

Recall Deliberations For Article X-X

Collins Center: Recall is usually included in the charter with the other citizen-initiated actions (e.g., initiative, referendum); in a few charters, recall appears in the elections article. If the charter commissions seeks to keep all citizen-initiated actions in one article, a recall provision would appear in would appear as a section of Article 10.

SECTION X-X: RECALL

(a) Application - **Any holder of an elected office in the city**, with more than 6 months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the city in the manner provided in this section. No recall petition shall be filed against an officer within 6 months after taking office.

Collins Center: Have to determine if any offices will be exempt from recall; as has been noted in conversation at the charter commission's meeting; a 2 year term creates a fairly small window to hold a recall election if the provision exempts some period of time for a recall to be initiated (e.g., first six months of term, final six months of term)

Deliberations:

- **Which elected positions should the recall provision apply to (School Committee, City Council, Mayor)?**
- **If the recall provision applies to all elected positions, should the same process apply for all positions?**
- **Does the recall provision apply to Area Councils?**

b) Recall Petition - A recall petition may be initiated by the filing with the city clerk of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit is signed by at least **500 voters for the office of mayor or councilor-at-large and school committee**. The city clerk, after certifying the signatures, shall thereupon deliver to those voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available.

The blanks shall be issued by the city clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the city council and shall contain the names of all the persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal 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 city clerk. Said recall petition shall be returned and filed with the city clerk within **28 days after the filing of the affidavit, and shall have been signed by at least 15 percent of the voters of the city** for **any elected official**. The city clerk shall submit the petition to the Election Commission and the Commissioner shall, within 5 days, certify thereon the number of signatures which are names of voters.

Deliberations:

- **Is 500 signatures the right threshold to initiate a recall? This is approximately 1% of registered voters in Newton.**
- **If area councils are included, what should the signature threshold be to initiate a recall?**
 - **Brooke and Jane recommend 1% because it is parallel to the 500 signature threshold suggested by the Collins Center**
- **Should the recall provision include a petitioners' committee as is the case with the initiative and referendum provision?**
- **What threshold of signatures should set off a recall election?**
- **How long should the petitioners have to collect signatures to set off a**

(c) Recall Election - If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within 5 days, and **the city council shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a date** fixed by the city council not less than **45 days and not more than 75 days** after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 120 days after the date of the certificate, the city council 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.

Deliberation:

- **Can the Clerk of the City Council act in lieu of the City Council if necessary (if the City Council is not meeting within the**

d) Office Holder - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. **The vacancy created thereby shall be filled under articles 2, 3, 4 and 8 of this charter for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular city election.**

(e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" Yes ___ No ___

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

Collins Center: Other option: hold election to fill vacancy at the same election at which recall is to be voted upon; requires signature collection; certification of signatures, scheduling of election, etc. Seen by some as allowing a candidate to receive only a plurality of votes, as there may be multiple candidates. A higher profile office for a special election (mayor) may draw more voter interest. Also, if the officer whose recall is sought is NOT recalled; there is no need for special election. NOTE: Newton charter proposal already provides for a special election in the case of a vacancy in the office of mayor.

(f) Repeat of Recall - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 270 days after the election at which the officer's recall was submitted to the voters of the city.

(g) Office Holder Recalled - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any city office within 2 years after such recall or such resignation.