

APPENDIX

CHAP. 202 OF THE ACTS OF 1932, AS AMENDED

AN ACT ESTABLISHING IN THE TOWN OF WELLESLEY

REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

Be it enacted, etc., as follows:

**Representative
Town Government** **SECTION 1.** There is hereby established in the town of Wellesley the form of representative town government by limited town meetings, hereinafter set forth.

**Town Meeting
Members** **SECTION 2.** The registered voters of each precinct in said town shall, at the next ensuing annual town election held after the acceptance of this act, and the registered voters of any precinct affected by any revision of precincts shall at the first annual town election following such revision, and conformably to the laws relative to elections not inconsistent with this act, elect by ballot from residents of the precinct town meeting members, to the largest number which is divisible by three and which will make the representation of such precinct in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total elected membership to be as nearly two hundred and forty as may be but not more than two hundred and forty. The first third in the 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 such election; and thereafter except as herein provided, at each annual town election the registered voters of each precinct shall, in like manner, elect as town meeting members for the term of three years, such number of elected town meeting members as are necessary to provide for such precinct the total number of elected town meeting members to which it is then entitled, and shall, at such election, fill for the unexpired term or terms any vacancies then existing in the number of town meeting members in such precinct.

240 Members

Terms

Tie Vote In the case of a tie vote which affects the election of town meeting members in any precinct and not in the case where a vacancy is involved as set forth in Section 8A, the Town Clerk shall call a special meeting of the town meeting members of the precinct in which such tie vote occurred. The members from the affected precinct shall determine which of the candidates receiving such tie vote shall serve as town meeting member from such precinct, or they shall determine which member receiving such tie vote shall serve for the longer and which for the shorter term, as the case may be. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in Section 8.

**Notice to
Members Elected** The Town Clerk shall, after every election of town meeting members, forthwith notify each member, by mail, of his election.

**Proportionate
Representation** The number of elected town meeting members to which each precinct is entitled for the ensuing year shall be determined by the Town Clerk by January 1st of each year and shall be proportionate to the number of residents in each precinct as of December 15th of the prior year.

Establishment of Terms

At such time the Town Clerk shall also establish how many of the vacancies in any precinct shall be for three-year terms, two-year terms and one-year terms, so that, insofar as possible, one-third of the town meeting members from each precinct shall be elected in each year. In any such election there shall not be separate contests for three-year terms, two-year terms, and one-year terms, but members elected at such election shall be assigned terms of office on the basis of the number of votes they received, those receiving the highest number of votes being assigned three-year terms, and then in descending order two-year terms and one-year terms.

Order of Candidates on the Ballot

SECTION 2A. Notwithstanding any provisions of general or special law to the contrary the order in which names of candidates for each Town office, including the office of Town meeting member, appear on the ballot in any Town election in the Town of Wellesley shall be determined by a drawing by lot conducted by the Town Clerk. Each candidate shall have an opportunity to be present in person or to be represented by a designee at the drawing.

Revision of Precincts Effective Date

SECTION 3. After the acceptance of this act, the boundaries of the precincts shall be reviewed, and, if need be, wholly or partly revised, 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 held not later than November twentieth of that year, but no precinct shall contain less than four hundred registered voters.

The Selectmen shall, within ten days after any revision of the precincts, 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 in the town hall a map or maps or description of the precincts as revised from time to time, with the names and residences of the registered voters therein; and 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. Any revision of the voting 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 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 registered voters of the town, shall be held on the same day 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 chapters fifty to fifty-six, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this chapter, shall apply to all elections and primaries in the town.

Town Clerk to Give Written Notice to State Secretary

Meetings of Voters, When and Where to be Held

Certain Provisions Of General Laws to Apply

When Terms Of Office of Town Meeting Members Shall Cease

The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election, as herein provided, of their successors.

