

By Mr. Cahoon of Chatham, petition of Howard C. Cahoon, Jr., and Paul V. Doane (by vote of the town) for legislation to provide for the recall of elected officials in the town of Truro. Elections Laws. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR THE RECALL OF ELECTED OFFICIALS IN THE TOWN OF TRURO.

*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 Truro may be recalled therefrom by the qualified voters of the town  
3 as herein provided.

1 SECTION 2. Any ten qualified voters of the town of Truro may  
2 initiate a recall petition by filing with the town clerk of said town an  
3 affidavit containing the name of the officer sought to be recalled  
4 and a statement of the grounds of recall. Said town clerk shall  
5 thereupon deliver to the voter making such affidavit a sufficient  
6 number of copies of petition blanks demanding such recall, printed  
7 forms of which he shall keep on hand. The blanks shall be issued by  
8 the town clerk with his signature and official seal attached thereto;  
9 they shall be dated and addressed to the selectmen of said town,  
10 shall contain the name of the person to whom issued, the number of  
11 blanks so issued, the name of the person sought to be recalled, the  
12 grounds of recall as stated in said affidavit, and shall demand the  
13 election of a successor to such office. A copy of the petition shall be  
14 entered in a record book to be kept in the office of the town clerk.  
15 Said recall petition shall be returned and filed with the town clerk  
16 within twenty days after filing of the affidavit. Said petition before  
17 being returned and filed shall be signed by one hundred of the  
18 qualified voters and to every signature shall be added the place of

19 residence of the signer, giving the street and number. The said recall  
20 petition shall be submitted to the town clerk by three o'clock p.m.  
21 on the Monday preceding the day which it must be filed, to the  
22 registrars of voters in said town, and the registrars shall forthwith  
23 certify thereon the number of signatures which are names of voters  
24 of said town.

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

1 SECTION 4. Any officer sought to be recalled may be a candi-  
2 date to succeed himself and, unless he requests otherwise in writing,  
3 the town clerk shall place his name on the ballot without nomina-  
4 tion. The nomination of other candidates, the publication of the  
5 warrant for the recall election, and the conduct of the same, shall all  
6 be in accordance with the provisions of law relating to elections  
7 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 then reelected, he shall  
3 continue in the office for the remainder of his unexpired term,  
4 subject to recall as before, except as provided in this act. If not  
5 reelected in the recall election, he 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 days  
8 after receiving notification of his election, the incumbent shall  
9 thereupon be deemed removed and the office vacant.

1 SECTION 6. Ballots used in a recall election, shall submit the  
2 following propositions in the order indicated: For the recall of  
3 (name of officer). Against the recall of (name of officer). Imme-  
4 diately at the right of each proposition, there shall be a square in  
5 which the voter, by making a cross mark (X), may vote for either of  
6 the said propositions. Under the proposition shall appear the word  
7 "Candidates", the directions to voters required by section forty-two  
8 of chapter fifty-four of the General Laws, beneath this the names of  
9 candidates nominated as herein before provided. If a majority of  
10 the votes cast upon the question of recall is in the affirmative, the  
11 candidate receiving the highest number of votes shall be declared  
12 elected; provided that at least twenty-five per cent of those entitled  
13 to vote shall have voted. If a majority of votes on the question is in  
14 the negative, the ballot for candidates 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 subject to a recall election not not recalled thereby, until at least six  
4 months after the election at which his recall was submitted to the  
5 voters. No person who has been removed from an office or who  
6 has resigned from office while recall proceedings were pending  
7 against him, shall be appointed to any town office within two years  
8 after such removal or such resignation.

