

# TOWN OF ANDOVER



## Review of Recall Provisions

June 2021

We are providing the following information on recall provisions as requested by the Town Governance Study Committee. Recall provisions do tend to be similar in nature. For review purposes, we have included the two recall provisions that are currently before the Legislature from the Towns of Wenham and Otis. We have also included the recall provisions for Andover's border communities that have adopted them which include North Andover, Wilmington, Tewksbury, North Reading, and Dracut.

In addition, the following is a list of recall elections that have occurred since 2019 in Massachusetts as published by Ballotpedia on their website,

[https://ballotpedia.org/Recall\\_campaigns\\_in\\_Massachusetts](https://ballotpedia.org/Recall_campaigns_in_Massachusetts)

## Massachusetts Recall Elections

2021

- [Dan Freitas recall, Fairhaven, Massachusetts \(2021\)](#)

2020

- [Kelly Cobb-Lemire recall, Braintree School Department, Massachusetts \(2020\)](#)
- [Select board recall, Kingston, Massachusetts \(2020\)](#)
- [Vanessa Alvarado recall, Reading, Massachusetts \(2020\)](#)
- [Westford School Department recall, Massachusetts \(2020\)](#)

2019

- [Mashpee Wampanoag Tribe recall, Massachusetts \(2019\)](#)
- [Verne Sund recall, Greenfield, Massachusetts \(2019\)](#)
- [Jasiel Correia recall, Fall River, Massachusetts \(2019\)](#)

2018

- [William Kingkade recall, Milford, Massachusetts \(2018\)](#)
- [Jasiel Correia recall, Fall River, Massachusetts \(2019\)](#)
- [Nancy Goulart recall, Dighton, Massachusetts \(2018\)](#)
- [Edward Kimball recall, Rockland, Massachusetts \(2018\)](#)
- [James Burgess recall, Randolph, Massachusetts \(2018\)](#)

## 2017

- [Town board recall, Stoughton, Massachusetts \(2017\)](#)
- [Shannon Cutler recall, Southamptn, Massachusetts \(2017\)](#)
- [Teresa Barrett recall, West Brookfield, Massachusetts \(2017\)](#)
- [Gordy Clark and Cindy King recall, Townsend, Massachusetts \(2017\)](#)
- [Kendra Dumont and Robert Prescott recall, Shirley, Massachusetts \(2017\)](#)

## 2016

- [Kendra Dumont and Robert Prescott recall, Shirley, Massachusetts \(2017\)](#)
- [Judith Marguiles recall, Ashland, Massachusetts \(2016\)](#)
- [Richard Jankauskas recall, Barre, Massachusetts \(2016\)](#)
- [Scott McGee recall, Mashpee School Department, Massachusetts \(2016\)](#)
- [Gordy Clark and Carolyn Smart recall, Townsend, Massachusetts \(2016\)](#)
- [Tim Toomey recall, Rowley, Massachusetts \(2016\)](#)
- [Dan Rivera recall, Lawrence, Massachusetts \(2016\)](#)

## 2015

- [Cindy Bohne and Chris Linskey recall, Winchester School Department, Massachusetts \(2015\)](#)
- [Gordy Clark and Carolyn Smart recall, Townsend, Massachusetts \(2016\)](#)
- [Tim Toomey recall, Rowley, Massachusetts \(2016\)](#)
- [Dan Rivera recall, Lawrence, Massachusetts \(2016\)](#)
- [Dana Manning recall, Holland Board of Health, Hampden County, Massachusetts \(2015\)](#)
- [Cathy Richardson recall, Dracut, Massachusetts \(2015\)](#)
- [Bonnie Conner recall, Hinsdale, Massachusetts \(2015\)](#)
- [Fedor Berndt and Beth Hunt recall, Winchendon, Massachusetts \(2015\)](#)

## 2014

- [Steve Ingerson recall, Ashby, Massachusetts \(2014\)](#)
- [Saugus Selectmen recall, Massachusetts \(2014\)](#)
- [Will Flanagan recall, Fall River, Massachusetts \(2014\)](#)
- [James Egan and Stephen Amico recall, Hanson, Massachusetts recall \(2014\)](#)
- [John Morrissey and Berta Bruinooge recall, Wellfleet, Massachusetts \(2014\)](#)
- [Austin Knight recall, Provincetown, Massachusetts \(2014\)](#)
- [Jean Syria and Susan Smiley recall, Lancaster, Massachusetts \(2014\)](#)

