

SENATE No. 2444

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for recall elections in the town of Granby.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>

SENATE No. 2444

By Mr. Oliveira, a petition (accompanied by bill, Senate, No. 2444) of Jacob R. Oliveira, Daniel R. Carey and Mindy Domb (by vote of the town) for legislation to provide for recall elections in the town of Granby. Election Laws. [Local approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act providing for recall elections in the town of Granby.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any holder of an elective office in the town of Granby may be recalled
2 therefrom by registered voters of the town as hereinafter provided. No recall petition shall be
3 filed against an officer within 6 months after the officer takes office nor, in the case of an officer
4 subjected to a recall election and not recalled thereby, until at least 6 months after the election at
5 which such officer’s recall was submitted to the voters.

6 SECTION 2. (a) One hundred or more registered voters of the town of Granby may
7 initiate a recall petition by filing an affidavit with the town clerk. The affidavit shall contain the
8 name of the officer and the office held sought to be recalled and a statement of the grounds of
9 recall.

10 (b) The select board may appoint a temporary town clerk to handle the recall process and
11 election if the town clerk is the elected official subjected to the recall.

12 (c) The town clerk shall, within 7 business days following the date of such filing under
13 subsection (a), certify in writing thereon the number of signatures which are names of voters in
14 the town as of the date of such affidavit was filed with the town clerk.

15 SECTION 3. Upon certification by the town clerk, the clerk shall, within 7 business days,
16 deliver to the voter first named on such affidavit, a sufficient number of copies of petition blanks
17 demanding such recall and shall maintain printed forms to be made available. The blanks shall:
18 (i) be issued by the clerk and bear the clerk's signature and official seal attached thereto; (ii) be
19 dated and addressed to the select board; (iii) contain the name of the person sought to be recalled,
20 the office from which the recall is sought and the grounds of recall as stated in the affidavit; and
21 (iv) demand the election of a successor to such office.

22 A copy of the petition shall be entered in a record book to be kept in the office of the
23 clerk. Said recall petition shall be returned and filed with the clerk within 28 days following the
24 issuance of said petition. If the town hall is not open on the twenty-eight day, the petition may be
25 filed during normal business hours on the next town hall business day. The petition, before being
26 returned and filed, shall be signed by qualified voters of the town equal in number to at least 25
27 per cent of the qualified voters of the town as of the date the affidavit was filed with the clerk.
28 Every signature must be accompanied by the signer's place of residence, giving the street and
29 number. The clerk shall, within 7 business days following the date of such filing, submit the
30 recall petition to the board of registrars of voters. The board of registrars shall, within 5 business
31 days after the receipt, certify in writing thereon the number of signatures which are names of
32 voters in the town as of the date of such affidavit was filed with the clerk. The board shall, upon
33 completion of its certification, return the petition to the clerk.

34 SECTION 4. If the petition shall be found and certified by the board of registrars of
35 voters to be sufficient, the town clerk shall forthwith submit it with the clerk's certificate therein
36 to the select board without delay. The select board shall forthwith give written notice to said
37 elected officer whose recall is being sought of the receipt of said certificate and, if the officer
38 sought to be removed does not resign within 7 calendar days, shall thereupon order a recall
39 election to be held on a day fixed by them not less than 64 days nor more than 90 days after the
40 date of the clerk's certificate that a sufficient petition is filed. However, if any other town
41 election is to occur within 100 days after the date of said certificate, the select board may, at their
42 discretion, postpone the holding of the recall election to the date of such other election. If a
43 vacancy occurs in said office after a recall election has been so ordered, the election shall
44 nevertheless proceed as in this section provided.

45 SECTION 5. The reasons for which a recall may be initiated include but are not limited
46 to:

47 (i) insobriety while performing official functions, involuntary commitment to a mental
48 health facility, being placed under guardianship or conservatorship by a probate court;

49 (ii) conviction of a felony involving moral turpitude, bribery or extortion;

50 (iii) repeated absences from meetings without just cause; provided, however, that "just
51 cause" shall include, but not be limited, to illness or regular vacation periods; and

52 (iv) performance of official acts in an unlawful manner or a willful violation of the
53 conflict of interest law, open meeting law or other ethical violations.

54 SECTION 6. The incumbent shall continue to perform the duties of the office until the
55 recall election. If the official is not recalled, the incumbent shall continue in the office for the
56 remainder of the unexpired term, subject to recall as before, except as provided in this act. If the
57 official is recalled in the recall election, the official shall be deemed removed upon the election
58 of their successor, who shall hold office during the unexpired term. If the successor fails to take
59 office within 5 days after receiving notification of their election, the incumbent shall thereupon
60 be deemed removed and the office vacant.

61 SECTION 7. Ballots used in a recall election shall submit the following propositions in
62 the order indicated:

63 For the recall of (name of official)

64 Against the recall of (name of official)

65 Immediately at the right of each proposition, there shall be an oval above which reads
66 “vote for one”. The voter, by filling in said oval, may vote for either of such propositions. Under
67 the propositions shall appear the word ‘Candidates’ and the direction “vote for one” and beneath
68 this the names of candidates nominated as hereinbefore provided. In case of other forms of
69 balloting, appropriate provisions shall be made to allow the same intent of the voter.

70 If a majority of the votes cast on the recall question is in the affirmative, then the
71 candidate who received the highest number of votes in the special election to fill the vacancy
72 shall be elected. If a majority of votes on the question is in the negative, the ballot for candidates
73 need not be counted.

74 SECTION 8. Any elected official sought to be recalled shall not be a candidate to
75 succeed themselves. The nomination of candidates, the publication of the warrant for the recall
76 election and the conduct of the same shall all be in accordance with the provisions of law relating
77 to elections unless otherwise provided by this act.

78 SECTION 9. Any person who has been removed from an office or who has resigned from
79 office while recall proceedings were pending against them shall not be appointed to any town
80 office within 2 years after such removal or such resignation.

81 SECTION 10. This act shall take effect upon its passage.