

Massachusetts House of Representatives Bill Summary

Bill #: H.4441

Title: An Act amending the charter for the town of Nantucket

Sponsor: Sen. Julian Cyr

Committee: Municipalities and Regional Government

Hearing Date: September 4 to September 11, 2025 written testimony hearing

Prior History: Refile of S.2438 (2023-24) reported favorably; S. engrossed.

Current Law: Chapter 289 of 1996 established the Nantucket Town Charter.

Nantucket Town Charter was last amended by Chapter 97 of the Acts of 2022, which revised the language concerning the Audit Committee.

Article II concerns the legislative functions of the town.

- Section 2.2 deals with the position of the Town Moderator.
- Section 2.4 governs who shall serve as the clerk of the Town Meeting.
- Section 2.5 subsection (b) outlines the process by which the Select Board shall publish notice of the issuance of the warrant of each Town Meeting and requires the Finance Committee to hold a public hearing on each article and make recommendations for articles concerning the raising, appropriating, transferring, or borrowing sums of money.
- Section 2.5 subsection (c) states the process by which the Select Board shall publish the Town Meeting warrant with the recommendations of the Finance Committee.
- Section 2.6 concerns the rights of nonresident property owners to speak at any Annual or Special town meeting.

Article IV deals with the town administration.

- Section 4.2 subsection (d) establishes the position of Town Manager, lists the term length for this position, and requires the person holding this position to be a resident of the town.
- Section 4.3 subsection (a) authorizes the Town Manager to appoint the heads of all Town Administration departments other than elected heads.

Article V governs elections, dismissals, and recalls.

- Section 5.4 subsection (c) concerns recall petition forms.
- Section 5.4 subsection (d) deals with the process of the Select Board notifying a town officer of their recall and the process by which town

officers shall resign from their position or be recalled through a recall election.

- Section 5.4 subsection (f) dictates what a recall election ballot shall consist of.

Article VI concerns the general provisions of the town.

- Section 6.6 states when the charter shall take effect and outlines the continuance of individuals holding their town office or employment until other provisions are made in accordance with the charter.

Summary:

This legislation amends the Nantucket Charter by

- Increasing the term of office for the Town Moderator from one year to three years.
- Requiring the individual who is appointed to serve as a clerk of the town meeting, if an Alternate Clerk is not available, to be a registered voter of the town.
- Requiring the Select Board to make a copy of the town meeting warrant available on the town website after it is issued.
- Increasing the period between when the Town Meeting is and when the Select Board must mail a copy of the warrant to each registered voter from 7 to 14 days.
- Adding a new subsection into the charter that requires the select board to include all subjects in the annual town meeting warrant that have been requested by 25 or more registered voters and all subjects in the special town meeting warrant that have been requested by 100 registered voters.
- Authorizing the Town Moderator to permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the meeting.
- Requiring the Town Manager to approve and sign warrants for payment
- Clarifying that the Town Manager shall appoint the department heads of all Town Administration departments
- Requiring the Town Clerk to have a list of registered voters of the town by March 1st of the previous year for the recall of elected officials.
- Decreasing the time for a town officer to resign after receiving a written notice concerning their recall process from 7 to 5 days.
- Requiring the Select Board to order a recall election process not less than 75 days after the recall petition has been certified by the Town Clerk if the officer does not resign within 5 days of the notice of the recall petition.
- Revising the recall election ballot so that the title of the officer up for recall is listed next to their name in both ballot options.

Section 1 amends section 2.2 of article II of the Nantucket Charter by changing the term of the Town Moderator from one to three years.

Section 2 amends section 2.4 of article II by adding language that requires the individual who is appointed by the Town Moderator to serve as clerk of Town Meeting to be a registered voter of the town.

Section 3 amends subsection (b) of section 2.5 of article II by inserting language that requires the Select Board to make a copy of the warrant available on the town website after the issuance of the warrant.

Section 4 requires the Select Board to publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to each registered voter of the town at least fourteen days prior to the Town Meeting rather than seven days prior to the meeting.

Section 5 inserts a new subsection, subsection (d), into section 2.5 of article II. This new subsection requires the Select Board to insert in the warrant for the Annual Town Meeting, all subjects which have been requested in writing by **25** or more registered voters of the town and in the warrant for every Special Town Meeting, all subjects which have been requested in writing by 100 registered voters of the town.

Section 6 amends section 2.6 of article II by inserting language at the end of the section that authorizes the Town Moderator, in their sole discretion, to permit additional nonresident property owners to speak at any Annual or Special Town Meeting on matters before the meeting.

Section 7 amends subsection (d) of section 4.2 of article IV by requiring the Town Manager to approve and sign warrants for payment and strikes out the language requiring the Town Manager to approve and sign warrants prior to submitting them to the Select Board.

Section 8 amends subsection (a) of section 4.3 of article IV by inserting the word “department” after the words “shall appoint”. This section clarifies that the Town Manager shall appoint the department heads of all Town Administration departments (other than any elected heads).

Section 9 amends subsection (c) of section 5.4 of article V by requiring that the Town Clerk establish a list of registered voters by March 1st of the previous year for the recall petition process.

Section 10 shortens the period for which a town officer shall resign after receiving written notice of their recall before the Select Board shall begin the process to order a recall election from 7 days to 5.

Section 11 further amends subsection (d) of section 5.4 by striking out the words “not less than 75 days after such certification date” and requires that if the town officer does not resign within 5 days of receiving official notice of a recall petition, the Select Board shall, not less than 75 days after the certification date of the recall petition, order a recall election to be held concurrently with the next annual election for town officers.

Section 12 amends subsection (f) of section 5.4 by requiring that the recall election ballot include the individual's title after their name on the ballot option of "For the recall of". The ballot language shall now read:

"For the recall of (name and title of officer)"

Section 13 further amends subsection (f) of section 5.4 by requiring that the recall election ballot include the individual's title after their name on the ballot option of "Against the recall". The ballot language shall now read:

"Against the recall of (name and title of officer)"

Section 14 amends article VI by striking out section 6.6, language concerning when the charter shall take effect and language outlining the continuance of individuals holding their town office or employment until other provisions are made in accordance with the charter.

Notes:

Language was originally approved at the 2023 Annual Town Meeting on May 6, 2023, as Article 85 by a vote of 707 yes votes and 27 no votes. The language, as amended*, was approved as Article 87 at the May 5, 2025 Annual Town Meeting by a vote of 195 Yes and 36 No.

* Section 5 was amended by Town Meeting by reducing the number of voters required to request that an article be added to the town meeting warrant from 50 to 25.