

12-6-17  
A of D

Barnstable County  
In the year Two Thousand Seventeen  
Ordinance 17-~~16~~

to propose an amendment to the Barnstable County Home Rule Charter to provide for a recall procedure for elected county officials.

Now, Therefore The Cape Cod Regional Government, known as Barnstable County, hereby ordains;

The following proposed amendment to the Barnstable County Home Rule Charter be submitted to the General Court as required by Article 9, Section 9.1.

To add to Article 7 the following new Section and related changes;

Current Section Section 7-6 shall be renumbered to 7-7.

A new Section 7-6 shall be inserted as follows;

Section 7-6. Recall of Elected Officials

(a) Any elected officeholders, ~~whether serving all of Barnstable County, or serving the County as a representative of one of the 15 towns, unless within six (6) months of the end of the officeholder's elected term,~~ maybe recalled by the voters as herein provided.

(b) 1000 registered voters of Barnstable County may file with the County Clerk and affidavit containing their names, addresses and signatures, the name of the officer holder to be recalled and a statement of the grounds for recall; provided that at least twenty-five names come from each Town of Barnstable county and that no more than twenty-five percent of names come from any one town.

(c) The County Clerk shall, within three (3) working days of receipt of the affidavit, submit the affidavit to the Registrar of Voters in each town, and the Registrars shall within fourteen (14) days certify thereon the signatures which are names of registered voters. If the affidavit shall be found and certified by the Registrars of Voters to be sufficient, the County Clerk shall thereupon deliver to the first signatory from each town a sufficient numbers of copies of petition blanks demandingg such recall, printed forms which shall be kept available. The blanks when issued shall be signed by the County Clerk and bear the Official Seal. Each petition shall be circulated in and contain the signatures of one Town. The petition blanks shall contain the names of the first signatory of the affidavit from each town. The petitions shall be dated and addressed to the Board of County Commissioners and shall additionally contain the name of the officeholder whose recall is sought, the grounds for recall as stated in the affidavit and shall require the election of a successor to such office.

(d) The recall petition shall bear the signatures and residential addresses of at least fifteen percent (15%) of the registered voters, no more than twenty-five percent (25%) of which shall be from any one town, and shall be returned to the Town Clerks within twentythirty (320) working days after the petition blanks have been issued by the County Clerk. The petitions containing the signatures requesting the recall election need not be submitted at the same time.

(e) The Town Clerks shall within one day of receipt submit the petition to the Registrars of voters in each town, and the registrars shall within fourteen (14) working days certify thereon the number of signatures which are names of registered voters.

(f) The petition and number of certified signatures shall be sent by the Registrars to the County Clerk by the day following the period for verifying signatures. Upon receipt, and certification that a sufficient number of signatures had been obtained, the County Clerk shall submit the petitions along with a certificate of sufficiency to the Board of County Commissioners. ~~If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall submit the same with a certificate so stating to the Board of Selectmen. The Board of Selectmen shall, within three (3) working days, give written notice by registered mail of the receipt of the certificate to the officeholder sought to be recalled. The Board of County Commissioners shall, within three (3) working days, give written notice by registered mail of the receipt of the certificate to the officeholder sought to be recalled.~~

(g) Unless the officeholder shall have resigned within five (5) days thereafter, the Board of County Commissioners shall order a special election to be held on a date fixed by them, which shall be not less than sixty (60) nor more than ninety (90) days after the date of the County Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other general or special election is to occur within ninety (90) days after the date of the certificate, the Board of Selectmen shall postpone the holding of the special election to the date of such other election.

(h) Any officeholder sought to be removed may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of General Law relating to elections, and the election to replace the officeholder sought to be removed shall be held on the same day and on the same ballot as the recall election.

(i) The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. An incumbent having successfully survived a recall election shall not again be subject to recall until six (6) months after such survival. If recalled, the incumbent shall be deemed removed upon the certification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(j) The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed twenty percent (20%) of the registered voters of Barnstable County.

(k) No person, having been removed from office by recall or having resigned from office while recall proceedings were pending against him, shall be appointed to any county office within two (2) years following said removal or resignation.

Sponsors:

Susan Moran- Falmouth  
Edward McManus- Harwich  
John Ohman- Dennis  
Ronald Bergstrom- Chatham  
Brian O'Malley- Provincetown

*Submitted by:*

*C. A. D. 12-6-17*