

HOUSE No. 6560

The Commonwealth of Massachusetts



MICHAEL S. DUKAKIS
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

December 22, 1989

To the Honorable Senate and House of Representatives:

I am filing for your consideration the attached legislative proposal, entitled "An Act Providing for Recall Elections in the Town of Westford", pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments of the Constitution, as amended by Article LXXXIX.

I have been requested by officials of the Town of Westford to file this in order to specify the method for recalling elected officials in that town and filling vacancies created by successful recall elections. This provision was passed unanimously at the Annual Town Meeting.

I respectfully request your prompt consideration of this proposal.

Respectfully submitted,


Michael S. Dukakis
Governor

The Commonwealth of Massachusetts

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

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

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. In the town of Westford, any holder of elective
2 office with more than six months remaining in the term for which
3 he was elected, may be recalled therefrom by the voters in the
4 manner provided in this act. A recall petition shall not be filed
5 against an officer within three months after taking office.

6 A recall petition may be initiated by the filing of an affidavit
7 containing the name of the officer sought to be recalled and a
8 statement of the grounds for recall provided that the affidavit is
9 signed by at least twenty-five voters from each precinct.

10 The town clerk shall thereupon deliver to said voters making
11 the affidavit copies of petition blanks demanding such recall,
12 copies of which printed forms the town clerk shall keep available.
13 Such blanks shall be issued by the town clerk with signature and
14 official seal attached thereto. They shall be dated, shall be
15 addressed to the board of selectmen and shall contain the names
16 of all the persons to whom they are issued, the number of blanks
17 so issued, the name of the person whose recall is sought, the office
18 from which removal is sought, the grounds of recall as stated in
19 the affidavit and shall demand the election of a successor in the
20 said office. A copy of the petition shall be entered in a record book
21 to be kept in the office of the town clerk. Said recall petition shall
22 be returned and filed with the town clerk within twenty days after
23 the filing of the affidavit, and shall have been signed by at least
24 ten per cent of the registered voters of each precinct of the town
25 as of the date of the most recent town election.

26 The town clerk shall within twenty-four hours of receipt submit
27 the petition to the registrar of voters in the town and the registrar
28 shall within five working days certify thereon the number of
29 signatures which are names of registered voters of the town.

1 SECTION 2. If the petition shall be certified by the town clerk
2 to be sufficient, the town clerk shall submit the same with such
3 certificate of petition to the board of selectmen within five working
4 days and the board shall within five working days give written
5 notice of the receipt of the said recall petition certificate to the
6 officer sought to be recalled and shall, if the officer does not resign
7 within five days thereafter, order an election to be held on a date
8 fixed by them not less than sixty and not more than ninety days
9 after the date of the town clerk's certificate that a sufficient
10 petition has been filed; provided however, that if any other town
11 election is to occur within one hundred days after the date of the
12 certificate the board of selectmen shall postpone the holding of
13 the recall election to the date of such other election. If a vacancy
14 occurs in said office after a recall election has been ordered, the
15 election shall not proceed. The nomination of other candidates,
16 the publication of the warrant for the removal election, and the
17 conduct of the same, shall all be in accordance with the provisions
18 of law relating the elections, unless otherwise provided in this act.

1 SECTION 3. The incumbent shall continue to perform the
2 duties of the office until the recall election. If said incumbent is
3 not removed, the incumbent shall continue in the office for the
4 remainder of the unexpired term subject to recall as before. If
5 recalled in the 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 five days
8 after receiving notification of his election, the incumbent shall
9 thereupon be deemed removed and the office vacant.

1 SECTION 4. Ballots used in a recall election shall state the
2 following propositions in the order indicated:

3 For the recall of (name of officer)

4 Against the recall of (name of officer)

5 Immediately next to each proposition there shall be a broken
6 arrow in which the voter, by connecting both lines of the arrow,
7 may vote for either of the said propositions.

8 Under the propositions shall appear the phrase, candidates to
9 fill vacancy if recall vote is in the affirmative, the directions to
10 the voters required by section forty-two of chapter fifty-four of

11 the General Laws, and beneath this the names of candidates
12 nominated in accordance with the provisions of law relating to
13 elections.

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