HOUSE DOCKET, NO. 5028 FILED ON: 8/11/2025

HOUSE . . . . . No. 4434

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais 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 Charlemont.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Natalie M. Blais	*1st Franklin*	*8/11/2025*
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*	*8/11/2025*

HOUSE DOCKET, NO. 5028 FILED ON: 8/11/2025

HOUSE . . . . . No. 4434

By Representative Blais of Deerfield and Senator Mark, a joint petition (accompanied by bill, House, No. 4434) of Natalie M. Blais and Paul W. Mark (by vote of the town) relative to providing for recall elections in the town of Charlemont. 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 Charlemont.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Any person who holds an elected office in the town of Charlemont, with more than six months remaining in the term of that office on the date of the filing of a recall affidavit, may be recalled from office by the registered voters of said town of Charlemont in the manner herein provided.

SECTION 2. Fifty or more voters of the town of Charlemont may file with the clerk of the town of Charlemont an affidavit containing the name of the officer whose recall is being sought, along with a statement on the grounds for removal. Upon certification by said town clerk, the town clerk shall provide to the voters, petition blanks demanding such recall, printed forms of which shall be kept available by the town clerk. Such petition blanks may be completed either in writing or typewriting, shall be addressed to the select board, and shall contain the names of the voters who filed the affidavit and the grounds for recall as stated in such affidavit; they shall demand the election of a successor to that office; and shall be dated and signed by the town

clerk. A copy of such petition shall be kept on file in the office of the town clerk in a record book maintained for such purpose. The recall petitions shall be returned and filed in the office of the town clerk within fourteen days following the date upon which said clerk issued such petitions; they shall contain the signatures of at least twenty percent of the total number of voters duly recorded on the registration list as of the most recent preceding town election. The town clerk shall, within forty-eight hours following such filing, submit said petitions to the registrars of voters who shall, within five days, certify thereon the number of signatures which in fact are names of voters in said town.

SECTION 3. If the recall petitions are certified by the registrars of voters to contain the sufficient number of voter signatures, said town clerk shall submit the petitions to the Charlemont select board. Upon its receipt of the certified petitions, said select board shall give written notice of the recall petitions and the certification thereof, to the person whose recall is being sought. If the officer sought to be recalled does not resign their office within five days following the delivery of said notice, the select board shall order an election be held not less than sixty-four nor more than ninety days after the date of said certification. However, if any other town election is to occur within 100 days after the date of said certification the select board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section; provided, however, that only the ballots for new candidates shall be counted.

SECTION 4. No officer whose recall is sought may be a candidate to succeed themselves at the recall election. The nomination of candidates, the publication of the warrant for the recall

of election and the conduct of said election shall be in accordance with the provisions of law relative to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of their office until the recall election is held. If not recalled in such election, the incumbent shall continue in office for the remainder of their unexpired term, subject to recall as before, except as provided within. If the incumbent officer is recalled they shall be deemed removed upon the qualification of a successor who shall hold office for the remainder of the unexpired term; provided, however, that if the successor fails to qualify within five days after receiving notification of election, the incumbent nevertheless shall thereupon be deemed removed and such office shall remain vacant for the remainder of the unexpired term, unless sooner filled in accordance with the General Laws.

SECTION 6. All ballots used at a recall election shall contain 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 mark a vote. After the proposition shall appear the word “CANDIDATES” followed by the names of all candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

If a majority of the votes cast upon the question of recall are not in the affirmative, the votes for the candidates need not be counted unless the incumbent officer has previously resigned from office pursuant to section three.

SECTION 7. No recall petition shall be filed against an officer within six months of the assumption of their office. In the case of an officer who has been subjected to a recall election and was not recalled thereby, no subsequent recall petition shall be filed against such officer until at least six months after the date of the election at which such initial recall was voted upon.

SECTION 8. No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending, shall be appointed to any town office within twelve months such recall or resignation.

SECTION 9. This act shall take effect upon its passage.