

Acts (2012)

Chapter 73

AN ACT RELATIVE TO THE RECALL OF ELECTED OFFICERS IN THE TOWN OF CHELMSFORD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 3-12 of the charter of the town of Chelmsford is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Recall Affidavit and Petition.

(1) A recall petition may be initiated by filing an affidavit on a form provided by the town clerk, containing the name of the officer sought to be recalled, as the name appears on the current voting list prepared under sections 37 and 37A of chapter 51 of the General Laws, and a statement of the grounds for recall. The town clerk shall provide, to the person requesting the affidavit form, the name of the officer sought to be recalled as it appears on the current voting list. The affidavit shall be signed by at least 25 voters from each of the precincts into which the town is divided for the purpose of electing town meeting members. Signatures shall be collected on a single affidavit form for each precinct; provided, however, that if the affiants wish to collect more signatures than can be accommodated on a single

form, an additional form may be requested from the town clerk. Blank affidavit forms shall not be photocopied or otherwise reproduced. The town clerk shall, within 24 hours of receipt, submit the affidavit to the registrars of voters, who shall, within 5 working days, certify the number of signatures which are names of registered voters of the town.

(2) The town clerk shall, within 5 business days following certification by the registrars of voters, make available to the lead petitioner, as designated on the affidavit, copies of petition blanks containing the number of signatures required in this paragraph, multiplied by 5, demanding such recall, copies of which printed forms the town clerk shall keep available. The petition blanks shall be issued by the town clerk, with signature and official seal attached to the petition blanks. The petition blanks shall be dated and addressed to the selectmen and shall contain: the names of the lead petitioner and the first voter named on each of the precinct affidavits; the number of blanks issued; the name of the person whose recall is sought, as it appears on the current voter list; 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 the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Blank recall petitions shall not be photocopied or reproduced. The recall petition shall be returned and filed with the town clerk within 20 days after the completion of the copies of the petition blanks and shall have been signed by at least 15 per cent of the registered voters of the town as of the date of the most recent town election.

The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of voters in the town and the registrars shall, within 5 working days, certify the number of signatures which are names of registered voters of the town.

SECTION 2. Said section 3-12 of said charter is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Recall Election. If the petition shall be found sufficient and certified by the board of registrars, the town clerk shall submit the petition with a letter of notice to the selectmen within 5 working days. The selectmen shall, within 5 working days, give written notice of receipt of the petition to the officer sought to be recalled and shall, if the officer does not resign within 5 days of being notified, immediately order an election to be held on a date not less than 60 and not more than 90 days after the date the election is ordered; provided, however, that if any other town election is to occur within 100 days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of that other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall not proceed under this section and notice of the cancellation of the election shall be provided on the town's website, posted in the same such locations a warrant for a town meeting would be posted and through whatever other means the board of selectmen deems appropriate.

SECTION 3. Subsection (f) of said section 3-12 of said charter is hereby amended by striking out the words “ninety days” and inserting in place thereof the following words:- 1 year.

SECTION 4. Subsection (g) of said section 3-12 of said charter is hereby amended by striking out the words “while recall proceedings were pending against such person” and inserting in place thereof the following words:- after the filing of a recall petition under paragraph (2) of subsection (b) of section 3-12.

SECTION 5. Said subsection (g) of said section 3-12 of said charter is hereby further amended by striking out the words “one year” and inserting in place thereof the following words:- 2 years.

SECTION 6. This act shall take effect upon its passage.

Approved, April 18, 2012.
