

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-156
HOUSE BILL 291**

AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Belhaven, being Chapter 714, Session Laws of 1969, is amended by adding a new section to read:

"Sec. 4.8. **Recall.**

(a) The Mayor and members of the Board of Aldermen are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the election of another person in a recall election.

(b) 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 Belhaven. The petition shall contain a general statement of the grounds for which removal is sought. A petition to recall the Mayor or a member of the Board of Aldermen shall bear the signatures equal in number to at least twenty-five percent (25%) of the registered voters of the Town of Belhaven.

The board of elections shall verify the petition signatures are those of only registered voters in the Town of Belhaven and are sufficient in number. Each petition submitted shall contain the name of only one officer to be recalled. Multiple qualified petitions may be filed simultaneously with the Town Clerk in which case the name of the officer on each petition, once certified, shall be included in the recall election.

(c) If the petition shall be found to be sufficient, the board of elections shall set a date for holding an election for the remainder of the unexpired term, such election to be held not less than 60 days nor more than 120 days from the date of certification that a sufficient petition has been filed. Candidates' names shall be placed on the ballot, the election held, and the results canvassed, under the same rules, conditions, and regulations as provided under Section 4.4 of this Charter and under Chapter 163 of the General Statutes. Opening and closing dates for candidate filing shall be set by the county board of elections, and notice of the election shall be published at least three days prior to the opening of candidate filing. The election shall be conducted under the nonpartisan election and runoff election method set forth in G.S. 163-293, except that no runoff shall be held if the candidate with the highest number of votes receives forty percent (40%) or more of the votes cast, with a similar rule to apply if more than one Board of Aldermen member is being recalled.

(d) The successor of any officer so removed shall hold office for the unexpired term of the predecessor. Any person sought to be removed may be a candidate to succeed himself. Notwithstanding Section 4.4 of this Charter, unless that incumbent requests otherwise in writing, the incumbent's name shall be placed on the official ballot without filing. At the election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon the taking of the oath of office of the successor. The registered voters of the Town of Belhaven are eligible to vote in an election to recall the Mayor or a member of the Board of Aldermen.

(e) No petition to recall an officer may be filed within six months of the officer's election nor within seven 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."

SECTION 1.1. Section 1 of this act becomes effective only if approved by a majority of the qualified voters of the Town of Belhaven in a referendum. The election shall be conducted by the Beaufort County Board of Elections at the time of the municipal election on November 8, 2011. The question on the ballot shall be:

" FOR AGAINST



Amendment to the Charter to the Town of Belhaven to allow for recall elections for the Mayor or members of the Board of Aldermen."

SECTION 1.2. If a majority of the votes cast are in favor of the question, Section 1 of this act becomes effective as provided therein.

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of June, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives