

HOUSE No. 828

The Commonwealth of Massachusetts

PRESENTED BY:

Dennis C. Gallagher

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 proposed ordinance D-FY22-009: Bridgewater town charter article III, elected officials recall provision.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dennis C. Gallagher</i>	<i>8th Plymouth</i>	<i>1/16/2025</i>

HOUSE No. 828

By Representative Gallagher of Bridgewater, a petition (accompanied by bill, House, No. 828) of Dennis C. Gallagher (by vote of the town) that the town of Bridgewater be authorized to hold recall elections. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act proposed ordinance D-FY22-009: Bridgewater town charter article III, elected officials recall provision.

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

1 ORDERED that the Town Charter, Article II, Legislative Branch shall be amended to
2 include a recall provision as below:

3 “(a) Any holder of an elective office in the Town of Bridgewater may be recalled and
4 removed there from by the qualified voters of said Town as herein provided.

5 (b) One hundred or more of a district’s registered voters, or in the case of an at large
6 official four hundred or more registered voters, may file with the Town Clerk an affidavit
7 containing the name of the officer and the office held whose recall is sought and a statement of
8 the offenses upon which the petition is based. An allegation of offenses which shall constitute a
9 basis for recall of an elected official under this section shall include, but not be limited to, the
10 following transgressions: (1) conviction of a felony or conviction of the following misdemeanors
11 as defined by Massachusetts General Laws: domestic violence, driving under the influence of

12 alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances,
13 assault or criminal harassment, while presently in office; or (2) admission of facts, while
14 presently in office, sufficient to be convicted of a felony or sufficient to be convicted of the
15 following misdemeanors as defined in Massachusetts General Laws: domestic violence, driving
16 under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of
17 controlled substances, assault or criminal harassment; or (3) violation of the conflict of interest
18 law (M.G.L. c. 268A) while presently in office, as determined by the State Ethics Commission or
19 the Attorney General; (4) attendance at less than fifty (50%) of the posted public meetings of the
20 board or office of which the official was an elected member or to which the official has been
21 elected or appointed as part of their elected position during the previous twelve (12) months; (5)
22 insobriety while performing official functions, being placed under guardianship or
23 conservatorship by a probate court; or (6) corruption, conviction of bribery, or extortion or (7)
24 violation of law, regulation, bylaw or other abdication of the applicable requirements of the
25 elected position. The elected official's vote on a matter (other than in connection with a conflict
26 of interest violation reference above) shall not be grounds for a recall petition. Said Town Clerk
27 and the Board of Registrars shall, within five business days, certify thereon the number of
28 signatures which are names of registered voters of the Town. The Town Clerk shall upon
29 certification deliver to said voters making the affidavit copies of petition blanks demanding such
30 recall, copies of which shall be kept available. The blanks shall be issued by the Town Clerk
31 with said Clerk's signature and official seal attached thereto. They shall be dated, shall be
32 addressed to the Town Council, and shall contain the names of all persons to whom they are
33 issued, the name of the person whose recall is sought, the office held by the person named, the
34 grounds of recall as stated in the affidavit and shall demand the election of a successor to said

office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within 21 calendar days after the certification of the affidavit and shall have been signed by no less than at least ten percent (10%) of the registered voters of the district or the Town, as the case may be, based on the last Town election, who shall add to their signatures the street and number if any, of their residences. The Town Clerk shall within twenty-four hours of receipt of the petition, submit the petition to the Board of Registrars of voters in the Town, and the Registrars shall within 14 calendar days certify thereon the number of signatures which are names of registered voters of the Town.

(c) If the petition shall be certified by the Town Clerk and the Board of Registrars, and found to be sufficient, the Town Clerk shall submit the same with the Town Clerk's certification to the Town Council without delay and said Council shall within five business days give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five business days thereafter, the Town Council shall order an election to be held on a date fixed by them not less than 60 nor more than 90 calendar days after the date of the Town Clerk's certification that a sufficient petition has been filed; provided, however, if any other Town election is to occur within 100 calendar days after certification, the Town Council 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 ordered, the election shall nevertheless proceed as specified in the section provided.

(d) An officer sought to be removed by recall may be a candidate for re-election and, unless the officer requests otherwise in writing, the Town Clerk shall place the officer'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 law relating to elections, unless otherwise provided in this act.

(e) The incumbent shall continue to perform the duties of office until the recall election. If then re-elected, the officer shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. 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 not re-elected in the recall election, the officer shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five calendar days after receiving notification of the election, the incumbent shall be deemed removed and the office vacant.

(f) Ballots used in a recall election shall submit the following proposition in the order indicated: FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer) (office held). Immediately at the right of each proposition there shall be an oval in which the voter, by filling in the oval, may vote for either of said propositions. Under the proposition shall appear the word "Candidates", the direction "Vote for One", and beneath this the names of candidates nominated as hereinbefore provided. In the case of machine voting or punch card balloting, or other forms of balloting provision shall be made to allow the same intent of the voter. If 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 a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

78 (g) No recall petition shall be filed against an officer within six months after taking
79 office, or in the case of an officer subjected to a recall election and not removed thereby, until at
80 least six months after that election.

81 (h) No person who has been recalled from an office or who has resigned from office
82 while recall proceedings were pending against that person, shall be appointed to any Town office
83 within two years after such removal by recall or resignation.”

84 Said Amendment shall only become effective and is contingent upon approval by the
85 Town Council, the State Legislature and the voters of the Town of Bridgewater.