

HOUSE No. 4476

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 3699). May 7, 2018.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the recall of elected officials in the town of Carlisle.

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 elective office in the town of Carlisle may be recalled and
2 removed from office by qualified voters of the town as provided in this act.

3 SECTION 2. Fifty or more registered voters of the town, eligible to vote in the most
4 recent town election, may file with the town clerk an affidavit containing the name of the officer
5 sought to be recalled and a statement of the grounds for recall. The affidavit shall be kept with
6 the town records in the office of the town clerk. The board of registrars of voters shall certify the
7 number of signatures of qualified voters on the affidavit, and upon certification that the affidavit
8 contains a sufficient number of verified signatures, the town clerk shall thereupon deliver to the
9 voter first named on the affidavit a sufficient number of copies of petition sheets demanding a
10 recall. The petition sheets shall be issued by the town clerk with the town clerk’s signature and
11 official seal of the town attached thereto. The petition sheets shall be dated and addressed to the
12 board of selectmen and shall contain the name of the person to whom the sheets are issued, the
13 number of petition sheets so issued, the name of the person whose recall is sought and the

14 grounds for recall as stated in the affidavit, and shall demand the election of a successor to that
15 office.

16 SECTION 3. The recall petition sheets shall be returned to the town clerk within 20
17 working days after the clerk issues the petition sheets, and shall bear the signatures and
18 residential addresses of at least 200 registered voters eligible to vote in the most recent town
19 election. The petition sheets containing the signatures requesting a recall election need not all be
20 submitted at the same time. A copy of each petition sheet shall be maintained with the records of
21 the subject recall election.

22 SECTION 4. The town clerk shall, within 1 working day of receipt, submit the recall
23 petition sheets to the board of registrars of voters in the town, who shall, within 10 working days,
24 certify thereon the number of signatures which are names of qualified voters.

25 SECTION 5. If the town clerk determines that the certified petition sheets meet the
26 requirements of sections 2 to 4, inclusive, the town clerk shall give notice without delay, in
27 writing, by certified mail to the elected officer whose recall is sought by sending to that officer a
28 copy of the affidavit and the recall petition sheets together with the notice of the number of
29 qualified voters certified by the board of registrars of voters who signed the recall petition sheets
30 and the total number of qualified voters in the town as of the most recent town election.

31 If the officer who receives the recall notice from the town clerk does not resign the office
32 within 5 working days following the receipt of said notice, the town clerk shall give notice of the
33 necessity of a recall election, in writing, to the board of selectmen not later than 2 working days
34 following the expiration of said 5 days. The board of selectmen shall order a special election to
35 be held not less than 64 days and not more than 90 days after receipt of the notice from the town

36 clerk. If, however, any town election is to be held within 100 days of receipt by the board of
37 selectmen of notice from the town clerk, the recall election shall be postponed and shall be held
38 at such time in conjunction with the town election. If a vacancy occurs in the office for any
39 reason after a recall election has been ordered by the board of selectmen, the recall election shall
40 nevertheless proceed as provided in this act.

41 SECTION 6. An officer sought to be recalled shall not be a candidate to succeed
42 themselves. The nomination of other candidates to succeed the officer, publication of the warrant
43 for the recall election, and the conduct of the nomination and publication shall be in accordance
44 with the laws relating to elections, unless otherwise provided in this act.

45 SECTION 7. The incumbent shall continue to perform the duties of the office until the
46 recall election. If the incumbent is not recalled, they shall continue in office for the remainder of
47 the unexpired term, subject to recall as before, except as provided in this act. The incumbent
48 shall be deemed removed upon qualification of a successor, who shall hold office for the
49 remainder of the unexpired term. If the successor fails to qualify within 7 days after receiving
50 notification of the election, the incumbent shall be deemed removed and the office vacant.

51 SECTION 8. Ballots used in a recall election shall submit the following propositions in
52 the order indicated:

53 For the recall of (name of officer)

54 Against the recall of (name of officer).

55 There shall be an appropriate place for the voters to vote for either proposition. Under the
56 propositions shall appear the word "Candidates", the directions to voters required by section 42

57 of chapter 54 of the General Laws, and beneath this the names of candidates nominated as
58 provided in this act. If the majority of the votes cast upon the question of recall are in the
59 affirmative, the candidate receiving the highest number of votes shall be declared elected. If a
60 majority of the votes cast upon the question of recall are in the negative, the ballots for
61 candidates shall not be counted.

62 SECTION 9. A recall petition shall not be filed against any officer of the town until at
63 least 6 months after the officer takes office, or, in the case of an officer subject to a recall
64 election and not removed thereby, until at least 6 months after the election at which the question
65 of recall was submitted to the voters.

66 SECTION 10. An officer who was recalled from an office of the town or who resigned
67 from office while recall proceedings were pending against the officer shall not be appointed to
68 any town office within 2 years after removal by recall or resignation.

69 SECTION 11. This act shall take effect upon its passage.