

LD0948661

SENATE BILL NO. 19

Offered January 12, 1994

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 15 of Title 15.1 a section numbered 15.1-740.1, relating to advisory referenda.

Patrons—Calhoun; Delegates: Callahan and Fisher

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 15 of Title 15.1 a section numbered 15.1-740.1 as follows:

§ 15.1-740.1. Advisory referenda.

A. The board of supervisors may request by resolution that the circuit court order an advisory referendum to take the sense of the voters on the question stated in the resolution. Passage of the resolution shall require the affirmative vote of a majority of all members elected to the board. The referendum shall be conducted at the next succeeding November general election scheduled at least sixty days after entry of the court order to hold the referendum. The referendum shall be conducted and the results thereof ascertained and certified in accordance with § 24.2-684.

B. The qualified voters of any county which has adopted the urban county executive form of government may petition the circuit court to order a special election for an advisory referendum to take the sense of the voters on the question stated in the petition. The petition shall include a complete copy of the question which is proposed for consideration by the voters, and the petition shall conform to the requirements of § 24.2-684.1. The petition shall include a number of signatures of qualified voters which is at least equal to ten percent of the number of qualified county voters as determined by § 24.2-684.1.

If the petition is found to be in proper order, the court shall enter an order calling for the special election on the adoption of the proposed ordinance. The court order shall state the question to appear on the ballot. The special election shall be conducted at the next succeeding November general election scheduled at least sixty days after entry of the court order to hold the referendum. The special election shall be conducted and the results thereof ascertained and certified in accordance with § 24.2-684.

C. The results of any advisory referendum conducted in accordance with subsection A or B of this section shall not be binding upon the board of supervisors, but the results may be used in ascertaining the sense of the voters. No advisory election shall be held pursuant to this section on (i) any claim against the county, (ii) any zoning or rezoning of any particular parcel or parcels of land, (iii) any personnel decision or dispute affecting any particular employee or employees, (iv) any matter concerning the removal of public officers, or (v) any matter for which state law specifically provides for a referendum which has a binding effect.

INTRODUCED

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