



Office of the Town Clerk

Town of Chelmsford
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Patricia E. Dzuris, CMC, CMMC
Town Clerk

CERTIFICATE OF VOTE

**Amendment to the Town Charter Part II, Section 2-5(d) Vacancies
Town Meeting Member Ten Vote Minimum for Vacancy Reserve List
ARTICLE 20, Fall Annual Town Meeting, October 18, 2021
QUESTION 4, April 5, 2022 Annual Town Election**

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 20 at the Fall Annual Town Meeting on Monday, October 18, 2021, held at the Chelmsford Senior Center, 75 Groton Road, Chelmsford, MA 01863. The meeting was called to order at 7:30 PM by Moderator Jon H. Kurland. There were 115 members present which satisfied a quorum requirement of 82. This filing is made pursuant to Chapter 43B section 12.

ARTICLE 20. To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 43B, Section 10 and Section 7-1 of the Town Charter, to amend the Town Charter, Part II, Section 2-5(d) relative to Vacancies, by inserting the underlined text as follows:

- (d) Filling vacancies. Any vacancy in the full number of town meeting members from any precinct shall be filled by the person receiving the highest number of votes among the defeated candidates at the last election. In order to be eligible to fill a vacancy, a write-in candidate shall have received at least ten (10) votes in the most recent election. In the absence of such candidate, the vacancy shall be filled until the next annual town election by the remaining town meeting members from the precinct, from among the voters in said precinct.
; or act in relation thereto.

**SUBMITTED BY: Board of Registrars
Two-Thirds Vote**

MOTION UNDER ARTICLE 20. I move that the Town, pursuant to the provisions of Massachusetts General Laws Chapter 43B, Section 10 and Section 7-1 of the Town Charter, amend the Town Charter, Part II, Section 2-5(d) relative to Vacancies, by inserting the underlined text as follows:

- (d) Filling vacancies. Any vacancy in the full number of town meeting members from any precinct shall be filled by the person receiving the highest number of votes among the defeated candidates at the last election. In order to be eligible to fill a vacancy, a write-in candidate shall have received at least ten (10) votes in the most recent election. In the absence of such candidate, the vacancy shall be filled until the next annual town election by the remaining town meeting members from the precinct, from among the voters in said precinct.

**SUBMITTED BY: Board of Registrars
Two-Thirds Vote**

Recommendations:

Finance Committee: Unanimously recommends approval of Article 20.

Select Board: Unanimously recommends approval of Article 20.

The electronic voting devices registered the following votes:

YES: 115 NO: 15 Abstentions: 0

MOTION UNDER ARTICLE 20: Carries by two-thirds vote.

The Office of the Attorney General approved the article on January 20, 2022 and notice was posted on January 24, 2022. The Charter amendment was placed on the April 5, 2022 Annual Town Election ballot as Question 4 and passed by a vote of 2059 in favor out of 3158 ballots cast. The revised section of the Charter shall read as follows:

Section 2-5 Vacancies.

- (a) **Resignation.** A town meeting member may resign by filing a written resignation with the town clerk; absent a date certain, such resignation shall take effect upon the date of such filing.
- (b) **Moving from Town or Precinct.** A town meeting member who moves from the town shall forthwith cease to be a town meeting member. A town meeting member who moves from one precinct to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which the member was elected until the next annual town election at which the remainder of the member's term, if any, shall be filled by ballot. Any person so removed from office may be elected at the same election as a town meeting member from the precinct to which the member has moved.
- (c) **Forfeiture of Office.** If any person elected as a town meeting member shall fail to take the oath of office within thirty days following the election of such person, or shall fail to attend more than one-half of the sessions of the town meeting held in a calendar year, the member shall be deemed to have resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as provided in section **2-5(d)**.

Any town meeting member who shall fail to attend more than one-half of the sessions of the town meeting held in a calendar year, may appeal the declaration of vacancy by requesting a hearing on removal. A request for hearing shall be in writing and shall be filed with the Town Clerk on or before January 15th of the following calendar year. A hearing shall be held before a committee consisting of the Town Clerk, Town Moderator and Town Counsel to be held no later than January 25th of said year. Upon the showing of good cause by the member, the committee may excuse one or more absences and may rescind the Declaration of Vacancy provided the Town meeting member has attended at least one-half of the unexcused sessions of the Town Meeting during said calendar year.

- (d) **Filling vacancies.** Any vacancy in the full number of town meeting members from any precinct shall be filled by the person receiving the highest number of votes among the defeated candidates at the last election. In order to be eligible to fill a vacancy, a write-in candidate shall have received at least ten (10) votes in the most recent election. In the absence of such candidate, the vacancy shall be filled until the next annual town election by the remaining town meeting members from the precinct, from among the voters in said precinct.



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