

HOUSE No. 5318

By Mrs. Kehoe of Dedham, petition of Marie-Louise Kehoe and Gregory W. Sullivan (by vote of the town) relative to recall elections in the town of Westwood. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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

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 Westwood 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 two hundred 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. At least fifty names of
5 registered voters shall be from each of the voting precincts into
6 which the town is divided. The town clerk shall thereupon deliver
7 to said voters making the affidavit copies of petition blanks
8 demanding such recall, copies of which printed forms she/he shall
9 keep available. Such blanks shall be issued by the town clerk, with
10 her/his signature and official seal attached thereto. They shall be
11 dated, shall be addressed to the selectmen and shall contain the
12 names of all the persons to whom they are issued, the name of
13 the person whose recall is sought, the grounds of recall as stated
14 in the affidavit, and shall demand the election of a successor in
15 the said office. A copy of the petition shall be entered in a record
16 book to be kept in the office of the town clerk. Said recall petition
17 shall be returned and filed with the town clerk within twenty days
18 after the filing of the affidavit, and shall have been signed by at
19 least fifteen percent of the registered voters of the town, who shall

20 add to their signatures the street and number, if any, of their
21 residences. Not more than thirty-three and one-third percent of
22 the total number shall be from any one precinct.

23 The town clerk shall within twenty-four hours of receipt submit
24 the petition to the registrars of voters in the town, and the registrar
25 shall within five working days certify thereon the number of
26 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 she/he shall submit the same with
3 her/his certificate to the selectmen within five working days, and
4 the selectmen shall within five working days give written notice
5 of 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/her term of
14 office expires within ninety days of the certificate. If a vacancy
15 occurs in said office after a recall election has been ordered, the
16 election 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/herself and, unless he/she requests
3 otherwise in writing, the town clerk shall place his/her name on
4 the ballot without nomination. The nomination of other
5 candidates, the publication of the warrant for the removal election
6 and the conduct of the same, shall all be in accordance with the
7 provisions of law relating to elections, unless otherwise provided
8 in this act.

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

7 hold office during the unexpired term. If the successor fails to
8 qualify within five days after receiving notification of his election,
9 the incumbent shall thereupon be deemed removed and the office
10 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), or by
7 indicating his/her intentions by suitable mechanical means, may
8 vote for either of said propositions. Under the propositions shall
9 appear the word "Candidates", the directions to the voters
10 required by section forty-two of chapter fifty-four of the General
11 Laws, and beneath this the names of candidates nominated in
12 accordance with the provisions of law relating to elections. If two-
13 thirds of the votes cast upon the question of recall is in the
14 affirmative, the candidate receiving the highest number of votes
15 shall be declared elected. If more than one-third of the votes on
16 the question are in the negative, the ballots for candidates need
17 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/her 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/her shall be appointed to any town office
4 within one year after such recall or such resignation.

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

