

HOUSE No. 556

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Andrews

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 recall elections in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>1/17/2013</i>

HOUSE No. 556

By Ms. Andrews of Orange, a petition (accompanied by bill, House, No. 556) of Denise Andrews relative to recall elections in the Commonwealth. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to recall elections in the Commonwealth.

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. Chapter 50 of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 9. Any holder of an elective office in the commonwealth may be recalled and
4 removed therefrom by the registered voters of political subdivision as herein provided, for the
5 reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, or violation
6 of oath. A number equal to at least 25 per cent of the registered voters who cast ballots in the last
7 preceding election for the office of governor may initiate a recall petition by filing with the
8 secretary of the commonwealth an affidavit containing the name of the officer and the office held
9 whose recall is sought and a statement of the grounds of the recall. Upon certification by the
10 secretary of the commonwealth, the secretary of the commonwealth shall, within two business
11 days, deliver to the voter first named on such affidavit, petition blanks demanding such recall
12 containing space for the signatures of at least 5 times the number of signatures required below,
13 and may, but need not, provide additional blanks upon request.

14 Petitioners may make exact copies of the petitions, provided that the petitioner shall bear
15 the risk that if any such copies are not exact copies, that the signatures affixed thereto shall not
16 be counted towards the total number of signatures required. The blanks shall be issued by the
17 secretary of the commonwealth with the secretary’s signature and official seal attached thereto.
18 The petition shall contain the name of the person whose recall is sought, the office from which
19 recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of
20 a successor to such office. A copy of the petition shall be entered in a record book to be kept in
21 the office of the secretary of the commonwealth.

22 The recall petition shall be returned and filed with the secretary of the commonwealth
23 within 20 days following the date of issuance of said petition. Said recall petition shall be signed
24 by a number equal to at least 25 per cent of the registered voters in said political subdivision
25 having cast ballots in the last preceding election for the office of governor, and to every signature
26 shall be added the place of residence of the signer, giving the street and number. The secretary of
27 the commonwealth shall, within 2 business days following the date of such filing, submit the
28 recall petition to the board of registrars of voters, who shall within 5 business day after the day of
29 receipt, certify in writing thereon the number of signatures which are names of voters in said
30 political subdivision as of the date such affidavit was filed with the secretary of the
31 commonwealth. The board of registrars shall, upon completion of its certification, return the
32 petition to the secretary of the commonwealth.

33 If the petition shall be found and certified by the secretary of the commonwealth to be
34 sufficient, the secretary shall submit the same with the secretary's certificate thereon to said
35 elected officer whose recall is being sought, written notice of the receipt of said certificate and
36 shall, if the officer sought to be removed does not resign within 5 days thereafter, thereupon
37 order a recall election to be held not less than 64 nor more than 90 days after the date the election
38 is called. If a vacancy occurs in said office after a recall election has been ordered, the election
39 shall nevertheless proceed as herein provided.

40 Any officer sought to be recalled may be a candidate to succeed herself or himself, and
41 unless the officer requests otherwise in writing, said town clerk shall place the officer's name on
42 the official ballot without nomination. The nomination of other candidates, the publication of the
43 warrant for the recall election, and the conduct of the same, shall all be in accordance with the
44 provisions of law relating to election, unless otherwise provided in this act.

45 The incumbent shall continue to perform the duties of the office until the recall election.
46 If the recall fails, or if the incumbent is re-elected, the incumbent shall continue in the office for
47 the remainder of the unexpired term. If not re-elected in the recall election, the incumbent shall
48 be deemed removed upon the qualification of the incumbent's successor, who shall hold office
49 during the unexpired term. If the successor fails to qualify within 5 days after receiving
50 notification of his election, the incumbent shall thereupon continue in the office for the
51 remainder of the incumbent's unexpired term.

52 Ballots used in a recall election in said political subdivision shall submit the following
53 propositions in the order indicated:

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

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

56 There shall be an appropriate place for the voters to vote for either such propositions, and
57 above said propositions, there shall appear the direction "Vote for one." Under the propositions

58 shall appear the word “Candidates” and the direction “Vote for one” and beneath this the names
59 of candidates nominated as hereinbefore provided.

60 If a majority of the votes cast on the recall question is in the affirmative, then the
61 candidate who received the highest number of votes shall be elected. If a majority of the votes
62 cast on the recall question is in the negative, the votes cast, for candidates to fill the potential
63 vacancy shall not be counted.

64 No recall petition shall be filed against an officer of said town within 1 year after the
65 officer takes office, nor in the case of an officer subjected to recall election and not removed
66 thereby.

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