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Chapter 88

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-nine

AN ACT RELATIVE TO THE FORM OF REPRESENTATIVE TOWN GOVERNMENT IN  
THE TOWN OF NORTH ATTLEBOROUGH

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 57 of the acts of 1976 is hereby amended by striking out sections 1 to 12A, inclusive, and inserting in place thereof the following 11 sections:

Section 1.

As used in this act, the following words shall have the following meanings:

*"Days"*, shall refer to the business days, not including Saturdays, Sundays, and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday, the period shall be extended to the end of the next day which is not a Saturday, Sunday or legal holiday.

*"Emergency"*, shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

*"general laws"*, shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which North Attleborough is a member.

*"General Laws"*, shall refer to the General Laws of the commonwealth, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

*"Library"*, shall mean the Richard Memorial Public Library, and any branch or branches that may be established thereof.

*"Local newspaper"*, shall mean a newspaper of general circulation in the town of North Attleborough.

*"Majority vote"*, shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.

*"Quorum"*, unless otherwise required by law, shall mean one-half plus one of the membership not

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including any vacancies which might then exist.

*"Town"*, shall mean the town of North Attleborough.

*"Town agency"*, shall mean any board, commission, committee, department, division or office of the town government.

*"Town officer or town official"*, when used without further qualification or description, shall mean a person having charge of an office or department of the town.

*"Voter"*, shall mean registered voters of the town of North Attleborough.

Section 2. There shall be a representative form of town meeting in the town of North Attleborough limited to registered voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 3. The board of selectmen shall divide the town into convenient voting precincts. Any voting precincts so established shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States bureau of the census, the boundaries of such precincts and shall designate them by numbers or letters. Each precinct established shall contain, as nearly as may be, an equal number of inhabitants, but not more than 4,000 inhabitants. Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them to be prepared. Upon the adoption by the Board of Selectmen of such a division, the election commissioners shall transmit forthwith to the state secretary, not later than July first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct as nearly as such number may be determined.

The board of selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and the board shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the filing of the report thereof by the board of selectmen with the board of election commissioners.

Meetings of the registered voters of the several precincts for elections for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the

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selectmen in the warrant for such meetings direct. The provisions of chapter 50 to 56, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts herein before provided.

Section 4. The representative town meeting shall consist of members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

The membership of the representative town meeting shall consist of an equal number of members from each precinct, as specified by by-law, with its members elected annually at the April town election for a three-year term. No candidate for membership shall be so elected unless the candidate receives 25 or more votes in the precinct and resides in the precinct on election day. Any registered voter in the town of North Attleborough shall be eligible for election to town meeting.

Election ties shall be decided by ballot vote of the remaining representative town meeting members from the precinct. The term of office of all elected town meeting members from every precinct shall cease upon the election as herein before provided of their successors. The board of election commissioners shall, after every election of the town meeting members, forthwith notify each member by mail of his election. Representative town meeting members shall serve without compensation.

It shall be the duty of representative town meeting members to fully acquaint themselves prior to town meeting with the subject matter of all warrant articles. Members are encouraged to attend any public hearings thereon, given by a town agency or official.

Section 5. On the night of the opening of the first business session of the annual town meeting, the town clerk shall cause the elected members from each precinct to organize, to elect a chairman, vice-chairman and to elect or appoint such other officers as the members deem necessary. Precinct meetings shall be called by the chairman or vice-chairman. The chairman, vice-chairman or their designees, of all such precinct committees shall meet from time to time to coordinate the activities relative to the representative town meeting.

The responsibilities of this coordinating committee will include, but not be limited to, the following:

- a. hold informational sessions prior to any town meeting as determined by the coordinating committee.
- b. hold orientation workshops for members as determined by the coordinating committee.
- c. distribute finance committee recommendations and any other supporting information on articles, including material submitted by town boards and committees.
- d. publish and update the representative town meeting handbook as determined by the coordinating committee.

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- e. work with town officials and agencies on informational needs of the representative town meeting members.

This coordinating committee may appoint ad hoc committees from the representative town meeting membership. Said ad hoc committees shall report to the representative town meeting and to the board of selectmen through its coordinating committee. The board of selectmen shall include the report or reports as submitted in the next annual town meeting.

