SENATE DOCKET, NO. 2018 FILED ON: 3/12/2014

SENATE . . . . . No. 2040

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 Lancaster.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	*Worcester and Middlesex*
Harold P. Naughton, Jr.	*12th Worcester*

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 2040) of Jennifer L. Flanagan and Harold P. Naughton, Jr. (by vote of the town) for legislation to provide for recall elections in the town of Lancaster. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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

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 Lancaster may be recalled from office for any reason by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit signed by at least 50 registered voters of the town containing their names and addresses may be filed with the town clerk. That initial recall affidavit shall contain the name of the officer, the office sought to be recalled and a statement of the grounds for recall. The town clerk shall immediately forward the recall affidavit to the board of registrars for verification of signatures.

SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall fill out the top portion of each recall petition sheet naming the elected official, the grounds for recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk.

The town's registered voters making the initial affidavit shall then have 30 days from the date of delivery of the recall petition sheets in which to file their signed recall petition sheets with the town clerk.

To proceed with the recall election, the town clerk shall receive by said 30-day deadline, the required number of signed recall petition sheets containing the signatures, names and street addresses of at least ten percent (10%) of the registered voters of the town as of the date the signed recall petition sheets are delivered to the town clerk.

Within 5 working days of receipt, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 4. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, it shall be submitted with the certificate of the town clerk to the board of selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given from the selectmen, then the board of selectmen shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called after receipt of the certificate; but, if any other town election is scheduled to occur within 90 days after the date of said certificate, the board of selectmen may postpone the holding of the recall election to the date of such other election and may include the question of recall on the ballot for such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the town clerk shall place his or her name on the 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 law relating to elections, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, he shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be considered removed from office immediately and the office vacant.

SECTION 7. Ballots used in a recall election shall contain the following question: shall (insert name and office) be recalled from office? Immediately at the right of the proposition, there shall be a designated place for voters to vote for or against the proposition.

Following the proposition shall appear the word “Candidates” with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word “Candidates” appears the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In such an instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates need not be counted.

SECTION 8. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term; nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters of the town.

SECTION 9. A person who has been recalled from an office or who has resigned from office while a recall petition was pending against him shall not be appointed to any town office within 2 years after the recall or resignation.