

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2016-43
HOUSE BILL 1058*

AN ACT TO ALLOW THE RECALL OF OFFICERS OF THE VILLAGE OF
TOBACCOVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Village of Tobacoville, being Chapter 232, Session Laws of 1991, is amended by adding a new section to read:

"Sec. 6.3. Recall.

(a) The Mayor and members of the Village Council are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

A recall petition shall be filed with the Village Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the Village of Tobacoville. A petition to recall the Mayor or a member of the Village Council shall bear the signatures equal in number to at least 20 percent (20%) of the registered voters of the Village of Tobacoville.

The board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify its sufficiency to the governing body, and the governing body shall adopt a resolution calling for a recall election to be held at the same time as the next primary, general, or special election scheduled to be held more than 60 days after the petition has been certified to the governing body. The board of elections shall conduct the recall election, which shall be held as provided in G.S. 163-287. Each petition submitted shall contain the name of only one officer to be recalled. Multiple qualified petitions may be filed simultaneously with the Village Clerk, in which case the name of the officer on each petition, once certified, shall be included in the recall election. The proposition submitted to the voters shall be substantially in the following form:

"[] FOR [] AGAINST

The recall of [name of officer]."

The registered voters of the Village of Tobacoville are eligible to vote in an election to recall the Mayor or a member of the Village Council.

If less than a majority of the votes cast on the question are for the officer's recall, the officer continues in office. If a majority of the votes cast on the question are for the officer's recall, the officer is removed on the date the board of elections certifies the results of the election. A vacancy created by removal of a member of the Village Council or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63. An officer who is removed may not be appointed or reappointed to any elective office of the village during the remainder of the unexpired term.

No petition to recall an officer may be filed during the first six months of the officer's term or during the six months before the expiration of the officer's term. No more than one election may be held to recall an officer within a single term of office of that officer.

(b) As used in this section 'Village Clerk' includes an officer of the village exercising the function of Village Clerk."



SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 28th day of June,
2016.

s/ Daniel J. Forest
President of the Senate

s/ Paul Stam
Speaker Pro Tempore of the House of Representatives