

SPECIAL ACTS

CHAPTER 215, ACTS OF 1929

AN ACT TO ESTABLISH IN THE TOWN OF LEXINGTON REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS

(As amended by Ch. 381, Acts of 1954; Ch. 442, Acts of 1956; Ch. 18, Acts of 1959; Ch. 179, Acts of 1978; Ch. 132, Acts of 1989; and Ch. 158, Acts of 1992; Ch. 101, Acts of 2008; and Ch. 108, Acts of 2008)

Section 1. Upon the acceptance of this act by the town of Lexington as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than nine nor more than twelve voting precincts, each of which shall be plainly designated, and shall consist of as nearly equal population as is possible.

The precincts shall be so established as to consist of compact and contiguous territory, to be bounded, as far as possible, by the centerline of known streets and ways or by other well defined limits. Their boundaries shall be reviewed and, if need be, wholly or partly revised or the number of precincts changed within the aforesaid limits by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting not later than November thirtieth of that year.

The selectmen shall, within twenty days after any establishment or revision of the precincts, but not later than January twentieth of the succeeding 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 the names and residences of the registered voters therein. The selectmen shall also cause to be posted at 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. 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 elections, for primaries, and for voting upon any question to be submitted to all the 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 may from time to time be determined by vote at a representative town meeting under an appropriate article in the warrant therefor, or, in default of such determination, as the selectmen shall in the warrants for such meetings 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 upon the establishment of voting precincts as herein before provided.

Section 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation of all precincts by an equal number of members and which will not cause the total elected town meeting membership to

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exceed two hundred and four. The registered voters in every precinct shall, at the first annual town election held after the establishment thereof; or at a special town election held prior to such annual town election and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third in order of votes received of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting, if elected at such election, and, if elected at a special town election, shall also serve from the date of such special town election to and including the day of the next following annual town meeting; in case of a tie vote affecting the division into thirds as aforesaid the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in their respective precincts. Such vacancy or vacancies shall be filled, in the order of votes received at each annual town election, from among those candidates in their respective precincts who fail of election to a term of three years, and in the case of a tie vote affecting the division between those elected for three year or other terms and those elected for shorter terms, the members elected from the precinct shall by ballot determine the same. Meetings of members elected from the precinct shall, for the purpose of determining such ties, be called and held as set forth in section seven. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all town meeting members from every precinct shall cease upon the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

Section 3. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following designated as town meeting members at large; namely, any member of the general court of the commonwealth from the town, the moderator, the town clerk, the members of the boards of selectmen and public works, the town treasurer, the town counsel, the chairman of the school committee, and the chairman of the appropriation committee. (Amended by Chapter 101 of the Acts of 2008)

The town meeting members, as aforesaid, shall be the judges of the election and qualifications 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. All town meetings shall be public; and, 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 he 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 time 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

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another or is so removed by a revision of precincts shall not retain membership after the next annual election as an elected member from the precinct from which he has or is removed. The town meeting members as such shall receive no compensation.

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 ten voters of the precinct in which the candidate resides, and filed with the town clerk within such periods of time as may be provided for by law; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk within such periods of time as may be provided for by law. 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 herein before provided, to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the voters in the 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. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, shall be filled until the next annual election by the selection by the town clerk of the person who received the highest number of votes as a defeated candidate for the office of town meeting member in the preceding election in the precinct where the vacancy occurs and the town clerk shall promptly notify such person of his election as a town meeting member. If for any reason such person cannot or does not accept such office, the next highest in recorded vote of the defeated candidates in that precinct shall be similarly selected. In the event of a tie vote of those who received the highest votes as such defeated candidates, or in the event there is no such defeated candidate available, the town clerk shall call a special meeting of the town meeting members from the precinct where the vacancy occurs for the purpose of so filling the vacancy from among those having the tie votes or, if no tie vote is involved, from among the registered voters of the precinct and shall cause to be mailed to every such town meeting 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

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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. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special 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 term 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 after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition signed by not less than 3 per cent of the 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 any such vote which has not become operative as aforesaid be submitted to the voters of the town at large, then the operation of such votes shall be further suspended pending its determination as hereinafter provided, and the selectmen, within 10 days after the filing of the petition, shall forthwith call a special meeting for the purpose of presenting to the voters at large the question or questions so involved. 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 a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall vote to reverse the action. 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 (brief description of the substance of the vote)?" If such petition is not filed within the said period of five days, the vote of the representative town meeting shall become operative upon the expiration of the said period. (Amended by Chapter 108 of the Acts of 2008)

Section 9. The town of Lexington after the acceptance of this act and the first election of town meeting members thereunder, 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 meeting 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 Lexington to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall

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this act confer upon any representative town meeting in Lexington 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 Lexington for acceptance at any annual or special town meeting. The vote shall be taken by ballot in precincts 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 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-nine, entitled 'An Act to establish in the town of Lexington representative town government by limited town meetings' be accepted by this town?"

Section 12. So much of this act as authorizes its submission 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.

Section 13. If this act is rejected by the registered voters of the town of Lexington when submitted to said voters under section eleven it may be submitted for acceptance in like manner from time to time to such voters at any annual or special meeting in said town within three years thereafter.

Approved April 11, 1929

- Ch. 215, Acts of 1929, adopted by town - November 4, 1929
- Ch. 381, Acts of 1954, adopted by town - March 7, 1955
- Ch. 442, Acts of 1956, adopted by town - March 4, 1957
- Ch. 18, Acts of 1959, adopted by town - March 2, 1959
- Ch. 179, Acts of 1978, effective upon passage - May 22, 1978
- Ch. 132, Acts of 1989, effective upon passage - June 13, 1989
- Ch. 158, Acts of 1992, effective upon passage - August 12, 1992
- Ch. 101, Acts of 2008, effective upon passage - May 13, 2008
- Ch. 108, Acts of 2008, effective upon passage - May 14, 2008