

Chapter A201

REPRESENTATIVE TOWN MEETING ACT

ACTS OF 1926 — CHAPTER 302

**As amended by Chapter 710, Acts of 1969,
Chapter 16, Acts of 1995,
Chapter 18, Acts of 2005,
and Chapter 345, Acts of 2012**

AN ACT PROVIDING FOR PRECINCT VOTING, REPRESENTATIVE TOWN MEETINGS, TOWN MEETING MEMBERS, A REFERENDUM AND A MODERATOR TO SERVE FOR A YEAR IN THE TOWN OF BELMONT.

Be it enacted, etc., *as follows*:

SECTION 1. Upon the acceptance of this act by the town of Belmont, as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than five nor more than ten voting precincts, each of which shall be plainly designated, and shall contain not less than five hundred registered voters. All precincts shall contain approximately an equal number of registered voters.

Precinct boundaries shall be reviewed and, if need be, wholly or partly revised by the selectmen in November, once in ten years, or in November of any year when so directed by a vote of a representative town meeting not later than October thirtieth of that year. In revising precincts, the selectmen shall be governed by the foregoing provisions for establishment of precincts, and shall use voter lists compiled for purposes of the last previous presidential election. If, however, the constitution or general laws so authorize them the selectmen may, and if the constitution or general laws so direct them the selectmen shall, revise precincts according to a unit of representation other than registered voters. Each precinct shall be approximately equal according to whatever unit of representation is adopted.

The selectmen shall, within twenty days after any establishment or revision of the precincts, but not later than December tenth of the same year, file a report of their doings with the town clerk, the registrars of voters and the assessors with a map or maps or description of the precincts and names and residences of the registered voters therein. The 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. They 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 date of the filing of the report thereof by the selectmen with the town clerk, except that revision of precincts shall not take effect until the revised precincts can be effective for state as well as town elections. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for election, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on

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the same day and at the same hour and at such place or places within the town as the selectmen shall in the Warrant for such meeting direct. The provisions 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.

SECTION 2.

- (a) Prior to any December thirty-first next following (i) the effective date of this section, or (ii) an effective revision of precinct boundaries, or (iii) the holding of a presidential election, the town clerk shall, in accordance with paragraphs (b) and (c) of this section, determine the number of town meeting members to be elected from each precinct.
- (b) The clerk shall initially compute for each precinct that number divisible by three which most nearly provides a representation for the precinct in the proportion which the number of registered voters in the precinct bears to the total number of registered voters in the town and which will cause the total town meeting membership elected from precincts to be as nearly two hundred and eighty-eight as may be. In making this computation the clerk shall use the voter lists compiled for purposes of the last previous presidential election. If, however, precinct boundaries then in effect have been revised according to a unit of representation other than registered voters, the clerk shall compute the proportion of each precinct to the town according to that unit of representation.
- (c) The clerk shall make the final determination of members to be elected from precincts as follows:

If a precinct's boundaries have been established or revised in the twelve months preceding the clerk's initial computation, then the voters of that precinct shall at the next town election elect by ballot the number of town meeting members provided for in paragraph (b) of this section. The first third in order of votes received of members so elected shall serve three years, the second third shall serve two years, and the remaining third shall serve one year, from the day of the next annual town meeting; in case of a tie vote affecting the division into thirds, the members elected from the precinct shall by ballot determine the division.

If a precinct's boundaries have not been revised in the twelve months preceding the clerk's initial computation, and if the initial computation requires an increase in a precinct's representation, all additional members shall be elected at the next town election, one third for a three-year term, one third for a two-year term and one third for a one-year term. If the initial computation requires a decrease in a precinct's representation, all town meeting members in the precinct may serve the full term for which they were elected, and the decrease shall be brought about over a period of three years through the election for a three-year term at each of the next three town elections of one third of the number of town meeting members to which the precinct is then entitled. During this interim period, vacancies created by retirement, death, removal or the like shall not be filled unless the remaining membership elected from the precinct for the same term would be below one third of the number to which the precinct is then entitled.

