

HOUSE No. 3615

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 relative to the recall of elected officials in the town of Dighton.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Patricia A. Haddad

5th Bristol

Marc R. Pacheco

First Plymouth and Bristol

HOUSE No. 3615

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 3615) of Patricia A. Haddad and Marc R. Pacheco (by vote of the town) that the town of Dighton be authorized to recall elected officials of said town. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the recall of elected officials in the town of Dighton.

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 elective office in the Town of Dighton may be recalled and
2 removed therefrom by qualified voters of the Town as herein provided.

3 Section 2: Twenty Five (25) registered voters of the Town may file with the Town Clerk
4 an affidavit containing the name of the officer sought to be recalled and a statement of the
5 grounds for recall. Once the names that appear on the affidavit are certified by the Board of
6 Registrars of Voters, the Town Clerk shall thereupon deliver to the voter first named on such
7 affidavit a sufficient number of copies of petition blanks demanding such recall. The Petition
8 blanks shall be issued by the Town Clerk with the Town Clerk’s signature and official seal of the
9 Town attached thereto. They shall be dated and addressed to the Board of Selectmen, and shall
10 contain the name of the person to whom they are issued, the number of petition blanks so issued,
11 the name of the person whose recall is sought, the grounds for recall as stated in the affidavit,

12 and shall demand the election of a successor to such office. The affidavit shall be kept with the
13 Town records in the office of the Town Clerk.

14 Section 3: The recall petition shall bear the signatures and residential addresses of at least
15 fifteen percent of registered voters of each precinct eligible to vote in the most recent Town
16 Election. The recall petition shall be returned to the Town Clerk within twenty (20) working
17 days after the Clerk issues the petition. The petitions containing the signatures requesting a
18 recall election need not all be submitted at the same time. A copy of each petition shall be
19 maintained with the records of the subject recall election.

20 Section 4: The Town Clerk shall within one working day of receipt submit the petition to
21 the Registrars of Voters in the Town, and the Registrars shall within seven working days certify
22 thereon the number of signatures which are names of registered eligible voters.

23 Section 5: If the Town Clerk determines that the certified petitions meet the requirements
24 as described in the previous sections, he/she shall give notice without delay, in writing, by
25 certified mail to the elected officer whose recall is sought by sending to said officer a copy of the
26 affidavit and the recall petition form together with notice of the number of qualified voters
27 certified by the Town Clerk who signed the recall petition forms and the total number of
28 qualified voters in the Town as of the most recent town election.

29 If the officer to whom notice is directed by the Town Clerk does not resign the office
30 within five days following receipt of the aforesaid notice from the Town Clerk, the Town Clerk
31 shall give notice in writing to the Board of Selectmen not later than two (2) work days following
32 the expiration of the foregoing five days. The Board of Selectmen shall order a special election
33 to be held not more than ninety days after receipt of the notice from the Town Clerk as aforesaid,

34 and not less than sixty-four days from the date of the order. If, however, any town election is to
35 be held within one-hundred days of receipt by the Board of Selectmen of notice from the Town
36 Clerk, the recall election shall be postponed and shall be held at such time in conjunction with
37 such other election. If a vacancy occurs in the office for any reason after a recall election has
38 been ordered by the Board of Selectmen, the recall election shall nevertheless proceed as
39 provided herein.

40 Section 6: An officer whose recall is sought may be a candidate to succeed
41 himself/herself and, unless he/she requests otherwise in writing to the Town Clerk, said Town
42 Clerk shall place his/her name on the official ballot without nomination. The nomination of
43 other candidate, publication of the warrant for the recall election and conduct of same, shall be in
44 accordance with the provisions of law of the Commonwealth relating to elections, unless
45 otherwise provided in this act.

46 Section 7: The incumbent shall continue to perform the duties of the office until the recall
47 election. If then re-elected he/she shall continue in office for the remainder of his/her unexpired
48 term, subject to recall as before, except as provided in section nine. If not re-elected in the recall
49 election, he/she shall be deemed removed upon qualification of his/her successor who shall hold
50 office for the remainder of the unexpired term. If the successor fails to qualify within seven days
51 after receiving notification of his/her election, the incumbent shall thereupon be deemed
52 removed and the office vacant.

53 Section 8: Ballots used in a recall election shall submit the following propositions in the
54 order indicated:

55 For the recall of (name of officer)

56 Against the recall of (name of officer)

57 Immediately at the right of each proposition there shall be a square in which the voter, by
58 making a cross mark (x), may vote either of the said propositions. Under the propositions shall
59 appear the word “Candidates”, the directions to voters required by section forty-two of chapter
60 forty-four of the General Laws, and beneath this the names of candidates nominated as
61 hereinbefore provided. If the majority of the votes cast upon the question of recall is in the
62 affirmative, the candidate receiving the highest number of votes shall be declared elected. If a
63 majority of votes on the question is in the negative the ballots for candidates shall not be
64 counted.

65 Section 9: No recall shall be filed against an officer of the Town until at least six months
66 after he/she takes office, nor in the case of an officer subjected to a recall election and not
67 removed thereby, until at least six months after the recall election.

68 Section 10: No person who has been recalled from an office in said Town, or who has
69 resigned from office while recall proceedings were pending against him/her, shall be appointed
70 to any Town office within two years after such removal by recall or resignation.

71 Section 11: This act shall take effect upon its passage.