

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 767

Short Title: Allow Recall of Lenoir Co. Board of Ed. Mem. (Local)

Sponsors: Senator Perry (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 24, 2022

A BILL TO BE ENTITLED

AN ACT TO ALLOW RECALL OF MEMBERS OF THE LENOIR COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of law to the contrary, a member of the Lenoir County Board of Education may be removed from office in the manner provided for in this act.

SECTION 2.(a) A registered voter of the Lenoir County School Administrative Unit may seek the removal of a member who represents the registered voter by filing an affidavit with the Lenoir County Board of Elections that names the member and provides a general statement of the grounds alleged for removal. The supervisor of elections shall then deliver to the registered voter making the affidavit copies of petitions for demanding the removal, which are printed forms that the supervisor of elections shall keep on hand. The blank forms shall be issued by the supervisor of elections with his or her signature attached, be dated and addressed to the Lenoir County Board of Elections, indicate the person to whom issued, state the name of the member whose removal is sought, and contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.

SECTION 2.(b) A copy of the petition shall be promptly delivered to the Superintendent of the Lenoir County School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose in the office of the superintendent. To be effective, a recall petition must be returned within 30 days after the filing of the affidavit and, to be sufficient, must bear the signatures of registered voters represented by the member equal in number to at least fifteen percent (15%) of the registered voters represented by the member as shown by the registration records of the last preceding general school administrative unit election.

SECTION 2.(c) The signatures to the petition need not all be appended to one paper, but each signer shall add the signer's place of residence, giving the residence address, including town. One of the signers of each paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

SECTION 2.(d) The Lenoir County Board of Elections shall investigate the sufficiency of a petition and certify the results of the investigation to the Board of Education. The Board of Elections may employ persons it deems necessary to undertake investigations, and the reasonable cost of investigations shall be reimbursed to the Board of Elections by the school administrative unit. The Board of Elections may adopt rules and regulations it deems necessary or advisable concerning the validation of signatures appearing on the recall petition.



1 **SECTION 2.(e)** The Board of Elections shall complete its investigation and issue its
2 certification of the results of the investigation within 15 days after the filing of a petition. If, by
3 the Board of Elections' certification, the petition is shown to be insufficient, it may be amended
4 within 10 days from the date of the certificate. The Board shall, within 10 days after such
5 amendment, make another examination of the amended petition and, if its certificate shall show
6 the same to be insufficient, it shall be returned to the person filing the same, without prejudice,
7 however, to the filing of a new petition to the same effect.

8 **SECTION 2.(f)** Upon a determination that a sufficient recall petition has been
9 submitted, the Board of Elections shall order and fix a date for holding a recall election at the
10 next election authorized by G.S. 163-287 occurring more than 60 days after the petition has been
11 certified as being sufficient.

12 **SECTION 2.(g)** The Lenoir County Board of Elections shall cause legal notice of
13 the election to be published, the notice to include the general statement of the grounds on which
14 the recall is sought as alleged in the affidavit, and shall make all arrangements for holding an
15 election in accordance with general law, and the same shall be conducted, returned, and the
16 results of the election declared in all respects as other school administrative unit elections in the
17 Lenoir County School Administrative Unit. The reasonable costs of the election shall be
18 reimbursed to the Board of Elections by the school administrative unit.

19 **SECTION 2.(h)** The question of recalling a number of members may be submitted
20 at the same election, but, as to each member, a separate petition shall be filed, and there shall be
21 an entirely separate ballot.

22 **SECTION 2.(i)** The ballots used in a recall election shall submit the following
23 proposition:

24 " FOR AGAINST

25 Recall of (name and title of member)."

26 **SECTION 2.(j)** If less than a majority of the votes cast on the question of recalling
27 a member be for recall, the member shall continue in office for the remainder of the unexpired
28 term, but, except as provided by Section 3(a) of this act, subject to the recall as before. If a
29 majority of the votes cast be for the recall of the member designated on the ballot, the member
30 shall, regardless of any defects in the recall petition, be deemed removed from office.

31 **SECTION 2.(k)** If a member is removed from office as a result of a recall election,
32 the vacancy shall be filled in the manner provided by law for filling vacancies in the office. A
33 member removed from office by the voters as a result of a recall election shall not be appointed
34 to fill the vacancy caused by that member's own removal or resignation.

35 **SECTION 3.(a)** No recall petition shall be filed during that term of office against a
36 member who has been subjected to a recall election and not removed thereby.

37 **SECTION 3.(b)** No recall petition shall be filed against a member during either the
38 first or last six months of the term of that office. If a person is serving only until an election shall
39 be held to fill the office for the remainder of a term, no recall petition shall be filed against that
40 member during the six-month period before that election.

41 **SECTION 4.** This act becomes effective January 1, 2023.