

ACTS, 1982. - Chap. 163.

Chap. 163. AN ACT PROVIDING FOR RECALL ELECTIONS
IN THE TOWN OF SUTTON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective town office may be recalled therefrom by the registered voters of the town of Sutton as herein provided by this act.

SECTION 2. (a) A recall affidavit shall contain the grounds for recall and shall contain the signatures of registered voters with at least fifty signatures from each of the three precincts. The town clerk of said town, within five working days from the day that such affidavit is returned, shall issue the recall petitions. The petitions shall be numbered and shall be issued by said town clerk with his signature and official seal attached thereto. The petitions shall be dated, shall be addressed to the selectmen of said town, and shall contain the names of all persons to whom they are issued, the name of the person whose recall 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.

(b) Such petitions shall contain the signatures of qualified voters equal in number to at least fifty per cent of those who voted in the last annual town election.

(c) Such petitions shall be returned to the town clerk within fourteen calendar days.

(d) Upon receipt of such petitions, the town clerk shall have twenty-four hours, excluding Saturdays, Sundays, and holidays, to submit such petitions to the registrars of voters.

(e) The registrars shall certify the signatures within five working days.

If such petition shall be found and certified by the town clerk to be sufficient, he shall submit the same to the selectmen of said town with his certificate without delay. Said selectmen shall give written notice to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition has been filed; however, if an annual town election is to occur within sixty days after the date of the certificate, said 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 proceed as provided. If, within the

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five days, the officer resigns, said selectmen shall follow the town by-law and fill the office with an appointment.

SECTION 3. Any officer sought to be removed may be a candidate to succeed himself unless he requests otherwise in writing and the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections.

SECTION 4. The incumbent shall continue to hold office until the recall election. If then re-elected, he shall continue in office until the term expires, subject to recall except as provided in section six. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor failed to qualify within five days after receiving notification of his election, the incumbent shall be removed and the office declared vacant.

SECTION 5. Ballots used in a removal election shall submit the following propositions in the order indicated:

For the removal of (name of officer).

Against the removal of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided.

A majority vote of the voters to recall such elective officer shall not be effective unless a total of at least fifty per cent of the electors entitled to vote on the question shall have voted.

If a majority of votes on the question is in the negative, the ballots for candidates need not be counted. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

SECTION 6. No recall petition shall be circulated against an officer within three months after he takes office, nor, in the case of an officer subjected to recall and not recalled, until at least three months after the election at which his recall was submitted to the voters has elapsed.

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SECTION 7. No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such recall or resignation.

SECTION 8. This act shall be submitted for acceptance to the voters of the town of Sutton at the next annual town election, in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said election:- "Shall an act passed by the general court in the year nineteen hundred and eighty-two, entitled 'An Act providing for recall elections in the town of Sutton', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take full effect, but not otherwise.

SECTION 9. The town of Sutton may revoke its acceptance of this act by a majority vote at an annual town election.

Approved June 22, 1982.

Chap. 164. AN ACT DESIGNATING THE MENTAL HEALTH CENTER IN THE CITY OF SPRINGFIELD AS THE JOSE N. GANDARA MENTAL HEALTH CENTER.

Be it enacted, etc., as follows:

The mental health center in the city of Springfield, shall be designated and known as the Jose N. Gandara Mental Health Center, in honor of Jose N. Gandara, a Puerto Rican born physician who devoted his life to the humanitarian concerns of the Puerto Rican community. A suitable marker bearing said designation shall be attached thereto by the department of mental health.

Approved June 22, 1982.

Chap. 165. AN ACT EXEMPTING SANDRA SANFACON FROM CERTAIN PROVISIONS RELATIVE TO THE LICENSING OF SOCIAL WORKERS.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regula-