

**HOUSE . . . . . No. 4414**  
**[LOCAL APPROVAL RECEIVED.]**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**William N. Brownsberger**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
An Act authorizing the Town of Belmont to recall Elected Officials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex
Steven A. Tolman	Second Suffolk and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the Town of Belmont to recall Elected Officials.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

## **AN ACT AUTHORIZING THE TOWN OF BELMONT TO RECALL ELECTED OFFICIALS**

**SECTION 1.** Any person who holds an elected town-wide office in the town of Belmont, except a member of the housing authority, may be recalled and removed therefrom by the qualified voters of the town as herein provided.

**SECTION 2.** Any two hundred or more registered voters of the town of Belmont at least twenty-five of whom shall be from each precinct, may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon, within five business days, deliver to the voter first named on the affidavit a sufficient number of copies of petition blanks requesting such recall. The blanks shall be dated and addressed to the board of selectmen, shall contain the names of the first 10 signers of the affidavit, the name and office of the person sought to be recalled, the grounds for recall as stated in the affidavit, and shall request the election of a successor to such office. A copy of the form of the petition shall be filed in the office of the town clerk.

**SECTION 3.** If, within thirty days of the delivery by the town clerk of the petition forms, the petition signed by not less than twenty per cent of the registered voters of the town, including at least five per cent of the registered voters from each precinct, as the names and addresses of all such voters appear on the list of registered voters of the Town, is filed with the town clerk, and found by the clerk to be sufficient, the clerk shall, within five business days, submit the petition to the board of selectmen. The board of selectmen shall immediately deliver to the elected officer whose recall is sought written notice of their receipt of the petition and shall, if the officer sought to be recalled does not resign within five days thereafter, forthwith order a special election to be held not less than sixty-four nor more than eighty days after the date of the selectmen's receipt of the petition; provided, however, that if any other town election is to occur within one-hundred days after the date of the submission, the selectmen may, in their discretion postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.** Any officer sought to be recalled may be a candidate to succeed to the office and, unless the officer requests otherwise in writing, the town clerk shall place the name of such officer on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same, shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

**SECTION 5.** The incumbent shall continue to perform the duties of the office until the recall election. If the recall fails, or if the incumbent is reelected, the incumbent shall continue in the office for the remainder of the unexpired term, except as provided in this act. If not reelected in the recall election, the officer shall be deemed removed upon the qualification of the elected successor, who shall hold office during the balance of the unexpired term.

**SECTION 6.** Ballots used in a recall election in the town shall submit the following propositions in the order indicated:

For the recall of (name and title of officer whose recall is sought),  
Against the recall of (name and title of officer whose recall is sought),

The names of the candidates who have been nominated to succeed to the office of the person subject to recall shall be set forth below the propositions along with such instructions as may be necessary for the voter.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

**SECTION 7.** No recall petition shall be filed against an officer within six months after the officer takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

**SECTION 8.** This act shall take effect upon its passage.”