Town Meetings Limited

SECTION 4. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting

Ex Officiis Members	members elected under section two, together with such town meeting members ex officii as may be provided for by the bylaws of the town, and authority to adopt such bylaws is hereby conferred.
Notice of Meetings	The Town Clerk shall notify the town meeting members of the time and place at which representative town meetings are to held, the notices to be sent by mail at least five days before the meeting. The representative town meeting shall be the judges of the election and qualifications of the elected members thereof. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation.
Quorum	
Meetings Public No Compensation	Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote.
Resignations	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. Any elected town meeting member who becomes by appointment or election one of the officers
Ex officii Member	designated as town meeting member ex officii shall thereupon cease to be an elected town meeting member. A town meeting member who removes from the town shall
Removal From Town or Precinct Effect	cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.
Nomination Of Candidates for Town Meeting Members, How Made	SECTION 5. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with the board of registrars at least thirty-five days before the election and with the Town Clerk at least twenty-eight days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the Town Clerk at least forty-two days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.
Proviso	
Warrant Articles How Acted Upon	SECTION 6. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and 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 in their respective precincts. All other articles in the warrant for any town meeting 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 by Section Nine.
Moderator, Election, Etc.	SECTION 7. A moderator shall be elected by ballot at each annual town election, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for an election of moderator shall be as in the case of other elective town officers, and any vacancy in the office shall be filled by town meeting members at a meeting held for that purpose.
Moderator Pro Tempore	If a moderator is absent, a moderator pro tempore shall be elected by the town meeting members.
Vacancies in Full Number of Town	SECTION 8. In the event of any vacancy in the full number of town meeting members of any precinct arising from the failure of registered voters thereof to elect,

**Meeting Members
Failure to Elect
Filling, etc.**

it shall be filled, until the next annual election, by the remaining town meeting members of the precinct from the registered voters thereof. In the event the Town Clerk shall promptly call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exists for the purpose of filling the vacancy or vacancies. He shall cause to be mailed to every such member, not less than fourteen 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. The choice to fill the vacancy or vacancies shall be by ballot, and a majority of the votes cast shall be required for a choice. The Town Clerk shall preside at said meeting, count the ballots, make a certificate of the choice for his records and notify the person so chosen; and, upon receipt by the Town Clerk of a written acceptance by the person so chosen, that person shall be deemed elected and qualified as town meeting member, subject to the right of all town meeting members to judge of the election and qualifications of the members as set forth in Section Four.

**Choice by Ballot
Certificate of
Choice, Etc.**

Acceptance

**Vacancies Other
Than Failure to
Elect, Filling of, Etc.**

SECTION 8A. In the event of any vacancy in the full number of town meeting members of any precinct from any cause other than the failure of the registered voters thereof to elect, said vacancy shall be filled, until the next annual election, by the Town Clerk, if there are available one or more candidates for the office of town meeting member of said precinct at the preceding Annual Town Election who failed of election but received not less than twenty (20) votes. In such event the Town Clerk shall choose the person who received the highest number of votes as such a defeated candidate in said precinct, notifying said person of his or her election as a town meeting member and securing his or her written acceptance thereof. If for any reason the person so chosen

Failure of Acceptance

cannot accept the office, the Town Clerk, shall in like manner choose and notify the defeated candidate in said precinct receiving the next highest number of votes, but no less than twenty (20), and so on until all vacancies are filled. The Town Clerk shall call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exist for the purpose of filling the vacancy or vacancies, until the next annual town meeting election, if at the preceding election: (a) no defeated candidate received at least twenty (20) votes; (b) the highest vote received by any defeated candidate was at least twenty (20) votes and such vote was a tie vote; or (c) there is no such defeated candidate who can or will accept the office. The special election shall be among those having the tie votes or, if no tie is involved, from among the registered voters of the precinct. The Town Clerk shall cause to be mailed to every such member, not less than fourteen days before the time set for the meeting, a notice specifying the object, time and place of the meeting. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in Section Eight.

