

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE DRH80109-LB-138 (3/13)**

Short Title: Durham School Recall Election.

(Local)

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Sponsors: Representative Miller.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Any member of the Durham Board of Education may be removed from office in the manner provided for in this act.

**SECTION 2.** Any registered voter of the Durham School Administrative Unit may make and file with the Durham County Director of Elections an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal, except that if the member sought to be recalled is from a district, the petition must be signed by a registered voter of that district. The Director of Elections shall thereupon deliver to the registered voter making such affidavit copies of petitions for demanding such a removal printed forms of which the Director of Elections shall keep on hand. Such blank forms shall be issued by the Director of Elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Durham County, indicate the person to whom issued, state the name of the official whose removal is sought, and contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.

**SECTION 3.** A copy of the petition shall be promptly delivered to the Superintendent of the Durham 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. A recall petition to be effective must be returned within 30 days after the filing of the affidavit and to be sufficient must bear the signatures of registered voters of the school administrative unit equal in number to at least twenty-five percent (25%) of the registered voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election; however, if the board member was from a district, then to be sufficient a recall petition must bear the

1 signatures of registered voters of the school administrative unit district equal in number  
2 to at least twenty-five percent (25%) of the registered voters of the school  
3 administrative unit district as shown by the registration records of the last preceding  
4 general school administrative unit election.

5 **SECTION 4.** The signatures to the petition need not all be appended to one  
6 paper, but each signer shall add to his signature the signer's place of residence, giving  
7 the residence address including town. One of the signers of each such paper shall take  
8 an oath before an officer competent to administer oaths that each signature to the paper  
9 appended is the genuine signature of the person whose name it purports to be.

10 **SECTION 5.** The Board of Elections of Durham County shall investigate  
11 the sufficiency of any such petition and certify the results of such investigation to the  
12 Board of Education. The Board of Elections may employ such persons as it deems  
13 necessary to undertake such investigation, and the reasonable cost of such investigation  
14 shall be reimbursed to the Board of Elections by the school administrative unit. The  
15 Board of Elections may adopt such rules and regulations as it deems necessary or  
16 advisable concerning the validation of signatures appearing on the recall petition.

17 **SECTION 6.** The Board of Elections shall complete its investigation and  
18 issue its certification of the results of such investigation within 15 days after the filing  
19 of any such petition. If, by the Board of Elections' certification, the petition is shown to  
20 be insufficient, it may be amended within 10 days from the date of said certificate. The  
21 Board shall, within 10 days after such amendment, make like examination of the  
22 amended petition, and if its certificate shall show the same to be insufficient, it shall be  
23 returned to the person filing the same, without prejudice to the filing of a new petition.

24 **SECTION 7.** Upon a determination that a sufficient recall petition has been  
25 submitted, the Board of Elections shall order and fix a date for holding a recall election.  
26 Subject to the remaining provisions of this section, any such election shall be held not  
27 less than 50 nor more than 70 days after the petition has been certified as being  
28 sufficient. If any other general or special election is scheduled within such period, the  
29 Board of Elections shall schedule the special election at the same time. If the provisions  
30 of general law prohibit the holding of special elections during the time aforesaid, and no  
31 general or special election is otherwise scheduled during said period of time, then the  
32 Board of Elections shall schedule the special recall election for some date within 10  
33 days after the last day of the period of time during which special elections are prohibited  
34 by general law.

35 **SECTION 8.** The Durham County Board of Elections shall cause legal  
36 notice of the election to be published, the notice to include the general statement of the  
37 grounds on which the recall is sought as alleged in the affidavit, and shall make all  
38 arrangements for holding such election in accordance with general law, and the same  
39 shall be conducted, returned, and the results thereof declared in all respects as other  
40 school administrative unit elections in the Durham School Administrative Unit. If the  
41 member subject to recall is from a district, the election shall be conducted only in that  
42 district. The reasonable costs of such election shall be reimbursed to the Board of  
43 Elections by the school administrative unit.

