

ARTICLE XX: Home Rule Petition – Recall Elections in the Town of Danvers

MOTION: To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation, as set forth below, relating to the establishment of recall election provisions in the Town of Danvers; and, further, to authorize the Select Board to take all actions necessary to accomplish the purposes of this Article; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any other action thereon.

AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF DANVERS

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

Section 1. A person who holds a town wide elected office in the Town of Danvers (select board, school committee, and library trustees), with more than six months remaining in the term of that office on the date of the filing of a recall affidavit, referred to in Section 2, may be recalled from office by the registered voters of the Town of Danvers, in the manner herein provided.

Section 2. Three hundred and fifty or more registered voters of the town may file an affidavit with the town clerk containing the name of the office sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon provide to the voters copies of printed form petition blanks addressed to the respective board demanding the recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition shall be returned and filed in the office of the clerk within 15 business-days following the date upon which the clerk issued such petitions; they shall contain the signature of at least twenty percent of the total number of voters duly recorded on the registration list of the clerk as of the most recent preceding town election.

The clerk shall, within seventy-two hours following the filing, submit the petition to the registrars of voters who shall, within five business-days, certify thereon the number of signatures which in fact are names of voters of the town.

Section 3. If the recall petition shall be certified by the registrars of voters to contain the sufficient number of voters, the town clerk shall forthwith submit the petitions to the respective board. Upon its receipt of the certified petitions, the respective board shall, within seventy-two hours, give notice of the recall petitions and the certification thereon to the person whose recall is being sought.

If the officer sought to be recalled does not resign his or her office, in writing to the town clerk, within five business-days following the delivery of the notice, the select board shall order an election to be held not less than sixty-four days, nor more than ninety days, after the date of certification of the sufficiency of the petition by the registrar of voters; but if another town election is to occur within one-hundred days after the date of the certification, the select board may, at their discretion, postpone the holding of the recall election until the date of such other town election.

If a vacancy occurs in the office after a recall election has been ordered, but prior to the date of the recall election, the election shall not proceed.

Section 4. The publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relative to elections, unless otherwise provided in this act.

Section 5. All ballots used at a recall election shall contain the following propositions in the order indicated.

FOR THE RECALL OF (NAME OF OFFICER) ()

AGAINST THE RECALL OF (NAME OF OFFICER) ()

Adjacent to each proposition, there shall be a place to mark a vote.

Section 6. The incumbent shall continue to perform the duties of his or her office until the recall election is held. If not recalled in the election, the incumbent shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided herein.

If the incumbent officer is recalled, he or she shall be deemed removed from office immediately. The remaining members of his or her respective board, consistent with the Town Manager Act, shall have the power to fill the vacancy until the next annual town election, at which the voters shall elect a successor for the remainder of the unexpired term.

Section 7. A recall petition shall not be filed against an officer within six months of the assumption of his or her office. In the case of an officer who has been subjected to a recall election and was not recalled thereby, a subsequent recall petition shall not be filed against the officer until at least six months after the date of the election at which the initial recall was voted upon.

Section 8. A person who has been recalled from an office or who has resigned from an office while recall proceedings were pending, shall not be appointed to any town office within twelve months after the recall or resignation.

Section 9. This act shall take effect upon its passage.