

HOUSE No. 1273

Accompanying the petition of William L. Stedman for the establishment in the town of Methuen of precinct voting, representative town meetings, town meeting members, a referendum and an annual moderator. Towns. March 1.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-One.

AN ACT

To provide for Precinct Voting, Representative Town Meetings, Town Meeting Members, a Referendum and an Annual Moderator in the Town of Methuen.

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 the
2 town of Methuen, as hereinafter provided, the selectmen
3 of the town shall forthwith divide the territory thereof
4 into not less than five nor more than nine voting pre-
5 cincts, each of which shall be plainly designated, and shall
6 contain not less than three hundred nor more than three
7 thousand voters. The precincts shall be so established as
8 to consist of compact and contiguous territory, to be
9 bounded, as far as possible, by the center line of known
10 streets and ways and by other well-defined limits. Their

11 boundaries shall be reviewed and, if need be, wholly or
12 partly revised by the selectmen, in January, once in five
13 years, or in January of any year when directed by a vote
14 of the town meeting. The selectmen shall, within ten
15 days after any establishment or revision of the precincts,
16 file a report of their doings with the town clerk, the
17 registrars of voters and the assessors, with a map or maps
18 or description of the precincts and the names and resi-
19 dences of the voters therein. The selectmen shall also
20 cause to be posted in the town hall a map or maps or
21 description of the precincts as established or revised from
22 time to time, with the names and residences of the voters
23 therein; and they shall also cause to be posted in at least
24 three public places in each precinct a map or description
25 of that precinct with the names and residences of the
26 voters therein. The division of the town into voting
27 precincts and any revision of such precincts shall take
28 effect upon the date of the filing of the report thereof by
29 the selectmen with the town clerk. Whenever the pre-
30 cincts are established or revised, the town clerk shall
31 forthwith give written notice thereof to the secretary of
32 the commonwealth, stating the number and designation
33 of the precincts. The provisions of chapter eight hundred
34 and thirty-five of the acts of nineteen hundred and
35 thirteen, and any amendments thereof, relating to precinct
36 voting at elections, so far as the same are not inconsistent
37 with this act, shall apply to all elections and primaries in
38 the town upon the establishment of voting precincts as
39 hereinbefore provided.

1 SECTION 2. The voters in every precinct shall, at the
2 first annual town election held after the establishment of
3 the precincts and at the first annual town election follow-
4 ing any precinct revision and conformably to the laws

5 relative to elections not inconsistent with this act, elect
6 by ballot the largest number which is divisible by three
7 and which will not exceed two per cent of the voters in
8 the precinct, and also elect fifteen others to be town meet-
9 ing members at large to be voted for in all the voting
10 precincts of the town, other than the officers designated
11 in section three of this act as town meeting members at
12 large, such elected voters to be town meeting members of
13 the town, one third of whom shall be elected for the
14 term of one year, one third for the term of two years and
15 one third for the term of three years from the day of the
16 annual town meeting, and thereafter, except as otherwise
17 provided herein at each annual town election the voters
18 of each precinct shall, in like manner, elect the largest
19 number which will not exceed two thirds of one per cent
20 of their number to be town meeting members of the town
21 for the term of three years, and five town meeting mem-
22 bers at large shall be elected for the term of three years
23 to be voted for in all voting precincts of the town, and
24 shall at such election fill for the unexpired term or terms
25 any vacancies then existing in the number of town meet-
26 ing members or of town meeting members at large in
27 their respective precincts. The number of town meeting
28 members to be elected in any year from each precinct
29 shall be based on the number of registered voters in the
30 precinct as of the first day of January prior to the
31 annual town election. Upon every revision of the pre-
32 cincts, or of any of them, the terms of office of all town
33 meeting members from every such revised precinct shall
34 cease upon the election of their successors, and at the
35 first ensuing annual town election there shall be an en-
36 tirely new election of town meeting members in every
37 precinct so revised, as well as in any new precinct or
38 precincts established. The town clerk shall, after every

39 election of town meeting members, forthwith notify each
40 member by mail of his election.

1 SECTION 3. Any town meeting held under the pro-
2 visions of this act, except as otherwise provided herein,
3 shall, at and after the first annual election held under this
4 act, be limited to the voters elected under section two
5 together with the following, designated as town meeting
6 members at large; namely, any member of the general
7 court of the commonwealth from the town, the modera-
8 tor, the town clerk, the chairman of the selectmen, the
9 chairman of the school committee, and the chairman of
10 the trustees of the Nevins' Memorial. The town clerk
11 shall notify the town meeting members of the time and
12 place at which town meetings are to be held, the notices
13 to be sent by mail at least seven days before the meeting.
14 The town meeting members as aforesaid shall be the
15 judges of the election and qualification of their members.
16 A majority of the town meeting members shall constitute
17 a quorum for doing business; but a less number may
18 organize temporarily and may adjourn from time to time.
19 Notice of every adjourned town meeting shall be posted
20 by the town clerk in ten or more public places in the
21 town, and he shall notify by mail the members of the
22 town meeting of the adjournment at least twenty-four
23 hours before the time of the adjourned town meeting.
24 The notices shall state briefly the business to be acted
25 upon at the meeting, and shall include notice of any pro-
26 posed reconsideration. All town meetings shall be public.
27 The town meeting members as such shall receive no com-
28 pensation. Subject to such conditions as may be deter-
29 mined from time to time by the members of the repre-
30 sentative town meeting, any voter of the town who is not
31 a town meeting member may speak, but he shall not vote.

32 A town meeting member may resign by filing a written
33 resignation with the town clerk, and his resignation shall
34 take effect on the date of such filing. A town meeting
35 member who removes from the town or from the precinct
36 from which he was elected shall cease to be a town meet-
37 ing member.

