

HOUSE No. 3634

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe and Eric P. Lesser

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 Longmeadow.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/18/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>1/18/2019</i>

HOUSE No. 3634

By Representative Ashe of Longmeadow and Senator Lesser, a joint petition (accompanied by bill, House, No. 3634) of Brian M. Ashe and Eric P. Lesser (by vote of the town) relative to recall elections in the town of Longmeadow. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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

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. The Home Rule Charter of the Town of Longmeadow as appearing in Articles 1 through 9, as amended by the said Town under the provisions of 43B of the General Laws, is hereby further amended by inserting the following Article 10:

ARTICLE 10

RECALL OF ELECTED OFFICERS

(a) Holders of elected offices in the town of Longmeadow described by Article 3, Sections 3-3, 3-4, 3-5 and 3-6 of this Longmeadow Home Rule Charter may be recalled from office for any lawful reason by the registered voters of the town as provided in this article.

(b) Using a citizen's petition form, a petitioner having the signatures of two hundred or more registered voters may file an initial recall affidavit containing their names and addresses with the Town Clerk. The affidavit shall also contain: (i) the name(s) of the elected officer(s)

whose recall is sought; and (ii) office(s) sought to be recalled; and (iii) a statement of the grounds for recall.

(c) Within 7 days of receipt of the initial recall affidavit, the Town Clerk shall verify the signatures on the initial recall affidavit. If the affidavit is found to contain a sufficient number of signatures, the Town Clerk shall deliver within 14 days of the initial recall affidavit, to the petitioner who submitted the affidavit, a formal numbered printed recall petition sheet with the Town's official seal, and addressed to the select board with demand for recall.

(d) The Town Clerk shall fill out the top portion of each recall petition sheet stating the name(s) of the elected officer(s), the office(s) of the elected officer, the grounds for recall in the petition, and the date the petition is delivered to the first 10 registered voters. A copy of the recall petition shall be entered in a record book to be kept in the office of the Town Clerk.

(e) Exact copies of the petitions may be made for the collection of signatures. A copy of the recall petition and the name of the petitioner shall be delivered to the elected officer(s) whose recall is sought, on the date the recall petition is delivered to the petitioner.

(f) The registered voters that filed the affidavit shall have 45 days from the date of delivery of the recall petition sheets to file the signed recall petition sheets with the Town Clerk, which shall contain the signatures, names and street addresses of at least fifteen percent (15%) of the registered voters in the town including at least 50 registered voters from each precinct.

(g) The Town Clerk shall within 7 days certify the number of signatures that are names of registered voters in the town.

(h) The petition shall also require the select board to hold an election of a successor to the office.

(i) If a sufficient number of signatures have been certified, the Town Clerk shall certify the recall petition, and submit the recall petition with the Town Clerk's certification to the select board without delay. The select board shall immediately give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the person holding an elected office sought to be recalled.

(j) If the person holding an elected office sought to be recalled does not resign within 7 days after receipt of the notice, the select board shall immediately order an election to be held on a date fixed by them not less than 60 days and not more than 90 days after the date of the select board's order; provided, however, that if another town election is scheduled to occur within 100 days after the date of the certification, the select board may, at their discretion, hold the recall election on the date of the scheduled town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this article.

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

(l) The elected officer sought to be removed shall continue to perform the duties of the office until the recall election, unless they resign their position. If the elected officer is not recalled, the elected officer shall continue in office for the remainder of the unexpired term

subject to recall except as provided in this charter. If the elected officer is not re-elected in the recall election, the elected officer shall be considered removed from the office immediately.

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

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

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

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

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

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

q) No recall petition shall be filed against an elected officer of the town within 3 months after an elected officer takes office. In the case of an elected officer subjected to a recall election and not recalled, a recall petition shall not be filed against that elected officer until at least 12 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.