

HOUSE No. 5571

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 amending the town meeting act for 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. 5571

By Representative Kerans of Danvers and Senator Lovely, a joint petition (accompanied by bill, House, No. 5571) of Sally P. Kerans (by vote of the town) that the town of Danvers be authorized to amend the town meeting act for said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act amending the town meeting act for 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. Chapter 294 of the acts of 1930, as most recently amended by chapter 50 of
2 the acts of 1973, is hereby further amended by striking out sections 1 to 15, inclusive, and
3 inserting in place thereof the following 14 sections:-

4 Section 1. (a) The legislative body of the town of Danvers shall be a representative town
5 meeting. Subject to the provisions of this act, and based on the population of the town as
6 reflected in the federal decennial census, the town of Danvers shall be divided into precincts
7 containing as nearly as may be an equal number of inhabitants, but no more than 4,000
8 inhabitants per precinct, so that each precinct will elect an equal number of representative town
9 meeting members. Said precincts shall be established in conformity with section 6 to section 9A,
10 inclusive, of chapter 54 of the General Laws and shall be subject to review and approval of the
11 secretary of the commonwealth. The precincts shall be so established as to consist of compact
12 and contiguous territory to be bounded, as far as possible, by the center line of known streets and

13 ways or by other well-defined limits. The precincts' boundaries shall be reviewed and, if need
14 be, wholly or partly revised by the select board in October, once in 5 years, or in October of any
15 year when so directed by a vote of a representative town meeting held not later than September
16 20th of that year. The select board shall, within 10 days after any establishment or revision of the
17 precincts, file a report of their doings with the town clerk, the registrars of voters, the assessors
18 and the secretary of the commonwealth, with a map or maps or description of the precinct and
19 the names and residences of the registered voters therein. The select board shall also cause to be
20 posted in the town hall a map or maps or description of the precincts as established or revised
21 from time to time, and shall also maintain a record of the names and residences of the registered
22 voters therein. The division of the town into voting precincts and any revision of such precincts
23 shall take effect upon the date of the filing of the report thereof by the select board with the town
24 clerk, subject to the approval of the secretary of the commonwealth. Whenever the precincts are
25 established or revised, the town clerk shall forthwith give written notice thereof to the secretary
26 of the commonwealth, stating the number and designation of the precincts. Dates for town, state
27 and federal elections for primaries and for voting upon any question to be submitted to all the
28 registered voters of the town shall be held on the same day and at the same hour and at such
29 place or places within town as the select board shall in the warrant for such election, primary or
30 question direct.

31 (b) The provisions of the General Laws relating to precinct voting at elections, so far as
32 the same are not inconsistent with this act, shall apply to all elections and primaries in the town
33 upon the establishment of voting precincts as hereinbefore provided.

34 Section 2. Other than the officers designated in section 3 as town meeting members at
35 large, the representative town meeting membership shall in each precinct consist of the largest

36 number divisible by 3 that will admit of a representation thereof in the approximate proportions
37 that the number of inhabitants therein bears to the total number of inhabitants in the town. The
38 number of elected town meeting members to which each precinct is entitled for the ensuing year
39 shall be determined by the town clerk between January 15th and January 20th of each year and
40 shall be proportioned to the number of inhabitants on January 15th of that year. The registered
41 voters in every precinct shall, at the first annual town election held after the establishment of
42 such precincts, and at the first annual town election following any precinct revision, conformably
43 to the laws relative to elections not inconsistent with this act, elect by ballot the number of
44 registered voters in the precinct, other than the officers designated in section 3 as town meeting
45 member at large, as provided in the first sentence of this section, to be town meeting members of
46 the town. The first third, in the order of votes received, of town meeting members so elected
47 shall serve 3 years, the second third in such order shall serve 2 years and the remaining third in
48 such order shall serve 1 year, from the day of the first annual representative town meeting held
49 after said election; in case of a tie vote affecting the division into thirds, as aforesaid, the town
50 meeting members elected from the precinct shall by ballot determine the same. Thereafter,
51 except as is otherwise provided herein, at each annual town election the registered voters of each
52 precinct shall, in like manner, elect 1/3 of the number of town meeting members to which that
53 precinct is entitled for the term of 3 years and shall at such election fill for the unexpired term or
54 terms any vacancy or vacancies then existing in the number of town meeting members in any
55 such precinct. Upon every revision of the precincts, the terms of office of all town meeting
56 members from every precinct shall cease upon the qualification of their successors, who shall be
57 elected at the annual town election held next after such revision. The town clerk shall, after every

58 election of town meeting members, forthwith notify each town meeting member of their election
59 in writing by electronic mail or, if requested by the member, by U.S. Postal Service mail.

60 Section 3. (a) Any representative town meeting held under the provisions of this act,
61 except as otherwise provided herein, shall be limited to the town meeting members elected under
62 section 2, together with the select board members designated as town meeting members at large.

