

HOUSE No. 3908

The Commonwealth of Massachusetts

PRESENTED BY:

Leigh Davis and Paul W. Mark

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 to establish a recall procedure for elective town offices in the town of Monterey.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>2/25/2025</i>

HOUSE No. 3908

By Representative Davis of Great Barrington and Senator Mark, a joint petition (accompanied by bill, House, No. 3908) of Leigh Davis (by vote of the town) for legislation to establish a recall procedure for elective town offices in the town of Monterey. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to establish a recall procedure for elective town offices in the town of Monterey.

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 holder of an elective town office may be recalled and removed from
2 office by the registered voters of the town as provided herein.

3 SECTION 2. Thirty registered voters of the town may initiate a recall election by
4 requesting from the Town Clerk and signing a form of affidavit containing the name of the
5 officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall
6 immediately forward the affidavit to the Board of Registrars for verification of signatures. If the
7 affidavit is found to contain a sufficient number of signatures certified to be registered voters, the
8 Town Clerk shall thereupon deliver to the first ten (10) registered voters signing such affidavit a
9 sufficient number of copies of petition sheets in blank demanding such recall, each bearing the
10 Town Clerk's signature and official seal. The petition sheets shall be addressed to the Select
11 Board and dated. The Town Clerk shall fill out the top of each recall petition sheet stating the
12 names of the first ten (10) voters who signed the affidavit, the name of the person whose recall is

sought, the grounds of recall as stated in the initial affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition(s) shall be returned and filed with the Town Clerk within twenty-one (21) calendar days from the date of delivery of the blank recall petition sheets. The petition sheets shall be signed by at least fifteen (15) percent of the registered voters of the Town as of the date the affidavit was filed with the Town Clerk. The number and street of each person's residence shall appear after their signature. The Town Clerk will submit the petition sheets to the Board of Registrars within five (5) business days of filing of the recall petition sheets and the Board shall within five (5) business days certify the number of signatures that are the names of registered voters of the town.

SECTION 3. If a sufficient number of the signatures on all recall petition sheets are certified by the Board of Registrars as registered voters, the petitions shall be submitted by the Town Clerk with the certificate of the Board of Registrars to the Select Board. The Select Board shall immediately give written notice of the receipt of the petition to the officer sought to be recalled. If the officer does not resign within five (5) calendar days of the date notice is given by the Select Board, then the Select Board shall promptly order an election to be held on a date fixed by the Select Board which is not less than sixty-four (64) nor more than ninety (90) days after receipt of the certified petition. However, if any other town election is scheduled to occur within one hundred (100) days after the date of receipt of the certified petition, the Select Board may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for that other election. If a vacancy occurs in the office after a

recall election has been ordered, the election shall proceed as provided in this act, but only the ballots for the new candidates shall be counted.

SECTION 4. An officer sought to be recalled may be a candidate to succeed him- or herself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the nomination and publication, shall be in accordance with the law relating to elections, unless otherwise provided in this act. A majority of those voting at the recall election shall be sufficient to recall and remove such elected officer.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as otherwise provided in this act. If recalled but not re-elected in the recall election, the incumbent shall be considered removed from office upon the qualification of a successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five (5) business days after receiving notification of election, the incumbent shall be considered removed and the office declared vacant. No recall petition may be filed against an officer within the first six (6) months of their term of office or within six (6) months of a recall election wherein the officer was not recalled and removed.

SECTION 6. Ballots used in a recall election shall contain the following propositions:

FOR the recall of (name of officer) _____

AGAINST the recall of (name of officer) _____

Next to each proposition there shall be a place to mark a vote.

56 Under the propositions shall appear the word “Candidates” and the direction “Vote for
57 One”, and beneath this the names of all candidates arranged alphabetically by surname. Next to
58 the name of each candidate shall be a place to mark a vote.

59 If a majority of the votes cast on the recall question is in the affirmative, then the
60 candidate who receives the highest number of votes shall be elected. If a majority of the votes on
61 the question is in the negative, the ballots for candidates to fill the potential vacancy need not be
62 counted, unless the officer who is the subject of the recall has previously resigned from office
63 under Section 3.

64 SECTION 7. This act shall take effect upon its passage.