

SENATE No. 2928

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 amending the charter for the regional government of Barnstable County.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>

SENATE No. 2928

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2928) of Julian Cyr, Sarah K. Peake, Susan L. Moran, Randy Hunt and other members of the General Court (with approval of the Barnstable County Board of Regional Commissioners) for legislation to amend the charter for the regional government of Barnstable County. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act amending the charter for the regional government of Barnstable County.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 163 of the Acts of 1988 is hereby amended by adding the following new
2 section:-

3 Section 7 – 7. Recall of Member of the Board of Regional Commissioners.

4 (a) Recall of a Member of Board of Regional Commissioners elected by the voters - Any
5 member of the Board of Regional Commissioners may be removed from office by the voters of
6 the Cape Cod Regional Government through the recall process described in this Section.

7 (b) Time for Recall - A recall may not commence under this section until a member of
8 the Board of Regional Commissioners has served at least one year of the term of office. A
9 “Petition for a Recall Ballot Question” of any member of the Board of Regional Commissioners,
10 pursuant to this Section, must be filed with the Cape Cod Regional Government Clerk on or

11 before June 30 in the year of the next state election after the commencement of the term of any
12 member of the Board of Regional Commissioners elected by the voters.

13 (c) Grounds for Recall - Grounds for recall for actions during the term of office are:
14 malfeasance, misconduct, neglect of duty, or inability to perform official duties

15 (d) Citizens Request for a Recall - A “Citizen’s Request for a Recall” must be filed with
16 the Cape Cod Regional Government Clerk by filing an Affidavit containing the name of the
17 elected official whose recall is sought and a statement of the grounds for recall. The form and
18 requirements of the Affidavit shall be approved by the Assembly of Delegates.

19 An Affidavit seeking the recall of a Member of the Board of Regional Commissioners
20 shall include the signatures of at least 120 voters with a minimum of 20 each from five different
21 Barnstable County municipalities.

22 When the “Citizens Request for a Recall” is filed, the signatures shall be certified as the
23 names of voters in said municipality by the registrars of voters of the municipalities in which
24 they are collected. The Cape Cod Regional Government Clerk shall determine if the “Citizen’s
25 Request for a Recall” meets the requirements of this Section.

26 (e) Petition for a Recall Ballot Question - Within five business days of receipt of a
27 “Citizens Request for a Recall”, the Cape Cod Regional Government Clerk shall deliver blank
28 “Petition for a Recall Ballot Question” forms to the first ten persons certified by the registrars of
29 voters named on the “Citizens Request for a Recall”. The Cape Cod Regional Government Clerk
30 shall keep these forms available.

31 The blank “Petition for a Recall Ballot Question”:

32 (i) may be completed by printing or typewriting;

33 (ii) shall be addressed to the Assembly of Delegates;

34 (iii) shall contain the names of the ten persons to whom they are issued and the grounds
35 for recall as stated in the affidavit;

36 (iv) shall demand the recall of an elected official; and

37 (v) shall be dated and signed by the Cape Cod Regional Government Clerk.

38 The "Petition for a Recall Ballot Question" form shall be returned to the Cape Cod
39 Regional Government Clerk within 45 days following the date they are issued.

40 A "Petition for a Recall Ballot Question" form seeking to recall a member of the Board of
41 Regional Commissioners shall be signed by at least three (3) percent of the total number of
42 persons registered to vote in Barnstable County as of the date of the most recent state election.

43 (f) Submission of Petitions for a Recall Ballot Question to Registrars and Notification to
44 Cape Cod Regional Government Clerk - The signatories to the Affidavit shall, within five
45 business days following the filing of the "Petition for a Recall Ballot Question", submit the
46 Petitions to the board of registrars of voters in the municipality or municipalities from which
47 collected which boards of registrars shall certify thereon the number of signatures which are the
48 names of voters. Within five (5) days of certification by the board of registrars, the Petitions shall
49 be filed with the Cape Cod Regional Government Clerk.

50 (g) Notification to Municipal Clerks and Official Sought to be Recalled - After the Cape
51 Cod Regional Government Clerk determines that sufficient signatures have been certified to
52 authorize a recall election, the Cape Cod Regional Government Clerk shall provide a written

53 statement to that effect to the Clerk of the municipalities that comprise Barnstable County. The
54 Cape Cod Regional Government Clerk shall simultaneously cause to be served upon the person
55 sought to be recalled a certified copy of the “Petition for a Recall Ballot Question” within ten
56 (10) days after certification of the signatures.

57 (h) Petition for a Recall Ballot Question and Statement - The person sought to be recalled
58 shall have ten (10) days from receipt of notification to file with the Cape Cod Regional
59 Government Clerk a statement of no more than 300 words. After receipt of proof of service upon
60 the person sought to be recalled, the Cape Cod Regional Government Clerk shall prepare a form
61 titled “Petition for a Recall Ballot Question and Statement” which shall include the Petition and a
62 statement from the person sought to be recalled (but only if a statement is provided within the
63 required time period), and shall cause the Petition and any statement to be published on the Cape
64 Cod Regional Government website.

65 (i) Resignation of Official Sought to be Recalled - Following the determination by the
66 Cape Cod Regional Government Clerk that sufficient signatures have been certified by the board
67 of registrars of the municipality(ies) of the Cape Cod Regional Government for the recall of a
68 member of the Board of Regional Commissioners, the person sought to be recalled may provide
69 a written resignation to the Cape Cod Government Regional Clerk within fifteen (15) days of
70 receipt of a certified copy of the Petition as provided herein for. A resignation within the
71 designated period shall be given immediate effect and there shall be no further action taken
72 under this Section.

73 (j) Request to Secretary of the Commonwealth to Place Recall Question on Ballot - If a
74 written resignation by the person sought to be recalled is not received as provided in Section 9,

75 the Cape Cod Regional Government Clerk shall notify the Clerks of the municipalities where the
76 recall is proposed to request the Secretary of the Commonwealth to place the recall question on
77 the ballot on the next state election.

78 (k) Ballot Question - The ballots for a recall election shall include this question:

79 Shall (name of person) be removed from the office of Board of Regional Commissioners
80 by recall?

81 (l) Authorization to Cape Cod Regional Government Clerk - The Cape Cod Regional
82 Government Clerk shall be empowered and authorized to take any actions necessary to comply
83 with the provisions of this enactment with the Clerks of the municipalities that comprise
84 Barnstable County and the Secretary of the Commonwealth.

85 (m) Appointment of Successor to Official Removed from Office - In the event a member
86 of the Board of Regional Commissioners is removed from office in accordance with this Section
87 of the Charter, a successor shall be appointed in accordance with the provisions of Section 3-9 of
88 the Charter.