

By Mr. Healy of Charlemont, petition of Jonathan L. Healy and Stanley C. Rosenberg (by vote of the town) for legislation to provide for recall elections in the town of Buckland. Election Laws. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

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

*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 person who holds an elected office in the  
2 town of Buckland, with more than six months remaining in the  
3 term of that office on the date of the filing of Recall Affidavit  
4 (referred to in Section two) may be recalled from office by the  
5 registered voters of Buckland, in the manner herein provided.

1 SECTION 2. Fifty or more registered voters of the town may  
2 file with the Buckland town clerk, a Recall Affidavit containing  
3 the name of the officer whose recall is being sought, along with  
4 a statement of the grounds upon the Affidavit is based. The  
5 Buckland town clerk shall provide to said voters, petition blanks  
6 demanding said recall, printed forms of which shall be kept  
7 available in the town office. These petition blanks may be  
8 completed either by writing or by typewriting; they shall be  
9 addressed to the Board of Selectmen; they shall contain the names  
10 of the registered voters who filed the Affidavit and the grounds  
11 for recall as stated in the Affidavit; they shall demand the election  
12 of a successor to that office; and they shall be dated and signed  
13 by the Town Clerk. A copy of said petition shall be kept on file  
14 in the Office of the Town Clerk in a record book maintained for  
15 that purpose.

16 The Recall Petitions shall be returned and filed in the Office  
17 of the Town Clerk within fourteen (14) days following the date

18 upon which the Town Clerk issued those petitions; they must carry  
19 the signatures of at least ten (10) percent of the total number of  
20 registered voters duly recorded on the registration list of the  
21 Buckland Town Clerk as of the most recent preceding town  
22 election.

23 The Buckland Town Clerk shall within forty-eight (48) hours  
24 following such filing, submit said petitions to the Registrars of  
25 Voters who shall, within five (5) days certify thereon the number  
26 of signatures which in fact are names of registered voters of the  
27 Town of Buckland.

1 SECTION 3. If the Recall Petitions shall be certified by the  
2 Registrars of Voters to contain the sufficient number of voter  
3 signatures, the Town Clerk shall forthwith submit those petitions  
4 to the Board of Selectmen. Upon its receipt of the certified  
5 petitions, the Board of Selectmen shall within forty-eight (48)  
6 hours give written notice of said Recall Petitions and of their  
7 certification to the person whose recall is being sought.

8 If said officer does not resign his/her office within five (5) days  
9 following the delivery of said notice, the Board of Selectmen so  
10 order an election to be held not less than sixty-five (65) nor more  
11 than ninety (90) days after the date of the certification of the  
12 sufficiency of the petition by the Registrars of Voters. If however,  
13 another Buckland Town Election is to occur within one hundred  
14 (100) days after the date of said certification, the Board of  
15 Selectmen may, at their discretion, postpone the holding of the  
16 Recall Election until the date of such other Town Election.

17 If a vacancy occurs in the office after a Recall Election has been  
18 ordered, the election shall nevertheless proceed as provided in this  
19 section; however, in this case only the ballots for new candidates  
20 need be counted.

1 SECTION 4. No officer whose recall is sought may be a  
2 candidate to succeed himself/herself at the Recall Election. The  
3 nomination of candidates, the publication of the warrant for the  
4 Recall Election, and the conduct of said election shall all be in  
5 accordance with the provisions of the laws relating to elections,  
6 unless otherwise provided in this Special Act.

1 SECTION 5. The incumbent shall continue to perform the  
2 duties of his/her office until the Recall Election. If not recalled  
3 in the election, the incumbent shall then continue in office for the  
4 remainder of the original and unexpired term; said incumbent  
5 remains subject to Recall as before, except as provided therein.

6 If the incumbent officer is in fact recalled in the election, he/she  
7 shall be deemed removed upon the qualification of the successor  
8 who shall hold office for the remainder of the unexpired term.  
9 If however the successor fails to qualify within five (5) days after  
10 receiving notification of election, the incumbent nevertheless shall  
11 thereupon be deemed removed and said office shall remain vacant  
12 for the remainder of the unexpired term.

1 SECTION 6. All ballots used at a Recall Election shall contain  
2 the following propositions in the order indicated.

3 FOR THE RECALL OF (NAME OF OFFICER)  
4 AGAINST THE RECALL OF (NAME OF OFFICER)

5 Adjacent to each proposition, there should be a place to mark  
6 a vote.

7 After the propositions shall appear the word "CANDIDATES"  
8 followed by the names of all candidates arranged alphabetically  
9 by surname.

10 If a majority of the votes cast upon the question of recall are  
11 in the affirmative, the candidate receiving the highest number of  
12 votes shall be declared elected.

13 If a majority of the votes cast upon the question of recall are  
14 in the negative, the ballots for the candidates need not be counted  
15 unless the incumbent officer has previously resigned from office  
16 (as provided in Section Three above).

1 SECTION 7. No Recall Petition shall be filed against an  
2 officer within six (6) months of the assumption of said office. In  
3 the case of an officer who has been subjected to a Recall Election  
4 and was not recalled thereby, no subsequent Recall Petition shall  
5 be filed against said officer until at least six (6) months after the  
6 date of the election at which that initial recall was voted upon.



1 SECTION 8. No person who has been recalled from an office  
2 OR who has resigned from an office while recall proceedings were  
3 pending, shall be appointed to any town office within twelve (12)  
4 months after such recall or resignation.

1 SECTION 9. This act shall take effect upon its passage.