

# 2004 SESSION

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## SENATE BILL NO. 133

Offered January 14, 2004

Prefiled January 8, 2004

*A BILL to amend Chapter 216 of the Acts of Assembly of 1952, which provided a charter for the City of Roanoke, by adding a section numbered 19.1, relating to advisory referenda.*

Patrons—Edwards; Delegates: Fralin and Ware, O.

Referred to Committee on Local Government

### **Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 216 of the Acts of Assembly of 1952 is amended by adding a section numbered 19.1 as follows:**

*§ 19.1. Advisory referenda.*

*The council shall have authority to order, by resolution directed to the Circuit Court of the City of Roanoke, the submission to the qualified voters of the city for an advisory referendum on any proposed question or group of questions relating to the affairs of the city. Upon receipt of such resolution, the Court shall order an election to be held not less than thirty days nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city. Following certification of the election results by the Electoral Board to the Circuit Court, the Court shall enter an order proclaiming the results of the election, and shall transmit a duly certified copy of the order to the council.*

*If a petition requesting the submission of a question or group of questions relating to the affairs of the city, set forth in such petition, signed by qualified voters equal in number to ten percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding, each signature to which has been witnessed by a person whose affidavit to that effect is attached to the petition, is filed with the clerk of the Circuit Court of the City of Roanoke, he shall forthwith certify that fact to the Court. Upon certification the Court shall order an election to be held not less than thirty days nor more than sixty days after the receipt of such resolution, in which such proposed question or questions shall be submitted as a resolution to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city. If a majority of those voting approve the proposed referendum, then the clerk of the Court shall communicate such result to the council for its consideration as an advisory resolution. If the resolution pertains to a charter amendment, then the clerk of the Court shall also communicate such result to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.*

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