

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**HOUSE BILL 338
RATIFIED BILL**

**AN ACT TO ALLOW RECALL OF MEMBERS OF THE BURKE COUNTY BOARD OF
EDUCATION.**

The General Assembly of North Carolina enacts:

SECTION 1. Any member of the Burke County Board of Education may be removed from office in the manner provided for in this act.

SECTION 2.(a) Any registered voter of the Burke County School Administrative Unit may make and file with the Board of Elections of Burke County an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal. The supervisor of elections shall thereupon deliver to the registered voter making such affidavit copies of petitions for demanding such a removal, printed forms of which the supervisor of elections shall keep on hand. Such blank forms shall be issued by the supervisor of elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Burke County, indicate the person to whom issued, state the name of the official whose removal is sought, and shall contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.

SECTION 2.(b) A copy of the petition shall be promptly delivered to the Superintendent of the Burke County School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose in the office of the superintendent. A recall petition to be effective must be returned within 30 days after the filing of the affidavit and, to be sufficient, must bear the signatures of registered voters of the school administrative unit equal in number to at least fifteen percent (15%) of the registered voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election.

SECTION 2.(c) The signatures to the petition need not all be appended to one paper, but each signer shall add the signer's place of residence, giving the residence address, including town. One of the signers of each such paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

SECTION 2.(d) The Board of Elections of Burke County shall investigate the sufficiency of any such petition and certify the results of such investigation to the Board of Education. The Board of Elections may employ such persons as it deems necessary to undertake such investigations, and the reasonable cost of such investigation shall be reimbursed to the Board of Elections by the school administrative unit. The Board of Elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition.

SECTION 2.(e) The Board of Elections shall complete its investigation and issue its certification of the results of such investigation within 15 days after the filing of any such petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate. The Board shall, within 10 days after such amendment, make like examination of the amended petition, and if its certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

SECTION 2.(f) Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this subsection, any such election shall be held not less than 60 or more than 90 days after the petition has been certified as being sufficient. If any other primary, general, or special election is scheduled within such period, the Board of Elections



