

CHAPTER 398, ACTS OF 1962
(As Amended)

An Act establishing in the Town of Montague Representative Town Government by limited Town Meetings.

Section 1: There is hereby established in the town of Montague a form of representative town government by limited town meetings hereinafter set forth.

Section 2: Upon the acceptance of this act by the town, a districting board, consisting of the selectmen, the board of assessors, and the board of registrars shall divide the town into not less than five nor more than ten voting precincts.

Section 3: The membership of the representative town meeting elected in each precinct shall consist of the largest number divisible by three which is not in excess of one and six-tenths per cent of the number of the number of inhabitants in the precinct. The number of elected Town meeting members to which each precinct is entitled for the ensuing year shall be determined by the town clerk between January fifteenth and January twentieth of each year, and shall be proportionate to the number of inhabitants on January fifteenth of that year (Chapter 706, Acts of 1987).

Section 4: It shall be the duty of the selectmen and the chairman of each board or committee of the town and the head of each town department to attend that part of every representative town meeting at which matters, other than those to be acted upon or determined by ballot, are to be considered. The selectmen and the chairman of each board or committee and the head of each town department shall attend all representative town meetings with the right to speak but not to vote unless duly elected by the voters of a precinct as a town meeting member.

Section 5: The precincts shall be plainly designated and so established as to consist of compact and contiguous territory, and shall be bounded so far as possible by the center line of highways or by other well-defined limits. Any homogeneous neighborhood or any area consisting of similar parts or having like characteristics shall be constituted as a separate precinct so far as practicable.

Section 6: The boundaries of the precincts shall be reviewed and, if need be, wholly or partly revised by the districting board in December of any year after the expiration of five years following their establishment or revision, or in December of any other year when so directed by vote of a representative town meeting held not later than the twentieth day of November in such year.

Section 7: The districting board after the establishment or revision of precincts shall file a report of their action with the town clerk, with a map or description of the precincts and the names and addresses of the registered voters in each. They also shall cause to be posted in the town hall a map or description and a list of the registered voters in the precinct as established or revised, and similar information for each precinct shall be posted in at least one public place in the precinct.

Section 8: The division of the town into precincts and any revision of precincts shall take effect upon the date of filing of the report by the district board with the town clerk. Whenever precincts

are established or revised, the town clerk shall give written notice to the secretary of the commonwealth, stating the number and designation of the precincts.

- Section 9: Meetings of the registered voters of the several precincts for elections and primaries or for voting upon a question to be submitted to all the voters of the town shall be held at the same time and at such place or places as the selectmen shall direct in the warrant for the meeting.
- Section 10: The nomination of candidates for town meeting members shall be made by nomination papers which shall bear no 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 town clerk not later than the last day on which the nomination papers of candidates for other town offices must be filed. They shall be submitted to the registrars of voters and shall be certified in the manner provided by law for the certification of the nomination papers of candidates for town offices. Nomination papers shall not be valid for any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.
- Section 11: A town meeting member may become a candidate for re-election by giving written notice to the town clerk not later than the last day on which the nomination papers of candidates for other town offices must be filed. If a town meeting member is a candidate for re-election, there may be added to his name as it appears on the ballot for the election of town officers the words "candidate for re-election."
- Section 12: The registered voters in each precinct, as the first annual town election held after the establishment of the precinct, and those in any precinct affected by a revision of precincts at the first annual town election following such revision, shall elect by ballot the number of registered voters in the precinct, determined as herein provided, to be town meeting members of the town.
- Section 13: After the first annual town election held after the acceptance of this act, the first third of members elected in the order of votes received shall serve for three years, the second third for two years, and the remaining third for one year from the day of the annual town meeting. In case of an equal vote affecting the division into thirds, the elected members from the precinct shall determine the same by ballot.
- Section 14: Thereafter, except as otherwise provided therein, the registered voters of each precinct at each annual town election shall elect for the term of three years in like manner one third of the number to which the precinct is entitled, and also shall fill for the unexpired term any vacancy then existing in the number of elected town meeting members in the precinct.
- Section 14A: The town clerk, together with the board of registrars, shall arrange the names of all candidates for the offices of town meeting member of each precinct to be elected for the ensuing year to be placed on the ballot by a lottery drawing (Chapter 424, Acts of 1980).
- Section 15: If two or more candidates for the office of town meeting member receive an equal number of votes, other than for the division into thirds, for deciding their term of office, the remaining members elected in such precinct at the same election shall determine by ballot which of the candidates shall serve as a town meeting member. The terms of office of the town meeting members from any precinct whose boundaries are revised shall cease upon the election of their successors. The town clerk, after every election of town meeting

members, shall notify each member by mail of his election within three days following his election.

