Thoughts from Commissioner Cabaness to Delegates via email 3-12-18

RECALL INFORMATION AND WORKSHEET

Section 3 – 1. Board of Regional Commissioners.
(a) Composition, Term of Office – The executive powers of the Cape Cod regional government shall be exercised by a board of regional commissioners consisting of three members. Regional commissioners shall be elected for terms of four years each, so arranged that nearly an equal number of such terms as is possible shall be elected at each biennial state election. The provisions of section one hundred fifty-eight of chapter fifty-four of the General Laws shall apply to such elections.

Section 8 – 2. Application of State Election Laws.
Except as is expressly provided in this charter, all elections for Cape Cod regional government offices shall be in conformity with and shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary or primary elections, special elections and regular elections, the submission of propositions to the voters, the counting of votes and the declaration of results.

Section 8 – 3. Nominations.
The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of regional commissioner the nomination papers shall be signed in the aggregate by at least five hundred voters of the county.

Section 9-1 Charter Changes

3rd paragraph.....

Amendments to this charter which relate in any way to the composition, mode of election, or term of office of the legislative body, or the election or appointment or term of office of the chief executive or administrative officer of the Cape Cod regional government shall be proposed to the voters only after the enactment by the state legislature of a special law approving of a petition filed by the assembly of delegates with the approval of the board of regional commissioners.

9-1 my read

The assembly can seek the amendment only after the following procedure.

They vote an Ordinance seeking the Legislations approval and IF approved by legislature the need for voters' approval at state election.

However; the Ordinance needs approval of County Commissioners before can go to legislature

PLEASE, Refer to the above references as to elections and State involvement

Chapter 54 Section 158: County commissioners

Section 158. There shall be chosen by the voters of each of the counties, except Suffolk and Nantucket, at the biennial state election in nineteen hundred and forty, and in every fourth year thereafter, two county commissioners for said county, and at the biennial state election in nineteen hundred and forty-two, and in every fourth year thereafter, one county commissioner for said county, and in addition at each biennial state election such number of county commissioners as may be required to be chosen under section one hundred and forty-four to fill vacancies.

Not more than one of the county commissioners shall be chosen from the same city or town. If two persons residing in the same city or town shall appear to have been chosen to said offices, only the person receiving the larger number of votes shall be declared elected; but if they shall receive an equal number of votes, no person shall be declared elected. If a person residing in a city or town where a county commissioner who is to remain in office also resides, shall appear to have been chosen, he shall not be declared elected. If the person is not declared elected by reason of the above provisions, the person receiving the next highest number of votes for the office, and who resides in another city or town, shall be declared elected.

Chapter 54 Section 144: County commissioners

Section 144. Upon failure to choose a county commissioner, the board of examiners shall forthwith issue precepts to the aldermen of each city and to the selectmen of each town in such county, directing them to call an election to elect such officer on a day appointed therein.

Upon a vacancy by removal or otherwise in the office of county commissioner, the board of examiners shall in like manner issue precepts for an election to fill such vacancy at the next biennial state election for which precepts can be seasonably issued, unless the term of office of the commissioner whose office is so vacant expires on the first Wednesday of January following such election.

Also upon such vacancy, the two remaining county commissioners and the clerk of the courts for the county, or a majority of them, may appoint a person, not a resident of the same town as either of the remaining commissioners, to fill the office of county commissioner until a person is elected thereto and qualified.

Work sheet Recall provision Leo G. Cakounes

Proposal for thought

County Commissioners

Elected for 4 year term at a State Biannual Election

Take office in January of ODD Year

After serving for 10 months, on or after Oct. 1 of the first term year, the petition of recall can be applied for at each of the Towns Clerks office.

A petition shall be required to be issued in each town that elected the County Commissioner.

30% of the votes cast for the individual in each town shall be required to sign a recall petition.

Example;

Harwich cast 300 votes for the individual, 90 signatures are required

Dennis cast 900 votes for the individual, 270 signatures are required

Once the signatures are authenticated by each Town Clerk as to register voters and the correct amount, the papers shall be submitted to the County Clerk.

Submission of recall papers shall be to the County Clerk with Town authorization on or before Feb 1 of year two of the term of the individual to be recalled.

Upon receipt of the Recall paper, the County Clerk shall prepare a petition to the State legislature to include on the next biannual State election the Office of County Commissioner un-expired term of 2 years.

Recall worksheet

Notwithstanding any MGL to the contrary this provision shall not prohibit the person subject to the Recall from running for the unexpired term of two years.

