

Article 10 – Recall of Elected Officials

Mrs. Kay moves: that the Town request the Board of Selectmen to immediately submit to the State Legislature, the bill as printed on the handout or amended at Town Meeting, to grant registered voters the power to recall elected officials in the Town of Concord.

Article 10 – Recall of Elected Officials

2013 – Board of Selectmen charged the Town Governance Study Committee (TGSC) with evaluating recall.

Recall is a process to remove an elected official prior to completion of his or her term of office.

Approximately 150 Massachusetts communities have recall.

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The 11 member TGSC opposed recall:

- 1. Waiting 3 years is not a long time to wait, to vote someone out of office.**
- 2. One bad elected official cannot hurt a 5 member board.**
- 3. Ethics laws, conflict of interest laws, criminal laws, open meeting laws, and public records laws promote good governance.**

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Waiting up to 3 years is not a long period of time to wait, in order to vote someone out of office. - TGSC

Town Charter has no remedy for dealing with an incapacitated elected official.

Passage of Article 10 would provide that remedy.

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One bad elected official cannot hurt an entire 5 member board. – TGSC

1985 – Concord Board of Selectmen removed a woman elected to the 5 member Concord Housing Authority, in the 3rd year of her 5 year term.

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State laws promote good governance. – TGSC

State Ethics Commission only investigates conflicts of interest and elected officials who might use their offices for financial gain.

There is no state law which could have prevented or remedied the abuse of power in Concord from 1995 to 2000. *Ethical conduct cannot be legislated.*

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In 1995 and 1998, Town Meeting ordered all public school drinking water shall meet state and federal guidelines for dissolved lead.

It Never Happened.

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To comply with federal guidelines, authorities must employ federal water sampling procedures, or lead test results are invalid.

Instead, Concord officials invented their own procedure, yielding lead test results which were false.

Concord's procedure only detected lead in isolated fixtures, rather than fixtures and pipes.

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A Significant Deception

2000 Town Meeting:

Town handout claimed EPA permits children to drink water with up to 60 ppb of lead.

Federal limit = 20 ppb

EPA told Town, in advance of Town Meeting, not to make that false claim.

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Procedure:

- 1. 100 signatures to initiate recall.**
- 2. 30 days to collect signatures of 10% of registered voters.**
- 3. BOS schedules a recall election (60 to 90 days). Candidate nomination papers are submitted.**
- 4. Recall Ballot:**
 - a. Question of recall of elected official.**
 - b. If “yes,” candidate with highest votes serves remainder of unexpired term.**

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“As an alternative to recall, the Committee embraced ...processes...which offer avenues for citizen inquiry and complaints.” - TGSC

The Town Governance Study Committee believes “inquiry” and “complaining” are alternatives to “recall.”

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**Recall is a process of last resort
in the pursuit of good governance
and justice.**

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