

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS65451-LM-127B* (07/06)

Short Title: Jacksonville Initiative/Referendum.

(Local)

Sponsors: Senator Brown.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR INITIATIVE AND REFERENDUM IN THE CITY OF JACKSONVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Jacksonville, being Chapter 911 of the 1967 Session Laws, is amended by adding the following new section to read:

"§ Sec. 8-3. Initiative and Referendum.

(a) Initiative power. The qualified voters of the City of Jacksonville have the power under this section to propose any ordinance to the City Council that the City Council has the power to adopt under this Charter or general law, except a budget ordinance, a bond order, a franchise ordinance, or an amendment to the Charter to change the Town's form of government to one of the alternatives set forth in G.S. 160A-101. The initiative process may be used to repeal any ordinance that could be proposed under the initiative process except that it may not be used to repeal any ordinance affirmed by a referendum election within one year after the referendum vote. If the governing body fails to adopt the ordinance without substantive change, the voters have the power to approve or reject the proposed ordinance. These powers comprise the initiative power.

(b) Referendum power. The qualified voters of the City of Jacksonville have the power to require reconsideration by the governing body of any adopted ordinance, except a budget ordinance, a bond order, a franchise ordinance, or any ordinance that by law may not be adopted without prior public notice and a public hearing. If the governing body fails to repeal an ordinance that it has been required to reconsider, the voters shall have the power to approve or reject the referred ordinance at the polls. These powers comprise the referendum power.

(c) Commencement of proceedings. Five or more registered voters of the City of Jacksonville may commence an initiative or referendum petition by filing with the City

1 Clerk an affidavit stating that they will constitute the petitioners' committee and will be
2 responsible for circulating the petition and filing it in proper form.

3 (d) Signatures. An initiative or referendum petition shall bear the signatures
4 equal in number to at least fifteen percent (15%) of the registered voters of the City of
5 Jacksonville who voted for the office of Mayor in the last municipal election.

6 (e) Form and content. Within 90 days of the effective date of this section, the
7 governing body shall by ordinance specify the form and content of a petition and
8 procedures for initiative and referendum elections, consistent with the provisions of this
9 Charter and consistent with generally recognized form and content requirements and
10 procedures for initiative and referendum petitions and elections.

11 (f) Time for filing. An initiative petition may be filed at any time. A referendum
12 petition must be filed within 30 days after adoption by the governing body of the
13 ordinance sought to be reconsidered.

14 (g) Certification. The petition shall be filed with the City Clerk, and signatures
15 shall be verified by the board of elections conducting elections for the City. The
16 governing body shall by ordinance adopt reasonable, generally recognized procedures
17 for certifying the sufficiency of a petition. The governing body shall provide in the
18 ordinance reasonable time limits for completing the certification of sufficiency of the
19 petition.

20 (h) Suspension of effectiveness of referred ordinance. When, within the time
21 allowed, a referendum petition is filed with the City Clerk, the effectiveness of the
22 ordinance sought to be reconsidered is suspended. The suspension of the effectiveness
23 of the ordinance shall terminate when:

24 (1) There is a final determination that the petition is insufficient;

25 (2) The petitioners' committee withdraws the petition as set forth in
26 subsection (k) of this section; or

27 (3) The Board of Elections certifies that the repeal of the ordinance has
28 been rejected in an election.

29 (i) Consideration. When an initiative or referendum petition has been finally
30 determined to be sufficient, the governing body shall promptly consider it.

31 (j) Submission to voters. With respect to ordinances, if the governing body fails
32 to adopt without substantive change an ordinance proposed by initiative petition or fails
33 to repeal a referred ordinance within 60 days after the date on which the petition was
34 certified as sufficient, the City Council shall cause the proposed ordinance or the
35 referred ordinance to be submitted to the voters of the City of Jacksonville. The vote on
36 the proposed ordinance or the referred ordinance shall be held within 150 days of the
37 date on which the petition was certified as sufficient.

38 (k) Withdrawal. The petitioners' committee, being those registered voters named
39 in the affidavit commencing the initiative or referendum, may withdraw the initiative or
40 referendum petition at any time prior to the fifteenth day immediately preceding the day
41 scheduled for a vote on the proposed or referred ordinance. The written request for
42 withdrawal shall be signed by at least eighty percent (80%) of the members of the
43 petitioners' committee and must be filed with the City Clerk. The filing of the request

1 withdraws the petition. A withdrawn petition has no further effect, and all proceedings
2 are terminated.

3 (l) Effective date. With respect to ordinances, if a majority of those voting in an
4 initiative election approve the proposed ordinance, it shall become an ordinance of the
5 City of Jacksonville on the date the results of the election are certified or a later
6 effective date specified in the proposed ordinance, provided that the governing body
7 may make nonsubstantive changes to the ordinance that it deems necessary or desirable.

8 (m) Effect of referendum. If a majority of those voting in a referendum election
9 approve the repeal of the referred ordinance, it is repealed on the date the results of the
10 election are certified. If less than a majority of those voting in the election approve the
11 repeal of the ordinance, the ordinance is an ordinance of the City of Jacksonville and
12 shall become effective on the date the results of the election are certified or a later
13 effective date specified in the referred ordinance."

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