

# SENATE . . . . . No. 2990

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Senate, December 19, 2024 - Text of the Senate amendment (Senator Mark) to the House Bill providing for the recall of elected officials in the town of Williamstown (House, No. 5002).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
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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 adding the following section:-

4           Section 24. Recall of Elected Officials.

5           (a) Application – Any holder of a town elected office in the town, including members of  
6 the Northern Berkshire Vocational Regional School Committee elected at the annual town  
7 election, with not less than 6 months remaining in the term of office for which the officer was  
8 elected, may be recalled therefrom by the voters of the town in the manner provided in this  
9 section; provided, however, that members of the Mount Greylock Regional School Committee  
10 shall not be considered elected officials for purposes of this section. No recall petition shall be  
11 filed against an officer within 6 months of taking office.

12           (b) Recall Petition – A recall petition may be initiated by the filing of an application  
13 containing the name of the officer sought to be recalled and a statement of the grounds for recall;  
14 provided, however, that the application shall be signed by not less than 200 voters. The town  
15 clerk shall thereupon deliver to those voters making the application copies of the petition blanks

16 demanding such recall, copies of which printed forms the town clerk shall keep available. The  
17 blanks shall be issued by the town clerk, with signature and official seal attached thereto. The  
18 blanks shall be dated and addressed to the select board and shall contain the names of all persons  
19 to whom the blanks are issued, the number of blanks so issued, the name of the person whose  
20 recall is sought, the office from which removal is sought and the grounds of recall as stated in the  
21 application. A copy of the petition shall be entered in a record book to be kept in the office of the  
22 town clerk. Said recall petition shall be returned and filed with the town clerk within 28 days  
23 after the filing of the application and shall be signed by not less than 10 per cent of the voters of  
24 the town registered as of the date of the application is filed. Within 2 business days of receipt of  
25 the petition, the town clerk shall submit the petition to the registrars of voters and the registrars  
26 shall, within 5 days of their receipt of the petition, certify thereon the number of signatures that  
27 are the names of voters.

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

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

46 (e) Ballot Proposition - The form of the question to be voted upon shall be substantially  
47 as follows:

48 “Shall [here insert the name and title of the elective officer whose recall is sought] be  
49 recalled?” Yes No

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

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

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

SECTION 2. This act shall take effect upon its passage.