## 2012

- [Julie Farrell and Robert Mitchell recall, Templeton, Massachusetts \(2012\)](#)
- [Will Flanagan recall, Fall River, Massachusetts \(2012\)](#)

## 2011

- [Donald Cykowski recall, Easthampton, Massachusetts \(2012\)](#)
- [Board of Selectmen recall, Chelmsford, Massachusetts \(2011\)](#)
- [Mike Demos, Peter Riordan, and Mike Berolini recall, Bridgewater, Massachusetts \(2012\)](#)
- [William Lantigua recall, Lawrence, Massachusetts \(2011\)](#)
- [Kenneth Elstein, George Archible and James Barry recall, Belchertown, Massachusetts \(2011\)](#)

## 2010

- [Robert S. Filipkowski recall, North Brookfield, Massachusetts \(2010\)](#)
- [Robert R. Nichols recall, Blandford, Massachusetts \(2010\)](#)
- [Melissa Freitag recall, Falmouth, Massachusetts, 2010](#)

## 2009

- [Wareham Board of Selectmen recall, Massachusetts 2009](#)

## Bills Filed This Year

### ***WENHAM – H 3746***

SECTION 1. Any holder of an office elected solely by the voters of Wenham may be recalled and removed therefrom by the qualified voters of said town as herein provided.

SECTION 2. No fewer than 50 registered voters of Wenham may initiate recall by filing with the town clerk an affidavit of intent to recall, signed under the penalties of perjury, containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall; provided however, that the vote of an elected official on a matter, other than in connection with a conflict-of-interest violation, shall not constitute valid grounds for recall; the voters themselves shall individually determine whether any other grounds listed for recall are sufficient. The town clerk shall, within 2 business days of receipt of an affidavit of intent, certify, in accordance with the standards established by section 7 of chapter 53 of the General Laws, the names of voters of the town who signed the affidavit of intent.

SECTION 3. Upon certification by the town clerk of a sufficient number of signatures, the town clerk shall, within 3 business days, notify the primary petitioner, the voter first named on such notice of intent, that copies of such petition blanks are available at the office of the town clerk. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto; they shall be dated and addressed to the select board/board of selectmen and shall contain the name of the person whose recall is sought, the office from which recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. The names of the first ten signers of the affidavit of intent shall be listed above the voter signature lines and any instructions to signers. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

SECTION 4. The recall petition shall be returned and filed with the town clerk and board of registrars no later than 5:00 p.m. 21 calendar days following the date the clerk notifies the primary petitioner of the availability of the petition, or the next business day if the 21st day falls on a Saturday, Sunday or legal holiday. The clerk shall notify the primary petitioner of the final date and hour for filing. Said recall petition shall be signed by at least 10 percent of the registered voters of Wenham as of the last annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number. The town clerk and board of registrars shall, within 5 business days following the date of such filing, certify in writing thereon the number of signatures which are names of registered voters in said town as of the date such affidavit was filed with the town clerk.

SECTION 5. If the petition shall be found and certified by said town clerk to be sufficient, the town clerk shall submit the certified petition to said select board/board of selectmen within 2 business days from certification of sufficient signatures and said select board/board of selectmen shall forthwith, and in no more than 5 business days, give written notice of the receipt of said certificate to said elected officer whose recall is being sought. If the officer sought to be removed does not resign within 3 business days thereafter, said select board/board of selectmen shall within 5 business days order a recall election to be held not less than 64 nor more than 90 calendar days from the date of the vote scheduling the election; provided however, that if any other town election is to occur within 100 calendar days after the date of the vote, the select board/board of selectmen may, in its discretion, place the question of recall on the ballot at such other election. If a vacancy occurs in said office after a recall election has been ordered, but not yet been conducted, the election shall nevertheless proceed as herein provided.

SECTION 6. The nomination of all candidates, including the incumbent, 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 in this act.

