

**HOUSE . . . . . No. 4199**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Patricia A. Haddad and Marc R. Pacheco*

*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 authorizing the town of Dighton to recall elected officials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>6/11/2014</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>6/18/2014</i>

**HOUSE . . . . . No. 4199**

By Representative Haddad of Somerset and Senator Pacheco, a joint petition (accompanied by bill, House, No. 4199) of Patricia A. Haddad and Marc R. Pacheco (by vote of the town) that the town of Dighton be authorized to recall certain elected officials. Election Laws. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

An Act authorizing the town of Dighton to recall elected officials.

*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 Dighton may be recalled  
2 and removed therefrom by the qualified voters of said Town as herein provided.

3 Section 2. Any qualified voter of the Town of Dighton may file with the Town Clerk of  
4 said town an affidavit containing the name of the officer sought to be recalled and a statement of  
5 the grounds of recall. Said Town Clerk shall thereupon deliver to the voter making such  
6 affidavit a sufficient number of copies of printed recall petition blanks, a supply of which shall  
7 be kept on hand. The petition blanks shall be issued by the Town Clerk with his/her signature  
8 and official seal attached thereto: They shall be dated and addressed to the selectmen of said  
9 town, they shall contain the name of the person sought to be recalled and the office held by such  
10 person, the grounds of recall as stated in said affidavit, and shall demand the election of a  
11 successor to such office. The affidavit shall be kept in a record book to be kept in the office of  
12 the Town Clerk.

13 The recall petition(s) shall be returned and filed with the Town Clerk not later than three  
14 o'clock p.m. on the twentieth day following the filing of the affidavit and shall be signed by a  
15 minimum of fifteen percent of the registered voters of each precinct in the Town of Dighton,  
16 registered as of the date of the most recent Town Election, and to every signature shall be added  
17 the place of residence of the signer, including the street, number and precinct. The person to  
18 whom the petition forms were issued shall make an affidavit on each page that the statements  
19 therein contained are true and that each signature appended to the petition is the genuine  
20 signature of the person whose name it purports to be. The Town Clerk shall, within one workday

21 following the day of such filing in the office of the Town Clerk, submit the signed petitions to  
22 the Board of Registrars which shall, within five working days, certify in writing thereon the  
23 number of signatures on said petition in each precinct which are names of qualified voters as of  
24 the date of the most recent Town Election. Signatures of persons who registered to vote after the  
25 date of the most recent Town Election shall not be certified. The certified petitions shall be  
26 returned to the Town Clerk by the Board of Registrars as soon as completed, but no later than  
27 three o'clock in the afternoon of the fifth working day following receipt of the petitions.

28 Section 3. If the Town Clerk determines that the certified petitions meet the requirements  
29 as described in the previous sections, he/she shall immediately give notice, in writing, to the  
30 elected officer whose recall is being sought, by sending a certified mail to said officer a copy of  
31 the affidavit and the recall petition form together with a certification as to the number of  
32 signatures certified on the petitions.

33 If the officer sought to be removed does not resign within five days thereafter, the Town  
34 Clerk shall notify the Board of Selectmen without delay, and said Board of Selectmen shall,  
35 within seven working days order an election to be held not less than fifty days nor more than  
36 eighty days after receipt of the Town Clerk's notification, provided, however, that if any other  
37 town election is to occur within sixty days after the date of said notice from the Town Clerk said  
38 Selectmen may, in their discretion, postpone the holding of said election to the date of such other  
39 election.

40 If a vacancy occurs in the office for any reason after a recall election has been ordered by  
41 the Board of Selectmen, the recall election shall nevertheless proceed as provided for herein, but  
42 only the ballots for candidates need to be counted.

43 Section 4. An officer whose recall is sought may be a candidate to succeed  
44 himself/herself and, unless he requests otherwise in writing to the Town Clerk, said Town Clerk  
45 shall place his name on the official ballot without nomination. The nomination of other  
46 candidates, publication of the warrant for the recall election and conduct the same, shall be in  
47 accordance with the provisions of law relating to elections, unless otherwise provided in this act.

48 Section 5. The incumbent shall continue to perform the duties of his office until the  
49 recall election. If then re-elected he shall continue in office for the remainder of his /her  
50 unexpired term, subject to recall as before, except as provided in section seven. If not re-elected  
51 in the recall election, he/she shall be deemed removed upon the qualification of his/her successor  
52 who shall hold office for the remainder of the unexpired term. If the successor fails to qualify  
53 within seven days after receiving notification of his/her election, the incumbent shall thereupon  
54 be deemed removed and the office vacant.

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

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

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

59 Under the proposition shall appear the word “Candidates” and directions to voters as  
60 required by the General Laws regulation elections. Beneath the word “Candidates” shall be the  
61 names of candidates nominated in accordance with the provisions of law relating to elections.  
62 Ballots shall be prepared in the same manner as those provided for Town Elections.

63 Section 7. No recall petition shall be filed against an officer of the town six months after  
64 he/she take office, nor in the case of an officer subjected to a recall election and not removed  
65 thereby, until at least six months after the recall elections.

66 Section 8. No person who has been recalled from an office in said town, or who has  
67 resigned from office while recall proceedings were pending against him/her, shall be appointed  
68 to any office within two years such removal by recall or resignation.

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