

By Mr. Turkington of Falmouth, petition of Eric Turkington, Henri S. Rauschenbach and another (by vote of the town) relative to authorizing the town of Oak Bluffs to recall elected officials. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE TOWN OF OAK BLUFFS TO RECALL ELECTED OFFICIALS.

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 an elective office in the town of
2 Oak Bluffs with more than six months remaining in the term of
3 the office, may be recalled, and removed therefrom by the
4 qualified voters of said town in the manner provided for herein.

1 SECTION 2. One hundred or more qualified voters may make
2 and file with the town clerk an affidavit containing the name of
3 the officer sought to be recalled and a statement of the grounds
4 for recall. Said town clerk shall thereupon deliver to the ten
5 persons first named on such affidavit a sufficient number of
6 petition blanks demanding such recall. These forms, available
7 from the town clerk, may be completed by printing or typewriter
8 and they shall contain the names of the ten persons to whom they
9 are issued, the name of the person sought to be recalled, the office
10 from which recall is sought, and the grounds for recall as stated
11 in the affidavit. They shall demand the election of a successor
12 to the office and they shall be dated, signed and sealed by the town
13 clerk. Said recall petition shall be returned to the office of the town
14 clerk not later than three o'clock in the afternoon on or before
15 the first work day following twenty days after the date they are
16 issued, signed by at least twenty per cent of the total number of
17 qualified persons registered to vote in the town as of the date of

18 the most recent town election and to every such signature shall
19 be added the place of residence of the signer, giving the street and
20 number, if any. Such signatures need not all be on one paper. One
21 of the ten persons to whom the recall petition forms is issued shall
22 make an affidavit on each page that the statements therein
23 contained are true, and that each signature appended to the
24 petition is the genuine signature of the person whose name it
25 purports to be.

26 The town clerk shall, within one work day following the day
27 of such filing with the office of the town clerk, submit the recall
28 petition forms to the board of registrars of voters which shall,
29 within five work days after the day of receipt, certify in writing
30 thereon the number of signatures which are those of qualified
31 voters as of the date of the most recent town election. Signatures
32 of persons who are qualified to vote after the date of the most
33 recent town election, shall not be certified. The board of registrars
34 of voters, upon the completion of their certification, shall return
35 the recall petition forms to the town clerk.

1 SECTION 3. If said recall petition forms shall be certified by
2 the board of registrars of voters to contain at least twenty per cent
3 of the qualified persons registered to vote as of the date of the
4 most recent town election, the town clerk shall immediately give
5 notice, in writing, to the elected officer whose recall is sought by
6 sending to said officer a copy of the affidavit and the recall petition
7 form together with notice of the number of qualified voters
8 certified by the board of registrars of voters who signed the recall
9 petition forms and the total number of qualified voters in the town
10 as of the most recent town election.

11 If the officer to whom notice is directed by the town clerk does
12 not resign the office within five days following receipt of the
13 aforesaid notice from the town clerk, the town clerk shall give
14 notice in writing to the board of selectmen not later than one work
15 day following the expiration of the foregoing five days. The board
16 of selectmen shall order a special election to be held not less than
17 sixty nor more than seventy-five days after the receipt of notice
18 from the town clerk as aforesaid. If, however, a regular town
19 election is to be held within ninety days of receipt by the board

20 of selectmen of notice from the town clerk, the recall election shall
21 be held at such time and in conjunction with such regular election.
22 If a vacancy occurs in the office for any reason after a recall
23 election has been ordered by the board of selectmen, the recall
24 election shall nevertheless proceed as provided for herein, but only
25 the ballots for candidates need to counted.

1 SECTION 4. An officer whose recall is sought may be a
2 candidate to succeed himself in the event the question of recall
3 is voted in the affirmative. The number of signatures of qualified
4 voters required to place the name of a candidate on the official
5 ballot for use at a recall election shall not be less than twenty-
6 five. The publication of the warrant for the recall election and the
7 conduct of the recall election shall be in accordance with the
8 General Laws regulating elections, unless otherwise provided.

1 SECTION 5. The ballots used at the recall election shall
2 submit the 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 such propositions. Under the propositions shall
8 appear the word "candidates" and the directions for the voters
9 required by law, and beneath the word "candidates" shall be the
10 names of candidates nominated in accordance with the provisions
11 of law. If a majority of the votes cast is against the recall, the votes
12 for the candidates need not be counted. If a majority of the votes
13 cast is in favor of the recall, the officer shall be deemed to be
14 recalled and the ballots for candidates shall then be counted. The
15 candidate receiving the higher number of votes shall be declared
16 elected. If the officer is recalled, he shall be deemed removed upon
17 certification of the election results by the town clerk. The
18 candidate receiving the highest vote and therefore elected, shall
19 serve for the balance of the unexpired term of the officer removed.

1 SECTION 6. No recall affidavit shall be filed against an officer
2 within three months after his election, nor, in the case of an officer
3 elected in a recall election, until three months after that election.

4 No recall shall be filed against an officer subjected to a recall
5 election and not thereby recalled until at least six months after
6 the election at which his recall was not approved by the qualified
7 voters.

1 SECTION 7. This act shall take effect upon its passage.