SENATE DOCKET, NO. 2128 FILED ON: 6/29/2015

SENATE . . . . . No. 1957

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 Erving.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stanley C. Rosenberg	*Hampshire, Franklin and Worcester*

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SENATE . . . . . No. 1957

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 1957) of Stanley C. Rosenberg (by vote of the town) for legislation to provide for recall elections in the town of Erving. 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 Erving.

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 Erving may be recalled and removed therefrom by the qualified voters of the same as follows:

Section 2. One hundred or more registered voters may initiative 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 seven 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 the 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

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

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

31 Section 4. Any officer sought to be recalled may be a candidate to success himself, and
32 unless he requests otherwise in writing, said town clerk shall place his name on the official ballot
33 without nomination. The nomination of other candidates, the publication of the warrant for the
34 recall election, and the conduct of the same, shall all be in accordance with the provisions of law
35 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 the 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 proposition in the order indicated: For the recall of (name of officer)(office held) against the recall of (name of officer)(office held) immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either such propositions. Just above said squares, there shall appear the direction “Vote for one”. Under the proposition shall appear the word “Candidates” and the direction “Vote for one” and beneath this the names of candidates nominated as hereinbefore provided. In case of machine voting or punch card balloting, or other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter. If a majority of votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes of the special election to the vacancy shall be elected. If a majority of votes cast on the recall question is in the negative, the ballot for the 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 recalled election and not removed thereby, until at least six months after the election at which his recall was submitted by the voters.

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

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