Section 6. Nomination of a candidate for re-election for town meeting member to be elected under this act shall be made by nomination papers, which shall show whether such candidate has been a former town meeting member, and, if an elected incumbent of such office, that he is a candidate for re-election and shall bear no other political designation. Such papers shall be signed by not less than ten registered voters of the precinct in which the candidate resides and shall be filed with the board of election commissioners at least 49 days before the election to allow certification of the nomination papers before the final filing date of 35 days before the date of the election. If a town meeting member is a candidate for re-election, the words "Candidate for Re-Election" shall be printed against his name as it appears on the ballot for the election of town officers. If a town meeting member, who has been chosen by the remaining members from his precinct to fill a vacancy under the provisions of section 7, is a candidate for election the words "Candidate for Re-Election" shall not be printed against his name as it appears on the ballot. All candidates shall be listed in alphabetic order. No nomination papers shall be valid in respect to a candidate whose written acceptance is not thereon or attached thereto when filed.

Section 7.

- a. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing.
- b. A town meeting member who moves from the town shall cease to be a town meeting member. A town meeting member who moves from one precinct to another shall notify the town clerk of such member's new address and the effective date. A town meeting member who is removed by a revision of precinct lines may continue to serve as a town meeting member from the precinct from which he was elected until the next annual town election at which the remainder of his term, if any shall be filled by a ballot. Any person so removed from office may be elected at the same election as a town meeting member from the precinct to which he has moved.
- c. Any vacancy in the full numbers of town meeting members from any precinct shall be filled by the person receiving the highest vote among the defeated candidates at the last election, provided said candidate received at least 25 votes. In the absence of such a candidate, the vacancy shall be filled until the next annual town election by a majority of the remaining town meeting members of the precinct from among the registered voters thereof who have indicated a willingness to serve by a written notice received by the town clerk. Upon receipt of written notice of a vacancy, the town clerk shall promptly give public notice of all vacancies in at least one newspaper of general circulation in the town of North Attleborough, and shall also give written notice to the chairman of the precinct in which the vacancy exists.

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Said notices shall contain the date, time and place of the meeting to fill such vacancies. Notification of a vacancy shall be submitted to the town clerk and shall consist of either a written resignation or a written notice signed by not less than ten town meeting members from the precinct wherein the vacancy exists.

At the said meeting, a majority of the remaining members from such precinct shall constitute a quorum. The choice to fill any vacancy shall be by secret ballot, and a majority of the votes cast shall be required for a choice. The precinct chairman and vice-chairman, or their designees, shall count the ballots and shall make a certificate of the choice and file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge the election and qualifications of its membership as set forth in section 9.

Section 8. The moderator shall be an ex-officio member of the representative town meeting. He shall possess all of the rights and privileges of elected town meeting members, but shall have no vote on any matter coming before the town meeting except in case of a tie vote.

Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the representative town meeting members at a town meeting or at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

Section 9. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and the representative town meeting members, and as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town. All other articles in the warrant for any town meeting shall be acted upon exclusively by representative town meeting members, who shall exercise all legislative powers of the town. Said meeting shall be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section 11.

The board of selectmen shall place on such warrant all subjects requested (a) by vote of the selectmen; (b) by vote of any elected or appointed town board, committee, elected town officer or commission; (c) by any ten or more voters for the annual and semi-annual town meetings; (d) by 100 voters or 36 representative town meeting members for a special town meeting; or (e) by any other person or agency as may be authorized by by-law. All subjects submitted to the board of selectmen under this section shall be placed on the warrant for the next town meeting. Following the close of the warrant, copies of the warrant articles shall be distributed as may be designated by by-law.

Section 10. There shall be an annual and a semi-annual representative town meeting in each calendar year. The first such meeting shall be held during the second three months of the calendar year, on a date fixed by by-law, and shall be primarily concerned with, but not limited

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to, the determination of matters involving the expenditure or commitment of town funds, including, but not limited to, the adoption of an annual operating budget for all town agencies.

The semi-annual meeting shall be held during the last four months of the calendar year, on a date fixed by by-law. In addition to the two meetings required in this section, the board of selectmen may, in their discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.

The town clerk shall notify the town meeting members of the time and place at which the representative town meetings are to be held. Notices shall be sent by mail at least 14 days before the meeting. Printed copies of the warrant shall be made available 21 days prior to a town meeting. Printed finance committee recommendations shall be made available 14 days prior to the business session of a town meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of its membership. One-half of the membership, plus one, set forth in section 4 shall constitute a quorum for doing business; but a lesser number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of election of town meeting members.

The town clerk shall maintain a journal of the proceedings of all town meetings and a copy thereof shall be kept at the office of said town clerk and at the Richard Memorial Public Library. A roll call vote in which the response shall be recorded by name in the journal may be requested by 18 or more members.

A representative of each town agency should attend all sessions of the representative town meeting at which warrant articles pertinent to the said town agency are to be acted upon, for the purpose of providing information relative to such warrant articles to the town meeting.

