

# Town of Raynham, Massachusetts

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## **Recall Election**

**Section 1.** Any holder of an elected office in the Town of Raynham may be recalled therefrom by the registered voters of the town as herein provided, except, the maximum number of members of a board that may be recalled is a majority.

**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 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 filing the affidavit, and shall have been signed by at least twenty-five 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 within twenty-four hours of receipt submit the petition to the Registrars of Voters in the town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the 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. 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.

**Section 4.** 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 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 this office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not re-elected in the recall election, he shall be deemed removed upon the qualifications of his successor, who 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 propositions shall appear the word "Candidates", the directions to the voters required by Section forty-two of Chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provision of law relating to elections. If two-thirds 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 more than one-third of the votes on the question are in the negative, the ballots for candidates 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 recalled thereby, until at least ninety days after the election at which time his recall was submitted to the voters of the town.

**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 a recall or such resignation.