

By Mr. Driscoll of Northbridge, petition of John Patrick Houston and John R. Driscoll (by vote of the town) relative to recall elections in the town of Westborough. Election Laws. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Seven.

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AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH 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:*

1 SECTION 1. Any holder of an elected office in the Town of  
2 Westborough may be recalled, and removed therefrom by the  
3 qualified voters of said town as herein provided.

1 SECTION 2. Any two hundred registered voters, of which  
2 twenty-five shall be from each precinct, of the town of  
3 Westborough may initiate a recall petition by filing with the town  
4 clerk of said town an affidavit containing the name of the officer  
5 sought to be recalled and a statement of the grounds of recall.  
6 Upon certification by the town clerk, said town clerk shall  
7 thereupon, within two business days, deliver to the voter first  
8 named on such affidavit a sufficient number of copies of petition  
9 blanks demanding such recall. Said blanks shall be issued by the  
10 town clerk with the town clerk's signature and official seal  
11 attached thereto; they shall be dated and addressed to the  
12 Selectmen of said town, shall contain the name of the person to  
13 whom issued, the name of the person sought to be recalled, the  
14 office from which recall is sought, the grounds of recall as stated  
15 in said affidavit, and shall demand the election of a successor to  
16 such office. A copy of the petition shall be entered in a record  
17 book to be kept in the office of the town clerk. Said recall petition  
18 shall be returned and filed with the town clerk on or before five  
19 o'clock p.m. on the thirtieth day after the filing of the affidavit.

20 In the event the thirtieth day is a Saturday, Sunday, or holiday,  
21 the petition may be filed on the next business day. Said petition  
22 before being returned and filed shall be signed by twenty per cent  
23 of the registered voters, said twenty percent to consist of at least  
24 ten percent of the registered voters from each precinct, and to  
25 every signature shall be added the place of residence of the signer,  
26 giving the street and number. The town clerk shall, within one  
27 business day following the date of such filing with the town clerk,  
28 submit the recall petition to the board of registrars of voters in  
29 the town, which shall, within five business days after the day of  
30 receipt, certify in writing thereon the number of signatures which  
31 are those of registered voters in said town as of the date such  
32 affidavit was filed with the town clerk. The board of registrars  
33 of voters shall, upon completion of its certification, return the  
34 petition to the town clerk.

1 SECTION 3. If the petition shall be found and certified by the  
2 town clerk to be sufficient, the town clerk shall submit the same  
3 with the town clerk's certificate thereon to said selectmen without  
4 delay, and said selectmen shall immediately give to said elected  
5 officer whose recall is sought written notice of the receipt of said  
6 certificate and shall, if the officer sought to be removed does not  
7 resign within five days thereafter, thereupon order a special  
8 election to be held not less than sixty nor more than seventy days  
9 after the date of the town clerk's certificate that a sufficient  
10 petition has been filed; provided, however, that if any other town  
11 election is to occur within sixty days after the date of said  
12 certificate, the selectmen may, in their discretion postpone the  
13 holding of the removal election to the date of such other election.  
14 If a vacancy occurs in said office after a recall election has been  
15 ordered, the election shall nevertheless proceed as provided in this  
16 section.

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

1 SECTION 5. The incumbent shall continue to perform the  
2 duties of his office until the recall election. If the recall fails, or  
3 if the incumbent is reelected, he shall continue in the office for  
4 the remainder of his unexpired term, subject to recall as before,  
5 except as provided in this act. If not reelected in the recall election,  
6 he shall be deemed removed upon the qualification of his  
7 successor, who shall hold office during the unexpired term. If the  
8 successor fails to qualify within five days after receiving  
9 notification of his election, the incumbent shall thereupon be  
10 deemed removed and the office vacant.

1 SECTION 6. Ballots used in a recall election in said town shall  
2 submit the following proposition 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 such propositions. Just above said squares there shall  
8 appear the direction "vote for one". Under the proposition shall  
9 appear the word "Candidates" and the direction "vote for one"  
10 and beneath this the names of candidates nominated as herein  
11 before provided. In case of machine voting or punch card  
12 balloting, or other forms of balloting, appropriate provision shall  
13 be made to allow the same intent of the voter.

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

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

1 SECTION 8. No person who has been removed from an office  
2 or who has resigned from office while recall proceedings were

3 pending against that person, shall be appointed to any town office  
4 within two years after such removal or such resignation.

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