

**HOUSE . . . . . No. 5002**

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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 the recall of elected officials in the town of Williamstown.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>8/7/2024</i>

**HOUSE . . . . . No. 5002**

By Representative Barrett of North Adams, a petition (accompanied by bill, House, No. 5002) of John Barrett, III (by vote of the town) relative to establishing the recall of elected officials in the town of Williamstown. Election Laws. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

An Act establishing the recall of elected officials in the town of Williamstown.

*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. The charter of the town of Williamstown, which is on file in the office of  
2 the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General  
3 Laws, is hereby amended by inserting the following section:-

4 Section 24. Recall of elected officials

5 (a) Application –Any holder of a town elected office in the town, including  
6 vocational school district representatives, with more than 6 months remaining in the term of  
7 office for which the officer was elected, may be recalled therefrom by the voters of the town in  
8 the manner provided in this section. No recall petition shall be filed against an officer within 6  
9 months after taking office.

10 (b) Recall Petition – A recall petition may be initiated by the filing of an application  
11 containing the name of the officer sought to be recalled and a statement of the grounds for recall,  
12 provided that the application is signed by at least 200 voters. The town clerk shall thereupon

13 deliver to those voters making the application, copies of petition blanks demanding such recall,  
14 copies of which printed forms the town clerk shall keep available. The blanks shall be issued by  
15 the town clerk, with signature and official seal attached thereto. The blanks shall be dated, shall  
16 be addressed to the Select Board, and shall contain the names of all the persons to whom the  
17 blanks are issued, the number of blanks so issued, the name of the person whose recall is sought,  
18 the office from which removal is sought and the grounds of recall as stated in the application. A  
19 copy of the petition shall be entered in a record book to be kept in the office of the town clerk.  
20 Said recall petition shall be returned and filed with the town clerk within 28 days after the filing  
21 of the application shall have been signed by at least 10 per cent of the voters of the town  
22 registered as of the date of the petition is filed. Within two business days of receipt of the  
23 petition, the town clerk shall submit the petition to the registrars of voters and the registrars shall,  
24 within 5 days of their receipt of the petition, certify thereon the number of signatures which are  
25 names of voters.

26 (c) Recall Election – If the petition shall be found and certified by the town clerk to  
27 be sufficient, the town clerk shall submit the same with such certificate to the Select Board  
28 within 5 days, and the select board shall give written notice of the receipt of the certificate to the  
29 officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter,  
30 order an election to be held on a date fixed by the Select Board not less than 64 days and not  
31 more than 90 days after the date of the town clerk’s certificate that a sufficient petition has been  
32 filed; provided, however, that if any other town election is to occur within 120 days after the date  
33 of the certificate, the select board shall postpone the holding of the recall election to the date of  
34 such other election. If the person subject to a recall vote vacates said office after a recall election  
35 has been ordered by before the election is held, the election shall not proceed.

36 (d) Office Holder – The incumbent shall continue to perform the duties of the office  
37 until the recall election. If said incumbent is not recalled, the incumbent shall continue in office  
38 for the remainder of the unexpired term subject to recall as provided herein. If recalled, the  
39 officer shall be deemed removed and the office vacant. The vacancy created thereby shall be  
40 filed under chapter 41 of the General Laws (or by other charter designated method). A person  
41 chosen to fill the vacancy caused by a recall shall hold office until the next regular town election.  
42 Should the person be a candidate in the subsequent election, that person will not be allowed to  
43 have ‘candidate for re-election’ appear on the ballot at such election.

44 (e) Ballot Proposition—The form of the question to be voted upon shall be  
45 substantially as follows:

46 “shall [here insert the name and title of the elective officer whose recall is sought] be  
47 recalled?” Yes No

48 If a majority of the votes cast upon the question of recall is in the affirmative, such  
49 elected officer shall be recalled.

50 (f) Repeat of Recall- In the case of an officer subjected to a recall election and not  
51 recalled thereby, no recall petition shall be filed against such officer until at least 270 days after  
52 the election at which the officer’s recall was submitted to the voters of the town.

53 (g) Office Holder Recalled – Any person subject to a recall who vacates their office  
54 for any reason, including by recall or by resignation while recall proceedings were pending  
55 against such person, may run for re-election or election to other offices, but may not be  
56 appointed to any board, commission or committee within 2 years after such recall or such  
57 resignation.

SECTION 2. This act shall be in effect upon its passage.