

HOUSE No. 5539

The Commonwealth of Massachusetts

PRESENTED BY:

Sally P. Kerans and Joan B. Lovely

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 relative to recall elections in the town of Danvers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>6/24/2026</i>

HOUSE No. 5539

By Representative Kerans of Danvers and Senator Lovely, a joint petition (accompanied by bill, House, No. 5539) of Sally P. Kerans (by vote of the town) relative to recall elections in the town of Danvers. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to recall elections in the town of Danvers.

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. (a) Any holder of a town wide elected office in the town of Danvers, with
2 more than 6 months remaining in the term of that office on the date of the filing of a recall
3 affidavit may be recalled from office by the registered voters of the town of Danvers, in the
4 manner provided in this act; provided, however, that the vote of an elected official on a matter,
5 other than in connection with a conflict-of-interest violation, shall not constitute valid grounds
6 for recall.

7 (b)(1) An initial recall affidavit signed by at least 350 or more registered voters of the
8 town of Danvers containing the registered voters’ names and addresses may be filed with the
9 town clerk. The initial recall affidavit shall contain the name of the officer sought to be recalled,
10 the office to be recalled and a statement of the grounds for recall. Upon the filing of the affidavit,
11 the town clerk shall: (i) when appropriate, notify the officer who is the subject of the recall
12 petition prior to the expiration of 20 calendar days; and (ii) provide to the petitioners, copies of

13 printed form petition blanks addressed to the board whose member is the subject of the recall or,
14 in the case of an officer that is not a member of the board, addressed directly to the officer. The
15 petition blanks shall be issued under the signature and official seal of the town clerk. The petition
16 blanks shall be dated and shall contain the names of all persons to whom the petition blanks are
17 issued, the name of the officer whose recalled is sought and the grounds of recall as stated in the
18 affidavit. While it is expected that the recall process recommended herein would only be used to
19 address serious malfeasance or misconduct, the voters themselves shall individually determine
20 whether the grounds listed for recall are sufficient. A copy of the recall petition shall be entered
21 in a record book to be kept in the office of the town clerk.

22 (2) The recall petition shall be returned and filed in the office of the town clerk within 20
23 business days following the date upon which the town clerk issued such recall petition. The
24 recall petition shall contain the signature of at least 20 per cent of the total number of voters duly
25 recorded on the registration list of the town clerk as of the most recent preceding annual election.

26 (3) The town clerk shall, within 3 business days following the filing of the recall petition,
27 submit the recall petition to the board of registrars of voters who shall, within 5 business days,
28 certify thereon the number of signatures which in fact are names of registered voters of the town
29 of Danvers.

30 (c)(1) If the recall petition is certified by the board of registrars of voters to contain the
31 sufficient number of registered voters, the town clerk shall forthwith submit the recall petition to
32 the board whose member is the subject of the recall. Upon its receipt of the certified recall
33 petition, the respective board shall, within 3 business days, give notice of the recall petition and
34 the certification thereon to the officer whose recall is being sought.

35 (2) If the officer sought to be recalled does not resign from their office, in writing to the
36 town clerk, within 5 business days following the delivery of the notice of the recall petition, the
37 select board shall order a recall election to be held not less than 64 days, nor more than 90 days,
38 after the date of certification of the sufficiency of the recall petition by the board of registrar of
39 voters, but if another town election is to occur within 100 days after the date of the certification,
40 the select board may, at their discretion, postpone the holding of the recall election until the date
41 of such other town election.

42 (3) If a vacancy occurs in the office after a recall election has been ordered, but prior to
43 the date of the recall election, the election shall not proceed.

44 (d) The publication of the town warrant for the recall election and the conduct of the
45 election shall be in accordance with the law relative to elections, unless otherwise provided in
46 this act.

47 (e) All ballots used at a recall election shall contain the following propositions in the
48 order indicated.

49 FOR THE RECALL OF (NAME OF OFFICER) ()

50 AGAINST THE RECALL OF (NAME OF OFFICER) ()

51 Adjacent to each proposition, there shall be a place to mark a vote.

52 (f)(1) The incumbent officer shall be allowed to continue to perform the duties of their
53 office until the recall election is held. If not recalled in the election, the incumbent officer shall
54 continue in office for the remainder of their unexpired term, subject to recall as before, except as
55 provided herein.

56 (2) If the incumbent officer is recalled, they shall be deemed removed from office
57 immediately. The remaining members of their respective board, consistent with applicable law,
58 shall have the power to fill the vacancy until the next annual election, at which the voters shall
59 elect a successor for the remainder of the unexpired term.

60 (g) A recall petition shall not be filed against an officer within 6 months of the
61 assumption of their office. In the case of an officer who has been subjected to a recall election
62 and was not recalled thereby, a subsequent recall petition shall not be filed against the officer
63 until at least 6 months after the date of the election at which the initial recall was voted upon.

64 (h) An officer who has been recalled from an office shall not be appointed to any town
65 office within 12 months after the recall.

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