

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2232**

BY DELEGATES MARTIN, FAST, FOSTER, AND HANNA

[Introduced February 10, 2021; 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  
2 to 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  
11 one 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.