

By Mr. Mann of Hanson, petition of Charles W. Mann and Edward P. Kirby that provision be made for recall elections in the town of Hanson. Election Laws.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE TOWN OF HANSON 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 Hanson may be recalled, and removed therefrom by the qualified
3 voters of said town as herein provided.

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

20 recall petition shall be submitted, at or before five o'clock in the
21 afternoon of the Monday preceding the day on which it must be
22 filed, to the registrars of voters in said town, and the registrars shall
23 forthwith certify thereon the number of signatures which are
24 names of voters 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 removed does not
6 resign within five days thereafter, thereupon order an election to be
7 held on a date fixed by them not less than twenty-five days after the
8 date of the town clerk's certificate that a sufficient petition is filed;
9 provided, however, that if any other town election is to occur
10 within sixty days after the date of said certificate, said selectmen
11 may, in their discretion, postpone the holding of said recall election
12 to the date of such other election. If a vacancy occurs in said office
13 after a recall election has been so ordered, the election shall never-
14 theless 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 writ-
3 ing, said town clerk shall place his name on the official ballot
4 without nomination. The nomination of other candidates, the
5 publication of the warrant for the recall election, and the conduct
6 of the same, shall all be in accordance with the provisions of law
7 relating to elections, unless otherwise provided in this act.

1 SECTION 5. The incumbent shall continue to perform the du-
2 ties of his office until the recall election. If then re-elected, he shall
3 continue in office for the remainder of his unexpired term, subject
4 to recall as before, except as provided in section seven. If not
5 re-elected 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 in said town shall
2 submit the following propositions in the order indicated:

3 For the recall of (name of officer).

4 Against the recall of (name and 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 herein before provided.
10 In case of machine voting, or punch card balloting, or other forms
11 of balloting, appropriate provisions shall be made to allow the
12 same intent of the voter.

1 SECTION 7. No recall petition shall be filed against an officer
2 of said town within six months after he takes office, nor in the case
3 of an officer subjected to a recall election and not removed thereby,
4 until at least six months after that election.

1 SECTION 8. No person who has been recalled from an office in
2 said town, or who has resigned from office while recall proceedings
3 were pending against him, shall be appointed to any town office
4 within two years after such removal by recall or resignation.

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