- Section 16: If the boundaries of any precinct are revised or any new precinct established, there shall be a new election of town meeting members in such precinct at the first annual town election following such a revision.
- Section 17: The representative town meeting members shall be elected in conformity with the laws relative to elections, and the provisions of law relating to precinct voting at elections shall apply to all elections and primaries in the town so far as such laws are not inconsistent herewith.
- Section 18: A town meeting member may resign by filing a written resignation with the town clerk, effective upon the date of filing. A member who moves from the town shall cease to be a member, and a member who removes from one precinct to another may serve only until the next annual town meeting.
- Section 19: A vacancy in the number of town meeting members from any precinct arising from any cause may be filled until the next annual election by vote of the remaining members from the precinct. Upon petition signed by not less than one third of the town meeting members from the precinct, the town clerk shall call a meeting of the remaining members from the precinct for the purpose of filling the vacancy, notice of which shall be mailed to such members not less than seven days before the time of the meeting.
- Section 20: A majority of the members from the precinct attending such meeting shall constitute a quorum and shall elect one of their number as chairman and one as clerk, or they may designate the town clerk to act as clerk of the meeting. The vote shall be by ballot and a majority of votes cast shall be necessary for a choice. The chairman and clerk shall count the ballots, and the chairman shall make a certificate of the choice which shall be filed with the town clerk together with a written acceptance of the person so chosen, who thereupon shall be deemed to be elected as a town meeting member.
- Section 21: A moderator shall be elected by ballot at the annual election when the term of office of a moderator expires, and he shall serve at all town meetings, except as otherwise provided by law, until a successor is elected and qualified. The nomination and election of a moderator shall be the same as for other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for the purpose. If the moderator is absent, a moderator *pro tem* may be elected by the town meeting members.
- Section 22: It shall be the duty of the moderator of the meeting to vote whenever the meeting is evenly divided.
- Section 23: The articles in the warrant for every town meeting which relate to the election of a moderator, town officers, and town meeting members and to referenda and all matters to be acted upon and determined by ballot, shall be acted upon and determined by the registered voters of the town in their respective precincts. All other articles shall be acted upon and determined exclusively by the town meeting members at a meeting held at a time and place specified by the selectmen in the warrant for the meeting, subject to a referendum as herein provided. An article in the warrant shall not be finally disposed of by a vote to lay on the table, to postpone indefinitely, or pass over or to take no action under the article.

- Section 24: Any representative town meeting held in the town shall be limited to the members of the representative town meeting, constituted in the manner provided by this act.
- Section 25: The town clerk shall notify the members of the time and place at which meetings are to be held, the notice to be sent by mail at least seven days before the meeting. Notice of an adjourned meeting shall be sent by mail as soon as practicable following the dissolution of the meeting from which adjournment is taken.
- Section 26: The members of the town meeting shall be the judge of the election and qualifications of their own members. The members shall receive no compensation for serving as members of the town meeting. A majority of the members shall constitute a quorum for the transaction of business. A lesser number may organize temporarily and may adjourn from time to time, but a meeting shall not adjourn beyond the date of an election of town meeting members.
- Section 27: The representative town meeting may appoint such committees as it may consider necessary to investigate and report on any matters referred to them and to make a recommendation thereon, but no such committee shall have any executive or legislative powers and all matters shall be determined by the town meeting members.
- Section 28: All representative town meetings shall be open to the public. Any registered voter of the town who is not a town meeting member, subject to such conditions as the town meeting members may determine, may speak at least once upon any matter at such a meeting, but shall have no vote.
- Section 29: A vote of the representative town meeting under any article in the warrant shall not be operative until the expiration of ten days exclusive of Sundays and holidays from the dissolution of the meeting or, from the date of such vote other than the following: (a) to adjourn; (b) to appropriate money for the payment of principal and interest of bonds and notes of the town; (c) to authorize the temporary borrowing of money in anticipation of revenue; (d) to enact an emergency measure required for the immediate preservation of the public peace, health or safety and so declared by a preamble and adopted by a two-thirds vote of the town meeting members present and voting thereon.
- Section 30: If within such period of ten days a petition signed by not less than thirty registered voters in each precinct, the aggregate number so signing being not less than three per cent of the registered voters in the town, is filed with the selectmen asking that any question involved in such a vote be submitted to the voters of the town at large, then the selectmen within ten days thereafter shall call a special meeting to be held within fourteen days following such call for the sole purpose of presenting the question to the voters at large.
- Section 31: Any question submitted shall be stated upon the ballot substantially in the same language and form in which it was presented to the representative town meeting by the moderator as recorded in the records of the meeting.
- Section 32: The polls for voting upon such a question shall be opened at two o'clock in the afternoon and closed not earlier than eight o'clock in the evening. The vote shall be taken by ballot and the check list used in the several precincts in the same manner as for the election of town officers. A question submitted shall be determined by a majority of the registered voters of the town voting thereon or, by the same proportion of votes as would be required if the question were determined by a representative town meeting, but an action of the

