

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 339\*

Short Title: Fayetteville Recall.

(Local)

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Sponsors: Representatives Hurley, Morris; Brawley, Sutton, Warner, and Yongue.

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Referred to: Rules, Calendar and Operations of the House.

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February 26, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE VOTERS OF THE CITY OF FAYETTEVILLE TO  
2 RECALL THE MAYOR AND CITY COUNCIL.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter IV of the Charter of the City of Fayetteville, being Chapter  
5 557, Session Laws of 1979, is amended by adding a new section to read:

6 "§ 4.4. Recall. **The Mayor and members of the City Council are subject to removal**  
7 **pursuant to this section. An officer is removed upon the filing of a**  
8 **sufficient recall petition and the affirmative vote of a majority of those**  
9 **voting on the question of removal at a recall election.**

10 A recall petition shall be filed with the City Clerk, who shall immediately forward the  
11 petition to the board of elections that conducts elections for the City of Fayetteville. A  
12 petition to recall the Mayor or a member of the City Council elected at large shall bear  
13 the signatures equal in number to at least fifteen percent (15%) of the registered voters of  
14 the City of Fayetteville. A petition to recall a member of the City Council elected from a  
15 district shall bear the signatures equal in number to at least fifteen percent (15%) of the  
16 registered voters of such district.

17 The board of elections shall verify the petition signatures. If a sufficient recall  
18 petition is submitted, the board of elections shall certify its sufficiency to the governing  
19 body, and the governing body shall adopt a resolution calling for a recall election to be  
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1 held not more than 60 days after the petition has been certified to the governing body.  
2 The election may be held by itself or at the same time as any other general or special  
3 election within the period established in this section, and shall be held as otherwise  
4 provided in G.S. 163-287. The board of elections shall conduct the recall election. The  
5 proposition submitted to the voters shall be substantially in the following form:

6 **‘[ ] FOR [ ] AGAINST**  
7 **THE RECALL OF [NAME OF OFFICER]’.**

8 The registered voters of the City of Fayetteville are eligible to vote in an election to recall  
9 the Mayor or a member of the City Council. Any recall election for a council member  
10 from an electoral district shall be held within that district only.

11 ♦ If less than a majority of the votes cast on the question are for the officer's recall, the  
12 officer continues in office. If a majority of the votes cast on the question are for the  
13 officer's recall, the officer is removed on the date the board of elections certifies the  
14 results of the election. A vacancy created by removal of a member of the City Council or  
15 the Mayor shall be filled in accordance with the provisions of G.S. 160A-63, and the  
16 Mayor may vote on the filling of a vacancy on the City Council."

17 Section 2. This act is effective when it becomes law.