SENATE DOCKET, NO. 3046 FILED ON: 7/9/2025

SENATE . . . . . No. 2552

The Commonwealth of Massachusetts

PRESENTED BY:

Kelly A. Dooner and Norman J. Orrall

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 authorizing the town of Berkley to recall elected officials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kelly A. Dooner	*Third Bristol and Plymouth*
Norman J. Orrall	*12th Bristol*

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By Mrs. Dooner and Mr. Orall of Berkeley, a joint petition (accompanied by bill, Senate, No. 2552) of Kelly A. Dooner and Norman J. Orrall (by vote of the town) to authorize the town of Berkley to recall elected officials. Election Laws. [Local Approval Received.]

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:

Section 1. Any holder of elective office in the town of Berkley may be recalled and removed therefrom by qualified voters of the town as herein provided. An initial recall affidavit shall not be filed against an officer within 6 months after the officer takes office or within the last 6 months of such officer's term.

Section 2. Twenty Five (25) registered voters of the town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Once the names that appear on the affidavit are certified by the Board of Registrars of Voters, the Town Clerk shall thereupon deliver to the voter first named on such affidavit a sufficient number of copies of petition blanks demanding such recall. The petition blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal of the Town attached thereto. They shall be dated and addressed to the Board of Selectmen; shall contain the name of the person to whom they are issued, the number of petition blanks so issued,

the name of the person whose recall is sought, and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to such office. The affidavit shall be kept with the town records in the office of the Town Clerk.

Section 3. The recall petition shall bear the signatures and residential addresses of at least fifteen percent of registered voters of each precinct eligible to vote in the most recent Town Election. The recall petition shall be returned to the Town Clerk within twenty (20) business days after the Clerk issues the petition. The petitions containing the signatures requesting a recall election need not all be submitted at the same time. A copy of each petition shall be maintained with the records of the subject recall election.

Section 4. The Town Clerk shall within five business days of receipt submit the petition to the Registrars of Voters in the Town, and the Registrars shall within seven business days certify thereon the number of signatures which are names of registered eligible voters.

Section 5. If the Town Clerk determines that the certified petitions meet the requirements as described in the previous sections, he/she shall give notice without delay, in writing, by certified mail to the elected officer whose recall is sought by sending to said officer a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the Town Clerk who signed the recall petition forms and the total number of qualified voters in the Town as of the most recent Town election.

If the officer to whom notice is directed by the Town Clerk does not resign the office within five days following receipt of the aforesaid notice from the Town Clerk, the Town Clerk shall give notice in writing to the Board of Selectmen not later than two (2) business days following the expiration of the foregoing five days. The Board of Selectmen shall order a special

election to be held not more than ninety days after receipt of the notice from the Town Clerk as aforesaid, and not less than sixty-four days from the date of the order. If, however, any Town election is to be held within one-hundred days of receipt by the Board of Selectmen of notice from the Town Clerk, the recall election shall be postponed and shall be held at such time in conjunction with such other election. If a vacancy occurs in the office for any reason after a recall election has been ordered by the Board of Selectmen, the recall election shall nevertheless proceed as provided herein.

Section 6: An officer whose recall is sought may be a candidate to succeed himself/herself and, unless he/she requests otherwise in writing to the Town Clerk, said Town Clerk shall place his/her name on the official ballot without nomination. The nomination of other candidate(s), publication of the warrant for the recall election and conduct of same shall be in accordance with the provisions of law of the Commonwealth relating to elections, unless otherwise provided in this act.

Section 7: The incumbent shall continue to perform the duties of the office until the recall election. If then re-elected he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before, except as provided in section nine. If not re-elected in the recall election, he/she shall be deemed removed upon qualification of his/her successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within seven 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 submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote either of the said propositions. Under the propositions shall appear the word "Candidates," the directions to voters required by section forty-two of chapter forty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If the 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 a majority of votes on the question is in the negative, the ballots for candidates shall not be counted."

Section 9: No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him/her, shall be appointed to any town office within two years after such removal by recall or resignation.

Section 10: This act shall take effect upon its passage.