If the person Recalled is defeated on the November at regular scheduled State Election, the winner shall resume the duties of County Commissioners and be sworn in on the first Business day following the election.

The election for the Recalled seat shall run consecutively with the Regular seat that is up for re-election as to the terms and dates for Nomination Papers and Primary Elections.

The Recalled seat shall appear as a separate and distinct seat on the ballot and defined as the Recalled Seat and for the unexpired term of 2 years and 2 months.

RECAP

Election is in Nov. 2018 for term to begin Jan 2019 – 2022

January 1 2019 begin office

July the public unhappy and look at recall provision

After Oct 1 2019, papers become avalible for Recall

Recall papers must be submitted to County Clerk on or before Feb 1 2020

Nov. 2020 a regular State Election and the other County Commissioners seat are already on the ballot for a 4 year term.

After receipt of Recall petition, the County applies for the Recalled Seat to be placed on the Regular state election of 2020 as a Un expired Term.

The public shall follow all the dates and requirements that bare in place for the Biannual election as pertains to a regular County Commissioner seat.

This process is in place already as has been used in event a vacancy during a 4 years term in the first two years.

Reference Charter .... In case of vacancy....

Section 7 – 6. Notice to Secretary of the Commonwealth.

Whenever, pursuant to the provisions of this article relating to initiative and referendum, the assembly of delegates intends that a question is to appear on the state election ballot the regional clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question or questions, and the form in which such question or questions are to appear on such ballots.

Section 8 – 3. Nominations.
The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of regional commissioner the nomination papers shall be signed in the aggregate by at least five hundred voters of the county. Candidates for the office of assembly of delegates shall be by nomination papers signed in the aggregate by at least twenty voters of the municipality from which election is sought. Elections for the office of assembly of delegates shall be non partisan and the names of candidates shall not appear on the ballot at the state primary election. All persons who have filed nomination papers having in the aggregate the names of twenty or more registered voters shall be entitled to have their names appear on the ballot at the general election.
The office of the secretary of the commonwealth shall supply candidates for regional office with nomination papers and shall issue certification of nomination to candidates through the office of the regional clerk.
Every nomination paper for a candidate for assembly delegate shall be submitted to the registrars of voters of the municipality where the signers appear to be voters on or before five o'clock post meridian on the twenty-eighth day preceding the day on which it must be

filed with the regional clerk. Nomination papers shall be filed by the candidate with the regional clerk on or before the eleventh Tuesday preceding the day of election. The regional clerk shall certify a correct list of candidates to the secretary of the commonwealth on or before the tenth Tuesday preceding the day of the election. If the secretary of the commonwealth shall fail to receive said certified list of candidates on or before said date, the names of candidates shall not be printed on the ballot. The regional clerk shall receive the election results from the municipal clerks, shall tabulate the results and shall certify those elected.

If the secretary of the commonwealth cannot accommodate the names of all candidates for Cape Cod regional government office on the ballot in any particular community such officer may, in such cases, prepare a separate ballot for candidates for Cape Cod regional government office.

Section 4 – 1. Elected Officers.

(b) Vacancies – In the event a vacancy shall occur in any office filed by the voters under this section, the board of regional commissioners, subject to the approval of the assembly of delegates, shall appoint a suitable person to serve until the next biennial state election at which time the office shall be filled by the voters for the regular term of years.

Section 3 – 9. Vacancy in Office of Board of Regional Commissioners.

If a vacancy occurs in the office of member of the board of regional commissioners during the term for which a member is chosen, the assembly of delegates shall order the office to be filled at the next regular biennial state election to be held one hundred and twenty or more days following the date such vacancy occurs.

Forthwith when a vacancy in the office of board of regional commissioners occurs, the assembly of delegates shall act to temporarily fill such vacancy by electing some suitable person, not a resident of the same municipality as either of the other members of the board of regional commissioners who remain in office, and who shall serve in such office until a successor is chosen at the next biennial state election. Upon the election of a successor by the voters, such person shall forthwith assume the duties of the office and shall serve as a member of the board of regional commissioners for the period between the election and the organization of the government on the first business day in January following, in addition to the term for which elected.

Nothing in this section shall be deemed to prevent a member of the assembly of delegates from being chosen to serve as temporary member of the regional commissioners or from being a candidate for the office of regional commissioner.

Whenever a member of the assembly of delegates becomes the temporary regional commissioner pursuant to this provision, a vacancy shall be deemed to exist in the assembly of delegates from the municipality such person had represented.