

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 669
Committee Substitute Favorable 5/9/95

Short Title: Alamance Recall Elections.

(Local)

Sponsors:

Referred to:

March 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR RECALL ELECTIONS FOR THE BOARD OF
2 COMMISSIONERS OF ALAMANCE COUNTY SERVING FOUR-YEAR TERMS.

3 The General Assembly of North Carolina enacts:

4 Section 1. (a) Any member of a board of county commissioners may be removed
5 from office in the manner provided for in this act if the members of the board of
6 commissioners serve four-year terms.

7 (b) Any registered voter of a county may make and file with the supervisor of
8 elections of the county board of elections an affidavit containing the name of the official
9 whose removal is sought and a general statement of the grounds alleged for removal. The
10 supervisor of elections shall thereupon deliver to the registered voter making such
11 affidavit copies of petitions for demanding such a removal, printed forms of which the
12 supervisor of elections shall keep on hand. Such blank forms shall be issued by the
13 supervisor of elections with his or her signature thereto attached and shall be dated and
14 addressed to the county board of elections, indicate the person to whom issued, state the
15 name of the official whose removal is sought, and shall contain the general statement of
16 the grounds on which the removal is sought as alleged in the affidavit.

17 (c) A copy of the petition shall be promptly delivered to the clerk to the county
18 board of commissioners, who shall enter the copy of the petition in a record book kept for
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1 that purpose in the office of the clerk. A recall petition to be effective must be returned
2 within 30 days after the filing of the affidavit, and to be sufficient must bear the
3 signatures of registered voters of the county equal in number to at least twenty-five
4 percent (25%) of the registered voters of the county as shown by the registration records
5 of the last preceding general county election.

6 (d) Each signer shall include on the petition the signer's place of residence, giving
7 the residence address including town. Each petition page shall include an oath taken
8 before an officer competent to administer oaths that the person taking the oath witnessed
9 each signature on that page being subscribed.

10 (e) The county board of elections shall investigate the sufficiency of any such
11 petition and certify the results of such investigation to the board of commissioners of that
12 county. The county board of elections may employ such persons as it deems necessary to
13 undertake such investigations, and the reasonable cost of such investigation shall be paid
14 by the county. The county board of elections may adopt such rules and regulations as it
15 deems necessary or advisable concerning the validation of signatures appearing on the
16 recall petition.

17 (f) The county board of elections shall complete its investigation and issue its
18 certification of the results of such investigation within 15 days after the filing of any such
19 petition. If, by the county board of elections' certification, the petition is shown to be
20 insufficient, it may be amended within 10 days from the date of said certificate. The
21 Board shall, within 10 days after such amendment, make like examination of the
22 amended petition, and if its certificate shall show the same to be insufficient, it shall be
23 returned to the person filing the same, without prejudice, however, to the filing of a new
24 petition to the same effect.

25 (g) Upon a determination that a sufficient recall petition has been submitted,
26 the county board of elections shall order and fix a date for holding a recall election.
27 Subject to the remaining provisions of this subsection, any such election shall be held not
28 less than 50 nor more than 90 days after the petition has been certified as being sufficient.
29 If any other general or special election is scheduled within such period, the county board
30 of elections shall schedule the special election at the same time. If the provisions of
31 general law prohibit the holding of special elections during the time aforesaid, and no
32 general or special election is otherwise scheduled during said period of time, then the
33 county board of elections shall schedule the special recall election for some date within
34 10 days after the last day of the period of time during which special elections are
35 prohibited by general law.

36 (h) The county board of elections shall cause legal notice of the election to be
37 published, the notice to include the general statement of the grounds on which the recall
38 is sought as alleged in the affidavit, and shall make all arrangements for holding such
39 election in accordance with general law, and the same shall be conducted, returned, and
40 the results thereof declared in all respects as other county elections.

41 (i) The question of recalling any number of officials may be submitted at the
42 same election, but, as to each such official, a separate petition shall be filed and there
43 shall be an entirely separate ballot.

1 (j) The ballots used in a recall election shall submit the following proposition:

2 **"[] FOR [] AGAINST**

3 **THE RECALL OF (NAME AND TITLE OF OFFICIAL)".**

4 (k) If less than a majority of the votes cast on the question of recalling an
5 official be for recall, the official shall continue in office for the remainder of the
6 unexpired term. If a majority of such votes be for the recall of the official designated on
7 the ballot, the official shall, regardless of any defects in the recall petition, be deemed
8 removed from office.

9 (l) If an official is removed from office as a result of a recall election, the
10 vacancy so caused shall be filled in the manner provided by law for filling vacancies in
11 such office. An official removed from office by the voters as a result of a recall election
12 shall not be appointed to fill the vacancy caused by that official's own removal or
13 resignation.

14 (m) No recall petition shall be filed against an officer who has been subjected
15 to a recall election, and not removed thereby, during that term of office.

16 (n) No recall petition shall be filed against an officer during either the first or
17 last six months of the term of that office. If a person is serving only until an election
18 shall be held to fill the office for the remainder of a term, no recall petition shall be filed
19 against that officer during the six month period before that election.

20 Sec. 2. This act applies to Alamance County only.

21 Sec. 3. This act is effective upon ratification.