

---

---

By Mr. Boudreau of Athol, petition of Harold L. Dower and others (selectmen) (by vote of the town) for legislation to establish representative town government by limited town meetings in the town of Athol. Towns.

---

---

## The Commonwealth of Massachusetts

---

In the Year One Thousand Nine Hundred and Fifty-Four.

---

### AN ACT ESTABLISHING IN THE TOWN OF ATHOL REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Upon the acceptance of this act by  
2 the town of Athol as hereinafter provided, the select-  
3 men and the registrars of voters, acting jointly and  
4 hereinafter referred to as the districting board, shall  
5 forthwith divide the territory thereof into not less  
6 than six nor more than ten voting precincts, each of  
7 which shall be plainly designated. The precincts shall  
8 be so established as to consist of compact and con-  
9 tiguous territory to be bounded as far as possible by  
10 the center line of known streets and ways or by other  
11 well-defined limits. The boundaries shall be reviewed,  
12 and, if need be, wholly or partly revised by the dis-  
13 tricting board in May once in five years, or in May of  
14 any year when so directed by a vote of a representa-  
15 tive town meeting held not later than April twentieth  
16 of that year. The districting board shall, within ten  
17 days after any establishment or revision of the pre-  
18 cincts, file a report of their doings with the town  
19 clerk, the registrars of voters and the assessors, with

20 a map or maps and a description of the precincts.  
21 The districting board shall also cause to be posted in  
22 a suitable place in each precinct a map or maps or  
23 description of the precincts as established or revised  
24 from time to time, or cause the same to be published  
25 in a newspaper published or circulated in the town.  
26 The division of the town into voting precincts and  
27 any revision of such precincts shall take effect upon  
28 the date of the filing of the report thereof by the dis-  
29 tricting board with the town clerk. Whenever the  
30 precincts are established or revised, the town clerk  
31 shall forthwith give notice thereof to the state secre-  
32 tary, stating the number and designation of the pre-  
33 cincts. Meetings of the registered voters of the several  
34 precincts for elections or primaries and for voting on  
35 any question to be submitted to all the registered  
36 voters of the town shall be held simultaneously and  
37 at such place or places within the town as the select-  
38 men shall in the warrant for such meeting direct.  
39 The provisions of the General Laws relating to pre-  
40 cinct voting at elections, so far as the same are not  
41 inconsistent with this act, shall apply to all elections  
42 and primaries in the town upon the establishment of  
43 voting precincts as herein provided.

1 SECTION 2. Other than the officers who may be  
2 designated in the by-laws of the town as town meet-  
3 ing members at large, the representative town meet-  
4 ing membership shall in each precinct consist of the  
5 largest number divisible by three which will admit of  
6 a representation of all precincts by an equal number  
7 of members and which will not cause the total elected  
8 town meeting membership to exceed one hundred and  
9 eighty.

10 The registered voters in every precinct shall, at the  
11 first annual town election held after the establishment  
12 of such precinct, and the registered voters of any  
13 precinct affected by any revision of precincts shall, at  
14 the first annual town election following such revision,

15 conformable to the laws relative to elections not in-  
16 consistent with this act, elect by ballot the number of  
17 registered voters in the precinct, other than the offi-  
18 cers designated in the by-laws as town meeting mem-  
19 bers at large, provided for in the first sentence of this  
20 section, to be town meeting members. The first third,  
21 in the order of votes received, of members so elected  
22 shall serve three years, the second third in such order  
23 shall serve two years, and the remaining third in such  
24 order shall serve one year, from the date of the annual  
25 town election; and thereafter, except as is otherwise  
26 provided herein, at each annual town election the  
27 registered voters of each precinct shall, in like manner  
28 elect for the term of three years, one third of the  
29 number of elected town meeting members to which  
30 such precinct is entitled, and shall at such election fill  
31 for the unexpired term or terms any vacancy or va-  
32 cancies then existing in the number of elected town  
33 meeting members in such precinct. Any tie vote shall  
34 be resolved by the duly elected members of the pre-  
35 cinct in the manner provided in section four for the  
36 filling of vacancies.