SECTION 7. The incumbent shall continue to perform the duties of the office until the recall election unless the elected official resigns. If the incumbent is not recalled that person shall remain in office for the remainder of the incumbent's unexpired term, subject to recall as before. If recalled in the recall election, the incumbent shall be considered removed. The successor, upon qualification, shall hold office during the unexpired term; provided, however, that if such person is not qualified within 10 business days of said election, the position shall be deemed vacant and may be filled in accordance with applicable law.

SECTION 8. Ballots used in a recall election in said town shall submit the following proposition in the order indicated:

FOR THE RECALL OF THE [NAME OF OFFICER] (OFFICE HELD)

AGAINST THE RECALL OF THE [NAME OF OFFICER] (OFFICE HELD)

Immediately at the right of each proposition there shall be a designated space for voters to vote for either of the propositions. Just above said space, there shall appear the direction "Vote for one".

Under the proposition shall appear the word "CANDIDATES" and the direction "Vote for one" and

beneath this, listed alphabetically, the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast on the recall question is in favor of the recall, the elected official shall be recalled and the ballots for the candidates shall be counted. The candidate who received the highest number of votes of the special election to the vacancy shall be elected.

If a majority of the votes cast on the recall question is in the negative, the votes for candidates to fill the potential vacancy need not be counted unless a vacancy exists at the time of the election.

SECTION 9. A recall petition shall not be filed against an elected official within three months after the official has taken office. An elected official shall not be subject to a subsequent recall effort for the same specific grounds listed in the notice of intent filed for any prior recall effort.

A person who has been recalled from office, or who has resigned from office after the recall petition has been filed with the board of registrars of voters, shall not be appointed to any town office, board or committee within 3 years after the recall or resignation.

SECTION 10. This act shall take effect upon its passage.

**OTIS - H 826**

SECTION 1. Any holder of elective office in the Town of Otis may be recalled by the registered voters of Otis as herein provided.

SECTION 2. Any one hundred (100) registered voters of the Town may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to said voters a sufficient number of copies of printed form petition blanks addressed to the Selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the Town Clerk. They shall be dated and shall contain the names of all persons to whom they are issued. The name of the person whose recall is sought, and the grounds for the recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the petition shall be entered in the record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk on or before the first (1st) work day following twenty (20) days after the filing of the affidavit. Said petition, before being returned and filed with the Town Clerk shall be signed by a least thirty (30%) percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. Within twenty-four (24) hours of receipt of the petition the Town Clerk shall submit the petition to the registrars of voters in the town and the registrars shall within fourteen (14) days certify thereon the number of signatures which are names of registered voters of the Town. If their certification shows the petition to be insufficient, the Town Clerk shall return the petition to the voters seeking the recall, without prejudice, however, to the filing of a new affidavit for the same purpose.

SECTION 3. If the petition shall be found and certified by the Town Clerk, to be sufficient, he shall submit the same with this certification to the Board of Selectmen within seven (7) days and the Board shall within seven days give written notice of the receipt of the certificate to the officer sought to be recalled, and shall, if the officer does not resign within seven (7) days thereafter, order an election to be held on a date to be fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certification that a sufficient petition has been filed, provided, however, that if any other town election is scheduled to occur within one-hundred (100) days of said certificate, the Board of Selectmen may, in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the elections shall nevertheless proceed as provided herein.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he specifically request otherwise in writing, the Town Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same shall be in accordance with the provisions of law relating to elections

unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in section 7. If not re-elected in the recall election, he shall be deemed removed from office upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within seven (7) days after receiving written certified notification of his election, the incumbent shall thereupon be deemed recalled and the office vacant.

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

For the recall of (Name 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 such propositions. Under the proposition shall appear the word "candidates", the direction to voters required by MGL Chapter 54, Section 42, and beneath this the names of candidates nominated as herein before provided.

If a two-thirds majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be deemed elected. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer of the Town within six (6) months after he takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least twelve (12) months after that election.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within one (1) year after such recall or such resignation.

## By-Law Recall Provisions – Border Communities

### ***NORTH ANDOVER***

8-5-1.

Any holder of an elective office may be recalled by the voters as herein provided.

8-5-2.

One percent of the registered voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to the voter the first named on such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms which he/she shall keep available. 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 Board of Selectmen, and shall contain the name of the person to whom they are issued, the number of petitions so issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall be demand the election of a successor to such office.

