

PROPOSED AMENDMENTS TO:

An Act Relative to the Town of Granby.

ELECTED OFFICIAL RECALL

A. RECALL DESCRIPTION

Any holder of an ~~elected~~**elective** office in the Town of Granby may be recalled therefrom by registered voters of the Town as hereinafter provided. No recall petition shall be filed against an officer within six months after he/she takes office, nor, in the case of an **official officer** subjected to a recall election and not recalled thereby, until at least six months after the election at which his/her recall was submitted to the voters. ~~The recall of an elected official will consist of a 3-step process.~~

B. INITIATION OF THE RECALL AFFADAVIT

~~(Step one)~~ **The Affidavit**

~~Any 100~~**One hundred or more** registered voters of the Town of Granby may initiate a recall petition by filing an affidavit with the Town Clerk. The affidavit shall contain the name of the **official officer and the office held** sought to be recalled and a statement of the grounds of recall.

- (1) The Select Board may appoint a Temporary/ Interim Town Clerk to handle the recall process and Election should the Town Clerk be the Elected official subjected to the recall.

~~The Town Clerk shall, within seven business days following the date of such filing, certify in writing thereon the number of signatures which are names of voters in said town as of the date of such affidavit was filed with the Town Clerk, in accordance with Massachusetts General Laws, as amended.~~

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C. THE PETITION

~~(Step two)~~ **The Petition**

~~If the affidavit process has been completed in compliance with the requirements of Section B of this Chapter, Upon certification by the Town Clerk, the Town Clerk shall, within seven business days, deliver to the voter first named on such affidavit, the Town Clerk shall provide a sufficient number of copies of petition blanks demanding such recall (printed forms of which shall be kept on hand) to the voters who made the affidavit. The blanks shall be issued by the Town Clerk and bear the Town Clerk's signature and Official Seal attached thereto; they shall be dated and addressed to the Select Board and shall contain the names of all persons to whom issued, the number of blanks so issued; shall contain the name of the person sought to be recalled, the office from which the recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. Such blanks must be provided within five Town hall business days during regular business hours. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk on the 28th day within twenty-eight days following the issuance of said petition after the requesting voter receives the blank petitions from the Town Clerk. In the~~

event that the Town hall is not open on the 28th day, the petition may be filed during normal business hours on the next Town hall business day. The petition, before being returned and filed, shall be signed by qualified voters of the Town, equal in number to at least 25 percent of the qualified voters of the Town as of the date the affidavit was filed with the Town Clerk. Every signature must be accompanied by the signer's place of residence, giving the street and number. The Town Clerk shall, within seven business days following the date of such filing, submit the recall petition to the Board of Registrars. The Board of Registrars of Voters shall, within five business days after the receipt, certify in writing thereon the number of signatures which are names of voters in said town as of the date of such affidavit was filed with the Town Clerk, forthwith certify the number of signatures. The Board of Registrars shall, upon completion of its certification, return the petition to the Town Clerk.

D. THE RECALL ELECTION

~~(Step three)-The Recall Election~~

If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit it with ~~the his/her~~ certificate ~~therein~~ to the Select Board ~~without delay~~. The Select Board shall forthwith give written notice to said ~~official-elected officer whose recall is being sought~~ of the receipt of said certificate and, if the ~~official~~ ~~officer~~ sought to be removed does not resign within seven calendar days, shall ~~thereupon~~ order an ~~recall~~ election to be held on a day fixed by them not less than ~~45-sixty-four~~ days nor more than ~~60-ninety~~ days after the date of the Town Clerk's certificate that a sufficient petition is filed. However, if any other Town election is to occur within ~~90-one hundred~~ days after the date of said certificate the Select Board may, at their discretion, 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 so ordered, the election shall nevertheless proceed as in this section provided.

E. STATEMENT OF GROUNDS

The reasons for which a recall may be initiated include but are not limited to:

- (1) Lack of Fitness -insobriety while performing official functions, involuntary commitment to a mental health facility, being placed under guardianship or conservatorship by a probate court.
- (2) Conviction- conviction of a felony involving moral turpitude, conviction or bribery, or extortion.
- (3) Neglect of Duties- repeated absences from meetings without just cause. Just cause shall include, but not be limited, to illness or regular vacation periods.
- (4) Misfeasance - performance of official acts in an unlawful manner, or a willful violation of the conflict of interest law, open meeting law or other ethical violations.

F. DUTIES OF THE INCUMBENT

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

official is recalled in the recall election, he/she shall be deemed removed upon the election of his/her successor, who shall hold office during the unexpired term. If the successor fails to take office within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

G. RECALL ELECTION BALLOT

Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of official)(office held); ~~Against~~ ^aAgainst the recall of (name of official)(office held); ~~Immediately~~ ⁱImmediately at the right of each proposition, there shall be an oval above which reads 'vote for one'. The voter, by filling in said oval, may vote for either of such propositions. Under the propositions shall appear the word 'Candidates,' and the direction "vote for one" and beneath this the names of candidates nominated as hereinbefore provided. In case of other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter.

H. VOTING RESULTS

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of votes on the question is in the negative, the ballot for candidates need not be counted.

I. CANDIDATES TO SUCCEED THE ELECTED OFFICIAL

Any elected official sought to be recalled may not be a candidate to succeed himself/herself. 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 law relating to elections unless otherwise provided by this act.

J. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL

Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within two years after such removal or such resignation.

K. EFFECTIVE DATE

This act shall take effect upon its passage.

The General Court may only make clerical or editorial changes of form to the bill unless the SelectBoard approves amendments to the bill before enactment by the General Court. The SelectBoard is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of the petition.