nominees receive the votes of a majorit		
20	present and voting, a runoff to fill the open position or p		
22	conducted among the nominees who were not elected but		
23	highest numbers of votes cast; and the number of nomine		
24	voted on in the runoff shall be twice the number of positions	-	
25	(e) If there is a tie for the last position between two nominees		
26	for the next runoff, both nominees shall be included in	_	
27	balloting, even though there would be more than two nomin		
28	position, unless the deciding vote is cast in accordance	with the North	
29	Carolina Constitution, Article II, Section 13.		
30	(f) If more than eight nominees receive the votes of a majority	y of all members	
31	present and voting, then the eight nominees receiving the hi	ghest numbers of	
32	votes shall be deemed to have been chosen.		
33	4. The Senators shall proceed to mark their ballots for eight perso	ons, for four-year	
34	terms.		
35	Every ballot shall be signed by the Senator casting it, and no unsig	gned ballots shall	
36	be counted.		
37	5. The Cochairs of the Senate Committee shall be responsible for	-	
38	vote and declaring the results. All ballots shall be retained by the Principal Cl	-	
39	permanent records of the Senate and shall be open for immediate public inspec		
40	6. When the Cochairs of the Senate Committee have determined th		
41	chosen eight persons to serve as members of the Board of Governors for term	•	
42 43	the President of the Senate shall declare those eight persons to have been elected	ted to the Board	
43 44	of Governors by the Senate.	anial Massangar	
44 45	7. The results of the election in the Senate shall then be sent by S ₁ to the House of Representatives.	jectal wiessenger	
45 46	III. NOTIFICATION OF ELECTION RESULTS.		
40 47	When the election process is complete, the Cochairs of the Senate	Committee shall	
48	notify the Secretary of the Board of Governors of The University of North		
49	names of the persons elected by the Senate and of the term for which each person was elected.		
50	SECTION 2. As used in this resolution, the term "Cochairs" mean		
51	the Senate Education/Higher Education Committee.		

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SECTION 3. This resolution is effective upon adoption.