8-5-3.

A copy of the petition shall be entered in the Town Meeting records. The recall petition shall bear the signatures and residential addresses of at least 25% of registered voters. The recall petition shall be returned to the Town Clerk within 20 working days after the filing of the affidavit.

8-5-4.

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 seven working days certify thereon the number of signatures which are named of registered voters.

8-5-5.

If the petition shall be found and certified by the Town Clerk to be sufficient he/she shall submit the same with his certificate to the Board of Selectmen. The Board of Selectmen shall, within three working days, give written notice by registered mail of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by the Board at least 64 but not more than 90 days after the date of the Town Clerk's certificate that

a sufficient petition has been filed; provided, however, that if any other Town election is to occur within 90 days after the date of the certificate, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election.

[Amended by Chapter 414 of the Acts of 2012, approved 1-4-2013]8-5-6.

Any officer sought to be removed may be a candidate to succeed himself. The nominations of 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 General Law relating to elections, and the election to replace the officer sought to be removed shall be held on the same day as the recall election.

8-5-7.

The incumbent shall continue to perform the duties of office until the recall election. If not recalled, he/she shall continue in office for the remainder of his unexpired term, but shall not again be subject to recall during his term of office. If recalled, he/she 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.

8-5-8.

The form of the question to be voted upon shall be substantially as follows: "shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed 20% of the registered voters of the Town.

8-5-9.

No person having been removed from office by recall or having resigned from office while recall proceedings were pending against him/her, shall be appointed to any Town office within two years following said removal or resignation.

**WILMINGTON**

SECTION 2A. Recall of Elected Officers. Any person who holds an elected town office with more than six months remaining of the term of office may be recalled from the office by the voters in the manner as herein provided.

(a) One hundred and fifty or more voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The signatures on such petition shall contain the names of at least ten voters in each of the precincts into which the town is divided for the purpose of electing town officers. If the said petition is found to be valid the Town Clerk shall thereupon deliver to the ten persons first named on such petition, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Board of Selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the Town Clerk. The recall petition shall be returned to the Town Clerk within twenty days following the date they are issued, signed by at least ten percent of the total number of persons registered to vote as of the date of the most recent town election. The Town Clerk shall within four (4) working days, commencing the day after submission with him/her submit the petitions to the Board of Registrars which shall within seven (7) working days, certify thereon the number of signatures which are names of voters.

(b) If the petitions shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall within five (5) working days, or at the next meeting of the Board of Selectmen submit the same with his/her certification. Upon its receipt of the certified petition the Board of Selectmen shall within two (2) working days, give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five (5) working days following delivery of said notice, the Board of Selectmen shall order a special election to be held not less than sixty-five nor more than ninety days after the date of the certification of the Town Clerk that the petition is sufficient.

(c) The nomination of candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the charter and General Laws regulating elections.

(d) Ballots used at the recall election shall state the proposition in the order indicated: For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the name of the candidates arranged as determined by a drawing by lot conducted by the Town Clerk which shall be open to the public, unless another arrangement is required by a

general law. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If the majority of the vote's cast is in favor of recall, the votes for candidates shall be counted and the candidates receiving the highest number of votes shall be declared elected.

(e) The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term. If the officer is recalled, he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(f) No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to recall and not recalled thereby, during the remainder of his unexpired term.

(g) The validation and the call for election certifies only compliance with the procedural requirements of this Act.

**TEWKSBURY**

## SECTION 15A.

(a) Application Any person who holds an elected office with more than six months remaining of the term of office, may be recalled from the office by the voters in the manner provided in this section.

(b) Recall Petitions One hundred and forty or more voters may file with the town clerk an affidavit containing the name of the office whose recall is sought and a statement of the grounds upon which the petition is based. The signatures on such petitions shall contain the names of at least twenty voters in each of the precincts.

If said petition is found to be valid the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding such recall, printed on forms which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following the date they are issued, signed by at least fifty percent of the total number of persons voting at the previous annual town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall within five days thereafter, certify thereon the number of signatures which are the names of voters.

(c) Recall Elections If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the board of selectmen.

