

By Ms. Buell of Greenfield, petition of Carmen D. Buell and Robert D. Wetmore (by vote of the town) for legislation to provide for recall elections in the town of New Salem. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF NEW SALEM.

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 elected office in the town of
2 New Salem may be recalled therefrom by the registered voters of
3 the town as herein provided, except, the maximum number of
4 members of a board that may be recalled is a majority.

1 SECTION 2. Any twenty-five registered voters of the town
2 may initiate a recall petition by filing with the town clerk an
3 affidavit containing the name of the officer sought to be recalled
4 and a statement of the grounds for recall. The town clerk shall
5 thereupon deliver to said voters making the affidavit copies of
6 petition blanks demanding such recall, copies of which printed
7 forms he shall keep available. Such blanks shall be issued by the
8 town clerk, with his signature and official seal attached thereto.
9 They shall be dated, shall be addressed to the selectmen and shall
10 contain the names of all the persons to whom they are issued, the
11 name of the person whose recall is sought, the grounds of recall
12 as stated in the affidavit, and shall demand the election of a
13 successor in the said office. A copy of the petition shall be entered
14 in a record book to be kept in the office of the town clerk. Said
15 recall petition shall be returned and filed with the town clerk
16 within twenty days after the filing of the affidavit, and shall have
17 been signed by at least twenty-five per cent of the registered voters

18 of the town, who shall add to their signatures, the street and
19 number, if any, of their residences.

20 The town clerk shall within twenty-four hours of receipt, submit
21 the petition to the registrar of voters in the town, and the registrars
22 shall within five working days certify thereon the number of
23 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 selectmen within five working days, and the
4 selectmen shall, within five working days, give written notice of
5 the receipt of the certificate to the officer sought to be recalled
6 and shall, if the officer does not resign within five days thereafter,
7 order an election to be held on a date fixed by them not less than
8 sixty and not more than ninety days after the date of the town
9 clerk's certificate that a sufficient petition has been filed; provided,
10 however, that if any other town election is to occur within one
11 hundred days after the date of the certificate, the selectmen shall
12 postpone the holding of the recall election to the date of such other
13 election. No person shall be subject to recall if his term of office
14 expires within ninety days of the certificate. If a vacancy occurs
15 in said office after a recall election has been ordered, the election
16 shall nevertheless proceed as provided in this section.

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

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

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

1 SECTION 6. Ballots used in a recall election shall submit 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 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 propositions shall
8 appear the word "Candidates", the directions to the voters
9 required by section forty-two of Chapter fifty-four of the General
10 Laws, and beneath this, the names of candidates nominated in
11 accordance with the provisions of law relating to elections. If two-
12 thirds of the votes cast upon the question of recall is in the
13 affirmative, the candidate receiving the highest number of votes
14 shall be declared elected. If more than one-third of the votes on
15 the question are in the negative, the ballots for candidates need
16 not be counted.

1 SECTION 7. No recall petition shall be filed against an officer
2 within ninety days after he takes office, nor, in the case of an
3 officer subjected to a recall election and not recalled thereby, until
4 at least ninety days after the election at which his recall was
5 submitted to the voters of the town.

1 SECTION 8. No person who has been recalled from an office
2 or who has resigned from office while recall proceedings were
3 pending against him shall be appointed to any town office within
4 one year after such recall or such resignation.

