

SENATE No. 301

By Mr. White, petition (accompanied by bill, Senate, No. 301) of W. Paul White, M. Joseph Manning and William C. Galvin (by vote of the town) for legislation to provide for recall elections in the town of Randolph. Election Laws. [Local approval received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF RANDOLPH.

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. Any holder of elective office may be recalled
2 therefrom by the registered voters of the Town of Randolph as
3 herein provided.

1 SECTION 2. Any five (5) hundred registered voters of the
2 Town of Randolph may file with the town clerk of said town an
3 affidavit containing the name of the officer sought to be recalled
4 and a statement of the grounds for recall. Said town clerk shall,
5 within five days, certify thereon the number of signatures which
6 are names of registered voters of the town. The town clerk shall
7 upon certification deliver to said voters making the affidavit
8 copies of petition blanks demanding such recall, copies of which
9 shall be kept available. The blanks shall be issued by the town
10 clerk with the clerk's signature and official seal attached thereto.
11 They shall be dated, shall be addressed to the board of selectmen
12 and shall contain the names of all persons to whom they are issued,
13 the name of the person whose recall is sought, the grounds of recall
14 as stated in the affidavit, and shall demand the election of a
15 successor to said office. A copy of the petition shall be entered
16 in a record book to be kept in the office of the town clerk. The
17 recall petition shall be returned and filed with the town clerk

18 within twenty-one days after the certification of the affidavit and
19 shall have been signed by at least twenty percent of the registered
20 voters of the town who shall add to their signatures the street and
21 number, if any, of their residences.

22 The town clerk shall, within twenty-four hours of receipt,
23 submit the petition to the registrars of voters in the town and the
24 registrars shall, within fourteen days, certify thereon the number
25 of signatures which are names of registered voters of the town.

1 SECTION 3. If the petition shall be found and certified by the
2 town clerk to be sufficient, he shall submit the same with his
3 certificate to the board of selectmen without delay, and said board
4 shall, within seven days, give written notice of the receipt of the
5 certificate to the officer sought to be recalled and shall, if the
6 officer does not resign within five days thereafter, order an election
7 to be held on a date fixed by them not less than sixty nor more
8 than ninety days after the date of the town clerk's certification
9 that a sufficient petition has been filed; provided, however, that
10 if any other town election is to occur within one hundred days
11 after date of certification, the board of selectmen shall postpone
12 the holding of the recall election to the date of such other election.
13 If a vacancy occurs in said office after a recall election has been
14 ordered, the election shall nevertheless proceed as provided in this
15 section.

1 SECTION 4. An officer sought to be removed may be a
2 candidate to succeed himself and, unless the officer requests
3 otherwise in writing, the town clerk shall place his name on the
4 ballot without nomination. The nomination of other candidates,
5 the publication of the warrant for the removal election, and the
6 conduct of the same, shall all be in accordance with the provisions
7 of law relating to elections, unless otherwise provided in this act.

1 SECTION 5. The incumbent shall continue to perform the
2 duties of office until the recall election. If then re-elected, he shall
3 continue in office for the remainder of the unexpired term, subject
4 to recall as before, except as provided in this act. If not re-elected
5 in the recall election, the officer shall be deemed removed upon
6 the qualification of his successor who shall hold office during the

7 unexpired term. If the successor fails to qualify within 5 days after
8 receiving notification of his election, the incumbent shall
9 thereupon be deemed removed and the office vacant.

1 SECTION 6. Ballots used in a recall election shall submit the
2 following proposition in the order indicated:

3 For the recall of (name of officer)

4 Against the recall of (name of officer)

5 Immediately at the right of each proposition there shall be a
6 square in which the voter, by making a cross mark (X), may vote
7 for either of the said propositions. Under the proposition there
8 shall appear the word "Candidates," the directions to voters
9 required by section forty-two of chapter fifty-four of the General
10 Laws, and beneath this the names of candidates nominated as
11 hereinbefore provided. If a majority of the votes cast upon the
12 questions of recall is in the affirmative, the candidate receiving
13 the highest number of votes shall be declared elected. If a majority
14 of votes on the question is in the negative, the ballots for
15 candidates need not be counted.

1 SECTION 7. No recall affidavit shall be filed against an officer
2 within six months after he takes office, nor, in the case of an officer
3 subject to a recall election and recalled thereby, until at least six
4 months after the election at which his recall was submitted to the
5 voters.

