

SENATE No. 2589

Senate, Thursday, July 5, 2018 - New draft (Senator Fattman) to Senate bill provide for recall elections in the town of Uxbridge, (Senate, No. 2069).

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. Article 3 of the charter of the town of Uxbridge, which is on file in the
2 office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by adding the following section:-

4 Section 10: Recall of Elected Officials

5 (a) Application – An official who holds an elected town office and has more than 6
6 months remaining in the official’s term of office may be recalled from the office by the voters in
7 the manner provided in this section.

8 (b) Recall Petitions – A recall affidavit, signed by not less than 50 voters in each of the
9 precincts into which the town is divided, shall be filed with the town clerk and shall contain the
10 name of the official whose recall is sought. The board of registrars of voters shall, not more than
11 7 days after the filing of the affidavit, certify the names of voters whose signatures are affixed to
12 the affidavit. Not more than 7 days after the certification, the town clerk shall issue petition

13 blanks demanding the recall by notifying the 10 voters who have been identified as the lead
14 petitioners or, if no such lead petitioners have been identified, then the first 10 voters named on
15 the affidavit of the availability of the petition blanks . The town clerk shall keep printed petition
16 blank forms available. The petition blanks shall be addressed to the board of selectmen and shall
17 contain the typewritten or printed names of the first 10 voters named on the petition blanks or the
18 10 voters who were otherwise identified as the lead petitioners, as applicable. The petition blanks
19 shall demand the election of a successor to the office and shall be dated and signed by the town
20 clerk by hand or electronically. A copy of the petition blanks shall be entered into the record
21 book to be kept in the office of the town clerk.

22 The recall petitions shall be returned to the office of the town clerk not more than 14 days
23 after the date they are issued and shall be signed by not less than 20 per cent of the qualified
24 voters of the town as of the date that the affidavit was filed with the town clerk . Not more than
25 5 days after the recall petitions have been returned to the office of the town clerk, the town clerk
26 shall submit the petitions to the board of registrars of voters who shall, not more than 5 days after
27 receiving the petitions, certify the names of the voters who signed the petitions.

28 (c) Recall Elections – If the petitions are certified by the board of registrars of
29 voters as having a sufficient number of voter signatures, the town clerk shall immediately submit
30 the petitions and the certification thereof to the board of selectmen. Upon receipt of the certified
31 petitions, the board of selectmen shall immediately give written notice of the petitions to the
32 official whose recall is sought. If the official does not resign from office within 7 days after
33 delivery of the notice, the board of selectmen shall order a special election. The special election
34 shall be held not less than 64 days nor more than 90 days after the election is ordered . If a
35 regular annual town election is to be held not less than 64 days nor more than 90 days after the

36 date of the certification, the recall election shall be held in conjunction with that election and not
37 at a special election. If a vacancy occurs in the position from which the official is being recalled
38 after a recall election has been ordered, the election shall nevertheless proceed as provided in this
39 section.

40 (d) Nomination of Candidates – An official whose recall is sought shall be a candidate to
41 succeed to the same office unless the official requests otherwise. If the official requests
42 otherwise in writing, the town clerk shall place the name of the official on the ballot without
43 nomination. Unless otherwise provided in this section, the nomination of other candidates, the
44 publication of the warrant for the recall election and the conduct of the election shall be in
45 conformity with the laws relating to town elections generally.

46 (e) Propositions on the Ballot –

47 (1) Ballots used at the recall election shall state the proposition in the order
48 indicated:

49 For the recall of (name of official)

50 Against the recall of (name of official)

51 Adjacent to each proposition shall be a place to vote for that proposition.

52 (2) After the propositions shall appear the word “candidates” and the names
53 arranged alphabetically.

54 (3) If a majority of the votes cast is in favor of the recall and not less than 25 per
55 cent of the total number of qualified voters as of the date of the most recent town election have
56 participated in the recall election, the official shall be deemed to be recalled. If the official is

57 recalled, the ballots for candidates shall then be counted and the candidate receiving the highest
58 number of votes shall be declared elected.

59 (f) Officeholder – The official whose recall is sought shall continue to hold office and
60 perform the duties of the office until the recall election. If not then recalled, the official shall
61 continue in office for the remainder of the unexpired term, subject to recall as provided in
62 subsection (g).

63 If the official is recalled, the office shall be deemed vacant upon the certification of the
64 election results and the candidate who receives the highest number of votes shall then serve for
65 the balance of the unexpired term.

66 (g) Repeat of Recall Petition – No recall affidavit shall be filed:

67 (i) against an official within 6 months after taking office; and

68 (ii) in the case of an official previously subject to a recall election and not recalled
69 by such election, until not less than 6 months after the election at which the recall was submitted
70 to the voters.

71 SECTION 2. This act shall take effect upon its passage.