

HOUSE No. 4125

The Commonwealth of Massachusetts

PRESENTED BY:

Norman J. Orrall and Michael J. Rodrigues

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 establishing recall methods for elected officials in the town of Lakeville.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>9/14/2023</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>9/14/2023</i>

HOUSE No. 4125

By Representative Orrall of Lakeville and Senator Rodrigues, a joint petition (accompanied by bill, House, No. 4125) of Norman J. Orrall and Michael J. Rodrigues (by vote of the town) relative to establishing recall methods for elected officials in the town of Lakeville. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act establishing recall methods for elected officials in the town of Lakeville.

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. (a) Any holder of an elected office in the town of Lakeville may be recalled
2 therefrom by the registered voters of the town pursuant to this act; provided, however, that
3 members of the Freetown-Lakeville Regional School District committee shall not be considered
4 elected officials for purposes of this act. An initial recall affidavit shall not be filed against an
5 officer within 6 months after the officer takes office or within the last 6 months of their term.

6 (b) An initial recall affidavit signed by at least 5 per cent of the registered voters of the
7 town of Lakeville containing their names and addresses may be filed with the town clerk. That
8 initial recall affidavit shall contain the name of the official sought to be recalled and a statement
9 of the grounds for recall. The town clerk shall immediately forward the recall affidavit to the
10 board of registrars for certification of signatures; provided, however, that if a recall affidavit is
11 filed to recall the town clerk, the select board may appoint a temporary or interim town clerk to
12 carry out the recall process.

13 (c) Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars
14 of voters shall certify the signatures on the initial recall affidavit and, upon certification of a
15 sufficient number of signatures, the town clerk shall deliver to the first 10 signers of the affidavit
16 a formal numbered printed recall petition sheet with the town clerk's official seal and addressed
17 to the select board demanding the recall. The town clerk shall fill out the top portion of each
18 recall petition sheet naming the elected official subject to recall, the grounds for recall stated in
19 the petition and the names of the first 10 voters signing the affidavit and demanding the election
20 of a successor to the office. A copy of the recall petition shall be entered in a record book to be
21 kept in the office of the town clerk.

22 Within 28 days of the date of delivery of the blank recall petition sheets, the registered
23 voters making the initial recall affidavit shall file their recall petition sheets signed by not less
24 than 1,000 registered voters of the town with the town clerk, which shall include the signer's
25 place of residence, including the street and number; provided, however, that if the town clerk's
26 office is not open on the twenty-eighth day, the signed recall petition sheets may be filed during
27 normal business hours on the next town clerk business day.

28 Within 5 working days of receipt, the town clerk shall submit the signed recall petition
29 sheets to the board of registrars of voters, who shall certify thereon the number of signatures that
30 are names of registered voters of the town.

31 (d) If a recall petition submitted pursuant to subsection (c) shall be certified by the
32 registrars of voters to be sufficient, the town clerk shall forthwith submit the petition with the
33 certificate to the select board. The select board shall forthwith give written notice of the receipt
34 of the recall petition to the official who is the subject of the recall and, if the official sought to be

35 removed does not resign within 7 calendar days, then the select board shall order an election to
36 be held on a day fixed by the board not less than 64 days nor more than 90 days after the date on
37 which the select board calls for said election ; provided, however, if any other town election is
38 set to occur within 90 days after the date on which the select board calls for said election, the
39 select board may, at their discretion, postpone the recall election to the date of such other
40 election. If a vacancy occurs in office subject to recall after a recall election has been so ordered,
41 the election shall nevertheless proceed as provided in this section.

42 An official sought to be removed may not be a candidate to succeed themselves in an
43 election to be held to fill the vacancy. The nomination of other candidates, the publication of the
44 warrant for the recall election and the conduct of the nomination and publication shall all be in
45 accordance with the provisions of law relating to elections, unless otherwise provided in this act.

46 Ballots used in a recall election shall contain the following propositions:

47 FOR THE RECALL OF THE

48 [NAME OF OFFICER] ()

49 AGAINST THE RECALL OF THE

50 [NAME OF OFFICER] ()

51 Adjacent to each proposition, there shall be a place to mark a vote. Following the
52 propositions shall appear the word "Candidates" with directions to voters as required by section
53 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of
54 candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a
55 place to mark a vote.

56 (e) The incumbent shall continue to perform the duties of their office until the recall
57 election. If the official is not recalled, the official shall continue in the office for the remainder of
58 the unexpired term, subject to recall as provided in this act.

59 (f) If a majority of the votes cast upon the question of recall are in favor of recall, the
60 officer shall be recalled and the votes for the candidates shall be counted and the candidate
61 receiving the highest number of votes shall be declared elected for the open office. If less than a
62 majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

63 If the official is recalled in the recall election, they shall be deemed removed upon the
64 election of their successor, who shall hold office during the unexpired term. If the successor fails
65 to take office within 5 days after receiving notification of their election, the incumbent shall
66 thereupon be deemed removed and the office shall be deemed vacant.

67 (h) Any person who has been removed from an office or who has resigned from office
68 while recall proceedings were pending against them shall not be appointed to any town office
69 within 2 years after such removal or resignation. In the case of an officer subjected to a recall
70 election and not recalled, a new recall affidavit shall not be filed against that officer until at least
71 1 year after the election at which the previous recall was submitted to the voters of the town.

72 SECTION 2. This act shall take effect upon its passage.