

HOUSE No. 862

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

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 regarding the recall of elected officers of the town of Sharon.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>

HOUSE No. 862

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 862) of Edward R. Philips (by vote of the town) relative to the recall of elected officers in the town of Sharon. Election Laws. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4856 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act regarding the recall of elected officers of the town of Sharon.

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 of the town of Sharon may be recalled and
2 removed from office by the qualified voters of the town as provided in this act.

3 No fewer than 50 registered voters of Sharon may initiate recall by filing with the town
4 clerk an affidavit of intent to recall, signed under the penalties of perjury and including the place
5 of residence of each signer with the street and number, containing the name of the officer and the
6 office held whose recall is sought and a statement of the grounds of recall.

7 SECTION 2. Recall may be initiated for any holder of elective office in the town of
8 Sharon for any misconduct, abuse of office or authority or other actions that call into question
9 the officeholder’s fitness or ability to serve the people of Sharon.

10 The grounds may include, but are not limited to, the following:

11 (i) conviction of a felony or other serious crime involving moral turpitude;

12 (ii) failure to take the oath by swearing in with the town clerk within 30 days of election;

13 (iii) unless having taken it prior to election, failure to complete the training program
14 prepared by the state ethics commission pursuant to section 28 of chapter 268A of the General
15 Laws within 30 days of election;

16 (iv) the finding of an intentional violation of the responsibilities described in the oath and
17 ethics training described above; or

18 (v) a poor attendance record that impairs the ability of a board, commission or committee
19 to function.

20 An elected official's opinions or votes on any subject within the public body's
21 jurisdiction shall not constitute grounds for recall such that the elected official may make
22 decisions within their authority without fear of recall; provided, that an elected official's vote or
23 actions that are found to be an intentional violation as described in 930 C. M.R. 1.00 – 7.00 shall
24 be grounds for recall.

25 SECTION 3. Within 7 business days of receipt of an affidavit of intent, the town clerk
26 shall verify whether the petition contains the required number of signatures and whether the
27 petition represents a valid ground for which to seek recall. The town clerk shall certify the names
28 of voters of the town who signed the affidavit of intent to make sure the names of voters are
29 valid.

30 SECTION 4. Upon certification by the town clerk that a sufficient number of registered
31 voters signed the affidavit of intent, the town clerk shall, within 2 business days following said
32 certification, notify the primary petitioner, who shall be the voter first named on such affidavit of
33 intent, that copies of blank petitions are available at the office of the town clerk. The blanks shall
34 be issued by the town clerk with the town clerk's signature and official seal attached thereto.

35 The blank petitions shall be dated and addressed to the select board and shall contain the
36 name of the person whose recall is sought, the office from which recall is sought and the grounds
37 for recall as stated in the affidavit and shall demand the election of a successor to such office.
38 The names of the first 10 signers of the affidavit of intent shall be listed above the voter signature
39 lines and any instructions to signers. A copy of the petition with all required signers of the
40 affidavit of intent shall be entered in a record book to be kept in the office of the town clerk.

41 SECTION 5. The recall petition shall be signed by not less than 10 per cent of the
42 registered voters of the town of Sharon as of the last annual town election and every signature
43 shall include the place of residence of the signer with the street and number.

44 The recall petition shall be returned and filed with the town clerk and board of registrars
45 not later than the posted closing time of town hall on the 60th calendar day following the date
46 that the clerk notifies the primary petitioner of the availability of the petition, or the next
47 business day if the 60th day falls on a Saturday, Sunday or legal holiday. The clerk shall notify
48 the primary petitioner of the final date and hour for filing.

49 Within 7 business days following the date of such filing, the town clerk and board of
50 registrars shall certify in writing thereon the number of signatures that are names of registered
51 voters in the town as of the date the affidavit was filed with the town clerk.

52 SECTION 6. If the petition shall be found and certified by the town clerk to be sufficient,
53 the town clerk shall submit the certified petition to the select board within 2 business days from
54 certification of sufficient signatures and the select board shall immediately, and in not more than
55 3 business days, cause written notice of the receipt of the certificate to be given to the elected
56 officer whose recall is being sought.

57 If the officer sought to be recalled does not resign within 3 business days thereafter, the
58 select board shall, within 5 additional business days, vote to order a recall election to be held not
59 less than 64 nor more than 90 calendar days from the date of the select board's vote scheduling
60 the election; provided, however, that if any other town election is to occur within 100 calendar
61 days after the date of the select board's vote scheduling the election, the select board may, in its
62 discretion, place the question of recall on the ballot at such other election. If a vacancy occurs in
63 the office sought to be recalled after a recall election has been ordered, but not yet been
64 conducted, the election shall nevertheless proceed as provided in this act.

65 SECTION 7. The officer subject to the recall may be a candidate to succeed themselves,
66 and unless they request otherwise in writing, the town clerk shall place their name on the official
67 ballot without nomination. The nomination of other candidates, the publication of the warrant for
68 the recall election and the conduct of the same shall be in accordance with the provisions of law
69 relating to elections.

70 SECTION 8. The officer subject to the recall shall continue to perform the duties of their
71 office until the recall election. If then re-elected, they shall continue in office for the remainder
72 of their unexpired term, subject to recall as before, except as provided in section 10. If not re-
73 elected in the recall election, the officer shall be deemed removed upon the qualification of their

74 successor, who shall hold office during the unexpired term. If the successor fails to qualify
75 within 7 business days after receiving notification of their election, the subject of the recall shall
76 thereupon be deemed removed and the office vacant.

77 SECTION 9. Ballots used in a recall election shall submit the following propositions in
78 the order indicated:

79 For the recall of (name of officer).

80 Against the recall of (name of officer).

81 Under the proposition shall appear the word "Candidates" with directions to the voters as
82 required by section 42 of chapter 54 of the General Laws. Beneath this, listed alphabetically,
83 shall appear the names of the candidates nominated as provided by law. If a majority of the votes
84 cast on the recall question is in favor of the recall, the elected official shall be recalled and the
85 ballots for the candidate shall be counted. The candidate who received the higher number of
86 votes shall be elected to the office. If a majority of the votes cast on the recall question is in the
87 negative, the votes for candidates to fill the potential vacancy need not be counted.

88 SECTION 10. No recall petition shall be filed against an officer within 6 months after
89 they take office or within the last 6 months of their term, nor, in the case of an officer subjected
90 to a recall election and not removed thereby, until at least 6 months after that election.

91 SECTION 11. No person who has been recalled from an office or who has resigned from
92 office while recall proceedings were pending against them shall be appointed to any town office
93 within 2 years after such removal by recall or resignation.

94 SECTION 12. This act shall take effect upon its passage.