

**HOUSE . . . . . No. 4242**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Leigh Davis and Paul W. Mark***

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*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 providing for recall elections in the town of Dalton.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>6/26/2025</i>

**HOUSE . . . . . No. 4242**

By Representative Davis of Great Barrington and Senator Mark, a joint petition (accompanied by bill, House, No. 4242) of Leigh Davis (by vote of the town) relative to recall elections in the town of Dalton. Election Laws. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

An Act providing for recall elections in the town of Dalton.

*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 office in the town of Dalton may be recalled by  
2 the registered voters of the town as herein provided.

3 SECTION 2. Any fifty (50) registered voters of the town of Dalton may initiate a recall  
4 by filing with the Town Clerk an affidavit of intent to recall, containing the name of the officer  
5 sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon  
6 within 2 business days deliver to the voter first named on such affidavit a sufficient number of  
7 copies of petition blanks demanding such recall, printed forms of which he/she shall keep  
8 available. The blanks shall be issued by the Town Clerk with his/her signature and Official Seal  
9 attached thereto. The petitions shall be dated and addressed to the Select Board, shall contain the  
10 name of the person to whom they were issued, the number of petitions so issued, the name of the  
11 person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand  
12 the election of a successor to such office.

13 SECTION 3. The reason for which a recall may be initiated include but are not limited to:

14 (i) Lack of Fitness. Insobriety while performing official functions, involuntary  
15 commitment to e mental health facility, placed under guardianship or conservatorship by a  
16 probate court.

17 (ii) Conviction. Conviction of any felony involving moral turpitude, conviction or  
18 bribery, or extortion.

19 (iii) Neglect of Duties. Repeated absences from meetings without just cause. Just cause  
20 shall include, but not be limited, to illness or regular vacation periods.

21 (iv) Misfeasance. Performance of official acts in an unlawful manner, or a willful  
22 violation of the conflict of interest law, open meeting law or other ethical violations.

23 SECTION 4. A copy of the blank recall petition shall be entered in a record book to be  
24 kept in the office of the Town Clerk. Said recall petitions shall be returned and filed with the  
25 Town Clerk within twenty working days after the date the blank petitions were provided to the  
26 first named voter. The recall petition before being returned and filed shall bear the signatures and  
27 residential address of no less than 50% of the voters who participated in the last annual town  
28 election. The said recall petition shall be submitted to the Town Clerk and to the Registrars of  
29 Voters, and the Registrars shall within 4 business days certify thereon the number of signatures  
30 which are names of registered voters of said town.

31 SECTION 5. If the petition shall be found and certified by said Town Clerk to be  
32 sufficient, he/she shall submit the same with his/her certificate to said Select Board without  
33 delay. The Select Board shall within three working days give written notice by registered mail to

34 said officer of the receipt of said certificate and shall, if the officer sought to be recalled does not  
35 resign within five days thereafter, order an election to be held on a date fixed by the Board, not  
36 less than sixty days and not more than ninety days after the date of the Town Clerk's certificate  
37 that a sufficient petition has been filed; provided, however, that if any other Town election is to  
38 occur within 100 days after the date of said certificate, the Select Board shall postpone the  
39 holding of the recall election to the date of such other election. If a vacancy occurs in said office  
40 after a recall election has been so ordered, the election shall nevertheless proceed as in this  
41 section provided.

42 SECTION 6. Any officer sought to be recalled may be a candidate to succeed  
43 himself/herself and, unless the person requests otherwise in writing, the Town Clerk shall place  
44 the person's name on the ballot without nomination. The nomination of other candidates, the  
45 publication of the warrant for the recall election and the conduct of the same shall all be in  
46 accordance with the provisions of General Law relating to elections unless otherwise provided  
47 by this act. The election to replace the officer sought to be removed shall be held on the same  
48 day as the recall election.

49 SECTION 7. The incumbent shall continue to perform the duties of his/her office until  
50 the recall election. If not recalled, he/she shall continue in the office for the remainder of his/her  
51 unexpired term but shall not again be subject to recall for the remainder of his/her unexpired  
52 term. If recalled, he/she shall be deemed removed upon the qualification of his/her successor,  
53 who shall hold office during the unexpired term. If the successor fails to qualify within five days  
54 after receiving notification of his/her election, the incumbent shall thereupon be deemed  
55 removed and the office vacant.

56           SECTION 8. Ballots used in a recall election shall state the following propositions in the  
57 order indicated: For the recall of (name of officer). Against the recall of (name of officer).  
58 Adjacent to each proposition, there shall be a place to vote for either of the said propositions.  
59 Under the proposition shall appear the word "Candidates" and the names of candidates  
60 nominated as required by Section 42 of Chapter 54 of the Massachusetts General Laws. The  
61 action of the voters to recall shall require a majority vote but shall not be effective unless the  
62 total of those voting for and against recall shall exceeds 80% of the number of registered voters  
63 that voted in the most recent annual Town election. If sufficient voters and a majority of the  
64 votes cast upon the question of recall is in the affirmative, the candidate receiving the highest  
65 number of votes shall be declared elected. If sufficient voters and a majority of votes on the  
66 question is in the negative, the ballots for candidates need not be counted, except as provided in  
67 section 5 above.

68           SECTION 9. No recall petition shall be filed against an officer within six months after  
69 he/she takes office, nor within six months of the end of the officer's term, nor in the case of an  
70 officer subject to a recall election during his/her current term and not recalled thereby. No person  
71 who has been removed from an office or who has resigned from office while recall proceedings  
72 were pending against him/her, shall be a candidate for or appointed to any town office within  
73 three years after such removal or such resignation.