Upon its receipt of the certified petitions the board of selectmen shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of said notice, the board of selectmen shall order a special election to be held not less than thirty-five nor more than sixty days after the date of the certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(d) Nomination of Candidates - An officer whose recall is sought may be a candidate to succeed all candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with this act and the General Laws regulating elections.

(e) Propositions on the Ballot - Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word “candidates” and the names of candidates arranged as prescribed by law. If a majority of the votes cast on the proposition is against the recall the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall the votes for candidates shall be counted and the candidate receiving the highest number of votes shall be declared elected.

(f) Officeholder The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is then not recalled he shall continue in his office for the remainder of his unexpired term, subject to recall as provided in paragraph (g).

If the officer is recalled he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(g) Request of Recall Petition No recall petition shall be filed against an officer within six months after he takes office, or in the case of an officer subjected 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.

### ***NORTH READING***

6.3.1 Any elective officer of the Town may be recalled and removed from public office by the voters of the Town as herein provided. Any voter of the Town may file with the Town Clerk an affidavit containing the name and title of the elective officer whose removal is sought, together with a statement of the grounds for his removal. No recall petition may be filed against any officer until he has held office for at least six months.

6.3.2 The Town Clerk shall thereupon deliver to said voter or voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms shall be available. Such forms shall be issued by the Town Clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to the Selectmen and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said 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 the filing of the affidavit, and shall have been signed by qualified voters of the Town, who shall add to their signatures the street and number, if any, of their residences, equal in number to at least fifteen percent of the voters registered at the last regular municipal election.

6.3.3 The Town Clerk shall within twenty-four hours of receipt submit the petition to the Registrars of Voters in the Town, and the Registrars shall within seven working days certify thereon the number of signatures which are names of registered voters of the Town.

6.3.4 If the petition shall be found and certified by the Town Clerk to be sufficient he shall submit the same with his certificate to the Selectmen within five working days, and the Selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than seventy-five and not more than ninety days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other Town election is to occur within ninety days after the date of the certificate, the Selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

6.3.5 Any officer sought to be removed 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 removal election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

6.3.6 The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in 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 this election, the incumbent shall thereupon be deemed removed and the office vacant.

6.3.7 Ballots used in the 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)

For the election of (name)

Each proposition shall be marked in accordance with the procedures for voting according to the electronic voting system used by the Town. Under the propositions shall appear the word "Candidates," and beneath this, the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

6.3.8 No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which his recall was submitted to the voters of the Town.

6.3.9 No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any office in the Town within two years after such recall or such resignation.

## **DRACUT**

### **Section 13 Recall Procedures**

(a) Application: Any holder of an elective office enumerated in Article 3, Section 1, with more than six months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section.

(b) Recall Petition: Two hundred or more voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. At least twenty-five names of voters shall be from each precinct. The Town Clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which he/she shall keep available. The blanks shall be issued by the Town Clerk with his/her signature and official seal attached thereto. They shall be dated; shall be addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk. The recall petitions shall be returned and filed with the Town Clerk within twenty days following the date of the filing of the affidavit, signed by at least ten percent of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent of the total number shall be from any precinct. The Town Clerk shall, within twenty-four hours of receipt, submit the petitions to the registrars of voters who shall forthwith certify thereon the number of signatures that are names of voters.

(c) Recall Election: If the petition shall be certified by the Town Clerk to be sufficient, he/she shall forthwith submit the same with his/her certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of such petition and certificate to the officer whose recall is sought. If said officer does not resign his/her office within five days after delivery of such notice, the Board of Selectmen shall order an election to be held not less than sixty-four, nor more than ninety days after the date of the Town Clerk's certificate of the sufficient petition. If, however, any other Town Election is to occur within one hundred and twenty 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 nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted.

(d) Nomination of Candidates: Any officer whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(e) Propositions on Ballot: 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)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word “candidates” and the names of candidates nominated as required in Section 42 of Chapter 54 of the General Laws. 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 votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

(f) Officeholder: The incumbent shall continue to perform the duties of his office until the recall election. If he/she is not recalled in the election he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before, except as provided in this section.

If he/she is recalled in the election, he/she shall be deemed removed upon the qualification of his/her successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Repeat of Recall Petition: No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected 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.