



# HOUSE BILL 111: Stanly Co Bd. of Ed. Recall

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2015-2016 General Assembly

<b>Committee:</b>	House Elections, if favorable, Local Government	<b>Date:</b>	March 26, 2015
<b>Introduced by:</b>	Rep. Burr	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H111-CSTC-8		Committee Counsel

**SUMMARY:** *HB 111 would provide a process for recalling members of the Stanly County Board of Education, upon approval of the voters of Stanly County. The proposed committee substitute removes unneeded language related to the timing of the recall during periods prohibited by general law.*

**CURRENT LAW:** Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies and 2 school boards, Chapel Hill-Carrboro and Burke.

**BILL ANALYSIS:** House Bill 111 would provide a process under which a member of the Stanly County Board of Education may be removed from office via a recall election.

The process for recall would be as follows: Any registered voter of the Stanly County School Administrative Unit can file an affidavit with the Stanly County Board of Elections naming the official whose removal is sought and giving a general statement of the grounds alleged for the removal. The voter will then receive copies of petitions for demanding such a removal. To be effective, the recall petition must bear the signatures of at least 15% of the registered voters of the school administrative unit. The signed petitions would have to be returned in 30 days, and verified by the Board of Elections within 15 days of that return. If the petition were insufficient, 10 days would be allowed for amendment.

Upon a determination that a sufficient recall petition has been submitted, the local board of elections must order a recall election and fix a date for such election. The date of the election cannot be less than 60 days, or more than 90 days after the petition is determined sufficient. The reasonable cost of the election is to be reimbursed to the Board of Elections by the Stanly County School Administrative Unit.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for by law, provided the member being removed may not be appointed to fill the vacancy. Vacancies occurring on the Board are currently filled by the remaining members of the Board. HB 112 would change the process for filling vacancies to the statutory process found in G.S. 115C-37.1, requiring the remaining members of the board of education to consult with the county executive committee of the party the vacating member was elected as a nominee of on the vacancy appointment, and if the county executive committee makes a recommendation within 30 days of the vacancy, appointing the individual recommended by the committee.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No recall petition may be filed during the term of office against an official who has been subjected to a recall election and not been removed.
- No petition could be filed during the first or last 6 months of the member's term of office.

The proposed committee substitute deleted language in Section 2.(f) referring to the timing of the election when a limitation on the timing of the special election had been set by general law. In S.L. 2013-381, the General Assembly amended the general law (G.S. 163-287) on the timing of special elections to standardize the times such election may be held. The law specifically exempts recall elections from these standardized times.



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**EFFECTIVE DATE:** This act becomes effective when it becomes law.