

SENATE No. 2069

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman, (BY REQUEST)

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 Uxbridge.

PETITION OF:

NAME:

Kevin J. Kuros

DISTRICT/ADDRESS:

8th Worcester

SENATE No. 2069

By Mr. Fattman (by request), a petition (accompanied by bill, Senate, No. 2069) of Kevin J. Kuros (by vote of the town) for legislation to provide for recall elections in the town of Uxbridge. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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

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: The charter of the Town of Uxbridge, as appearing in Article 1 through 7,
2 as amended by the said Town under the provisions of Chapter 43B of the General Laws, is
3 hereby further amended by inserting the following into Article 3, Section 10:

4 Section 10: Recall of Elected Officials

5 (a) Holders of elected offices in the town of Uxbridge described by Article 3, Section 1 of
6 this Town Charter may be recalled from office for any lawful reason by the registered voters of
7 the town as provided in this Act.

8 (b) Using a citizen’s petition form, a petitioner having the signatures of one-hundred
9 (100) or more registered voters may file an initial recall affidavit containing the names and
10 addresses of the signatory registered voters with the Town Clerk. The affidavit shall also contain:
11 (i) the name(s) of the officer(s) whose recall is sought; (ii) the office(s) sought to be recalled; and
12 (iii) a statement of the grounds for recall.

13 (c) Within fourteen (14) days of receipt of the initial recall affidavit, the Registrar of
14 Voters shall certify the signatures on the initial recall affidavit.

15 (d) If the initial recall affidavit is found to contain a sufficient number of signatures, the
16 Town Clerk shall deliver within fourteen (14) days of the certification, to the petitioner who
17 submitted the initial recall affidavit, a formal numbered printed recall petition sheet with the
18 Town's official seal, and addressed to the Board of Selectmen with demand for a recall.

19 (e) The Town Clerk shall fill out the top portion of the recall petition sheet stating the
20 name(s) of the elected official(s), the office(s) of the elected official, the grounds for recall in the
21 petition, and the date the petition is delivered to petitioner. A copy of the recall petition sheet
22 shall be entered in a record book to be kept in the office of the Town Clerk.

23 (f) A copy of the recall petition sheet and the name of the petitioner shall be delivered to
24 the elected official whose recall is sought, on the date the recall petition is delivered to the
25 petitioner.

26 (g) Exact copies of the recall petition sheet may be made for the collection of signatures.

27 (h) The petitioner who filed the initial recall affidavit shall have thirty (30) days from the
28 date of delivery of the recall petition sheet to file the signed recall petition sheets with the Town
29 Clerk, which shall contain the signatures, names and street addresses of at least seventy-five (75)
30 percent of the total number of registered voters who voted at the most recent annual town
31 election.

32 (i) The Registrar of Voters shall within fourteen (14) days certify the number of
33 signatures that are names of registered voters in the town.

34 (j) If a sufficient number of signatures have been certified, the Town Clerk shall certify
35 the recall petition, and without delay, submit the recall petition with the Town Clerk's
36 certification to the Board of Selectmen. The Board of Selectmen shall immediately following
37 their next scheduled meeting, give written notice of the receipt of the certificate, either by hand
38 or by certified mail, return receipt requested, to the person holding an elected office sought to be
39 recalled.

40 (k) If the person holding an elected office does not resign within seven (7) days after
41 receipt of the notice, the Board of Selectmen shall immediately order an election to be held on a
42 date fixed by them not less than sixty (60) days and not more than ninety (90) days after the date
43 of the Selectmen's order; provided, however, that if another town election is scheduled to occur
44 within one-hundred (100) days after the date of the certification, the Board of Selectmen may, at
45 their discretion, hold the recall election on the date of the scheduled town election. If a vacancy
46 occurs in the office after a recall election has been ordered, the election shall proceed as provided
47 in this Act.

48 (l) An officer sought to be removed by recall election may be a candidate to succeed in
49 that office. The nomination of candidates, the publication of the warrant for the recall election
50 and the conduct of the same shall be under the General Laws relating to elections, unless
51 otherwise provided in this Act.

52 (m) The incumbent shall continue to perform the duties of the office until the recall
53 election, unless they resign their position. If the officer is not recalled, the officer shall continue
54 in office for the remainder of the unexpired term subject to recall, except as provided in this Act.

55 If the incumbent is not re-elected in the recall election, the officer shall be considered removed
56 from office immediately.

57 (n) The ballots used in a recall election shall submit the following propositions in the
58 order indicated:

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

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

61 (o) There shall be an appropriate place for the voters to vote for either such propositions,
62 and above said proposition, there shall appear the direction "Vote for one." Under the
63 propositions shall appear the word "Candidates" and directions to voters required by the General
64 Laws, and beneath this, the names of the candidates nominated listed alphabetically as herein
65 provided.

66 (p) On the ballot, the above said propositions shall be provided individually for each
67 officer and office considered in the recall election.

68 (q) If a majority of the votes cast on the recall question is in the affirmative, then the
69 candidate who received the highest number of votes shall be elected to hold office for the
70 remainder of the unexpired term. If a majority of the votes cast on the recall question is in the
71 negative, the votes cast for candidates to fill the potential vacancy shall not be counted.

72 (r) No recall petition shall be filed against an elected officer of the town within three (3)
73 months after an officer takes office. In the case of an elected officer subjected to a recall election
74 and not recalled, a recall petition shall not be filed against that officer until at least twelve (12)
75 months after the election at which the recall was submitted to the voters of the town.

SECTION 2: This Act shall take effect upon its passage.