

By Mrs. Lewis of Bridgewater, petition of Jacqueline Lewis (by vote of the town) relative to the recall of elected officials in the town of Bridgewater. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT AUTHORIZING THE TOWN OF BRIDGEWATER 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 elective office in the Town of
2 Bridgewater may be recalled and removed therefrom by the
3 qualified voters of said town as herein provided.

1 SECTION 2. One hundred (100) or more qualified voters may
2 file with the Town Clerk an affidavit containing the name of the
3 officer and the office held whose recall is sought and a statement
4 of the grounds upon which the petition is based. Said Town Clerk
5 and/or the Board of registrars shall, within five (5) days certify
6 thereon the number of signatures which are names of registered
7 voters of the town. The Town Clerk shall upon certification deliver
8 to said voters making the affidavit copies of petition blanks
9 demanding such recall, copies of which shall be kept available.
10 The blanks shall be issued by the Town Clerk with the Clerk's
11 signature and official seal attached thereto. They shall be dated,
12 shall be addressed to the Board of Selectmen and shall contain
13 the names of all persons to whom they are issued, the name of
14 the person whose recall is sought, the office held by the person
15 named, the grounds of recall as stated in the affidavit, and shall
16 demand the election of a successor to said office. A copy of the
17 petition shall be entered in a record book to be kept in the office
18 of the Town Clerk. The recall petition shall be returned and filed

19 with the Town Clerk within twenty-one (21) days after the
20 certification of the affidavit, and shall have been signed by at least
21 ten per cent (10%) of the registered voters of the town, who shall
22 add to their signatures the street and number if any, of their
23 residences.

24 The Town Clerk shall within twenty-four (24) hours of receipt
25 of the petition, submit the petition to the Board of Registrars of
26 voters in the town, and the registrars shall within fourteen (14)
27 days certify thereon the number of signatures which are names
28 of registered voters of the town.

1 SECTION 3. If the petition shall be found and certified by the
2 Town Clerk and/or the Board of Registrars to be sufficient, he
3 shall submit the same with his certificate to the Board of Selectmen
4 without delay, and said Board shall, within seven (7) days give
5 written notice of the receipt of the certificate to the officer sought
6 to be recalled and shall, if the officer does not resign within five
7 (5) days thereafter, order an election to be held on a date fixed
8 by them not less than sixty (60) nor more than ninety (90) days
9 after the date of the Town Clerk's certification that a sufficient
10 petition has been filed; provided however, if any other town
11 election is to occur within one hundred (100) days after
12 certification, the Board of Selectmen shall postpone the holding
13 of the recall election to the date of such other election. If a vacancy
14 occurs in said office after a recall election has been ordered, the
15 election shall nevertheless proceed as specified in the section
16 provided.

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

1 SECTION 5. The incumbent shall continue to perform the
2 duties of office until the recall election. If then re-elected, he shall

3 continue in office for the remainder of the unexpired term, subject
4 to recall as before, except as provided in this act. If not re-elected
5 in the recall election, the officer shall be deemed removed upon
6 the qualification of his successor, who shall hold office during the
7 unexpired term. If the successor fails to qualify within five (5) days
8 after receiving notification of his/her election, the incumbent shall
9 be deemed removed and the office vacant.

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

3 FOR the recall of (name of officer) (office held)

4 AGAINST the recall of (name of officer) (office held)

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 said propositions. Under the proposition shall appear
8 the word "Candidates", the direction "Vote for One", and beneath
9 this the names of candidates nominated as hereinbefore provided.
10 In the case of machine voting or punch card balloting, or other
11 forms of balloting provision shall be made to allow the same intent
12 of the voter. If a majority of the votes cast upon the question of
13 recall is in the affirmative, the candidate receiving the highest
14 number of votes shall be declared elected. If a majority of votes
15 on the question is in the negative, the ballots for candidates need
16 not be counted.

1 SECTION 7. No recall petition shall be filed against an officer
2 within six (6) months after he takes office, or in the case of an
3 officer subjected to a recall election and not removed thereby, until
4 at least six (6) months after the election.

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, shall be appointed to any town office within
4 two (2) years after such removal by recall or resignation.