1 SECTION 4. Nomination of candidates for town meet-
2 ing members to be elected under this act shall be made
3 by nomination papers which shall bear no political desig-
4 nation and shall be signed by not less than ten voters of
5 the precinct in which the candidate resides and filed with
6 the town clerk at least ten days before the election. No
7 nomination papers shall be valid in respect to any candi-
8 date whose written acceptance is not thereon or attached
9 thereto.

1 SECTION 5. The articles in the warrant for every town
2 meeting, so far as they relate to the election of the
3 moderator, town officers, and town meeting members, as
4 hereinbefore 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 voters of the town in their
7 respective precincts. All other articles in the warrant for
8 any town meeting shall be acted upon and determined
9 exclusively by town meeting members at a meeting to be
10 held at such time and place as shall be set forth by the
11 selectmen in the warrant for the meeting, subject to the
12 referendum provided for by section eight.

1 SECTION 6. A moderator shall be elected by ballot at
2 each annual town meeting and shall serve as the moder-
3 ator of all town meetings, except as is otherwise provided
4 by law, until his successor is elected and qualified. Nom-

5 inations for moderator and his election shall be as in the
6 case of other elective town officers, and any vacancy in
7 the office may be filled by the town meeting members at
8 a meeting held for that purpose. If a moderator is
9 absent a moderator pro tempore may be elected by the
10 town meeting members.

1 SECTION 7. Any vacancy in the full number of town
2 meeting members from any precinct may be filled until
3 the next annual election by the remaining members of the
4 precinct from among the voters thereof. Upon petition
5 therefor, signed by not less than ten town meeting mem-
6 bers from the precinct, notices of the vacancy shall
7 promptly be given by the town clerk to the remaining
8 members from the precinct in which the vacancy or
9 vacancies exist, and he shall call a special meeting of such
10 members for the purpose of filling any vacancy. He shall
11 cause to be mailed to every such member, not less than
12 seven days before the time set for the meeting, a notice
13 specifying the object, time and place of the meeting. At
14 the said meeting a majority of the members shall con-
15 stitute a quorum, and they shall elect from their own
16 number a chairman and a clerk. The choice to fill any
17 vacancy shall be by ballot and a majority of the votes
18 cast shall be required for a choice. The chairman and
19 clerk shall make a certificate of the choice and forthwith
20 file the same with the town clerk, together with a written
21 acceptance by the member or members so chosen, who
22 shall thereupon be deemed elected and qualified a town
23 meeting member or members subject to the right of all
24 the town meeting members to judge of the election and
25 qualification of members as set forth in section three.

1 SECTION 8. A vote passed at a representative town
2 meeting authorizing an expenditure of twenty thousand

3 dollars or more for a special appropriation shall not be-
4 come operative until after the expiration of a period of
5 five days exclusive of Sundays and holidays from the day
6 of the dissolution of such meeting. If, within the said
7 period of five days, a petition is addressed to and filed
8 with the selectmen, and is signed by not less than
9 twenty-five voters of each precinct containing their
10 Christian names together with their street addresses,
11 asking that the question or questions involved in such
12 vote be submitted to the voters at large of the town, the
13 selectmen and the moderator shall, within fourteen days
14 after the filing of the said petition, frame and present the
15 question or questions so involved to a special town meet-
16 ing of the voters at large of the town to be held for that
17 purpose, at which meeting the ballot and the check lists
18 shall be used in the respective precincts, and such ques-
19 tion or questions shall be determined by a majority vote
20 or otherwise as required by law. The questions so sub-
21 mitted shall be stated upon the ballot in the same lan-
22 guage and form as when presented to the representative
23 town meeting by the moderator, and as they appear upon
24 the records of the said meeting. If the petition be not
25 filed within the said period of five days the vote in the
26 representative town meeting shall become operative and
27 effective upon the expiration of the said period.

1 SECTION 9. The town of Methuen, after the accept-
2 ance of this act, shall have the capacity to act through
3 and to be bound by its said town meeting members who
4 shall, when convened from time to time as herein pro-
5 vided, constitute representative town meetings; and the
6 representative town meetings shall exercise exclusively, so
7 far as will conform to the provisions of this act, all
8 powers vested in the municipal corporation. Action in

9 conformity with all provisions of law now or hereafter
10 applicable to the transaction of town affairs in town
11 meetings shall, when taken by any representative town
12 meeting in accordance with the provisions of this act,
13 have the same force and effect as if such action had been
14 taken in a town meeting, open to all the voters of the
15 town as heretofore organized and conducted.

1 SECTION 10. This act shall not abridge the right of the
2 inhabitants of Methuen to hold general meetings, as that
3 right is secured to them by the constitution of the com-
4 monwealth, nor shall this act confer upon any representa-
5 tive town meeting in Methuen the power finally to com-
6 mit the town to any measure affecting its municipal
7 existence or changing its government, without action
8 thereon by the voters of the town at large, using the
9 ballot and check lists therefor.

1 SECTION 11. This act shall be submitted to the voters
2 of the town of Methuen .
3 The polls shall be open from ten o'clock A.M. to six
4 o'clock P.M. and the vote shall be taken by ballot in
5 answer to the question "Shall an act passed by the
6 general court in the year nineteen hundred and twenty-
7 one, entitled 'An Act to provide for precinct voting,
8 representative town meetings, town meeting members, a
9 referendum and an annual moderator in the town of
10 Methuen', be accepted by this town?" and if a majority
11 of the voters voting thereon vote in the affirmative, this
12 act shall thereupon take effect.