SENATE DOCKET, NO. 2120 FILED ON: 6/24/2015

SENATE . . . . . No. 1953

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

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 East Bridgewater.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Kennedy	*Second Plymouth and Bristol*
Brian A. Joyce	*Norfolk, Bristol and Plymouth*

SENATE DOCKET, NO. 2120 FILED ON: 6/24/2015

SENATE . . . . . No. 1953

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1953) of Thomas P. Kennedy and Brian A. Joyce (by vote of the town)for legislation to provide for recall elections in the town of East Bridgewater. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act providing for recall elections in the town of East Bridgewater.

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

Section 1. Any holder of an elective office in the Town of East Bridgewater may be recalled and removed therefrom by the qualified voters of said town as herein provided.

Section 2. One hundred or more registered voters may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall. Upon certification by the town clerk, the town clerk shall, within two business days, deliver to the voter first named on such affidavit, a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto; they shall be dated and addressed to the board of selectmen; shall contain the name of the person whose recall is sought, the office from which recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition

13 shall be returned and filed with the town clerk within twenty days following the date of issuance
14 of said petition. Said recall petition shall be signed by at least fifteen percent of the registered
15 voters in each precinct in said town, and to every signature shall be added the place of residence
16 of the signer, giving the street and number. The town clerk shall, within two business days
17 following the date such filing, submit the recall petition to the board of registrars of voters, who
18 shall within five business days after the day of receipt, certify in writing thereon the number of
19 signatures which are names of voter in said town as of the date such affidavit was filed with the
20 town clerk. The board of registrars shall, upon completion of its certification, return the petition
21 to the town clerk.

22 Section 3. if the petition shall be found and certified by said town clerk to be sufficient,
23 he shall submit the same with his certificate thereon to said selectmen without delay, and said
24 selectmen shall forthwith give to said elected officer whose recall is being sought, written notice
25 of the receipt of said certificate and shall, if the officer sought to be removed does not resign
26 within five days thereafter, thereupon order a recall election to be held not less than sixty nor
27 more than ninety days after the date of town clerk's certificate that a sufficient petition has been
28 filed; provided however, that if any other town election is to occur within one hundred days after
29 the date of said certificate, the selectmen may, in their discretion postpone the holding of the
30 removal election to the date of such other election. If a vacancy occurs in said office after a
31 recall election has been ordered, the election shall nevertheless proceed as herein provided.

32 Section 4. Any officer sought to be recalled may be a candidate to succeed himself, and
33 unless he requests otherwise in writing, said town clerk shall place his name on the official ballot
34 without nomination. The nomination of other candidates, the publication of the warrant for the

35 recall election, and the conduct of the same, shall all be in accordance with the provision of law
36 relating to election, unless otherwise provided in this act.

37 Section 5. The incumbent shall continue to perform the duties of his office until the
38 recall election. If the recall fails, or if the incumbent is re-elected, he shall continue in the office
39 for the remainder of his unexpired term, subject to recall as before, except as provided in this act.
40 If not re-elected in the recall election, he shall be deemed removed upon the qualification of his
41 successor, who shall hold office during the unexpired term. If the successor fails to qualify
42 within five days after receiving notification of his election, the incumbent shall thereupon be
43 deemed removed and the office vacant.

44 Section 6. Ballots used in a recall election in said town shall submit the following
45 proposition in the order indicated:

46 For the recall of (name of officer) (office held) Against the recall of (name of officer)
47 (office held) Immediately at the right of each proposition there shall be a square in which the
48 voter by making a cross mark (X) may vote for either of such propositions. Just above said
49 squares, there shall appear the direction "Vote for one". Under the proposition shall appear the
50 word "Candidates" and the direction "Vote for one" and beneath this the names of candidates
51 nominated as hereinbefore provided.

52 In case of machine voting or punch card balloting, or other forms of balloting,
53 appropriate provisions shall be made to allow the same intent of the voter.

54 If a majority of the votes cast on the recall question is in the affirmative, then the
55 candidate who received the highest number of votes of the special election to the vacancy shall

be elected. If a majority of the votes cast on the recall question is in the negative, the ballot for candidates to fill the potential vacancy need not be counted.

Section 7. No recall petition shall be filed against an officer of said town within six months after he takes office, nor, in the case of an officer subjected to recall election and not removed thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against that person, shall be appointed to any town office within two years after such removal by recall or resignation.

Section 9. This act shall take effect upon its passage.