

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 220
HOUSE BILL 647

AN ACT TO ALLOW RECALL OF THE MAYOR AND BOARD OF
COMMISSIONERS OF THE TOWN OF ABERDEEN.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Aberdeen, being Chapter 147 of the Session Laws of 1975 is amended by adding a new section to read:

"Sec. 4.2. **Recall.** 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 board of elections that conducts elections for the Town of Aberdeen. A petition to recall the Mayor or a member of the Board of Commissioners shall bear the signatures equal in number to at least twenty-five percent (25%) of the registered voters of the Town of Aberdeen.

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 not less than 60 days nor more than 100 days after the petition has been certified to the governing body. The election may be held by itself or at the same time as any other general or special election within the period established in this section, and shall be held as otherwise provided in G.S. 163-287. The board of elections shall conduct 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 Town of Aberdeen 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.

No petition to recall an officer may be filed within six months after the officer's election to the governing body nor within 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."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives