HOUSE DOCKET, NO. 4043 FILED ON: 9/16/2011

HOUSE . . . . . No. 3728

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 passage of the accompanying:

An Act amending the charter of the town of Chelmsford relative to the recall of elected officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*
James Arciero	*2nd Middlesex*
Cory Atkins	*14th Middlesex*
David M. Nangle	*17th Middlesex*
Susan C. Fargo	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 3728

By [SPONSOR PREFIX] [SPONSOR NAME] of [SPONSOR CITY], a petition (accompanied by bill, House, No. 3728) of [PETITIONERS LIST] (by vote of the town) relative to amending the charter of the town of Chelsmford relative to the recall of elected officers. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

An Act amending the charter of the town of Chelmsford relative to the recall of elected officers.

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. Section 3-12 of the charter of the town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Recall Affidavit and Petition.

SECTION 2. Said subsection (b) of said section 3-12 of the charter is hereby further amended by striking out paragraph (i) and inserting in place thereof the following paragraph:-

(i) A recall petition may be initiated by the filing of an affidavit, on a form provided by the town clerk, containing the name of the officer sought to be recalled, appearing as registered on the current voting list prepared under sections 37 and 37A of chapter 51 of the General Laws, and a statement of the grounds for recall. The town clerk shall provide to the person requesting the affidavit form the name of the person whose recall is sought as it appears on the current voting list. Such affidavit shall be signed by at least 25 voters from each of the precincts into which the town is divided for the purpose of electing town meeting members. Signatures shall be collected on a single affidavit form for each precinct; provided, however, that if the affiants wish to collect more signatures than can be accommodated on a single form, an additional form may be requested from the town clerk. Blank affidavit forms shall not be photocopied or otherwise reproduced. The town clerk shall, within 24 hours of receipt, submit the affidavit to the registrars of voters, who shall, within 5 working days, certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. Said subsection (b) of said section 3-12 of the charter is hereby further amended by striking out paragraph (ii) and inserting in place thereof the following paragraph:-

(ii) The town clerk shall, within 5 business days following said certification, make available to the lead petitioner, as designated on the affidavit, copies of petition blanks containing the number of signatures required below, multiplied by 5, demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be issued by the town clerk, with signature and official seal attached thereto. They shall be dated, shall be addressed to the selectmen and shall contain the names of the lead petitioner and the voter first named on each of the precinct affidavits, the number of blanks so issued, the name of the person whose recall is sought appearing as registered on the current voter list, the office from which removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Blank recall petitions shall not be photocopied or reproduced. Said recall petition shall be returned and filed with the town clerk within 20 days after the completion of the copies of the petition blanks, and shall have been signed by at least 15 per cent of the registered voters of the town as of the date of the most recent town election.

The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of voters in the town, and the registrars shall, within 5 working days, certify thereon the number of signatures which are names of registered voters of the town.

SECTION 4. Said section 3-12 of the charter is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Recall Election. If the petition shall be found and certified by the board of registrars to be sufficient, the town clerk shall submit the same with a letter of notice to the selectmen within 5 working days, and the selectmen shall, within 5 working days, give written notice of the receipt of the petition to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, forthwith order an election to be held on a date fixed by them not less than 60 and not more than 90 days after the date the election is called; provided, however, that if any other town election is to occur within 100 days after the date of said certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section and notice shall be provided of the cancellation on the town's website, be posted in such locations as would the warrant for a town meeting, and through whatever other means the board of selectmen deems appropriate.

SECTION 5. Subsection (f) of said section 3-12 of said charter is hereby amended by striking out the words “90 days” and inserting in place thereof the following words:- one year .

SECTION 6. Subsection (g) of said section 3-12 of said charter is hereby amended by striking out the words “ while recall proceedings were pending against such person” and inserting in place thereof the following words:- after the filing of a recall petition under subsection (b)(ii) of section 3-12.

SECTION 7. Said subsection (g) of said section 3-12 of said charter is hereby further amended by striking out the words “one year” and inserting in place thereof the following words:- 2 years

SECTION 8. This act shall take effect upon its passage.