

HOUSE No. 3934

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Duffy

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 the recall of elected officials in the city of Holyoke.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>6/28/2021</i>

HOUSE No. 3934

By Ms. Duffy of Holyoke, a petition (accompanied by bill, House, No. 3934) of Patricia A. Duffy (with the approval of the mayor and city council) relative to providing for the recall of elected officials in the city of Holyoke. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act providing for the recall of elected officials in the city of Holyoke.

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 person who holds an elected city office, whose term is four years with
2 more than twelve months remaining of the term of office, may be recalled from the office, by the
3 voters, in the manner provided in this section.

4 (a) Recall Petitions. Two hundred-fifty or more voters may file with the city clerk an
5 affidavit containing the name of the officer whose recall is sought and a statement of the grounds
6 upon which the petition is based not less than twelve months prior to the expiration of the term of
7 office. The names on the affidavit shall be from the city at large. The city clerk shall deliver to
8 the said voters petition blanks demanding said recall, printed forms of which he shall keep
9 available. The blanks may be completed by writing or typewriting; they shall be addressed to the
10 city council; they shall contain the names of the persons who have filed the affidavit and the
11 grounds for recall as stated in the affidavit; they shall demand the election of a successor to the

12 office; and they shall be dated and signed by the city clerk. A copy of the petition shall be kept
13 on file in the office of the city clerk in a record book maintained for that purpose.

14 The recall petitions shall be returned and filed in the office of the city clerk within thirty
15 days following the date the petitions were issued, signed by at least fifteen percent of the total
16 number of persons registered to vote at the preceding city election. The city clerk shall, within
17 twenty-four hours following such filing, submit said petitions to the registrars of voters who shall
18 forthwith certify thereon the number of signatures which are names of voters.

19 (b) Recall Election. If the petition shall be certified by the registrars of voters to be
20 sufficient, the city clerk shall forthwith submit the same to the city council. Upon its receipt of
21 the certified petition, the city council shall forthwith give written notice of said petition and
22 certificate to the person whose recall is sought. If the officer does not resign his office within 10
23 days following delivery of the notice, the city council shall order an election to be held with the
24 subsequently scheduled November election, excluding the November election held during the
25 final year of the officer's term.

26 (c) Nomination of Candidates. An officer whose recall is sought may not be candidate to
27 succeed himself or herself at the recall election. The nomination of candidates, the publication of
28 the warrant for the recall election, and the conduct of the same shall all be in accordance with the
29 provisions of other laws relating to elections, unless otherwise provided in this section.

30 (d) Propositions on Ballot. Ballots used at a recall election shall state the following
31 propositions in the order indicated:

32 For the recall of (name of officer) / /

33 Against the recall of (name of officer) / /

34 Adjacent to each proposition, there shall be a place to vote for either of the said
35 propositions. After the propositions shall appear the word "candidates" and the names of
36 candidates arranged alphabetically by surname. If a majority of the votes cast upon the question
37 of recall is in the affirmative, the candidate receiving the highest number of votes shall be
38 declared elected. If a majority of the votes on the question is in the negative, the ballots for
39 candidates need not be counted, except as provided in (c) above.

40 (e) Officeholder. The incumbent shall continue to perform the duties of his office until
41 the recall election. If he is not recalled in the election he shall continue in office for the
42 remainder of his unexpired term, subject to recall as before, except as provided in this section.

43 If the officer is recalled in the election, he shall be deemed removed upon the
44 qualification of his successor who shall hold office during the unexpired term. If the successor
45 fails to qualify within five days after receiving notification of his election, the incumbent shall
46 thereupon be deemed removed and the office vacant.

47 (f) Repeat of Recall Petition. No recall petition shall be filed against an officer within six
48 months after he takes office, or in the case of an officer subjected to a recall election and not
49 recalled thereby, until after the completion of the current term.

50 SECTION 2. So much of Chapter 438 of the Acts of the year 1896, as appearing in
51 Chapter 189 of the Acts of the year 1992, and any acts in amendment thereof and in addition
52 thereto, as are inconsistent with this act, are hereby repealed.

53 SECTION 3: This act shall be submitted for acceptance to the qualified voters of the City
54 of Holyoke by the City Clerk placing the following question on the official ballot to be used in
55 the City of Holyoke at the regular municipal election to be held in the year 2021:

56 “Shall the City of Holyoke implement a recall process for any elected official whose term
57 exceeds two years, with more than twelve months remaining of the term of office?”

58 If a majority of the votes in answer to said question is in the affirmative, this act shall
59 take effect forthwith.

60 SECTION 4: The city solicitor shall prepare a fair, concise summary and purpose of the
61 law to appear with the question no later than 35 days before the election in accordance with
62 section 58A of chapter 54 of the General Laws.

63 SECTION 5: The General Court may make clerical or editorial changes of form only to
64 the bill, unless the Mayor and City Council approve amendments before enactment by the
65 General Court.

66 The Mayor and City Council are hereby authorized to approve amendments which shall
67 be within the scope of the general public objectives of this petition.

68 SECTION 6: This act shall take effect upon its passage.