

*Chap.* 10 AN ACT ESTABLISHING IN THE TOWN OF AMHERST REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

*Be it enacted, etc., as follows:*

SECTION 1. There is hereby established in the town of Amherst the form of representative town government by limited town meetings hereinafter set forth. Upon the acceptance of this act by the town of Amherst, as hereinafter provided, the selectmen of the town and the board of assessors, acting jointly and hereinafter referred to as the districting board, shall forthwith divide the territory of the town into not less than five nor more than eight voting precincts, each of which shall be plainly designated and shall contain not less than two hundred and fifty registered voters. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed, and, if need be, wholly or partly revised, by the districting board in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting held not later than November twentieth of that year. Within ten days after any establishment or revision of the precincts, the districting board shall file a report of its doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The districting board shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the districting board with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of chapters fifty to fifty-six, inclusive, of the General Laws, relating to precinct voting at elections, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 2. Other than the officers designated in section three and in the by-laws of the town as town meeting mem-

bers at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will, as nearly as possible, provide one elected town meeting member for every twenty registered voters in the precinct in accordance with the list of registered voters on the first day of January next preceding the election. The registered voters in every precinct shall, at the first annual town election held after the establishment of such precinct, and the registered voters of any precinct affected by any revision of precincts, at the first annual town election following such revision, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three and in the by-laws of the town as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect, for the term of three years, one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct. In the case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct at the same election, other than those whose terms of office are affected by such tie vote, shall by ballot determine which members receiving such tie vote shall serve for the longer and which for the shorter term. In the case of a tie vote affecting the election of town meeting members in any precinct otherwise than as to term of office, the members elected from such precinct at the same election shall by ballot determine which of the voters receiving such tie vote shall serve as town meeting member from such precinct. The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election as hereinbefore provided of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each such member by mail of his election.

SECTION 3. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under section two, together with the following town meeting members at large, namely: any member of the general court who is a registered voter of the town, the moderator, the town clerk, the selectmen, the assessors, the members of the school committee, the town treasurer, the collector of taxes, the town accountant, the chairman of the finance committee,

the chairman of the board of health, the chairman of the board of public welfare, the chairman of the town planning board, and such other town meeting members at large as may be provided for by the by-laws of the town, and authority to adopt such by-laws is hereby conferred. Any elected town meeting member who becomes by appointment or election one of the officers designated as town meeting members at large shall, upon such appointment or election, cease to be an elected town meeting member. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held and the notices shall be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. A majority of the town meeting members shall constitute a quorum for doing business, but a less number may organize temporarily and may take a recess or adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member, and an elected town meeting member who removes from one precinct to another may serve only until the next annual town meeting.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, but to the name of a candidate for re-election may be added the words "Candidate for Re-election". Nomination papers shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with the town clerk at least ten days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 5. The articles in the warrant for every town meeting, so far as they relate to the election of moderator, town officers and town meeting members, and, as herein provided, to referenda and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meet-

ing to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eight.

SECTION 6. A moderator shall be elected by ballot at each annual town election, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nomination for and election of a moderator shall be as in the case of all other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

SECTION 7. In the event of any vacancy in the full number of elected town meeting members from any precinct, the remaining elected members of the precinct may choose from among the registered voters thereof a successor to serve until the next annual town election. Upon petition therefor, signed by not less than ten town meeting members from the precinct, or if the entire number of town meeting members from said precinct is less than eighteen, by a majority thereof, notice of any vacancy shall be made promptly by the town clerk to the remaining members from the precinct wherein the vacancy or vacancies exist, and he shall call a special meeting of such members for the purpose of filling such vacancy. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of such election and forthwith file the same with the town clerk, together with a written acceptance by the member or members so elected, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all town meeting members to judge of the elections and qualifications of the members as set forth in section three.

SECTION 8. No article in the warrant shall at any representative town meeting be finally disposed of by a vote to lay upon the table, indefinitely to postpone or to take no action thereunder. A final vote of any representative town meeting passing or rejecting a measure under any article in the warrant, except a vote to adjourn, or a vote authorizing the expenditure of less than five thousand dollars, or votes appropriating money for the payment of notes or bonds of the town and interest becoming due in the then current financial year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two thirds vote of the town meeting members present and voting thereon to be an emergency measure, necessary

for the immediate preservation of the peace, health, safety or convenience of the town, shall not be operative until after the expiration of five days, exclusive of Sundays and legal holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than two hundred registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen, asking that the question or questions involved in such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending the determination of such question or questions as hereinafter provided, and the selectmen, within ten days of the filing of such petition, shall call a special town meeting, which shall be held within fourteen days after the issuing of the call, for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any question so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. No ballots shall be removed or counted before the closing of the polls. The question or questions to be submitted to be voted upon at said special town meeting shall be stated on the ballot in substantially the same language and form in which they were stated when finally presented to the representative town meeting by the moderator, as appears from the records of such town meeting. Such question or questions shall be determined by a vote of the same proportion of voters at large voting thereon as would have been required by law had the question or questions been finally determined at a representative town meeting, but no action of the representative town meeting shall be reversed unless at least twenty per cent of all the registered voters shall so vote. Action of the representative town meeting, if reversed, shall be null and void; otherwise it shall take effect immediately upon the declaration by the selectmen of the vote upon the referendum. If such petition is not filed within said period of five days, the vote of the representative town meeting shall become effective and operative upon the expiration of said period.

SECTION 9. The town of Amherst, after the acceptance of this act, shall have the capacity to act through and be bound by its town meeting members, who shall, when convened from time to time, as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all the provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this

act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment of representative town government.

SECTION 10. This act shall not abridge the right of the inhabitants of Amherst to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Amherst the power finally to commit the town to any measure affecting its municipal existence or changing its form of government, without action thereon by the voters of the town at large, using the ballot and check list therefor.

SECTION 11. This act shall be submitted to the registered voters of the town of Amherst for acceptance at its annual town election in the year nineteen hundred and thirty-six. The vote shall be taken by ballot in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used for the election of town officers: — “Shall an act passed by the general court in the year nineteen hundred and thirty-six, entitled ‘An Act establishing in the town of Amherst representative town government by limited town meetings’, be accepted by this town?” If accepted by a majority of the voters voting thereon, this act shall take effect for all purposes incidental to the annual town election in said town in the year nineteen hundred and thirty-seven and shall take full effect beginning with said election.

SECTION 12. If this act is rejected by the registered voters of the town of Amherst when submitted to said voters under section eleven, it may be submitted for acceptance in like manner to such voters at any annual town election in said town not later than the annual town election in the year nineteen hundred and thirty-nine, and, if accepted by a majority of the voters voting thereon at such election, shall take effect for all purposes incidental to the next annual town election in said town, and shall take full effect beginning with said election.

*Approved January 29, 1936.*

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AN ACT EXTENDING THE TIME FOR HOLDING PRE-PRIMARY CONVENTIONS OF POLITICAL PARTIES. *Chap. 11*

*Be it enacted, etc., as follows:*

SECTION 1. Section fifty-four of chapter fifty-three of the General Laws, as most recently amended by section one of chapter four hundred and eighty-two of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the second line, as appearing in section twenty-one of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, the word “fifteenth” and inserting in place thereof the word: — thirtieth, — so as to read as

G. L. (Ter. Ed.), 53, § 54, etc., amended.