representative town meeting shall not be reversed unless at least twenty-five per cent of all registered voters shall vote.

Section 33: If such a petition for a referendum is filed within ten days the vote of the representative town meeting shall be suspended from taking effect and shall become null and void unless a majority of the registered voters voting on the same vote in favor thereof; provided, however, that unless at least twenty-five per cent of all the registered voters of said town shall vote on such question, the vote of the representative town meeting shall become operative in any event.

Section 34: The town shall have the capacity to act through and to be bound by the action of its town meeting members, who when convened from time to time shall constitute a representative town meeting. The representative town meeting shall have and may exercise all powers vested in the municipal corporation so far as is consistent with the provisions of this act.

Section 35: Action by a representative town meeting in conformity with laws now or hereafter applicable to the transaction of town affairs in town meeting shall have the same force and effect as if taken in a town meeting open to all voters of the town, as organized and conducted before the establishment of representative town government.

Section 36: This act shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of the commonwealth, nor confer upon any representative town meeting the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters at large, using the ballot and check list therefor.

Section 37: This act shall be submitted for acceptance to the qualified voters of the town of Montague at the first town election after passage of this act. The votes shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question, which shall be placed upon the ballot to be used at said election: "Shall an act passed by the General Court in the year 1962, entitled 'An Act establishing in the town of Montague representative town government by limited town meetings', be accepted by the town?" If a majority of the voters voting on this question vote in the affirmative, said act shall take effect immediately for the purpose of the next town election, and for all things relating thereto, and shall take full effect beginning with said following election. It shall be the duty of all town officials having to do with elections and holding office at the time of acceptance to do, in compliance with law, all things necessary for the nomination and election of officers first to be elected under this act.

If this act is rejected when first submitted, it shall again be submitted at the next following town election and if accepted shall take effect as hereinbefore provided.

If this act is rejected for the second time, it shall be submitted a third time at the next following annual town election, and if accepted shall take effect as hereinbefore provided. If this act is again rejected when so submitted for the third time, it shall thereupon become void.

Section 38: At any time after the expiration of three years from the date on which this act takes full effect, and not less than ninety days before the date of an annual meeting, a petition signed by not less than ten per cent of the registered voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of this act may be

submitted to the voters. No such petition shall be valid unless notice thereof shall be published by the selectmen for at least two consecutive weeks in a newspaper having general circulation in the town, the last publication to be at least thirty days prior to said annual meeting. The selectmen shall thereupon direct the town clerk to cause the said question to be printed on the official ballot to be used at the next annual election in the following form: -- "Shall the acceptance by the town of Montague of an act passed by the General Court in the Year 1962, entitled an 'Act establishing in the town of Montague representative town government by limited town meetings,' be revoked?" If such revocation is favored by a majority of the voters voting thereon, this act shall cease to be operative on and after the annual meeting next following such vote. All general laws respecting town administration and town officers, and any special laws relative to said town, the operation of which has been suspended by acceptance of this act, shall be revived by such revocation and shall continue to be in full force and effect. By-Laws, votes, rules and regulations in force when such revocation takes effect, so far as they are consistent with the general laws respecting town administration and town officers and with special laws relating to said town shall not be affected thereby, but any other By-Laws, votes, rules and regulations inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, further petitions therefor may be filed under this section but not oftener than once in every three years.

Approved May 1, 1962

A True Copy:

Attest:

Town Clerk, Montague