
Chapter 466. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO ESTABLISH THE NUMBER OF SIGNATURES REQUIRED FOR PETITIONED ARTICLES FOR TOWN MEETING.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Brookline may, by by-law, establish the number of signatures that are required for the insertion of a subject in the warrant for a special town meeting; provided, however, that the number shall not exceed the maximum number of signatures required for petitioned articles under the provisions of section 10 of chapter 39 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved January 14, 1999.

Chapter 467. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF BOXBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Boxborough may be recalled therefrom by the registered voters of said town as herein provided.

SECTION 2. Any 200 registered voters of the town of Boxborough may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for such recall. Upon certification of the required signatures, said clerk shall thereupon deliver to the first named voter on the affidavit copies of petition blanks addressed to the board of selectmen demanding such recall, copies of which printed forms he shall keep available. Said blanks shall be issued by said clerk with his signature and official seal attached thereto. They shall be dated, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of said clerk. The recall petition shall be returned and filed with said clerk within 30 days after the filing of the affidavit and shall have been signed by at least 25 per cent of the registered voters of the town as of the date such affidavit was filed with said clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. Said clerk shall, within 72 hours of receipt thereof, submit the petition to the registrars of voters in the town, and said registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the board of selectmen without delay and said board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If such officer does not resign within five days thereafter, said

board shall order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date of said clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within 100 days after the date of the certificate, said board shall 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 removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 7. If he is recalled, he shall be deemed removed upon the qualifications of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote for either of said propositions. Under the proposition shall appear the word "Candidates" and the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, then the candidate receiving the highest number of votes shall be declared elected. If a majority of votes cast on the question is in the negative, then the ballots for candidates need not be counted. If fewer than 30 per cent of the registered voters of the town participate in the election, no votes need be counted and the election shall be deemed to have determined that the incumbent should not be recalled.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor in the last six months of his term, 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 his recall was submitted to the voters of the town has elapsed.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within two years after such recall or resignation.

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

Approved January 14, 1999.