

From the Massachusetts Acts & Resolves of 1990.

**Chapter 6. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WESTFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Any holder of elective office in the town of Westford with more than six months remaining in the term of office may be recalled therefrom by the voters in the manner provided in this act. A recall petition shall not be filed against an officer within three months after taking office.

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall provided that the affidavit is signed by at least twenty-five voters from each precinct in said town.

The town clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which the town clerk shall keep available. Such blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto. They shall be dated; shall be addressed to the board of

selectmen; shall contain the names of all the persons to whom they are issued, the number of blanks so issued; the name of the person whose recall is sought; the office from which removal is sought; the grounds of recall as stated in the affidavit and shall demand the election of a successor to said office. A copy of the petition shall be entered in a record book kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days following the date of the filing of the affidavit, and shall have been signed by at least ten percent of the registered voters of each precinct of the town as of the date of the most recent town election and containing their names and addresses.

The town clerk shall within twenty-four hours of receipt submit the petition to the registrar of voters who shall within five working days certify thereon the number of signatures that are names of registered voters of the town.

**SECTION 2.** If the petition shall be certified by the town clerk to be sufficient, he shall submit the same with the town clerk's certificate to the board of selectmen within five working days. Upon receipt of the certificate the board shall within five working days give written notice of such petition and certificate to the officer sought to be recalled. If said officer does not resign his office within five days after delivery of such notice, the board of selectmen shall order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate of sufficient petition. If however, any other town election is to occur within one hundred days after the date of the certificate, the board of selectmen shall hold the recall election on the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating the elections, unless otherwise provided in this act.

**SECTION 3.** The incumbent shall continue to perform the duties of the office until the recall election. If he is not recalled, the incumbent shall continue in the office for the remainder of the unexpired term subject to recall as before except as provided herein. If recalled in the election, the officer shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

**SECTION 4.** Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer) Immediately next to each proposition there shall be a broken arrow in which the voter, by connecting both lines of the arrow, may vote for either of the said propositions.

Under the propositions shall appear the phrase, candidates to fill vacancy if recall vote is in the affirmative, the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question are in the negative, the ballots for candidates need not be counted.

**SECTION 5.** In the case of an officer subjected to recall election and not recalled thereby, no recall petition shall be filed against such officer until at least ninety days after the election at which the officer's recall was submitted to the voters of the town.

**SECTION 6.** No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within one year after such recall or such resignation.

**SECTION 7.** This act shall take effect upon its passage.

Approved March 23, 1990.