

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE DRH50867-LB-337B\* (05/11)**

Short Title: Topsail Beach Recall Elections.

(Local)

Sponsors: Representative Justice.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Topsail Beach, being Chapter 67, Session Laws of 1963, is amended by adding a new section to read:

"Sec. 23.1. **Recall.** The Mayor and members of the Board of Commissioners are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

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 Topsail Beach. A petition to recall the Mayor or a member of the Board of Commissioners shall bear the signatures equal in number to at least twenty-five percent (25%) of the registered voters of the Town of Topsail Beach.

The board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify its sufficiency to the governing body, and the governing body shall adopt a resolution calling for a recall election to be held not less than 60 days nor more than 120 days after the petition has been certified to the governing body. The board of elections shall conduct the recall election, which shall be held as provided in G.S. 163-287. 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. The proposition submitted to the voters shall be substantially in the following form:

**'[ ] FOR [ ] AGAINST  
THE RECALL OF [NAME OF OFFICER]'**

The registered voters of the Town of Topsail Beach are eligible to vote in an election to recall the Mayor or a member of the Board of Commissioners.

If less than a majority of the votes cast on the question are for the officer's recall, the officer continues in office. If a majority of the votes cast on the question are for the officer's recall, the officer is removed on the date the board of elections certifies the results of the election. A vacancy created by removal of a member of the Board of Commissioners or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63. An officer who is removed may not be appointed or reappointed to any elective office of the town during the remainder of the unexpired term.



1 No petition to recall an officer may be filed within six months before the expiration of the  
2 officer's term. No more than one election may be held to recall an officer within a single term  
3 of office of that officer."

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