

By Ms. Resor of Acton, petition of Pamela P. Resor and Robert A. Durand (by vote of the town) relative to providing for recall elections in the town of Boxborough. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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

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 Boxborough may be recalled therefrom by the registered voters
3 of said town as herein provided.

1 SECTION 2. Any 200 registered voters of the town may file
2 with the town clerk an affidavit containing the name of the officer
3 sought to be recalled and a statement of the grounds for such
4 recall. Upon certification of the required signatures, the town
5 clerk shall thereupon deliver to the first named voter on the affi-
6 davit copies of petition blanks addressed to the selectmen
7 demanding such recall, copies of which printed forms he shall
8 keep available. Said blanks shall be issued by the town clerk with
9 his signature and official seal attached thereto. They shall be
10 dated, shall contain the names of all persons to whom they are
11 issued, the name of the person whose recall is sought and the
12 grounds of recall as stated in the affidavit and shall demand the
13 election of a successor to such office. A copy of the petition shall
14 be entered in a record book to be kept in the office of the town
15 clerk. The recall petition shall be returned and filed with the town
16 clerk within 30 days after the filing of the affidavit and shall have
17 been signed by at least 25 percent of the registered voters of the
18 town as of the date such affidavit was filed with the town clerk.

19 To every signature shall be added the place of residence of the
20 signer, giving the street and number, if any. The town clerk shall,
21 within 72 hours of receipt thereof, submit the petition to the regis-
22 trars of voters in the town, and said registrars shall forthwith
23 certify thereon the number of signatures which are names of regis-
24 tered 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 cer-
3 tificate to the selectmen without delay and the selectmen shall
4 forthwith give written notice of the receipt of the certificate to the
5 officer sought to be recalled. If such officer does not resign within
6 five days thereafter, the selectmen shall order an election to be
7 held on a date fixed by them not less than 64 days nor more
8 than 90 days after the date of the town clerk's certificate that a
9 sufficient petition has been filed; provided, however, that if any
10 other town election is scheduled to occur within 100 days after the
11 date of the certificate, the selectmen shall postpone the holding of
12 the recall election to the date of such other election. If a vacancy
13 occurs in said office after a recall election has been ordered, the
14 election shall nevertheless proceed as provided in this section.

1 SECTION 4. Any officer sought to be removed may be a candi-
2 date 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 recall election and the conduct of the same
6 shall all be in accordance with the provisions of law relating to
7 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 he is not recalled, 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 he is recalled, he shall be deemed removed upon the qualifica-
6 tions of his successor, who shall hold office during the unexpired
7 term. If the successor fails to qualify within five days after
8 receiving notification of his election, the incumbent shall there-
9 upon 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 said propositions. Under the proposition shall appear
8 the word "Candidates" and the directions to voters required by
9 section 42 of chapter 54 of the General Laws and, beneath this,
10 the names of candidates nominated as herein before provided. If a
11 majority of the votes cast upon the question of recall is in the
12 affirmative, then the candidate receiving the highest number of
13 votes shall be declared elected. If a majority of votes cast on the
14 question is in the negative, then the ballots for candidates need not
15 be counted. If fewer than 30 percent of the registered voters of the
16 town participate in the election, no votes need be counted and the
17 election shall be deemed to have determined that the incumbent
18 should not be recalled.

1 SECTION 7. No recall petition shall be filed against an officer
2 within six months after he takes office, nor in the last six months
3 of his term, nor in the case of an officer subjected to a recall elec-
4 tion and not recalled thereby, until at least six months after the
5 election at which his recall was submitted to the voters of the
6 town has elapsed.

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 two years after such recall or resignation.

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

