

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 140  
PROPOSED COMMITTEE SUBSTITUTE H140-PCS30124-ST-2

Short Title: Oak Island/Recall Officials.

(Local)

Sponsors:

Referred to:

February 21, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE  
3 A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A  
4 REFERENDUM.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The Charter of the Town of Oak Island, being S.L. 1999-66, as  
7 amended by S.L. 2001-478 and S.L. 2003-84, is amended by adding a new section to read as  
8 follows:

9 "Sec. 5.4. Recall of Elected Officials. (a) The Mayor or any member of the Town Council  
10 of the Town of Oak Island may be removed from office in the manner provided for in this  
11 section.

12 (b) A recall petition committee may file an affidavit with the Brunswick County  
13 Director of Elections containing the name of the elected official whose removal is sought and a  
14 general statement of the grounds alleged for removal. The Director of Elections shall provide  
15 the recall petition committee filing the affidavit with petition forms for demanding the removal  
16 of a Town elected official. The petition forms shall (i) be signed by the Director of Elections;  
17 (ii) be dated on the date of issuance; (iii) be addressed to the Brunswick County Board of  
18 Elections; (iv) contain the name of the persons to whom the forms are issued; (v) contain the  
19 name of the elected official whose removal is sought; (vi) contain a general statement of the  
20 grounds on which the removal is sought; and (vii) provide a place for signatures. The Director  
21 of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to  
22 the Town Clerk, who shall enter the copy of the petition in a record book kept for that purpose.  
23 The record book shall be maintained at the Office of the Town Clerk.

24 (c) A recall petition committee authorized under subsection (b) of this section shall be  
25 comprised of at least five members who are registered voters within the Town and who shall  
26 represent the signers of the petition. Each member of the recall petition committee shall sign  
27 the petition and shall be responsible for circulating the petition within the Town limits and for  
28 assembling and returning the petition to the Board of Elections as required by subsection (d) of  
29 this section.

30 (d) A recall petition to be effective must be returned to the Board of Elections within 30  
31 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures  
32 of at least twenty-five percent (25%) of the registered voters of the Town as shown by the  
33 registration records of the last preceding general municipal election.





