

ARTICLE . To see if the Town will vote pursuant to G.L. c. 268A, section 21A, to authorize commissions or boards to appoint members to any office or position under the supervision of such commission or board, or take any other action relative thereto.

ARTICLE xx. To see if the Town will vote to authorize and direct the Select Board to petition the General Court for a special act creating a recall election procedure for the Town of Monterey in the form set forth herein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill.

SECTION 1. Any holder of an elective town office may be recalled and removed from office by the registered voters of the town as provided herein.

SECTION 2. Thirty 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 the voters making such affidavit sufficient number of copies of petition sheets in blank demanding such recall and removal, each bearing the town clerk's signature and official seal. The petition blanks shall be addressed to the Select Board, dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the initial affidavit, and shall demand the election of a successor to such office within seven (7) days of receipt of the affidavit, the town clerk shall deliver to the voters. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition(s) shall be returned and filed with the town clerk within twenty-one (21) days after filing the affidavit and shall be signed by at least fifteen (15) percent of the registered voters of the Town as of the date the affidavit was filed with the town clerk. The number and street of each person's residence shall appear after their signature. The town clerk will forthwith submit the petition sheets to the board of registrars of voters, which within five (5) working days of receipt of the recall petition sheets shall forthwith verify the number of signatures which are the names of registered voters of the town.

SECTION 3. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be submitted forthwith with the certificate of the town clerk to the Select Board. The Select Board shall give written notice of the receipt of the petition to the officer sought to be recalled. If the officer does not resign within five (5) days of the date notice is given by the Select Board, then the Select Board shall promptly order an election to be held on a date fixed by the Select Board which is not less than sixty (60) nor more than ninety (90) days after receipt of the certified petition. However, if any other town election is scheduled to occur within one hundred (100) days after the date of receipt of the certified petition, the Select Board may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for that other election.

SECTION 4. An officer sought to be recalled may be a candidate to succeed the officer in an election to be held to fill the vacancy. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall be in accordance with the law relating to elections, unless otherwise provided in this act. A majority of those voting at the recall election shall be sufficient to recall and remove such elected officer.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, the incumbent shall be considered removed from office immediately and the office vacant. No recall petition may be filed against an officer within the first six (6) months of their term of office or within six (6) months of a recall election wherein the officer was not recalled and removed.

SECTION 6. Ballots used in a recall election shall contain the following propositions:

FOR the recall of (name of officer) _____

AGAINST the recall of (name of officer)_____

Next to each proposition there shall be a place to mark a vote. Under the propositions shall appear the word "Candidates" and the direction "Vote for One", and beneath this the names of candidates nominated as herein before provided. Next to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who 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, nor any action taken relative thereto.