

SENATE No. 3018

Senate, April 6, 2026 -- Substituted as a new draft (Senator Dooner) for the Senate Bill authorizing the town of Berkley to recall elected officials (Senate, No. 2552).

The Commonwealth of Massachusetts

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

An Act authorizing the town of Berkley to recall elected officials.

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 holder of an elected office in the town of Berkley may be recalled and
2 removed therefrom by the registered voters of the town as provided in this act. An initial recall
3 affidavit shall not be filed against an officer within 6 months after the officer takes office or
4 within the last 6 months of such officer's term.

5 SECTION 2. Twenty-Five registered voters of the town may file with the town clerk an
6 affidavit containing the name of the officer sought to be recalled and a statement of the grounds
7 for recall. Once the names that appear on the affidavit are certified by the board of registrars of
8 voters, the town clerk shall thereupon deliver to the voter first named on such affidavit a
9 sufficient number of copies of petition blanks demanding such recall. The petition blanks shall
10 be issued by the town clerk with the town clerk's signature and the official seal of the town
11 attached thereto. The petition blanks shall be dated and addressed to the board of selectmen,
12 shall contain the name of the person to whom they are issued, the number of petition blanks so
13 issued, the name of the person whose recall is sought and the grounds for recall as stated in the

14 affidavit and shall demand the election of a successor to such office. The affidavit shall be kept
15 with the town records in the office of the town clerk.

16 SECTION 3. The recall petition shall bear the signatures and residential addresses of not
17 less than 15 per cent of the registered voters of each precinct eligible to vote in the most recent
18 town election. The recall petition shall be returned to the town clerk not later than 20 business
19 days after the town clerk issues the petition blanks. The petitions containing the signatures
20 requesting a recall election need not all be submitted at the same time. A copy of each petition
21 shall be maintained with the records of the subject recall election.

22 SECTION 4. The town clerk shall, within 5 business days of receipt of the petition,
23 submit the petition to the board of registrars of voters in the town, who shall within 7 business
24 days certify thereon the number of signatures which are the names of registered eligible voters in
25 the town.

26 SECTION 5. If the town clerk determines that the certified recall petition meets the
27 requirements as described in this act, the town clerk shall give notice without delay, in writing,
28 by certified mail to the elected officer whose recall is sought by sending to said officer a copy of
29 the affidavit and the recall petition together with notice of the number of registered voters
30 certified by the board of registrars of voters who signed the recall petition and the total number
31 of registered voters in the town as of the most recent town election.

32 If the officer whose recall is being sought does not resign the office within 5 days
33 following receipt of the aforesaid notice from the town clerk, the town clerk shall give notice in
34 writing to the board of selectmen not less than 2 business days following the expiration of such
35 5-day period. The board of selectmen shall order a special recall election to be held not more

36 than 90 days after the date of the notice from the town clerk and not less than 64 days from the
37 date of the order; provided, however, that if any other town election is to be held within 100 days
38 of the date of the notice from the town clerk, the recall election shall be postponed and shall be
39 held at such time in conjunction with such other election. If a vacancy occurs in the office for
40 any reason after a recall election has been ordered by the board of selectmen, the recall election
41 shall nevertheless proceed as provided in this act.

42 SECTION 6. An officer whose recall is sought may be a candidate to succeed themselves
43 and, unless they request otherwise in writing to the town clerk, the town clerk shall place their
44 name on the official ballot without nomination. The nomination of other candidates, the
45 publication of the warrant for the recall election and the conduct of same shall be in accordance
46 with the provisions of law relating to elections, unless otherwise provided in this act.

47 SECTION 7. The officer subject to the recall shall continue to perform the duties of the
48 office until the recall election. If then re-elected, they shall continue in office for the remainder
49 of the unexpired term, subject to recall as before. If not re-elected in the recall election, the
50 officer shall be deemed removed upon the qualification of their successor who shall hold office
51 for the remainder of the unexpired term. If the successor fails to qualify within 7 days after
52 receiving notification of their election, the officer subject to the recall shall thereupon be deemed
53 removed and the office vacant.

54 SECTION 8. Ballots used in a recall election shall submit the following propositions in
55 the order indicated:

56 For the recall of (name of officer)

57 Against the recall of (name of officer)

58 Immediately at the right of each proposition there shall be a square in which the voter, by
59 making a cross mark (x), may vote either of the said propositions. Under the propositions shall
60 appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the
61 General Laws and beneath this the names of candidates nominated, as provided in this act. If the
62 majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving
63 the highest number of votes shall be declared elected. If a majority of votes on the question is in
64 the negative, the ballots for candidates shall not be counted.

65 SECTION 9. No person who has been recalled from an office in the town, or who has
66 resigned from office while recall proceedings were pending against them, shall be appointed to
67 any town office within 2 years after such removal by recall or resignation.

68 SECTION 10. This act shall take effect upon its passage.