

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1193
HOUSE BILL 1586

AN ACT TO ALLOW FOR RECALL ELECTIONS IN THE TOWN OF PINEBLUFF
IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Pinebluff, being Chapter 243, Session Laws of 1979, is amended by adding a new Article to read:

"Sec. 6.1. Removal of officeholders. The Mayor or any member of the Board of Commissioners may be removed by the electors qualified to vote for a successor of such incumbent.

"Sec. 6.2. Procedure. (a) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least forty per centum (40%) of the registered and qualified voters of the Town, demanding an election of a successor of the person sought to be removed, shall be filed with the Town Clerk. The petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(b) Within 10 days from the date of filing such petition, the Town Clerk shall examine and from the voter registration records ascertain whether or not the petition is signed by the requisite number of qualified electors, and he shall attach to the petition his certificate, showing the results of such examination. If by the Clerk's certificate it is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Clerk shall, within 10 days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the Clerk shall submit the same to the Town Board of Commissioners without delay.

(c) If the petition shall be found to be sufficient, the Town Board shall order and fix a date for holding a special election, in accordance with State law governing special elections. Insofar as possible, the laws, rules and procedures governing the conduct of regular municipal elections shall apply to any election called pursuant to this section.

Opening and closing dates for candidate filing shall be set by the Moore County Board of Elections.

"Sec. 6.3. Successor in office. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he or she requests otherwise in writing by the filing deadline, the Board of Elections conducting the election shall place his or her name on the official ballot without nomination. At such election, if some person other than the incumbent is elected the incumbent shall thereupon be deemed removed from the office upon qualification of his or her successor. If the incumbent received a plurality of the votes in the election, he or she shall continue in office.

"Sec. 6.4. Failure to qualify. In case the person elected should fail to qualify within 10 days after receiving notification of election, the office shall be deemed vacant. In that event, the unexpired term shall be filled by appointment by the Town Board but the person removed shall not be eligible for appointment. The person removed shall not be eligible for appointment. The person so appointed by the Board shall be subject to recall as other members of the Board.

"Sec. 6.5. Right of recall continued. Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in the case of an officer originally elected.

"Sec. 6.6. Time limitation. No person shall be subject to recall if the petition is filed within six months of the person having taken office, within six months of a recall election, or within six months of the expiration of the term."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.