

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 280  
HOUSE BILL 691

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM  
CONCERNING THE PROCEDURE FOR REMOVING THE MAYOR AND  
MEMBERS OF THE CITY COUNCIL FROM OFFICE.

The General Assembly of North Carolina enacts:

Section 1. Section 15(3)(a) of the Charter of the City of Durham, being Chapter 671, Session Laws of 1985, reads as rewritten:

"(a) Any elector of the City may make and file with the ~~City Clerk~~ Supervisor of Elections of the Board of Elections of Durham County an affidavit containing the name of the City officer whose removal is sought and a statement of the grounds alleged for his removal. The ~~Clerk~~ said Supervisor of Elections shall thereupon deliver to the elector making such affidavit copies of petition blanks for demanding such a removal, printed forms of which ~~he~~ the Supervisor of Elections shall keep on hand. Such blanks shall be issued by the ~~Clerk~~ with his Supervisor of Elections with his or her signature thereto attached and shall be dated and addressed to the ~~council~~ Board of Elections of Durham County, indicate the person to whom issued, and state the name of the officer whose removal is sought. A copy of the petition shall be promptly delivered to the city clerk who shall enter the copy of the petition ~~entered~~ in a record book kept for that purpose in the office of the Clerk. A recall petition to be effective must be returned and filed with the ~~Clerk~~ Supervisor of Elections within 30 days after the filing of the affidavit, and to be sufficient must bear the signature of ~~at least twenty-five per centum (25%) of the registered voters of the city equal in number to twenty-five percent (25%) of the registered voters of the City as shown by the registration sheets~~ records of the last preceding general municipal election. ~~A recall petition, if insufficient as originally filed, may be amended as hereinafter provided.~~"

Sec. 2. Section 15(3) of the Charter of the City of Durham, being Chapter 671, Session Laws of 1985, is amended by adding a new subparagraph to read:

"(a1) It shall be the duty of the Board of Elections of Durham County to investigate the sufficiency of any such petition and to certify the results of such investigation to the city council. The Board of Elections may employ such persons as it deems necessary to undertake such investigation and the reasonable cost of such investigation shall be reimbursed to the Board of Elections by the city. The Board of Elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition, and such rules and regulations shall be available for public inspection consistent with Chapter 132 of the General Statutes."

Sec. 3. Section 15(3)(b) of the Charter of the City of Durham, being Chapter 671, Session Laws of 1985, reads as rewritten:

"(b) If a recall petition, ~~or amended petition~~ shall be certified by the ~~Clerk~~ Board of Elections to be sufficient ~~he~~ the Board shall at once submit it to the council with ~~his~~ its certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five days after such notice the Council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than ~~40 nor more than 60~~ 50 nor more than 70 days after the petition has been certified to the Council, and it may be held at the same time as any other general or special election within such period; but if no other election is to be held within such period the Council shall call a special recall election to be held within the time aforesaid, provided however, if the provisions of general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the council shall call said special recall election for some date within 10 days after the last day of said period of time during which special elections are prohibited by general law."

Sec. 4. Section 15(3)(f) of the Charter of the City of Durham, being Chapter 671, Session Laws of 1985, reads as rewritten:

"(f) If an officer in regard to whom a sufficient recall petition is submitted to the ~~Council~~ Board of Elections shall resign before the election, or be removed as a result thereof, the vacancy so caused shall be filled in the manner provided by this charter for filling vacancies in such office, except as provided in Section 15(3)(h). But an officer removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the ~~Council~~ Board of Elections shall not be reelected to fill the vacancy caused by his own removal or resignation."

Sec. 2. This act applies to the Durham County Board of Elections as well as to the City of Durham.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 4th day of June, 1987.