

Chap. 263. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF HALIFAX.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Halifax may be recalled therefrom by the qualified voters of the town as herein provided.

SECTION 2. Any ten qualified voters of the town of Halifax may initiate a recall petition by filing with the town clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after filing of the affidavit. Said petition before being returned and filed shall be signed by fifteen per cent of the qualified voters and to every signature shall be added the place of residence of the signer, giving the street and number. The said recall petition shall be submitted, to the town clerk by three o'clock p.m. on the Friday preceding the day which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of said town.

SECTION 3. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to said selectmen without delay and said selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be recalled does not resign within five days thereafter, thereupon order an election to be held on a date fixed by them, not less than sixty days and not more than seventy days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

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

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not reelected in the recall election, he 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 6. Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of officer). Against the recall of (name of officer). Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as herein before provided. 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; provided that at least twenty-five per cent of those entitled to vote shall have voted. If a majority of votes on the question is in the negative, the ballot for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters. No person who has been removed from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal or such resignation.

Approved October 16, 1984.