

HOUSE No. 4414

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the Town of Belmont 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 AN ACT AUTHORIZING THE TOWN OF BELMONT TO RECALL ELECTED
2 OFFICIALS

3 SECTION 1. Any person who holds an elected town-wide office in the town of Belmont,
4 except a member of the housing authority, may be recalled and removed therefrom by the
5 qualified voters of the town as herein provided.

6 SECTION 2. Any two hundred or more registered voters of the town of Belmont at least
7 twenty-five of whom shall be from each precinct, may initiate a recall petition by filing with the
8 town clerk an affidavit containing the name of the officer sought to be recalled and a statement
9 of the grounds for recall. The town clerk shall thereupon, within five business days, deliver to
10 the voter first named on the affidavit a sufficient number of copies of petition blanks requesting
11 such recall. The blanks shall be dated and addressed to the board of selectmen, shall contain the
12 names of the first 10 signers of the affidavit, the name and office of the person sought to be
13 recalled, the grounds for recall as stated in the affidavit, and shall request the election of a

14 successor to such office. A copy of the form of the petition shall be filed in the office of the
15 town clerk.

16 SECTION 3. If, within thirty days of the delivery by the town clerk of the petition forms,
17 the petition signed by not less than twenty per cent of the registered voters of the town, including
18 at least five per cent of the registered voters from each precinct, as the names and addresses of all
19 such voters appear on the list of registered voters of the Town, is filed with the town clerk, and
20 found by the clerk to be sufficient, the clerk shall, within five business days, submit the petition
21 to the board of selectmen. The board of selectmen shall immediately deliver to the elected
22 officer whose recall is sought written notice of their receipt of the petition and shall, if the officer
23 sought to be recalled does not resign within five days thereafter, forthwith order a special
24 election to be held not less than sixty-four nor more than eighty days after the date of the
25 selectmen's receipt of the petition; provided, however, that if any other town election is to occur
26 within one-hundred days after the date of the submission, the selectmen may, in their discretion
27 postpone the holding of the recall election to the date of such other election. If a vacancy occurs
28 in said office after a recall election has been ordered, the election shall nevertheless proceed as
29 provided in this section.

30 SECTION 4. Any officer sought to be recalled may be a candidate to succeed to the
31 office and, unless the officer requests otherwise in writing, the town clerk shall place the name of
32 such officer on the official ballot without nomination. The nomination of other candidates, the
33 publication of the warrant for the recall election, and the conduct of same, shall all be in
34 accordance with the provisions of law relating to elections unless otherwise provided by this act.

35 SECTION 5. The incumbent shall continue to perform the duties of the office until the
36 recall election. If the recall fails, or if the incumbent is reelected, the incumbent shall continue in
37 the office for the remainder of the unexpired term, except as provided in this act. If not reelected
38 in the recall election, the officer shall be deemed removed upon the qualification of the elected
39 successor, who shall hold office during the balance of the unexpired term.

40 SECTION 6. Ballots used in a recall election in the town shall submit the following
41 propositions in the order indicated:

42 For the recall of (name and title of officer whose recall is sought),

43 Against the recall of (name and title of officer whose recall is sought),

44 The names of the candidates who have been nominated to succeed to the office of the
45 person subject to recall shall be set forth below the propositions along with such instructions as
46 may be necessary for the voter.

47 If a majority of the votes cast on the recall question is in the affirmative, then the
48 candidate who received the highest number of votes in the special election to fill the vacancy
49 shall be elected. If a majority of the votes cast on the recall question is in the negative, the
50 ballots for candidates to fill the potential vacancy need not be counted.

51 SECTION 7. No recall petition shall be filed against an officer within six months after
52 the officer takes office, nor, in the case of an officer subjected to a recall election and not
53 recalled thereby, until at least six months after the election at which the recall was submitted to
54 the voters.

55 SECTION 8. This act shall take effect upon its passage.”

