

**RED-LINE**  
**REVISED DRAFT OF 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 elected by the voters.

1. Recall of Member of Assembly of Delegates elected by the voters

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. Recall of Member of Board of Regional Commissioners elected by the voters

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. Time for Recall

A recall may not commence under this section until a member of the Assembly of Delegates or Board of Regional Commissioners has served at least one year of the 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 elected by the voters.

4. Grounds for Recall

Grounds for recall for offenses committed during the term of office are:

-malfeasance including impropriety, misbehavior, misconduct

~~-misfeasance~~

-neglect of duty

~~-incompetence~~

~~-permanent~~ inability to perform official duties

~~-conviction of a misdemeanor or felony involving moral turpitude~~

5. Request for Recall

A Request for Recall must be filed with the Clerk of the Cape Cod Regional Government by the filing of an Affidavit containing the name of the elected official whose recall is sought and a statement of the grounds for recall. The form and requirements of the Affidavit shall be approved by the Assembly of Delegates. If the Affidavit seeks the recall of a Member of the Board of Regional Commissioners, it shall include the signatures of at least ---voters in each of any six municipalities within Barnstable County. If the Request seeks the recall of a Member of the Assembly of Delegates, it shall include the signatures of at least ---voters from the municipality of the Delegate sought to be recalled. When the Request is filed, the signatures shall bear the certification of the registrars of voters of the municipalities in which they are collected that they are the names of voters in said municipality. The Clerk of the Cape Cod Regional Government shall determine if the Request meets the requirements of this Section.

6. Petition for Recall

The Clerk of the Cape Cod Regional Government, within five business days of receipt of a Request for Recall, shall thereupon deliver to the ten persons first named on the Request for Recall, blank petitions demanding said recall on printed forms of which the Regional 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 recall of an elected official; they shall be dated and signed by the Regional Clerk.

The Recall petitions shall be returned to the office of the Regional Clerk within ----- days following the date they are issued, signed by at least \_\_\_percent of the total number of persons registered to vote in Barnstable County as of the date of the most recent state election if Petition seeks to recall a member of the Board of Regional Commissioners and by \_\_\_percent of the total number of persons registered to vote in the municipality as of the date of the most recent state election if the Petition seek to recall a Member of the Assembly of Delegates from that municipality.

7. Submission of Petitions to Registrars and Notification to Regional Clerk

The Regional Clerk shall within five business days following such filing, submit the petitions to the board of registrars of voters in the municipality or municipalities from which collected which boards of registrars shall, within five days thereafter, certify thereon the number of signatures which are the names of voters. The boards of registrars of the municipality or municipalities in which the Recall is proposed shall notify the Cape Cod Government Regional Clerk of the number of signatures certified on the Petitions and return the Petitions to the Regional Clerk.

8. Notification to Municipal Clerks and to the person sought to be recalled

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 shall have five (5) days to file with the Regional Clerk a statement of no more than 300 words.

9. Recall Petition and Statement

After receipt of proof of service upon the person sought to be recalled, the Clerk of the Cape Cod Regional Government shall prepare a form titled “Recall Petition and Statement” which shall include the Petition for Recall and a statement from the person sought to be recalled (but only if a statement is provided within the required time period) and shall cause the Petition and any statement to be published on the Website of the Cape Cod Regional Government.

10. Resignation of Person Sought to be Recalled

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.

11. Request to Secretary of the Commonwealth to place Recall Question on Ballot

If a written resignation of the person sought to be recalled is not received as provided in Section 10, the Clerk of the Cape Cod Regional Government shall notify the Clerks of the municipality or municipalities where the recall is proposed to request the Secretary of the Commonwealth 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.

12. Ballot Question

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?

13. Authorization to Regional Clerk

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.

14. Appointment of Successor to Official Removed from Office

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.