

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John Barrett, III***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing recall elections in the town of Lanesborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/12/2024</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act establishing recall elections in the town of Lanesborough.

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

1 SECTION 1. Any office holder of elective office in the town of Lanesborough may be  
2 recalled by the registered voters of the town of Lanesborough as herein provided, for the  
3 following reasons: (i) lack of fitness (insobriety while performing official functions or being  
4 placed under guardianship or conservatorship by a probate court); (ii) neglect of duties; (iii)  
5 corruption (conviction of a felony involving moral turpitude, conviction of bribery or extortion);  
6 (iv) misfeasance (willful performance of official acts in an unlawful manner); or (v) violation of  
7 oath.. In no case shall the exercise of discretion in voting or acting on matters before the office  
8 holder constitute grounds for recall.

9 SECTION 2. Any 10 registered voters of the town may file an affidavit with the town  
10 clerk containing the name of the officer sought to be recalled and a statement of the grounds for  
11 the recall. The town clerk shall thereupon deliver to said voters a sufficient number of copies of  
12 printed form petition blanks addressed to the select board demanding such recall. The blanks  
13 shall be issued under the signature and official seal of the town clerk. They shall be dated and

14 shall contain the names of all persons to whom they are issued, the name of the person whose  
15 recall is sought, and the grounds for the recall as stated in the affidavit. In addition, the petition  
16 shall demand the election of a successor to said office. A copy of the petition shall be entered in  
17 the record book to be kept in the office of the town clerk. The recall petition shall be returned  
18 and filed with the town clerk on or before the 1st workday following 20 days after the filing of  
19 the affidavit. Said petition, before being returned and filed with the town clerk shall be signed by  
20 100 registered voters of the town, who shall add to their signatures the street and number, if any,  
21 of their residences. Within 24 hours of receipt of the petition the town clerk shall submit the  
22 petition to the board of registrars of voters in the town and the board of registrars of voters shall  
23 within 14 days certify thereon the number of signatures which are names of registered voters of  
24 the town. If their certification shows the petition to be insufficient, the town clerk shall return the  
25 petition to the voters seeking the recall, without prejudice, however, to the filing of a new  
26 affidavit for the same purpose.

27 SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient,  
28 the town clerk shall submit the same petition with certification to the select board within 7 days  
29 and the select board shall within 7 days give written notice of the receipt of the certificate to the  
30 officer sought to be recalled and shall, if the officer does not resign within 7 days thereafter,  
31 order an election to be held on a date to be fixed by them not less than 60 nor more than 90 days  
32 after the date of the town clerk's certification that a sufficient petition has been filed; provided,  
33 however, that if any other town election is scheduled to occur within 100 days of said certificate,  
34 the select board may, in its discretion, postpone the holding of the recall election to the date of  
35 such other election. If a vacancy occurs in said office after a recall election has been ordered, the  
36 elections shall nevertheless proceed as provided herein.

37 SECTION 4. Any officer sought to be recalled may be a candidate to succeed themselves  
38 and, unless they specifically request otherwise in writing, the town clerk shall place their name  
39 on the official ballot without nomination. The nomination of other candidates, the publication of  
40 the warrant for the recall election, and the conduct of same shall be in accordance with the  
41 provisions of law relating to elections unless otherwise provided in this act.

42 SECTION 5. The incumbent shall continue to perform the duties of their office until the  
43 recall election. If then re-elected in the recall election, they shall continue in the office for the  
44 remainder of their unexpired term subject to recall as before, except as provided in section 7 of  
45 this act. If not re-elected in the recall election, they shall be deemed removed from office upon  
46 the qualification of their successor, who shall hold office during the unexpired term. If the  
47 successor fails to qualify within 7 days after receiving written certified notification of their  
48 election, the incumbent shall thereupon be deemed recalled and the office vacant.

49 SECTION 6. Ballots used in a recall election shall submit the following propositions in  
50 order indicated:-

51 For the recall of (Name of Officer)

52 Against the recall of (Name of Officer)

53 Under the proposition shall appear the word “candidates”, the direction to voters required  
54 by section 42 of chapter 54 of the General Laws and beneath this the names of candidates  
55 nominated as herein before provided. Except as otherwise required by this act, ballots shall take  
56 such form as the town clerk shall deem appropriate and shall not be inconsistent with ballots  
57 utilized in other municipal elections.

58           If a majority of the votes cast upon the question of recall is in the affirmative, the  
59 candidate receiving the highest number of votes shall be deemed elected. If a majority of votes  
60 on the question of recall is in the negative, the ballot for the candidates need not be counted.

61           SECTION 7. No recall petition shall be filed against an officer of the town within 3  
62 months after they take office, nor in the case of an officer subjected to a recall election and not  
63 recalled thereby, until at least 12 months after that election.

64           SECTION 8. No person who has been recalled from an office or who has resigned from  
65 office while recall proceedings were pending against them shall be appointed to any town office  
66 within 1 year after such recall or such resignation.

67           SECTION 9. All holders of elective office as of the effective date of this act shall be  
68 subject to the provision set forth herein.

69           SECTION 10 . This act shall take effect upon its passage.