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- (d) Except as otherwise specifically provided in this section, the registered voters of each precinct shall, at each annual town election, elect for a term of three years one third of the number of town meeting members to which the precinct is then entitled, and shall at such elections fill for the unexpired term any vacancy then existing in the precinct. The term of office for all town meeting members elected from precincts shall cease upon the election of their successors, including persons elected from newly revised precincts. The town clerk shall, after every election of town meeting members from precincts, forthwith notify each member by mail of his election.

SECTION 3. Any representative town meeting held under this act, except as otherwise provided in this act, shall be limited to the voters elected under section 2, together with the following, designated as town meeting members at large: any member of the general court of the commonwealth from the town, the moderator, the town clerk, the selectmen, the town treasurer, the chairman of the trustees of the public library, the chairman of the planning board, the chairman of the school board, the chairman of the board of assessors, the chairman of the board of health and the chairman of the finance or warrant committee. The town clerk shall notify the town meeting members of the time and place at which a representative town meeting is to be held, and that notice shall be sent at least seven days before the meeting by mail or by such other method of delivery as the town may specify in a by-law duly enacted by the town meeting.

The town meeting members, as aforesaid, shall be the judges of the election and qualification of their members. One hundred town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned representative town meeting shall be posted by the town clerk in five or more public places in the town as soon as practicable after the adjournment. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such times as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is elected from a precinct whose boundaries have been newly revised shall not retain membership after the next annual election.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than twenty-five voters of the precinct in which the candidate resides, and filed with the town clerk in accordance with section ten of chapter fifty-three of the General Laws; provided, that any town meeting member, including any member whose term of office is about to cease because he is elected from a precinct whose boundaries have been newly revised, may become a candidate for reelection by giving written notice thereof to the town clerk in accordance with section ten of chapter fifty-three of the

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General Laws. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 5. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, town meeting members, and as hereinbefore provided, to referenda and all matters to be acted upon and determined by ballot of the town, shall be acted upon and determined by the voters in their respective meetings by precinct. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to 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 eight.

SECTION 6. A moderator shall be elected by ballot at each annual town meeting and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. 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 town meeting members 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 7. Except as is provided otherwise by section two of this act, any vacancies in the full number of town meeting members from any precinct may be filled until the next annual election by the remaining town meeting members of the precinct from among the registered voters thereof. Notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist and he shall call a special meeting of such members for the purpose of filling any vacancy. He shall cause to be mailed to every such member not less than seven days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by written ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith 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 a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section three.

SECTION 8. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn shall be operative until after the expiration of seven days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said seven days a petition signed by not less than five hundred registered voters of the town, containing their names and addresses, as they appear on the list of registered voters, is filed with the selectmen requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen, within fourteen days after the filing of the

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petition, shall call a special meeting, which shall be held within ten days after the issuing of the call, for the purpose of presenting to the voters at large the questions or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of the town meeting members had the question been finally determined at a representative town meeting. The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to said representative town meeting by the moderator as appears from the records of the said meeting. If such petition is not filed within the said period of seven days, the vote of the representative town meeting shall become operative upon the expiration of the said period.

SECTION 9. The town of Belmont, after the acceptance of this act, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

SECTION 10. This act shall not abridge the right of the inhabitants of Belmont to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Belmont the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 11. This act shall be submitted to the registered voters of the town of Belmont at any annual or special town meeting called for that purpose. The vote shall be taken in precincts by ballot in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special meeting, upon the official ballot to be used at said meeting, or, in case of an annual meeting, upon the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-six entitled 'An Act providing for precinct voting, representative town meetings, town meeting members, a referendum and a moderator to serve for a year in the town of Belmont' be acceptable by this town?"

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SECTION 12. So much of this act as authorizes its submission for acceptance to the registered voters of the town shall take effect upon its passage, and the remainder shall take effect upon its acceptance by a majority of the voters voting thereon.

Approved May 3, 1926

Accepted June 8, 1926