63 (b) The town clerk shall notify each town meeting member of the time and place at which
64 representative town meetings are to be held by electronic mail or, if requested by the member, by
65 U.S. Postal Service mail at least 7 days before the meeting. A majority of the town meeting
66 members shall constitute a quorum for doing business, but a fewer number of members may
67 organize temporarily and may adjourn from time to time. All representative town meetings shall
68 be public. The town meeting members shall receive no compensation. Subject to such conditions
69 as may be determined from time to time by the town meeting members, any registered voter of
70 the town who is not a town meeting member may speak at any representative town meeting, but
71 shall not vote. A town meeting member may resign by filing a written resignation with the town
72 clerk and such resignation shall take effect on the date of such filing. A town meeting member
73 who moves from the town shall cease to be a town meeting member and a town meeting member
74 who moves from the precinct from which they were elected to another precinct may serve only
75 until the next annual representative town meeting.

76 Section 4. Nomination of candidates for town meeting members to be elected under this
77 act shall be: (i) made by nomination papers, which shall bear no political designation; (ii) signed
78 by not less than 10 voters of the precinct in which the candidate resides; and (iii) filed with the
79 town clerk at least 10 days before the election; provided, that any town meeting member may

80 become a candidate for re-election by giving written notice thereof to the town clerk at least 30
81 days before election. No nomination papers shall be valid with respect to any candidate whose
82 written acceptance is not thereon or attached thereto when filed.

83 Section 5. The articles in the warrant for every town election, so far as they relate to the
84 election of the town moderator, town officers and town meeting members, and as herein
85 provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so
86 acted upon and determined by the registered voters of the town in their respective precincts. All
87 articles in the warrant for any representative town meeting, beginning with the first
88 representative town meeting at which said town meeting members serve, shall be acted upon and
89 determined exclusively by town meeting members at a meeting to be held at such time and place
90 as shall be set forth by the select board in the warrant for the meeting, subject to the referendum
91 provided under section 8.

92 Section 6. A town moderator shall be elected by ballot at each annual town election and
93 shall serve as town moderator of all town meetings, except as otherwise provided by law, until a
94 successor is elected. Nominations for and election of a town moderator shall be as in the case of
95 other elective town officers, and any vacancy in the office may be filled by the town meeting
96 members at a representative town meeting held for that purpose. If a town moderator is absent, a
97 town moderator pro tempore may be elected by the town meeting members from among the town
98 meeting members.

99 Section 7. Any vacancy in the full number of town meeting members from any precinct,
100 whether arising from a failure of the registered voters thereof to elect, or from any other cause,
101 may be filled, until the next annual election, by the remaining town meeting members of the

102 precinct from among the registered voters thereof. Upon notice by the town clerk to the town
103 meeting members from the precinct, or upon petition therefor, signed by not less than 10 town
104 meeting members from the precinct, the town clerk shall call a special meeting of such town
105 meeting members for the purpose of filling any vacancy, said special meeting to be conducted
106 immediately before said representative town meeting. The town clerk shall provide every such
107 town meeting member from the precinct in which the vacancy or vacancies exist, not less than 5
108 days before the time set for the special meeting, a notice specifying the object, time and place of
109 the special meeting. At the special meeting a majority of the town meeting members from such
110 precinct, excluding town meeting members at large, shall constitute a quorum, and they shall
111 elect from their own number a chair and a clerk. The choice to fill any vacancy shall be by ballot
112 and a majority of the votes cast shall be required for a choice. The chair and clerk shall count the
113 ballots and shall make a certificate of the choice and forthwith file the same with the town clerk,
114 together with a written acceptance by the town meeting member or members so chosen, who
115 shall thereupon be deemed elected and qualified as a town meeting member or members.

116 Section 8. (a) No vote, except a vote to adjourn or authorizing the borrowing of money in
117 anticipation of the receipt of taxes for the current year, passed at any representative town meeting
118 shall be operative until after the expiration of 7 days, excluding Sundays and legal holidays, from
119 the dissolution of the town meeting. If, within said 7 days, a petition, signed by not less than 3
120 per cent of the registered voters of the town, containing their names and addresses as they appear
121 on the list of registered voters, is filed with the select board asking that the question or questions
122 involved in such vote be submitted to the registered voters of the town at large, then the select
123 board, after the expiration of 7 days, shall forthwith call a special election for the sole purpose of
124 presenting to the registered voters of the town at large the question or questions so involved.

125 (b) The polls shall be opened not later than 10:00 AM and shall be closed at 8:00 PM and
126 all votes upon any questions so submitted shall be taken by ballot, and the check list of registered
127 voters shall be used in the same manner as in the election of town officers. The questions so
128 submitted shall be determined by vote of the same proportion of registered voters of the town at
129 large voting thereon as would have been required by law of the town meeting members had the
130 question been finally determined at a representative town meeting. The questions so submitted
131 shall be stated upon the ballot in substantially the same language and form in which they were
132 stated when presented to said representative town meeting by the town moderator, and as appears
133 from the records of said town meeting.

134 (c) If such petition is not filed within a period of 7 days, the vote of the representative
135 town meeting shall become operative and effective upon the expiration of said period.

