

HOUSE No. 3699

The Commonwealth of Massachusetts

PRESENTED BY:

Cory Atkins

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

PETITION OF:

NAME:

Cory Atkins

DISTRICT/ADDRESS:

14th Middlesex

HOUSE No. 3699

By Ms. Atkins of Concord, a petition (accompanied by bill, House, No. 3699) of Cory Atkins (by vote of town) that the town of Carlisle be authorized to recall certain elected officials of said town. Election Laws. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4345 OF 2015-2016.]

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 (50) registered voters of the town may file with the town clerk an
4 affidavit containing the name of the officer sought to be recalled and a statement of the grounds
5 for recall. Once the names that appear on the affidavit are certified by the board of registrars of
6 voters, the town clerk shall thereupon deliver to the voter first named on the affidavit as
7 sufficient number of copies of petition blanks demanding a recall. The petition blanks shall be
8 issued by the town clerk with the town clerk’s signature and official seal of the town attached
9 thereto. The petition blanks shall be dated and addressed to the board of selectmen and shall
10 contain the name of the person to whom the blanks are issued, the number of petition blanks so

11 issued, the name of the person whose recall is sought, the grounds for recall as stated in the
12 affidavit and shall demand the election of a successor to that office. The affidavit shall be kept
13 with the town records in the office of the town clerk.

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

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

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

29 If the officer to whom the recall notice is directed by the town clerk does not resign the
30 office within 5 working days following the receipt of the notice from the town clerk, the town
31 clerk shall give notice, in writing, to the board of selectmen not later than 2 working days
32 following the expiration of the foregoing 5 days. The board of selectmen shall order a special

33 election to be held not more than 90 days after receipt of the notice from the town clerk and not
34 less than 64 days from the date of the order. If, however, any town election is to be held within
35 100 days of receipt by the board of selectmen of notice from the town clerk, the recall election
36 shall be postponed and shall be held at such time in conjunction with the town election. If a
37 vacancy occurs in the office for any reason after a recall election has been ordered by the board
38 of selectmen, the recall election shall nevertheless proceed as provided in this act.

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

43 SECTION 7. The incumbent shall continue to perform the duties of the office until the
44 recall election. The incumbent shall be deemed removed upon qualification of a successor, who
45 shall hold office for the remainder of the unexpired term. If the successor fails to qualify within 7
46 days after receiving notification of the election, the incumbent shall be deemed removed and the
47 office vacant.

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

50 For the recall of (name of officer)

51 Against the recall of (name of officer).

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

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

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

63 SECTION 10. A person who was recalled from an office in the town or who resigned
64 from office while recall proceedings were pending against the officer shall not be appointed or
65 elected to any town office within 2 years after removal by recall or resignation.

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