

Ordered, that The City of Holyoke, through its Honorable City Council and Honorable Mayor hereby petition the Massachusetts General Court to enact Legislation to establish a process for recalling elected officials in the City of Holyoke, and that said Legislation be entitled:

AN ACT PROVIDING FOR THE RECALL OF ELECTED OFFICIALS IN THE CITY OF HOLYOKE

and that said act read as follows:

Section 1. any person who holds an elected city office, whose term is four years with more than twelve months remaining of the term of office, may be recalled from the office, by the voters, in the manner provided in this section.

Recall of Elected Officials

(a)

Recall Petitions. two hundred fifty or more voters may file with the city clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based not less than twelve months prior to the expiration of the term of office. The names on the affidavit shall be from the city at large.

The city clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by writing or typewriting; they shall be addressed to the city council; they shall contain the names of the persons who have filed the affidavit and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the city clerk. A copy of the petition shall be kept on file in the office of the city clerk in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the city clerk within thirty days following the date the petitions were issued, signed by at least fifteen percent of the total number of persons registered to vote at the preceding city election.

The city clerk shall, within twenty-four hours following such filing, submit said petitions to the registrars of voters who shall forthwith certify thereon the number of signatures which are names of voters.

(b)

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

(c)

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

(d)

Propositions on Ballot. Ballots used at a recall election shall state 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 vote for either of the said propositions. After the propositions shall appear the word "candidates" and the names of candidates arranged alphabetically, by surname. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

(e)

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

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

(f)

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

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

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

"Shall the City of Holyoke implement a recall process for any elected official whose term exceeds two years, with more than twelve months remaining of the term of office."

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

Section 4 the City solicitor shall prepare a fair, concise summary and purpose of the law to appear with the question no later than 35 days before the election in accordance with section 58A of Chapter 54 of the General Laws.

Section 5: the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor and City Council approve amendments before enactment by the General Court. The Mayor and City Council are hereby authorized to approve amendments which shall be within the scope of the general public objective of this petition.

Section 6: This act shall take effect upon its passage.