

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 623

Short Title: Cooleemee Recall.

(Local)

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Sponsors: Representative Howard (By Request).

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Referred to: Local and Regional Government II.

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March 26, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR RECALL ELECTIONS IN THE TOWN OF  
2 COOLEEMEE.  
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4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Cooleemee, being Chapter 424 of the  
6 Session Laws of 1985, is amended by adding a new section to read:

7 "Sec. 3.8. **Recall.** (a) The voters of the town have the power, which shall be known  
8 as the recall power, to remove from office any member of the Board of Commissioners or  
9 Mayor.

10 (b) In each recall there shall be named a petitioners committee of five  
11 members who shall be qualified voters of the town and signers of the petition. The  
12 petition committee shall be responsible for circulation of the petition and for its  
13 assembling and filing in proper form. The committee may also amend or withdraw its  
14 petition as provided in this section.

15 (c) Voters seeking the recall of any member of the Board of  
16 Commissioners, or the Mayor, shall proceed by way of a recall petition addressed to the  
17 Commission identifying the Commission member or Mayor concerned, requesting the  
18 removal of that person from office and stating the grounds alleged for the removal. With  
19 respect to any Commissioner or Mayor elected at large, any recall petition must be filed  
20 with the Town Clerk and must be signed by qualified voters of the town equal in number

1 to at least thirty percent (30%) of the qualified voters of the town who voted at the last  
2 preceding election of the town Commission members. No petition to recall an officer  
3 may be filed within six months after the officer's election.

4 (d) The signatures to a petition shall be executed in ink or indelible pencil  
5 and need not to all be affixed to one paper, but all papers of a petition shall be of uniform  
6 size and style and shall be assembled as one instrument for filing with the Town Clerk.  
7 Each signature shall be followed by the address of the signer. Petitions or petition papers  
8 which reasonably comply with these requirements shall be accepted by the Clerk  
9 without delay upon presentation and their filing shall be completed by acceptance.  
10 Noncomplying petitions or papers may be rejected by the Clerk until they are brought  
11 into reasonable compliance.

12 (e) The Clerk shall not accept any petition until it indicates: (i) by name  
13 and address, the five petitioners who constitute the petitioners' committee for that petition  
14 or (ii) the address to which all notices for the petitioners' committee are to be sent.

15 Any petition shall be certified or determined insufficient which is validly  
16 signed by less than the required number of qualified voters of the town.

17 (f) No signature on a petition paper shall be counted in support of the  
18 petition involved if that paper has not contained throughout its circulation a copy of the  
19 recall petition identifying the elected official concerned and stating the grounds alleged  
20 for removal.

21 (g) No signature on a petition paper shall be counted in support of the  
22 petition involved if that paper, at the time of filing, does not have attached to it an  
23 affidavit executed by the circulator of that paper to the effect: (i) that he personally  
24 circulated the paper; (ii) that each signature on the paper was affixed in his presence; (iii)  
25 that he believes each signature to be the genuine signature of the person whose name it  
26 purports to be; (iv) that a copy of the recall petition was attached to or contained in  
27 accompanying paper throughout its circulation; and (v) that each signer of the  
28 accompanying paper had an opportunity before signing to read the full text.

29 (h) Upon receipt of a petition that complies with the above requirements  
30 and its verification, the Town Clerk will immediately forward the petition to the Davie  
31 County Board of Elections.

32 (i) Within 15 days the Davie County Board of Elections shall certify  
33 registered voters, and return the petition to the Town Clerk. Within five days after the  
34 return of the petition papers by the Board of Elections, the Clerk shall complete a  
35 certificate as to whether the petition is sufficient. If sufficient, the Clerk shall certify that  
36 fact to the next Town Board meeting, and that certificate shall be a final determination as  
37 to the sufficiency of the petition.

38 (j) When the Town Board has been presented with, or has, a recall petition  
39 which has been finally determined sufficient, the Town Board shall there upon fix a date  
40 no sooner than 40 days nor later than 90 days to hold a special recall election. If a  
41 general election is scheduled during this period, the recall election will occur as part of  
42 that general election.

