

Acts (2026)

Chapter 23

AN ACT PROVIDING FOR THE RECALL OF ELECTED OFFICERS OF THE TOWN OF SHARON

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 an elected office of the town of Sharon may be recalled and removed from office by the registered voters of the town as provided in this act.

Not less than 50 registered voters of the town of Sharon may initiate a recall by filing with the town clerk an affidavit of intent to recall, signed under the penalties of perjury and including the place of residence of each signer with the street and number, containing the name and position of the officer whose recall is sought and a statement of the grounds of recall.

SECTION 2. Recall may be initiated for any holder of an elected office in the town of Sharon for misconduct, abuse of office or authority or any other actions that call into question the officeholder's fitness or ability to serve the people of Sharon.

The grounds for recall may include, but shall not be limited to, the following:

- (i) conviction of a felony or other serious crime involving moral turpitude;
- (ii) failure to take the oath of office within 30 days of election;
- (iii) unless taken prior to election, failure to complete the training program required pursuant to section 28 of chapter 268A of the General Laws within 30 days of election;
- (iv) the finding of an intentional violation of the responsibilities described in the oath and ethics training described above; or
- (v) a poor attendance record that impairs the ability of a board, commission or committee to function.

An elected official's opinions or votes on any subject within the public body's jurisdiction shall not constitute grounds for recall such that the elected official may make decisions within their authority without fear of recall; provided, however, that an elected official's vote or actions that are found to be an intentional violation of the state conflict of interest law as set forth in chapter 268A of the General Laws or as described in 930 C.M.R. 1.00 – 7.00 shall be grounds for recall.

SECTION 3. Within 7 business days of receipt of an affidavit of intent, the town clerk shall verify whether the affidavit of intent contains the required number of signatures and whether the affidavit of intent represents a valid ground for which to seek recall. The town clerk shall certify that the names of voters who signed the affidavit of intent are registered voters in the town of Sharon.

SECTION 4. Upon certification by the town clerk that a sufficient number of registered voters signed the affidavit of intent, the town clerk shall, within 2 business days following said certification, notify the primary petitioner, who shall be the voter first named on such

affidavit of intent, that copies of blank petitions are available at the office of the town clerk. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto.

The blank petitions shall be dated and addressed to the select board and shall contain the name of the person whose recall is sought, the office from which recall is sought and the grounds for recall as stated in the affidavit of intent and shall demand the election of a successor to such office. The names of the first 10 signers of the affidavit of intent shall be listed above the voter signature lines and any instructions to signers. A copy of the petition with all required signers of the affidavit of intent shall be entered in a record book to be kept in the office of the town clerk.

SECTION 5. The recall petition shall be signed by not less than 10 per cent of the registered voters of the town of Sharon as of the last annual town election and every signature shall include the place of residence of the signer with the street and number.

The recall petition shall be returned and filed with the town clerk not later than the posted closing time of town hall on the sixtieth calendar day following the date that the town clerk notifies the primary petitioner of the availability of the recall petition or the next business day if the sixtieth day falls on a Saturday, Sunday or legal holiday. The town clerk shall forward the petition to the board of registrars within 5 calendar days. The town clerk shall notify the primary petitioner of the final date and hour for filing the petition.

Within 7 business days following the date of such filing, the board of registrars shall certify to the town clerk in writing thereon the number of signatures that are names of registered voters in the town as of the date the affidavit was filed with the town clerk.

SECTION 6. If the board of registrars certifies that there are a sufficient number of signatures for the recall petition, the town clerk shall submit the certified recall petition to the select board within 2 business days from certification of sufficient signatures and the select board shall within 3 business days cause written notice of the receipt of the certificate to be given to the officer whose recall is being sought.

If the officer sought to be recalled does not resign within 3 business days of notice of the receipt of the certificate, the select board shall, within 5 business days, vote to order a recall election to be held not less than 64 nor more than 90 calendar days from the date of the select board's vote scheduling the election; provided, however, that if any other town election is to occur within 100 calendar days after the date of the select board's vote scheduling the election, the select board may, in its discretion, place the question of recall on the ballot at such other election. If a vacancy occurs in the office sought to be recalled after a recall election has been ordered but not yet conducted, the election shall nevertheless proceed as provided in this act.

SECTION 7. The officer subject to the recall may be a candidate to succeed themselves, and unless they request otherwise in writing, the town clerk shall place their name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provisions of law relating to elections.

SECTION 8. The officer subject to the recall shall continue to perform the duties of their office until the recall election. If then re-elected, they shall continue in office for the remainder of their unexpired term, subject to recall as before, except as provided in

section 10. If not re-elected in the recall election, the officer shall be deemed removed upon the qualification of their successor, who shall hold office during the unexpired term. If the successor fails to qualify within 7 business days after receiving notification of their election, the subject of the recall shall thereupon be deemed removed and the office vacant.

SECTION 9. 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).

Under the proposition shall appear the word "Candidates" with directions to the voters as required by section 42 of chapter 54 of the General Laws. Beneath this, listed alphabetically, shall appear the names of the candidates nominated as provided by law. If a majority of the votes cast on the recall question is in favor of the recall, the elected official shall be recalled and the ballots for the candidate shall be counted. The candidate who received the higher number of votes shall be elected to the office and shall serve for the remainder of the unexpired term of the officer recalled. If a majority of the votes cast on the recall question is in the negative, the votes for candidates to fill the potential vacancy need not be counted.

SECTION 10. No recall petition shall be filed against an officer within 6 months after they take office or within the last 6 months of their term. In the case of an officer subjected to a recall election and not removed thereby, no recall petition shall be filed against such officer until not less than 6 months after the recall election.

SECTION 11. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against them shall be appointed to any town office within 2 years after such removal by recall or resignation.

SECTION 12. This act shall take effect upon its passage.

Approved, February 13, 2026.