

HOUSE No. 4242

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 providing for recall elections in the town of Dalton.

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.

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

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

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

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

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

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

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

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

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

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

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

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