Special Meeting

Special Election

**Votes, When
Operative, Etc.**

SECTION 9. A vote passed at any representative town meeting authorizing the expenditure of one hundred thousand dollars or more for the acquisition of land, or for the construction, alteration or enlargement of any building, or for other than the usual departmental appropriations, or authorizing the incurring of debt, except temporary loans in anticipation of revenue or reimbursement from the commonwealth or the county of Norfolk, 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 bylaw, or amending or repealing an existing bylaw, shall not 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 percent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed as hereinafter

provided asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, its operation shall be further suspended and the Selectmen, after receiving the certificate of the registrars of voters as hereinafter provided shall call a special meeting not less than twenty-eight days nor more than forty five days after the certification by the registrars of voters hereinafter provided for the sole purpose of presenting to the registered voters at large the question or questions so involved.

Referendum Filing, Etc.

The petition shall be termed a referendum petition. It shall be filed in the office of the Town Clerk before five o'clock in the afternoon of the seventh day, exclusive of Sundays and holidays, after the dissolution of the meeting. If the seventh day falls on a Saturday, Sunday, or a holiday, the petition shall be filed before ten o'clock in the morning on the next business day. Signatures thereto need not be all on one paper but all such papers relating to one vote shall be fastened securely together and filed as one instrument with the endorsement thereon of the person or persons filing the same and the time of filing shall be immediately noted thereon by the Town Clerk. Immediately after the expiration of the time within which referendum petitions may be filed, the Town Clerk shall notify the registrars of voters, who shall examine any such petition seasonably filed, and within five days determine by what number of registered voters it is signed in conformity with the provisions of this section and what percentage that number is of the total number of registered voters of the town and certify their findings to the Selectmen, and at the same time send a copy of the same to the person or to one of the persons who filed the petition.

Questions How Stated Upon Ballot, Etc.

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)?"

Opening And Closing of Polls

The polls at such special meeting shall be opened not later than seven o'clock in the morning and shall be closed not earlier than eight o'clock in the evening. All votes upon any questions so submitted shall be taken in the several precinct meetings by ballot, and the check list shall be used in the same manner as in the election of town officers. For the action of the representative town meeting to be null and void the following two conditions must be satisfied: 1) at least twenty percent of all registered voters in the town must vote in the negative on the referendum; and 2) a majority of those who vote on the referendum must vote in the negative. Otherwise, the action of the representative town meeting shall take effect immediately upon the declaration by the Selectmen of the vote upon the referendum.

Negative Vote

Affirmative Vote

Vote, When Operative, if No Petition Filed

Powers of Town And Its Meeting Members, Etc.

SECTION 10. The town of Wellesley, after the acceptance of this chapter, shall have the capacity to act through and to be bound by its 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 meeting, 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 organized and conducted before the establishment in said town of representative town meeting government.

**Certain Rights
Not Abridged, Etc.**

Section 11. 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 this commonwealth; nor shall this act confer upon any representative town meeting in said Town 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 of the town at large, using the ballot and the check list therefor.

**Submission to
Voters of Town
Of Wellesley, etc.**

Section 12. This act shall be submitted to the registered voters of the Town of Wellesley for acceptance at its annual town election in the year nineteen hundred and thirty-three. The vote 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 question, which shall be placed upon the official ballot to be used in the several precincts in said town at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-two, entitled 'An Act Establishing in the Town of Wellesley Representative Town Government by Limited Town Meetings', be accepted by this town?" If accepted by a majority of the voters voting thereon, this act shall thereupon take effect for all purposes incidental to the annual town election in said town in the year nineteen hundred and thirty-four, and shall take full effect beginning with said election.

**Resubmission After
Rejection, Etc.**

Section 13. If this act is rejected by the registered voters of said town when submitted to said voters under Section Twelve, it may be submitted for acceptance in like manner to such voters at any annual town election in said town not later than the annual town election in the year nineteen hundred and thirty-six, and, if accepted by a majority of the voters voting thereon at such an election, shall thereupon take effect for all purposes incidental to the next annual town election in said town, and shall take effect beginning with said election.

Approved May 4, 1932

Accepted Town Meeting, March 2, 1936

Amended, 1936, 1938, 1958, 1975, 1978, 1988