

# HOUSE . . . . . No. 4384

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act Providing for Recall in the Town of Colrain..

*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 person who holds an elected office in the Town of Colrain, with more  
2   than six months remaining in the term of that office on the date of the filing of a recall affidavit  
3   may be recalled from office by the registered voters of said Town of Colrain, in the manner  
4   herein provided.

5           SECTION 2. Fifty or more voters of the Town of Colrain may file with the clerk of said  
6   town, an affidavit containing the name of the officer whose recall is being sought, along with a  
7   statement on the grounds of removal. Said clerk of said town shall provide to the voters, petition  
8   blanks demanding such recall, printed forms of which shall be kept available by said clerk. Such  
9   petition blanks may be completed either in writing or typewriting, shall be addressed to the board  
10   of selectmen, shall contain the names of the voters who filed the affidavit and the grounds for  
11   recall as stated in such affidavit; they shall demand the election of a successor to that office; and  
12   shall be dated and signed by said clerk. A copy of such petition shall be kept on file in the office  
13   of said clerk in a record book maintained for such purpose.

14           The recall petitions shall be returned and filed in the office of said clerk within fourteen  
15 days following the date upon which said clerk issued such petitions; they shall contain the  
16 signatures of at least ten percent of the total number of voters duly recorded on the registration  
17 list of said clerk as of the most recent preceding town election.

18           Said clerk shall, within forty-eight hours following such filing, submit said petitions to  
19 the registrars of voters who shall, within five days, certify thereon the number of signatures  
20 which in fact are names of voters in said town.

21           SECTION 3. If the recall petitions shall be certified by the registrars of voters to contain  
22 the sufficient number of voter signatures, the clerk of the Town of Colrain shall forthwith submit  
23 such petitions to the board of selectmen. Upon its receipt of the certified petitions, said board of  
24 selectmen shall, within forty-eight hours, give written notice of said recall petitions and the  
25 certification thereof to the person whose recall is being sought.

26           If the officer sought to be recalled does not resign his office within five days following  
27 the following the delivery of said notice, the board of selectmen shall order an election to be held  
28 not less than sixty-five nor more than ninety days after the date of said certification, said board of  
29 selectmen may, at their discretion, postpone the holding of said recall election until the date of  
30 such other town election.

31           If a vacancy occurs in the office after a recall election has been ordered, the election shall  
32 nevertheless proceed as provided in this section; provided, however that only the ballots for new  
33 candidates shall be counted.

34           SECTION 4. No officer whose recall is sought may be a candidate to succeed himself at  
35 the recall election. The nomination of candidates, the publication of the warrant for the recall

election and the conduct of said election shall be in accordance with the provisions of law relative to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election is held. If not recalled in such election, the incumbent shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided within.

If the incumbent officer is recalled he shall be deemed removed upon the qualification of a successor who shall hold office for the remainder of the unexpired term; provided, however, that if the successor fails to qualify within five days after receiving notification of election, the incumbent nevertheless shall thereupon be deemed removed and such office shall remain vacant for the remainder of the unexpired term.

SECTION 6. All ballots used at a recall election shall contain the following propositions in the order indicated:

FOR THE RECALL OF (NAME OF OFFICER)

AGAINST THE RECALL OF (NAME OF OFFICER)

Adjacent to each proposition, there shall be a place to mark a vote.

After the proposition shall appear the word "CANDIDATES" followed by the names of all candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

55           If a majority of the votes cast upon the question of recall are in the affirmative, the  
56 candidates need not be counted unless the incumbent officer has previously resigned from office  
57 pursuant to section three.

58           SECTION 7. No recall petition shall be filed against an officer within six months of the  
59 assumption of his office. In the case of an officer who has been subjected to a recall election and  
60 was not recalled thereby, no subsequent recall petition shall be filed against such officer until at  
61 least six months after the date of the election at which such initial recall was voted upon.

62           SECTION 8. No person who has been recalled from an office or who has resigned from  
63 an office while recall proceedings were pending, shall be appointed to any town office within  
64 twelve months after such recall or resignation.

65           SECTION 9. This act shall take effect upon its passage.