

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

S

1

SENATE BILL 247*

Short Title: Ronda Recall. (Local)

Sponsors: Senator Randleman (Primary Sponsor).

Referred to: State and Local Government.

March 12, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE
ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO
RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of this act becomes effective only if approved by the qualified voters of the Town of Ronda in a referendum. The election shall be conducted by the Wilkes County Board of Elections on November 5, 2013, the date of the next municipal election in the Town of Ronda. The question on the ballot shall be:

" [] FOR [] AGAINST

Amendment of the Charter of the Town of Ronda to allow for recall from office of elected officials of the town upon voter petition and a vote of the registered voters of the town."

SECTION 2. If a majority of the votes cast are in favor of the question, Section 3 of this act becomes effective as provided therein. Otherwise, Section 3 of this act does not become effective.

SECTION 3. The Charter of the Town of Ronda, granted by the Municipal Board of Control on September 27, 1920, under the then provisions of Chapter 136 of the Public Laws of 1917, is amended by adding a new section to read:

"Sec. 1.1. **Recall.**

(a) The Mayor and members of the Board of Commissioners 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 Town Clerk, who shall immediately forward the petition to the county board of elections that conducts elections for the Town of Ronda. A petition to recall the Mayor or a member of the Board of Commissioners shall bear the signatures equal in number to at least fifty percent (50%) of the registered voters of the Town of Ronda.

The county board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the county 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 between 60 and 120 days of the date of such certification. The county 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 Town 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:



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

"[] FOR [] AGAINST
The recall of [name of officer]."

The registered voters of the Town of Ronda are eligible to vote in an election to recall the Mayor or a member of the Board of Commissioners.

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 Board of Commissioners 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 town 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, "Town Clerk" also includes an officer of the town exercising the function of Town Clerk."

SECTION 4. This act is effective when it becomes law.