

HOUSE No. 3947

By Ms. Stanley of West Newbury, petition of Harriett L. Stanley (by vote of the town) relative to recall elections in the town of Merrimac. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF MERRIMAC.

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 Mer-
2 rimac may be recalled from their office by the registered voters of
3 the town as herein provided, for reason of lack of fitness, incompe-
4 tence, neglect of duties, corruption, malfeasance, misfeasance or
5 violation of oath.

1 SECTION 2. Four hundred registered voters of the town may file
2 an affidavit with the town clerk containing the name of the officer
3 sought to be recalled and a statement of the grounds for recall. The
4 town clerk shall thereupon deliver to the voters copies of printed
5 form petition blanks addressed to the board of selectmen demanding
6 the recall. The blanks shall be issued under the signature and official
7 seal of the town clerk. They shall be dated, and shall contain the
8 names of all persons to whom they are issued, the name of the
9 person whose recall is sought, and the grounds of recall as stated in
10 the affidavit. In addition, the petitions shall demand the election of a
11 successor to the office. A copy of the petition shall be entered in a
12 record book to be kept in the office of the town clerk. The recall
13 petition shall be returned and filed with the town clerk within 30
14 days after the filing of the affidavit, with signatures, names and
15 street addresses of at least 20 per cent of the registered voters of the
16 town. Within 5 working days of receipt, the town clerk shall submit
17 the petition to the registrars of voters in the town, and the registrars
18 shall forthwith certify thereon the number of signatures which are
19 names of registered voters of the town.

1 SECTION 3. If the petition shall be found and certified by the
2 town clerk to be sufficient, it shall be submitted with his certificate
3 to the board of selectmen without delay. The board of selectmen
4 shall forthwith give written notice of the receipt of the certificate to
5 the officer sought to be recalled. If the officer does not resign within
6 5 calendar days, the board of selectmen shall forthwith order an elec-
7 tion to be held on a date fixed by them not less than 64 nor more
8 than 90 days after the date the election is called after receipt of the
9 certificate, but if any other town election is scheduled to occur
10 within 100 days after the date of the certificate, the board of
11 selectmen shall postpone the holding of the recall election to the date
12 of such other election. If a vacancy occurs in the office after a recall
13 election has been ordered, the election shall nevertheless proceed as
14 provided in this act.

1 SECTION 4. An officer sought to be removed may be a candidate
2 to succeed himself in an election to be held to fill the vacancy, and
3 unless the officer requests otherwise in writing, the town clerk shall
4 place said name on the ballot without nomination. The nomination
5 of other candidates, the publication of the warrant for the removal
6 election, and the conduct of the same, shall all be in accordance with
7 the law relating to elections, unless otherwise provided in this
8 section.

1 SECTION 5. The incumbent shall continue to perform the duties
2 of his office until the recall election. If the incumbent is not
3 removed, he shall continue in office for the remainder of his unex-
4 pired term, subject to recall as before, except as provided in this act.
5 If not re-elected in the recall election, he shall be considered
6 removed upon the qualification of a successor, who shall hold office
7 during the unexpired term. If the successor fails to qualify within 5
8 days after receiving notification of election, the incumbent shall
9 thereupon be considered removed and the office vacant.

1 SECTION 6. Ballots used in a recall election shall contain 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 to the right of each proposition there shall be a des-
6 ignated place for voters to vote for either of the propositions. Under
7 the proposition shall appear the word “Candidates”, the directions to
8 voters required by section 42 of chapter 54 of the General Laws, and
9 beneath this, the names of candidates nominated as hereinbefore pro-
10 vided.

11 If a majority of votes on the question is against the recall, the bal-
12 lots for candidates need not be counted or any action taken relative
13 thereto. If a majority of the votes cast upon the question of recall is
14 in favor of the recall, the officer shall be recalled and the ballots for
15 candidates shall be counted. The candidate receiving the highest
16 number of votes shall be declared elected.

1 SECTION 7. A recall petition shall not be filed against an officer
2 within 3 months after he takes office, nor, in the case of an officer
3 subjected to a recall election and not recalled thereby, until at least 3
4 months have elapsed after the election at which the recall was sub-
5 mitted to the voters of the town.

1 SECTION 8. A person who has been recalled from an office or
2 who has resigned from office while recall proceedings were pending
3 against him shall not be appointed to any town office within 2 years
4 after the recall or resignation.