

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5058

FISCAL
NOTE

By Delegate Martin

[Introduced January 24, 2024; Referred to the
Committee on Political Subdivisions then the
Judiciary]

1 A BILL to amend and reenact §8-12-4 of the Code of West Virginia, 1931, as amended, relating to
2 providing a process by which a city may hold an election to recall an ordinance.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL
OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

§8-12-4. Power to provide by charter for initiative, referendum and recall.

1 (a) Any city may by charter provision provide for any or all of the following:

2 (1) The initiation of ordinances by petition bearing the signatures, written in their own
3 handwriting, of not less than 10 percent of the qualified voters of such city;

4 (2) The submission to the qualified voters of such city of a proposed ordinance at a regular
5 municipal election or special municipal election upon petition bearing the signatures, written in
6 their own handwriting, of not less than 10 percent of the qualified voters of such city or upon
7 resolution of the governing body of such city; and

8 (3) The holding of a special municipal election to submit to the qualified voters of such city
9 the question of the recall of an elected officer upon petition bearing the signatures, written in their
10 own handwriting, of not less than 20 percent of the qualified voters of such city. Not more than one
11 recall election shall be held with respect to an officer during his or her term of office.

12 (b) Any city shall, upon presentation of a petition bearing the signatures, written in their
13 own handwriting, of not less than 15 percent of the votes in the last general election, hold a special
14 municipal election to submit to the qualified voters of such city the question of a recall of any
15 ordinance or city code provision previously enacted by the governance of the municipality.

NOTE: The purpose of this bill is to provide a process by which a city may hold an election to recall an ordinance.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.