

HOUSE No. 3575

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais

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 providing for recall elections in the town of Conway.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/20/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>1/20/2023</i>

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By Representative Blais of Deerfield, a petition (accompanied by bill, House, No. 3575) of Natalie M. Blais and Paul W. Mark (byvote of the town) that the town of Conway be authorized to provide for recall elections in said town. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act providing for recall elections in the town of Conway.

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

1 SECTION 1. Any holder of an elective town office in the town of Conway may be
2 recalled from office for any reason by the registered voters of the town as provided in this act.

3 SECTION 2. An initial recall affidavit signed by at least 50 registered voters of the town
4 containing the voters’ names and addresses may be filed with the town clerk. The initial recall
5 affidavit shall contain the name of the officer sought to be recalled, the office sought to be
6 recalled and a statement of the grounds for recall. The town clerk shall immediately forward the
7 recall affidavit to the board of registrars of voters for verification of signatures.

8 SECTION 3. The board of registrars of voters shall verify the signatures on the initial
9 recall affidavit within 14 calendar days of receipt of the initial recall affidavit. If the initial recall
10 affidavit is found to contain a sufficient number of verified signatures, the town clerk shall
11 deliver to the first 10 registered voters who signed the affidavit a formal numbered and printed
12 recall petition sheet with the town clerk's official seal and addressed to the Selectboard

13 demanding the recall and the election of a successor to the office. Prior to the delivery of the
14 recall petition sheet, the town clerk shall fill out the top portion of each recall petition sheet
15 naming the elected official sought to be recalled, the grounds for recall stated in the initial recall
16 affidavit, the names of the first 10 registered voters that signed the affidavit and shall demand the
17 election of a successor to the office. A copy of the recall petition shall be entered in a record
18 book to be kept in the office of the town clerk. The 10 registered voters of the town to whom the
19 town clerk delivered recall petition sheets shall have 30 days from the date of delivery of the
20 recall petition sheets in which to file their signed recall petition sheets with the town clerk. To
21 proceed with the recall election, the town clerk shall receive within 30 days from the date of
22 delivery of the recall petition sheets, the required number of signed recall petition sheets
23 containing the signatures, names and street addresses of at least 10 per cent of the registered
24 voters of the town as of the date the signed recall petition sheets are delivered to the town clerk.
25 Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the
26 recall petition sheets to the board of registrars of voters and the board of registrars of voters shall
27 verify the number of signatures which are names of registered voters of the town.

28 SECTION 4. If the total recall petition sheets shall be found and certified by the board of
29 registrars of voters to be sufficient, the certified petition shall be submitted with the certificate of
30 the town clerk to the Selectboard without delay. The Selectboard shall give written notice of the
31 receipt of the certified petition to the officer sought to be recalled. If the officer does not resign
32 within 5 calendar days of the date notice is given by the Selectboard, then the Selectboard shall
33 promptly order an election to be held on a date fixed by them not less than 64 nor more than 90
34 days after receipt of the certified petition; provided, however, that if any other town election is
35 scheduled to occur within 100 days after the date of receipt of the certified petition, the

36 Selectboard may postpone the holding of the recall election to the date of the other election and
37 may include the question of recall on the ballot for that other election. If a vacancy occurs in the
38 office after a recall election has been ordered, the election shall nevertheless proceed as provided
39 in this act.

40 SECTION 5. An officer sought to be recalled may be a candidate to succeed the officer in
41 an election to be held to fill the vacancy. The nomination of all candidates, the publication of the
42 warrant for the recall election and the conduct of the nomination and publication, shall all be in
43 accordance with the law relating to elections, unless otherwise provided in this act.

44 SECTION 6. The incumbent shall continue to perform the duties of the office until the
45 recall election. If the incumbent is not recalled, the incumbent shall continue in office for the
46 remainder of the unexpired term, subject to recall as before, except as provided in this act. If not
47 re-elected in the recall election, the incumbent shall be considered removed from office
48 immediately and the office vacant.

49 SECTION 7. Ballots used in a recall election shall contain the following propositions:

50 FOR THE RECALL OF THE [NAME OF OFFICER] ()

51 AGAINST THE RECALL OF THE [NAME OF OFFICER] ()

52 Adjacent to each proposition, there shall be a place to mark a vote. Following the
53 propositions shall appear the word "Candidates" with directions to voters as required by section
54 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of
55 candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a
56 place to mark a vote. If a majority of the votes cast upon the question of recall are in favor of

57 recall, the officer shall be recalled and the votes for the candidates shall be counted. In that
58 instance, the candidate receiving the highest number of votes shall be declared elected for the
59 open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates
60 shall not be counted.

61 SECTION 8. An initial recall affidavit shall not be filed against an officer within 3
62 months after the officer takes office or within the last 3 months of the term. In the case of an
63 officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed
64 against that officer until at least 3 months have elapsed after the election at which the previous
65 recall was submitted to the voters of the town.

66 SECTION 9. A person who has been recalled from an office or who has resigned from
67 office while a recall petition was pending against them shall not be appointed to any town office
68 within 2 years after the recall or resignation.