136 (d) In computing the 7 day period pursuant to subsection (a), Sundays and legal holidays
137 shall be excluded. If the final day of said 7 day period falls on a Sunday or legal holiday, the
138 period shall extend to the next succeeding business day.

139 Section 9. (a) There shall be a finance committee to consist of 9 members who shall not
140 be town meeting members, to be appointed by the town moderator to serve for staggered 3 year
141 terms. Within 30 days after each annual representative town meeting, 3 members of the finance
142 committee shall be appointed by the town moderator to serve for 3 year terms. If for any reason a
143 vacancy occurs on the finance committee, such vacancy shall be filled by the town moderator for
144 the unexpired term. Before entering upon the duties of the office, finance committee members
145 shall be sworn to the faithful and impartial performance thereof by the town clerk or a justice of
146 the peace.

147 (b) All questions pertaining to the appropriation or expenditure of money, the creation of
148 debt, the disposition of town property and all other questions affecting the town shall be referred
149 to the finance committee for the purpose of making recommendations to town meeting, but
150 nothing in this section shall be construed to prohibit the appointment of special committees to
151 investigate matters pertaining to the town or to execute work authorized by the town. The finance
152 committee shall have the power to consult with such departments, officers, employees and
153 committees as may have information concerning any matters under consideration and it shall be
154 the duty of all departments, officers, employees or committees to furnish such information as
155 they possess that may be required by the finance committee. The Finance Committee shall also
156 have the power to examine, in connection with any subject under investigation or consideration,
157 all books, vouchers, papers and other instruments in the custody or possession of any officer,
158 employee or agent of the town.

159 (c) Before making recommendations under each article of the warrant, the finance
160 committee shall hold public hearings in relation thereto after first notifying the select board,
161 town manager and town meeting members of the time and place of a public hearing. Town
162 meeting members and all residents of the town may attend finance committee meetings. The
163 finance committee shall report in writing to the representative town meeting all its
164 recommendations under the various articles of the warrant. The recommendation reported by the
165 finance committee under any article shall be treated in the representative town meeting as a
166 motion under the article. The recommendation shall be subject to amendment by a majority of
167 the town meeting members voting on the motion to amend. If there shall be a majority and a
168 minority report of the finance committee, the minority report shall have precedence over all other
169 motions to amend the report of the finance committee.

170 Section 10. All by-laws or parts of by-laws of the town inconsistent with the provisions
171 of this act are hereby repealed. The provisions of chapter 44 of the General Laws shall continue
172 to apply in the town of Danvers notwithstanding the provisions of this act.

173 Section 11. The town of Danvers shall have the capacity to act through and be bound by
174 its town meeting members who shall, when convened from time to time as herein provided,
175 constitute representative town meetings and such representative town meetings shall exercise
176 exclusively, to the extent consistent with the provisions of this act, all powers vested in the
177 municipal corporation. Action in conformity with all provisions of law now or hereafter
178 applicable to the transaction of town affairs in town meetings shall, when taken by any
179 representative town meeting in accordance with the provisions of this act, have the same force
180 and effect as if such action had been taken in a town meeting open to all the voters of the town as
181 heretofore organized and conducted.

182 Section 12. (a) The town of Danvers shall hold its annual town election to elect select
183 board members, the town moderator, the library trustees, the school committee, the housing
184 authority and town meeting members as set by town by-law in accordance with section 9 of
185 chapter 39 of the General Law. The polls for the election of officers shall be opened not later
186 than 10:00 AM.

187 (b) The town of Danvers shall hold its annual representative town meeting for the
188 transaction of municipal business in pursuance of the warrant issued by the select board for the
189 annual representative town meeting in accordance with town by-law. If the business of the
190 annual representative town meeting is not completed on the first evening, the representative town

191 meeting may be adjourned to a time and place certain to as many evenings as the representative
192 town meeting votes, to be necessary to complete the said business.

193 Section 13. This act shall not abridge the right of the inhabitants of the town of Danvers
194 to hold general meetings, as that right is secured to them by the Constitution of the
195 commonwealth; nor shall this act confer upon any representative town meeting in the town of
196 Danvers the power finally to commit the town to any measure affecting its municipal existence
197 or changing its government, without the action thereon by the voters of the town at large, using
198 the ballot and the checklist therefor.

199 Section 14. This act shall be reviewed by the town of Danvers at least once in every 20
200 years, or sooner, as decided by a majority vote of the town meeting members at an annual or
201 special representative town meeting. Upon the vote by town meeting to review this act the town
202 moderator shall promptly appoint a committee of residents of the town of Danvers to conduct
203 said review.

204 SECTION 2. This act shall be submitted to the town of Danvers select board for
205 approval, whereupon a warrant article shall be prepared by the select board asking if the town of
206 Danvers representative town meeting will approve this act to update the Danvers town meeting
207 act by placing the following question on the warrant:

208 “Shall an act passed by the General Court entitled “An Act amending the town meeting
209 act for the town of Danvers” be accepted by the Town by vote of its Representative Town
210 Meeting?”.

211 SECTION 3. This act will take effect upon its passage.