SENATE DOCKET, NO. 2027 FILED ON: 7/7/2011

SENATE . . . . . No. 1959

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg

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 Northfield.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stanley C. Rosenberg	*Hampshire and Franklin*
Paul W. Mark	*2nd Berkshire*

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By [SPONSOR PREFIX] [SPONSOR NAME], a petition (accompanied by bill, Senate, No. 1959) of [PETITIONERS LIST] (by vote of the town) for legislation to provide for recall elections in the town of Northfield. [Local Approval Received.] Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

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 Northfield may be recalled and removed therefrom by the registered voters of said town as herein provided, for the reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, or violation of oath.

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 the recall. Upon certification by the board of registrars, the town clerk shall, within two business days, deliver to the voter first named on such affidavit, petition blanks demanding such recall containing space for the signatures of at least five times the number of signatures required below, and may, but need not, provide additional blanks upon request. Petitioners may make exact copies of the petitions, provided that the petitioner shall bear the risk that if any such copies are not exact copies, that the signatures affixed thereto shall not be counted towards the total number of signatures required. 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 shall be returned and filed with the town clerk within twenty days following the date of issuance of said petition. Said recall petition shall be signed by at least twenty percent of the registered voters in said town, and to every signature shall be added the place of residence of the signer, giving the street and number. The town clerk shall, within two business days following the date of such filing, submit the recall petition to the board of registrars of voters, who shall within five business day after the day of receipt, certify in writing theron the number of signatures which are names of voters in said town as of the date such affidavit was filed with the town clerk. The board of registrars shall, upon completion of its certification, return the petition to the town clerk.

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

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself, and unless he requests otherwise in writing, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

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

SECTION 6. Ballots used in a recall election in said town shall submit the following propositions in the order indicated:

For the recall of (name of officer) (office held)

Against the recall of (name of officer) (office held)

There shall be an appropriate place for the voters to vote for either such propositions, and above said propositions, there shall appear the direction “Vote for one.” Under the propositions shall appear the word “Candidates” and the direction “Vote for one” and beneath this the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes shall be elected. If a majority of the votes cast on the recall question is in the negative, the votes cast, for candidates to fill the potential vacancy shall 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 after a recall petition has been filed, shall be appointed to any town office within two years after removal by recall or resignation.

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