37 The terms of office of all elected town meeting mem-  
38 bers from every precinct revised as aforesaid shall  
39 cease upon the election as hereinbefore provided of  
40 their successors. The town clerk shall, after every  
41 election of town meeting members, forthwith notify  
42 each such member by mail of his election.

1 SECTION 3. Nomination of candidates for town  
2 meeting members to be elected under this act shall  
3 be among the registered voters of the precinct. Nomi-  
4 nation papers shall bear no political designation, shall  
5 be signed by not less than ten registered voters of the  
6 precinct in which the candidate resides, and shall be  
7 filed with the town clerk not later than the last day  
8 that nomination papers of candidates for other town  
9 offices must be filed. Any incumbent town meeting  
10 member may become a candidate for re-election by

11 giving written notice thereof to the town clerk not  
12 later than fourteen days prior to the last day and  
13 hour for filing nomination papers. No nomination  
14 paper shall be valid in respect to any candidate unless  
15 his written acceptance is endorsed thereon or attached  
16 thereto when filed.

1 SECTION 4. A town meeting member may resign  
2 by filing a written resignation with the town clerk,  
3 and such resignation shall take effect on the date of  
4 such filing. A town meeting member who removes  
5 from the town shall cease to be a town meeting mem-  
6 ber, and a town meeting member who removes from  
7 the precinct from which he was elected to another  
8 precinct may serve only until the next annual elec-  
9 tion. Notice of any vacancy in the full number of  
10 town meeting members from any precinct shall be  
11 given at once by the town clerk to the remaining  
12 members from that precinct and he shall call a special  
13 meeting of the remaining members not less than five  
14 nor more than fourteen days later, at a time and at  
15 a place within the town to be designated by him, for  
16 the purpose of filling such vacancy until the next  
17 annual town election. At said special meeting a ma-  
18 jority of said remaining members from the precinct  
19 shall constitute a quorum. The choice to fill any  
20 vacancy shall be by ballot, and a plurality of the votes  
21 cast shall be required for a choice. The town clerk  
22 shall count the ballots, make a certificate of the choice,  
23 and notify the person so chosen, and upon receipt by  
24 the town clerk of a written acceptance by the person  
25 so chosen, that person shall be deemed elected and  
26 qualified as a town meeting member, subject to the  
27 right of all the town meeting members to judge of the  
28 election and qualifications of members, as provided in  
29 section five.

1 SECTION 5. The town clerk shall notify the town  
2 meeting members of the time and place at which

3 town meetings are to be held, the notices to be sent  
4 by mail at least seven days before the meeting. The  
5 town meeting members shall be the judges of the  
6 election and qualifications as set forth in this act of  
7 their members. A majority of the town meeting  
8 members shall constitute a quorum for doing business,  
9 but a less number may organize temporarily and may  
10 adjourn from time to time. All town meetings shall  
11 be public. Town meeting members as such shall re-  
12 ceive no compensation. Subject to such conditions  
13 as may be determined from time to time by the mem-  
14 bers of the representative town meeting, any regis-  
15 tered voter of the town, although not a town meeting  
16 member, shall have the right to speak at least once  
17 on any matter coming before any town meeting, but  
18 only elected town meeting members shall vote on  
19 such matters.

1 SECTION 6. It shall be the duty of the chairman of  
2 each board or committee of the town, elected or ap-  
3 pointed, and the head of each department to attend  
4 throughout that part of each town meeting at which  
5 matters other than those to be acted upon and deter-  
6 mined by ballot are to be considered.

