

**1-9-20: DRAFT OF ADDITIONAL PROPOSED AMENDMENT  
TO THE BARNSTABLE COUNTY CHARTER REQUESTED  
BY THE SUBCOMMITTEE OF THE ASSEMBLY OF  
DELEGATES ON THE ISSUE OF  
“RECALL”**

This Section provides for the removal from office of any member of the governing legislative or executive branch of the County Government.

1. Any member of the Assembly of Delegates may be removed from office by the voters of the municipality the Delegate represents through the recall process described in this section.
2. Any member of the Board of Regional Commissioners may be removed from office by the voters of the Cape Cod Regional Government through the recall process described in this section.
3. A recall may not commence under this section until a member of the legislative or executive branch of Barnstable County has served at least one year of his or her term of office. A Petition for the Recall of any member of the Assembly of Delegates or Board of Regional Commissioners, pursuant to this Section, must be filed with the Clerk of the Cape Cod Regional Government on or before June 30 in the year of the next state election after the commencement of the term of any member of the Assembly of Delegates or Board of Regional Commissioners.
4. Grounds for recall are:
  - malfeasance
  - misfeasance
  - neglect of duty
  - incompetence
  - permanent inability to perform official duties
  - conviction of a misdemeanor or felony involving moral turpitude
5. Signature Requirement

A Petition for Recall must be filed with the Clerk of the Cape Cod Regional Government.

Signatures must be filed with the Clerk of the Cape Cod Regional Government within ninety (90) days of the filing of the Petition for Recall with the Clerk of the Cape Cod Regional Government.

The Clerk of the Cape Cod Regional Government shall, within five business days of receipt of the filed Petition for Recall, convey the signatures for certification to the Clerk of the Municipality in which the Recall is proposed for a member of the Assembly of Delegates and to the Secretary of the Commonwealth and the Clerk of all of the municipalities comprising the Cape Cod Regional Government for a member of the Board of Regional Commissioners.

6. The signature requirements per the recall is as follows

\_\_\_\_\_ of the registered voters of a municipality for the recall of a member of the Assembly of Delegates.

\_\_\_\_\_ of the registered voters of the municipalities that comprise the Cape Cod Regional Government for the recall of a member of the Board of Regional Commissioners.

7. After the Clerk of the Cape Cod Regional Government determines that sufficient signatures have been certified to authorize a recall election, the Clerk shall provide a written statement to that effect to the Clerk of the municipality or municipalities in which the recall is proposed to take effect. The Cape Cod Regional Government shall simultaneously cause to be served upon the person sought to be recalled a certified copy of the petition for recall within ten (10) days after service. The person sought to be recalled may file with the Clerk of the Cape Cod Regional Government a statement of not more than 300 words.

8. Following the expiration of the ten (10) day period after service of the Petition for Recall, the Clerk of the Cape Cod Regional Government shall prepare a form titled "Recall Petition and Statement" which shall include the statement from the person sought to be recalled (but only if a statement is provided within the required time period) and file the "Recall Petition and Statement" with the Clerk's at the municipalities that comprise the Cape Cod Regional Government and the Secretary of the Commonwealth.

9. Following the determination by the Clerk of the Cape Cod Regional Government that sufficient signatures have been certified by the Clerk of the municipality or municipalities of the Cape Cod Regional Government for the recall of a member of the Assembly of Delegates or Board of Regional Commissioners, the person sought to be recalled may provide a written resignation within ten (10) business days of said determination to the Clerk of the Cape Cod Regional Government.

10. If a written resignation of the person sought to be recalled is not received within the requisite period, the Clerk of the Cape Cod Regional Government shall notify the Clerks of the municipality or municipalities where the recall is proposed to place the question of recall on the ballot on the next state election in the municipalities for which there is a proposal recall of a Member of the Assembly of Delegates or Board of Regional Commissioners.

11. The ballots for a recall election shall include this question:

Shall (name of person) be removed from the office of (office's name) by recall?

12. The Clerk of the Cape Cod Regional Government shall be empowered and authorized to take any actions necessary to comply with the provisions of this enactment with the Clerks of the Municipalities that comprise the Cape Cod Regional Government and the Secretary of the Commonwealth.

13. In the event a member of the Assembly of Delegates or Board of Regional Commissioners is removed from office in accordance with this Section of the Charter, a successor shall be appointed in accordance with the provisions of Section 2-10 and Sections 3-9 of the Charter.