

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE RESOLUTION 1229

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

Referred to: Passed 1st Reading Calendar Pursuant to Rule 32A for 6-26-12.

June 26, 2012

1 A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND
2 ELECTING A PERSON TO FILL A VACANCY ON THE BOARD OF GOVERNORS
3 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 House Select Committee on The University Board of
10 Governors Nominations of the House of Representatives (hereinafter the "Committee") to
11 conduct a process for nominating and electing persons for each vacancy in the elected
12 membership of the Board of Governors that was created by a vacating member who was
13 originally elected by the House of Representatives.

14 2. The Committee shall receive nominations from 8:00 A.M. on Wednesday, June
15 27, 2012, through 5:00 P.M. on Wednesday, June 27, 2012, to elect one person to fill one
16 vacancy on the Board of Governors for a partial term ending June 30, 2015. Each
17 Representative may nominate one person. In order for a person to have standing as a nominee,
18 that person must be formally nominated by a member of the House of Representatives. Only a
19 written nomination that includes all the requested information, which is submitted on a form
20 provided by the Chair of the Committee for that purpose, and that is received in the Office of
21 the House Principal Clerk from 8:00 A.M. on Wednesday, June 27, 2012, through 5:00 P.M. on
22 Wednesday, June 27, 2012, shall constitute a formal nomination. Delivery to the Office of the
23 House Principal Clerk by facsimile transmission or e-mail transmission shall not constitute a
24 formal nomination of a candidate.

25 3. Notwithstanding G.S. 138A-22(a), every person who has been formally
26 nominated shall file a completed North Carolina State Ethics Commission Statement of
27 Economic Interest with the North Carolina State Ethics Commission to be received by the
28 North Carolina State Ethics Commission no later than 5:00 P.M. on Wednesday, June 27, 2012.

29 4. On or after 5:00 P.M. on Wednesday, June 27, 2012, the Committee shall list all
30 proposed nominees. The Committee shall screen the nominees as to their qualifications,
31 experience, and statutory suitability. The Committee may screen nominees by interviewing or
32 by soliciting written information or by both means. On completion of the screening process, the
33 Committee shall conduct a vote to ensure that the slate of legally qualified nominees lists two
34 legally qualified nominees if two or more were nominated.

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



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

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

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

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

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

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

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

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

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

24 3. The House of Representatives shall hold its election no later than the beginning of
25 the daily session on Thursday, June 28, 2012. Before the voting begins, the Speaker of the
26 House shall explain the voting rules, which are:

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

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

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

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

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

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

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

43 6. When the Chair of the Committee has determined that the House of
44 Representatives has elected one person to fill the vacant position and serve as a member of the
45 Board of Governors for a partial term ending June 30, 2015, the Speaker of the House of
46 Representatives shall declare that person to have been elected to the Board of Governors by the
47 House of Representatives. The election of that person is provisional subject to the North
48 Carolina State Ethics Commission's evaluation of the North Carolina State Ethics Commission
49 Statement of Economic Interest of that person in accordance with Article 3 of Chapter 138A of
50 the General Statutes.

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

3 **III. NOTIFICATION OF ELECTION RESULTS.**

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

7 **SECTION 2.** As used in this resolution, the term "Chair" means the Chair of the
8 House Select Committee on The University Board of Governors Nominations of the House of
9 Representatives.

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