

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 737

Short Title: Durham School Recall Election. (Local)

Sponsors: Representatives Miller; Luebke and Michaux.

Referred to: Election Law and Campaign Finance Reform.

March 27, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF
2 EDUCATION.
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4 The General Assembly of North Carolina enacts:

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

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

19 **SECTION 3.** A copy of the petition shall be promptly delivered to the
20 Superintendent of the Durham School Administrative Unit, who shall enter the copy of
21 the petition in a record book kept for that purpose in the Office of the Superintendent.
22 A recall petition to be effective must be returned within 30 days after the filing of the
23 affidavit and to be sufficient must bear the signatures of registered voters of the school
24 administrative unit equal in number to at least twenty-five percent (25%) of the
25 registered voters of the school administrative unit as shown by the registration records
26 of the last preceding general school administrative unit election; however, if the board
27 member was from a district, then to be sufficient a recall petition must bear the
28 signatures of registered voters of the school administrative unit district equal in number
29 to at least twenty-five percent (25%) of the registered voters of the school

1 administrative unit district as shown by the registration records of the last preceding
2 general school administrative unit election.

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

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

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

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

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

42 **SECTION 9.** The question of recalling any number of officials may be
43 submitted at the same election, but, as to each such official, a separate petition shall be
44 filed and there shall be an entirely separate ballot.