All meetings held by representative town meeting members for any purpose relative to representative town meeting business shall be open and comply with the laws of the commonwealth regulating open meetings.

Any representative town meeting held under the provisions of this act, except as otherwise provided therein, shall be limited to the town meeting members elected under section 4. If the chairman of the board of selectmen and chairman of the finance committee are not elected representative town meeting members, they or their designees from the respective committees or board, by reason of their office, shall be ex-officio representative town meeting members but shall have no voting privileges. All town officials, the chairman of boards and commissions, department heads, or their respective designees, and any registered voter of the town of North Attleborough may attend sessions of the representative town meeting, and may speak when properly recognized by the moderator. The town clerk shall provide an attendance record which shall be personally signed by each town meeting member at each session. The attendance record shall be a part of the journal and shall be included in the annual report of the town clerk. Representative town meeting members shall be seated by precinct apart from the general public.

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Town meeting members shall be seated with their respective precincts in order that their vote be counted unless excused by the moderator for medical reasons, or by reason of their office, they are required to be seated at the rostrum.

Section 11. A vote other than the article pertaining to the town budget passed at any representative town meeting authorizing the expenditure of \$75,000 or more as a special article appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the terms of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until the expiration of ten days, including Saturdays, Sundays, and holidays, from the dissolution of the meeting. If, within said ten days, a petition signed by not less than 30 registered voters from each precinct, totaling not less than 5 per cent of the registered voters of the town, containing their names and addresses, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at eight o'clock in the forenoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any question so submitted shall be taken by ballot, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: "Shall the town vote to approve the action of the representative town meeting whereby it was voted (here insert brief description of the substance of the vote)?" If such petition is not filed within said ten days, the vote of the representative town meeting shall become operative and effective upon expiration of said period. Absentee ballots shall be used at such election in accordance with the provisions of chapter 54 of the General Laws.

This act shall take effect upon its passage.

House of Representatives, September 1, 1999.

Passed to be enacted, William P. Magle, Acting Speaker.

In Senate, September 16, 1999.

Passed to be enacted, Thomas P. Birmingham, President.

September 24, 1999.

Approved, at 10 o'clock and 12 minutes, A.M.

Argeo Paul Cellucci, Governor.

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**Appendix C: Legislative Acts - Preliminary Elections**

Chapter 751

The Commonwealth of Massachusetts  
In the Year One Thousand Nine Hundred and Seventy-Seven  
An Act Establishing Preliminary Elections in the Town of North Attleborough

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1.

The action of the town of North Attleborough in accepting the provisions of section one hundred and twenty-one of chapter fifty-three of the General Laws through the duly approved vote of Article 17 of the town meeting of said town held on October eighteenth, nineteen hundred and seventy-six is hereby revoked.

Section 2.

The town of North Attleborough is hereby authorized to hold the preliminary election for all elective town offices except representative town meeting member by official ballot on the second Monday in February. Polls shall be open from twelve noon to eight o'clock post meridian; and the place or places of voting shall be determined by the board of selectmen of said town. The preliminary election and the annual election of all town officers and town meeting members shall be nonpartisan, and all ballots shall be printed without any party mark or other political emblem.

Section 3.

The nomination of candidates, except representative town meeting member, shall be made by nomination papers signed by not fewer than 25 registered voters of the town of North Attleborough, and they shall be filed with the board of election commissioners of the town on or before the forty-ninth day before the date of the preliminary election, to allow certification of the nomination papers before the final filing date of 35 days before the date of the election. Nomination papers shall be made available by said board of election commissioners ninety days prior to the date of the preliminary election. Nomination papers shall not be made available by said board of election commissioners during the forty-eight hours preceding the date for filing such nomination papers. Such papers shall not be valid for any candidate when written acceptance is not attached thereto when filed.

If at the expiration of the time for filing nomination papers of candidates to be voted for at the preliminary election not more than twice as many candidates have filed such papers with the board of election commissioners for an office as are to be elected to such office, the candidates whose papers have been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballots to be used at the succeeding regular election, and the board of election commissioners shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed on the ballot to be used at any preliminary election, no preliminary election shall be held.

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Section 4.

Notice of the preliminary election shall be given by the board of selectmen of the town of North Attleborough by publication in one issue of a newspaper of general circulation in said town, at least twenty-one days before the date for the preliminary election and also by posting copies of the notice in not less than ten places in said town at least twenty-one days before the date of the preliminary election. The notice shall state the place or places where, and the day and hours, when the preliminary election is to be held.

Section 5.

