

Asheville

ARTICLE XII. - INITIATIVE, REFERENDUM AND RECALL

Sec. 83. - Initiative.

Any proposed ordinance may be submitted to the city council by a petition signed by 15 percent of the number of registered voters of the City of Asheville. The signatures, residence, addresses, verifications, filings, authentications, inspections, certifications, amendments and submission of such petition shall be the same as hereinafter provided in this article for petitions for the recall of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of voters and contains a request that said ordinance be passed or submitted to a vote of the electors if not passed by the council, such board shall within 15 days after such petition is submitted to it, either:

- (a) Pass such ordinance without alteration, or
- (b) Submit the ordinance to the qualified voters at a special election called for that purpose and held not more than 90 days after the date of such call or at a general election occurring within 90 days after the date of the certificate of the chairman of the board of elections.

The ballots used when voting upon such ordinance shall state briefly the general nature of the ordinance and contain the words "for the ordinance" and "against the ordinance." If the majority of the voters voting on a proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city from the date when the result of such vote is officially declared. No ordinance becoming effective as in this section provided shall be repealed or amended, except by a vote of the people.

Any member [number] of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one such special election in any period of six months for such purpose. The council may submit a proposition for the repeal of any such ordinance or for amendment thereto to be voted upon at any succeeding general city election and should any such proposition so submitted receive a majority of the votes cast thereon at such election such ordinance shall thereby be repealed or amended accordingly as of the date when the result of such vote is officially declared. Whenever any ordinance or proposition is required pursuant to this article to be submitted to the voters of the city at any general or special election the city shall cause such ordinance or proposition to be published once in the daily newspaper published in the city having the largest circulation and once in the daily newspaper published in the city having the second largest circulation and in all copies of the edition of each of said newspapers having the largest circulation in said city. Such publication shall be made not more than 20 nor less than five days before the submission of such proposition or ordinance to vote as aforesaid. Any question submitted by petition as provided under this section cannot be resubmitted to referendum by petition within a three-year period from the date of the election at which said question was first voted on.

(Session Laws 1969, ch. 313, §§ 1—3)

Sec. 84. - Referendum.

If, after the passage of any ordinance by the council and before the same goes into effect a petition be submitted as herein provided signed by registered voters of the city equal to the number prescribed herein to be signed to a petition requesting the submission of a proposed ordinance as specified in section 83 hereof protesting against a passage of such ordinance, the operation of such ordinance shall thereupon be suspended and it shall be the duty of the council to again consider such ordinance and if the same is not entirely repealed at the next regular meeting of the council following the submission of such petition the council shall submit to the voters the question of the repeal of such ordinance at an election to be held for that purpose in the manner and under the conditions in this article provided for reference to voters of the question of the adoption of an ordinance. The signatures, residence, addresses, verifications, filings, authentications, inspections, certifications, amendments and submission of such petition shall be the same as provided in this article for petitions for the removal of officers. If, upon such

election the majority of the votes cast shall be in favor of such ordinance the same shall upon the result of such election being officially declared thereupon become a valid and binding ordinance of the city, otherwise such ordinance shall be deemed not an ordinance of the city.

Sec. 85. - Recall—Generally.

The holder of any elective office under the city Charter may be removed at any time by the voters qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of the elective office shall be as follows:

A petition, signed by 15 percent of the number of registered voters of the City of Asheville, demanding an election of a successor of the person sought to be removed, shall be filed with the chairman of the city board of elections, and the petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements thereon made are true, as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city board of elections shall examine and from the registration books used at the next preceding municipal election held in the city ascertain whether or not said petition is signed by the requisite number of qualified voters. Such registration books shall for that purpose be made available to the city board of elections by the officer or board in whose custody they may be. The chairman of the board of elections shall attach to said petition his certificate, showing the result of such examination as determined by the board of elections. If by such certificate the petition is shown to be insufficient it may be amended within ten days from the date of such certificate. The board of elections shall within ten days after such amendment make a like examination of the amended petition and if the certificate of the chairman of the board of elections which shall be made thereafter in accordance with the decision of the board of elections on the matter shall show the petition to be insufficient, such petition shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed sufficient by the board of elections, the chairman of said board shall forthwith so certify and shall submit the petition to the council at its next regular meeting. If the petition shall be found to be sufficient the council shall order and fix a date for holding an election for the election of a successor to the elective officer sought to be removed. In the event a primary election is held in connection with the election of members of the council under the provisions of this Charter or any amendment thereto, then in effect, then the date of such primary or in the event none is to be held, the date of such election shall be fixed not less than 15 or more than 30 days from the date of the certificate of the chairman of the board of elections to the council that a sufficient petition is filed. A petition filed as aforesaid may demand the election of a successor to more than one elective officer of the city. An officer elected at a recall election as aforesaid, shall hold office for the unexpired term of the officer whom he succeeds.

(Session Laws 1969, ch. 313, § 4)

Sec. 86. - Same—Officer sought to be removed as candidate to succeed himself.

Any elective officer sought to be removed as aforesaid shall be eligible to succeed himself unless ineligible for some other reason contained in this Charter or under the general law of the state and each such elective officer so sought to be removed shall, unless within three days after the ordering of an election or primary as aforesaid, he files with the chairman of the board of elections a written refusal to be candidate to succeed himself, be considered a candidate to succeed himself and shall be treated as such in the same manner as if he had become a candidate for such office in the manner provided in this Charter.