

By Mr. Correia of Fall River (by request), petition of John Medeiros (with the approval of the mayor and city council) that provision be made for recall elections in the city of Fall River. Election Laws. [Local Approval Received.]

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE CITY OF FALL RIVER.

*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. In the city of Fall River any holder of an elective  
2 office, mayor, city councillor, school committee member, may be  
3 recalled therefrom by the registered voters of the city as herein  
4 provided.

1 SECTION 2. Any ten registered voters of the city may file with  
2 the city clerk an affidavit containing the name of the officer or  
3 officers sought to be recalled and a statement of the grounds for  
4 recall. The city clerk shall thereupon deliver to said voters making  
5 the affidavit copies of petition blanks demanding such recall,  
6 printed forms of which he shall keep available. The blanks shall be  
7 issued by the city clerk with his signature and official seal attached  
8 thereto. They shall be dated, shall be addressed to the city council,  
9 and shall contain the names of the ten persons to whom they are  
10 issued, the name of the person whose recall is sought, the grounds  
11 of recall as stated in the affidavit, and shall demand the election of a  
12 successor in the said office. A copy of the petition shall be entered  
13 in a record book to be kept in the office of the city clerk. The recall  
14 petition shall be returned and filed with the city clerk within twenty  
15 days after the filing of the affidavit and shall have been signed by at  
16 least five percent of the registered voters of the city who shall add to  
17 their signatures the street and number of their residences.

18 The city clerk shall submit the petition to the election commis-  
19 sioners in the city and the commissioners shall forthwith certify  
20 thereon the number of signatures which are names of registered  
21 voters of the city.

1 SECTION 3. If the petition shall be found and certified by the  
2 city clerk to be sufficient, he shall submit the same with his certifi-  
3 cate to the city council without delay, and the city council shall  
4 forthwith give written notice of the receipt of the certificate to the  
5 officer or officers sought to be recalled, and shall, if the officer or  
6 officers does not resign within five days thereafter, thereupon order  
7 an election to be held on a Tuesday fixed by them not more than  
8 sixty days after the date of the city clerk's certificate that a suffi-  
9 cient petition is filed; provided, however, that if any other city  
10 election is to occur within sixty days after the date of the certifica-  
11 te, the city clerk shall postpone the holding of the recall election to  
12 the date of such other election. If a vacancy occurs in said office  
13 after a recall election has been ordered, the election shall neverthe-  
14 less proceed as provided in this act.

1 SECTION 4. The question of recalling any number of officers  
2 may be submitted at the same election. But as to each officer whose  
3 recall is sought there shall be a separate ballot. The nomination of  
4 candidates to succeed an officer whose recall is sought, the publica-  
5 tion of the warrant for the recall election, and the conduct of such  
6 election, shall all be in accordance with the provisions of the  
7 General Laws.

1 SECTION 5. 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 office within two  
4 years after such recall or such resignation.

1 SECTION 6. The incumbent shall continue to perform the du-  
2 ties of his office until the recall election. If then reelected, he shall  
3 continue in office for the remainder of his unexpired term, subject  
4 to recall as before. If not reelected in the recall election, he shall be  
5 deemed removed upon the qualification of his successor, who shall

6 hold office during the unexpired term. If the successor fails to  
 7 qualify within thirty days after receiving notification of his elec-  
 8 tion, the incumbent shall thereupon be deemed removed and the  
 9 office vacant.

1 SECTION 7. 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 for  
 7 either of such propositions. Under the proposition shall appear the  
 8 word "Candidates" and the direction "Vote for one" and beneath  
 9 this the names of candidates nominated as hereinbefore provided.  
 10 The ballots used in a recall election shall be substantially in the  
 11 following form:

12 RECALL ELECTION.

13 (Month and day of month and year)

14 FOR THE RECALL OF (name in full),	
15 AGAINST THE RECALL OF (name in full),	

16 CANDIDATES.

17 Vote for one.

18 (Name of candidate.)	

1 SECTION 8. No recall petition shall be filed against an officer  
 2 within three months after he takes office, nor in the case of an  
 3 officer subjected to a recall election and not removed thereby, until  
 4 at last nine months after that election.

1 SECTION 9. This act shall be submitted for acceptance to the  
2 voters of the city of Fall River at the city election to be held in the  
3 year nineteen hundred and eighty-one in the form of the following  
4 question which shall be placed in the official ballot to be used for  
5 the election of city offices; "Shall an act passed by the General  
6 Court in the year nineteen hundred and eighty entitled, 'An act  
7 providing for recall elections in the city of Fall River', be accept-  
8 ed?" If a majority of the voters in answer to said question is in the  
9 affirmative, this act shall thereupon take full effect but not other-  
10 wise.