

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE RESOLUTION 138

Sponsors: Senator Rabon (Primary Sponsor).

Referred to: Rules and Operations of the Senate

February 22, 2023

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 the
6 Board of Governors of The University of North Carolina are adopted:

7 **I. COMMITTEE RESPONSIBILITIES.**

8 1. It is the duty of the Senate Select Committee on Nominations (hereinafter
9 referred to as the "Senate Committee") to choose nominees for each opening on the Board of
10 Governors of The University of North Carolina to which the Senate is to elect members.

11 2. The Senate Committee shall receive nominees for election to the Board of
12 Governors of The University of North Carolina from Tuesday, February 28, 2023, through
13 Monday, March 6, 2023. In 2023, the total number of positions available for election by the
14 Senate is six, and each position is for a four-year term. A Senator may propose nominees only
15 for the openings available for election by the Senate. In order for a person to have standing to be
16 considered as a nominee by the Senate Committee, that person must be formally nominated by a
17 member of the Senate. Only a written nomination on a form provided by the Chair of the Senate
18 Committee for that purpose and received in the Office of the Senate Principal Clerk on or after
19 Tuesday, February 28, 2023, and no later than 5:00 P.M. on Monday, March 6, 2023, shall
20 constitute a formal nomination of an individual. Delivery to the Office of the Senate Principal
21 Clerk of a nomination form by facsimile transmission or email transmission shall not constitute
22 a formal nomination of an individual. An individual is not eligible for nomination by a member
23 of the Senate if he or she was nominated for election to the Board of Governors by a member of
24 the House of Representatives during the 2023 Session.

25 3. Notwithstanding G.S. 138A-22, every person who has been formally
26 nominated shall file a completed North Carolina State Ethics Statement of Economic Interest as
27 required by law no later than 5:00 P.M. on Monday, March 6, 2023. The Statement of Economic
28 Interest must clearly state that the person has been nominated for the Board of Governors of The
29 University of North Carolina.

30 4. After the close of the nomination period on Monday, March 6, 2023, the
31 Senate Committee shall list all nominees. The Senate Committee shall screen the nominees for
32 nomination as to their qualifications and background and may interview each one to make sure
33 that suitable individuals are nominated. The Senate Committee shall ascertain that each nominee
34 for nomination is willing and able to serve and has no statutory disability. On completion of the
35 screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally
36 qualified nominees lists no more than twice the number of nominees for the total seats open.



5. The Chair of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsoring Senator.

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

II. ELECTIONS IN THE SENATE.

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

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

3. The Senate shall hold its election no later than Wednesday, March 15, 2023. Before the voting begins, the Chair of the Senate Committee shall explain the voting rules, which are:

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

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

(c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.

(d) If fewer than six nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest numbers of votes cast, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with Section 13 of Article II of the North Carolina Constitution.

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

4. The Senators shall proceed to mark their ballots for six persons, each to serve four-year terms. Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

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

6. When the Chair of the Senate Committee has determined that the Senate has chosen six persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall entertain a motion for the simultaneous election of those persons by the Senate to the indicated positions and for the indicated terms. The vote shall then be called electronically. If a majority of those voting shall vote "aye" and the vote is orally confirmed, those six persons named in the motion shall be declared to have been elected to the Board of Governors by the Senate.

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

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Chair of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the 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 "Chair" means the Chair of the
2 Senate Select Committee on Nominations.
3 **SECTION 3.** This resolution is effective upon adoption.