The board of election commissioners of the town of North Attleborough shall appoint the same officials and in the same manner as required by the selectmen under the provisions of section twelve of chapter fifty-four of the General Laws. For the purposes of the town elections in the year nineteen hundred and seventy-eight said board of election commissioners shall not be bound by the time table contained in said section twelve. Said timetable shall be in effect for each election thereafter. Said board of election Commissioners shall be subject to the provisions of . sections thirteen to twenty-one, inclusive, of said chapter fifty-four.

Said board of election commissioners shall preserve all ballots cast for a period of ninety days. Ballots and voting lists used in said election shall be subject to the provisions of section one hundred and nine of said chapter fifty-four unless the preliminary election is contested. If said election is contested the ballots shall be preserved in accordance with section one hundred and thirty-four of said chapter fifty-four.

Section 6.

At the preliminary election, the two persons receiving the highest number of votes cast for the nomination of candidates for an office shall be declared nominated for such office; but, if two or more persons are to be elected to the same office at such election, the several persons, to a number equal to twice the number so to be elected to such office, receiving at such preliminary election the highest number of votes, the second highest number of votes, and so on to the number to be nominated shall be the candidates whose names shall be printed on the official ballots to be used at such election. If the preliminary election results in a tie vote among candidates for nomination receiving the smallest number of votes, which, but for the tie vote, would entitle a person receiving such number to have his name printed upon the official ballot for the election, all candidates participating in such tie vote shall have their names printed upon the official ballots, although there be printed upon them the names of candidates to a number exceeding twice the number to be elected. If a person receives less than eight per cent of the votes of those voting for candidates for such office, he shall not be declared nominated therefore, although thereby the number of names to be printed upon the official ballots will be less than twice the number to be elected.

House of Representatives, November 8, 1977.

Signed,

Passed to be enacted,

Approved, November 21, 1977.

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**Appendix C: Legislative Acts - Recall Elections**

Chapter 503

The Commonwealth of Massachusetts  
In the Year One Thousand Nine Hundred and Ninety-one  
An Act Providing For Recall Elections in the Town of North Attleborough

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Any person who holds an elected office in the Town of North Attleborough, excluding RTM members, with more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in section B, may be recalled from office by the Registered Voters in said town, in the manner herein provided.

SECTION 2.

Twenty-five or more voters from each precinct in the Town of North Attleborough may file with the Election Commissioners of said town 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 Election Commissioners shall deliver to the said voters petition blanks demanding said recall, printed forms of which the Election Commissioners shall keep available. Said blanks may be completed by writing or typewriting; they shall be addressed to the Board of Selectmen; they shall contain the names of the persons who filed the affidavit, the name of the person sought to be recalled, and the office from which the recall is sought and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and contain the signatures of the Election Commissioners. A copy of the petition shall be kept on file in the office of the Election Commissioners in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the Election Commissioners within fourteen days following the date the petitions were issued.

The petitions shall be signed by at least ten percent of the total number of registered voters duly recorded on the registration list of the Election Commissioners as of the preceding town meeting. Said total shall consist of at least 100 voters from each precinct.

SECTION 3.

If the petition shall be certified by the Election Commissioners to be sufficient, they shall forthwith submit the same to the Board of Selectmen. Upon its receipt of the certified petition, the Board of Selectmen shall within forty-eight hours give written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign his/her office within five days following delivery of said notice, the Board of Selectmen shall order an election to be held not less than sixty nor more than seventy days after the date of the registrars' certificate of the sufficiency of the petition.

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If, however, another election is to occur within ninety days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of said other town election. 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.

**SECTION 4.**

An officer whose recall is sought may be a candidate to succeed himself/herself at the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provision of laws relating to elections, unless otherwise provided in this act.

**SECTION 5.**

The incumbent shall continue to perform the duties of his /her 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 herein.

If the officer 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 moved and the office vacant.

**SECTION 6.**

Ballots used at a recall election shall contain 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 mark a vote. After the propositions shall appear the word "Candidates" followed by the names of candidates arranged alphabetically, by surname. 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 the votes on the question is in the negative, the ballots for the candidates need not be counted, except as provided in section C above.

**SECTION 7.**

No recall petition shall be filed against an officer within three months after he/she takes office, or in the case of an officer subjected to a recall election and not recalled thereby until six months after the election at which his/her recall was submitted to the voters.

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House of Representatives, December 27, 1991.

Passed to be enacted, Charles Flaherty, Speaker

In Senate, December 27, 1991.

Passed to be enacted, William M. Bulger, President

3 January, 1992.

Approved, 12:05PM William F. Weld, Governor.