1 SECTION 7. The articles in the warrant for every  
2 town meeting, so far as they relate to the election of  
3 town officers and town meeting members, and, as  
4 herein provided, to referenda, and all matters to be  
5 acted upon and determined by ballot shall be so acted  
6 upon and determined by the registered voters of the  
7 town in their respective precincts. All other articles  
8 in the warrant for any town meeting, beginning with  
9 the town meeting at which said town meeting mem-  
10 bers are first elected, shall be acted upon and deter-  
11 mined exclusively by town meeting members at a  
12 meeting to be held at such time and place as shall be  
13 set forth by the selectmen in the warrant for the meet-  
14 ing, subject to the referendum provided for by section  
15 eight hereof.

1 SECTION 8. No vote, except a vote to adjourn or  
2 authorizing the borrowing of money in anticipation of  
3 the receipt of taxes for the current year, passed at  
4 any representative town meeting shall be operative  
5 until the expiration of five days, exclusive of Sundays  
6 and holidays, from the dissolution of the meeting. If  
7 within said five days a petition, signed by not less  
8 than three hundred registered voters in the town,  
9 containing their names and addresses as they appear  
10 on the list of registered voters, is filed with the select-  
11 men, asking that the question or questions involved  
12 in such vote be submitted to the registered voters of  
13 the town at large, then the selectmen, after the ex-  
14 piration of five days, shall forthwith call a special  
15 meeting for the sole purpose of presenting to the  
16 registered voters at large the question or questions so  
17 involved. The polls shall be opened at twelve o'clock  
18 noon and shall be closed at eight o'clock in the evening,  
19 and all votes upon any question so submitted shall  
20 be taken by ballot and the check list used in the  
21 several precinct meetings in the same manner as in  
22 the election of town officers. The questions so sub-  
23 mitted shall be determined by vote of the same pro-  
24 portion of voters at large voting thereon as would  
25 have been required by law of the town meeting mem-  
26 bers, had the question been finally determined at a  
27 representative town meeting. The questions so sub-  
28 mitted shall be stated upon the ballot in substantially  
29 the same language and form in which they were stated  
30 when presented to the representative town meeting  
31 by the moderator and as appears from the records of  
32 said meeting. If such a petition is not filed within  
33 said period of five days, the vote of the representative  
34 town meeting shall become operative and effective at  
35 the expiration of said period.

1 SECTION 9. The town of Athol, after acceptance of  
2 this act, shall have the capacity to act through and  
3 to be bound by its said town meeting members who

4 shall, when convened from time to time, as herein  
5 provided, constitute representative town meetings;  
6 and the representative town meetings shall exercise  
7 exclusively, so far as will conform to the provisions  
8 of this act, all powers vested in the municipal cor-  
9 poration. Action in conformity with all provisions of  
10 law now or hereafter applicable to the transaction of  
11 town affairs in town meetings shall, when taken by  
12 any representative town meeting in accordance with  
13 the provisions of this act, have the same force and  
14 effect as if such action had been taken in a town meet-  
15 ing, open to all the voters of the town as heretofore  
16 organized and conducted.

1 SECTION 10. This act shall be submitted to the  
2 registered voters of the town of Athol at the biennial  
3 state election in the year nineteen hundred and fifty-  
4 four. The vote shall be taken by ballot in accordance  
5 with the provisions of the General Laws, so far as  
6 the same shall be applicable, in answer to the ques-  
7 tion, which shall be placed upon the ballot to be used  
8 in said town for the election of state officers: — “Shall  
9 an act passed by the General Court in the year nine-  
10 teen hundred and fifty-four, entitled ‘An Act estab-  
11 lishing in the town of Athol representative town gov-  
12 ernment by limited town meetings’, be accepted by  
13 this town?” The provisions of this act shall take  
14 effect upon its acceptance by a majority of the voters  
15 voting on the question.

1 SECTION 11. If this act is not accepted by the  
2 registered voters of the town of Athol when submitted  
3 to said voters under section ten, it shall again be sub-  
4 mitted for acceptance in like manner from time to  
5 time to such voters at any annual town election in  
6 said town within five years thereafter, upon a petition  
7 signed by at least ten registered voters of the town.

