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HOUSE DOCKET, NO. 952 FILED ON: 1/15/2013

HOUSE . . . . . No. 590

The Commonwealth of Massachusetts

PRESENTED BY:

***Randy Hunt*, (BY REQUEST)**

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 to amend the Barnstable County Home Rule Charter by adding a recall provision.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ronald Beaty	*245 Parker Rd West Barnstable, MA 02668*

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HOUSE . . . . . No. 590

By Mr. Hunt of Sandwich (by request), a petition (accompanied by bill, House, No. 590) of Ronald Beaty relative to recall elections in Barnstable County. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to amend the Barnstable County Home Rule Charter by adding a recall provision.

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

The following section amends, by insertion, Article 7 of Chapter 163 of the Acts of 1988 (Barnstable County Home Rule Charter):--

Section 7.7. Recall of County Officers

(1) Application – Any person who holds an elected county office, with more than six months remaining of the term of office at the time of the filing of the application, may be recalled from the office by the voters in the manner provided in this section.

(2) Recall Petitions – If the officer is elected from the county at large, one hundred and fifty or more voters may file with the county clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall; if the officer is elected from any municipality into which the county is divided the signatures on such petitions shall contain the names of at least twenty-five voters from the said municipality. The petitions relating to an officer elected from the county at large shall contain the names of at least twenty-five voters in each of any six municipalities within the county. When submitted to the county clerk the signatures shall bear the certification of the registrars of voters of the municipality in which collected that they are the names of voters in said municipality.

Within seven days following receipt the county clerk shall certify such petitions with regard to the sufficiency and validity and shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding said recall, printed forms of which the county clerk shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the assembly of delegates; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election

22 of a successor to the office; they shall be dated and signed by the county clerk. The recall
23 petitions shall be returned to the office of the county clerk within twenty days following the date
24 they are issued, signed by at least fifteen percent of the total number of persons registered to vote
25 in the county as of the date of the most recent state election if the officer is elected at large and
26 by fifteen percent of the total number of persons registered to vote in the municipality as of the
27 date of the most recent state election if the officer is elected from a municipality.

28 The county clerk shall within three days following such filing, submit the petitions to the
29 board of registrars of voters in the several municipalities from which collected which boards of
30 registrars of voters shall within five days thereafter certify thereon the number of signatures
31 which are the names of voters.

32 (3) Recall Elections – The county clerk shall review the petitions as certified by the
33 registrars of voters of the several municipalities and if the county clerk determines that
34 collectively the petitions are sufficient, the county clerk shall forthwith submit the same with a
35 certificate so stating to the assembly of delegates. Upon its receipt of the certified petition, the
36 assembly of delegates shall forthwith give notice, in writing, of said petition to the officer whose
37 recall is sought. If said officer does not resign from office within five days following delivery of
38 the said notice, the assembly of delegates shall order a special election to be held not less than
39 ninety nor more than one hundred twenty days after the date of the certification of the county
40 clerk that the petition is sufficient; provided, however, if a regular biennial state election is to be
41 held within one hundred fifty days of such certification the recall election shall be held in
42 conjunction therewith and no special election shall be held. If a vacancy occurs in the office after
43 a recall election has been ordered, the election shall nevertheless proceed as provided in this
44 section, but only the ballots for candidates need be counted.

45 (4) Nomination of Candidates – An officer sought to be recalled may not be a candidate
46 to be elected to the same office if the vote on the recall is in the affirmative. The nomination of
47 other candidates, the publication of the warrant for the recall election, and the conduct of the
48 same shall be in conformity with the provisions of law relating to county elections generally,
49 unless otherwise provided in this section.

50 (5) Propositions on the Ballot – Ballots used at the recall election shall state the
51 proposition in the order indicated:

52 For the recall of (name of officer)

53 Against the recall of (name of officer)

54 Adjacent to each proposition shall be a place to vote for either of said propositions. After
55 the said proposition shall appear the words "candidates" and the names of candidates arranged by
56 a lottery drawn by the county clerk. If a majority of the votes cast is in favor of the recall, and
57 provided at least twenty five percent of the total number of voters as of the date of the most

58 recent biennial state election have participated at such recall election, the officer shall be deemed
59 to be recalled and the ballots for candidates shall then be counted and the candidate receiving the
60 highest number of votes shall be declared elected.

61 (6) Officeholder – The incumbent shall continue to hold office and perform the duties
62 until the recall election. If not then recalled, the officer shall continue in office for the remainder
63 of the unexpired term, subject to recall as provided in section (7) below.

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

67 (7) Repeat of Recall Petition – No recall shall be filed against an officer within six
68 months after taking office, or in the case of an officer subjected to a recall election and not
69 recalled thereby, until at least six months after the election at which the recall was submitted to
70 the voters.