

SENATE No. 2290

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 East Bridgewater.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>

SENATE No. 2290

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 2290) of Walter F. Timilty, Michael D. Brady, Michelle M. DuBois and Alyson M. Sullivan (by vote of the town) for legislation to provide for recall elections in the town of East Bridgewater. 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 East Bridgewater.

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 an elective office in the Town of East Bridgewater may be
2 recalled and removed therefrom by the qualified voters of said town as herein provided.

3 SECTION 2. One hundred or more registered voters may initiate a recall petition by
4 filing with the town clerk and affidavit containing the name of the officer and the office held
5 whose recall is sought and a statement of the grounds of recall. Upon certification by the town
6 clerk, the town clerk shall, within two business days, deliver to the voter first named on such
7 affidavit, a sufficient number of copies of petition blanks demanding such recall. The blanks
8 shall be issued by the town clerk with the town clerk's signature and official seal attached
9 thereto; they shall be dated and addressed to the board of selectmen; shall contain the name of
10 the person whose recall is sought, the office from which recall is sought, the grounds for recall as
11 stated in the affidavit, and shall demand the election of a successor to such office. A copy of the
12 petition shall be entered in a record book to be kept in the office of the town clerk. The recall

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

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

32 SECTION 4. Any officer sought to be recalled bay be a candidate to succeed himself, and
33 unless he requests otherwise in writing, said town clerk shall place his name on the official ballot
34 without nomination. The nomination of other candidates, the publication of the warrant for the

35 recall election, and the conduct of the same, shall all be in accordance with the provision of law
36 relating to election, unless otherwise provided in this act.

37 SECTION 5. The incumbent shall continue to perform the duties of his office until the
38 recall election. If the recall fails, or if the incumbent is re-elected, he shall continue in the office
39 for the remainder of his unexpired term, subject to recall as before, except as provided in this act.
40 If not re-elected in the recall elections, he shall be deemed removed upon the qualification of his
41 successor, who shall hold office during the unexpired term. If the successor fails to qualify
42 within five days after receiving notification of his election, the incumbent shall thereupon be
43 deemed removed and the office vacant.

44 SECTION 6. Ballots used in a recall election in said town shall submit the following
45 proposition in the order indicated:

46 For recall of (name of officer) (office held) Against the recall of (name of officer) (office
47 held)

48 Immediately at the right of each proposition there shall be a square in which the voter by
49 making a cross mark (X) may vote for either of such propositions. Just above said squares, there
50 shall appear the direction "Vote for one". Under the proposition shall appear the word
51 "Candidates" and the direction "Vote for one" and beneath this the names of candidates
52 nominated as hereinbefore provided.

53 In case of machine voting or punch card balloting, or other forms of balloting,
54 appropriate provisions shall be made to allow the same intent of the voter.

55 If a majority of the votes cast on the recall question is in the affirmative, then the
56 candidate who received the highest number of votes of the special election to the vacancy shall
57 be elected. If a majority of the votes cast on the recall question is in the negative, the ballot for
58 candidates to fill the potential vacancy need not be counted.

59 SECTION 7. No recall petition shall be filed against an officer of said town within six
60 months after he takes office, nor, in the case of an officer subjected to recall election and not
61 removed thereby, until at least six months after the election at which his recall was submitted to
62 the voters.

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

66 SECTION 9. This act shall take effect upon its passage.