

**EXTRACTS FROM “ACTS AND RESOLVES OF MASSACHUSETTS – 1991”**

**Pages 242 through 244.**

**Chapter 116. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ASHBURNHAM.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elected office in the town of Ashburnham may be recalled therefrom by the registered voters of said town as herein provided.

**SECTION 2.** Any twenty-five registered voters of the town may initiate a recall petition by filing 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 said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks 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 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 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 at least fifteen percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences.

The town clerk shall submit said recall petition at or before five o'clock in the afternoon of the Monday preceding the day on 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 registered voters in said town.

**SECTION 3.** 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 sixty 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 one hundred days after the date of the certificate the selectmen shall 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 so ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.** Any officer sought to be removed may be a candidate to succeed himself. The nomination of all candidates, the publication of the warrant for the recall election and any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided herein. A majority of those voting at the recall election shall be sufficient to recall such elected officer.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If said incumbent is not recalled, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in section seven. If recalled in the

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 in said town 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 said propositions. Under the propositions shall appear the word "Candidates", and the direction "Vote for One" and beneath this the name of candidates nominated as hereinbefore provided. In case of machine voting or punch card balloting, appropriate provision shall be made to allow the same intent of the voter. If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

**SECTION 7.** No recall petition shall be filed against an officer within ninety days after he takes office nor in the case of an officer subjected to a recall election and not removed thereby, until at least ninety days after such 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 year after such recall or such resignation.

**SECTION 9.** This act shall take effect upon its passage.

Approved July 8, 1991