

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

1

SENATE BILL 1385\*

Short Title: Jacksonville Initiative/Referendum.

(Local)

---

Sponsors: Senator Brown.

---

Referred to: State and Local Government.

---

May 16, 2006

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW FOR INITIATIVE AND REFERENDUM IN THE CITY OF  
2 JACKSONVILLE.  
3

4 The General Assembly of North Carolina enacts:

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

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

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

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

26 (c) Commencement of proceedings. Five or more registered voters of the City of  
27 Jacksonville may commence an initiative or referendum petition by filing with the City  
28 Clerk an affidavit stating that they will constitute the petitioners' committee and will be  
29 responsible for circulating the petition and filing it in proper form.

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

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

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

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

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

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

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

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

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

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

36        (k) Withdrawal. The petitioners' committee, being those registered voters named  
37 in the affidavit commencing the initiative or referendum, may withdraw the initiative or  
38 referendum petition at any time prior to the fifteenth day immediately preceding the day  
39 scheduled for a vote on the proposed or referred ordinance. The written request for  
40 withdrawal shall be signed by at least eighty percent (80%) of the members of the  
41 petitioners' committee and must be filed with the City Clerk. The filing of the request  
42 withdraws the petition. A withdrawn petition has no further effect, and all proceedings  
43 are terminated.

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

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

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