

Selection of Applicable NH Statutes

RSA 42:3 Swearing in of Officers. – Any person elected to an office where no other person was a candidate on the ballot for that office and no write-in candidate received 5 percent or more of the votes cast for that office, may be sworn in after the results are declared from the election and the annual business meeting has ended or at any time thereafter provided the oath is taken by the deadline established by RSA 42:6. If no recount of the office is requested, any person elected to an office that was contested or for which a write-in candidate received 5 percent or more of the votes cast may be sworn in upon the expiration of the period for requesting a recount provided in RSA 669:30. **Source.** RS 35:3. CS 37:3. GS 38:3. GL 41:3. PS 44:3. PL 48:3. RL 60:3. 1994, 70:2. 2008, 280:1, eff. Aug. 26, 2008.

RSA 669:6 Qualification of Officers. – Unless otherwise provided by law, no person shall hold an elective town office who does not have his domicile within the town. **Source.** 1979, 410:1, eff. July 1, 1979.

RSA 669:7 Incompatibility of Offices. –

I. No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of the town's police department on full-time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32.

I-a No person shall at the same time file a declaration of candidacy for any 2 or more elected offices that are incompatible from paragraph I.

II. The provisions of paragraph I refer to the actual holding of office and are not to be construed to prevent the transfer between offices of information obtained in the regular conduct of business nor to prevent the personnel in any office from furnishing clerical assistance to any other office. **Source.** 1979, 410:1. 1981, 282:3. 1983, 132:1. 1993, 123:1, eff. July 16, 1993. 2000, 308:3, eff. June 21, 2000.

669:9 Oaths of Town Officers. – All town officers elected as provided in this chapter shall take an oath of office as provided in RSA 42 before qualifying for office. **Source.** 1979, 410:1, eff. July 1, 1979.

RSA 669:10 Term of Office. –

I. Except as otherwise provided, the term of office of any officer elected under this chapter shall begin upon his election and qualification for office and shall end upon the election and qualification of his successor.

II. No person shall assume a town office until after the time period for requesting a recount is over. If a recount is requested for a town office, no person shall assume that office until after the recount is completed. **Source.** 1979, 410:1. 1989, 116:1, eff. July 7, 1989.

RSA 669:17-a Filing Candidacy. – No person shall file as a candidate for a town officer under the provisions of RSA 669:19 or RSA 669:42 for more than one seat on the same town or school district board, commission, committee, or council. **Source.** 1992, 96:5, eff. April 24, 1992. 2008, 148:1, eff. Aug. 5, 2008.

RSA 669:22 Withdrawal. – Where a candidate had duly filed according to RSA 669:19 for a non-partisan town election or where a party nominee has been certified to the clerk as provided in RSA 669:50 for a partisan town election, no withdrawal or declination of a candidate shall be accepted by the town clerk subsequent to the last dates for filing except if the candidate dies or shall make oath that he does not qualify for the public office for which he or she is filed because of age, domicile, or incapacitating physical disability acquired subsequent to his or her filing. If a candidate dies or withdraws as provided in this section, the town clerk shall not print the name of that candidate on the ballot. If the ballots have been printed, the clerk shall remove that name using pasters. **Source.** 1979, 410:1. 1987, 276:6, eff. July 24, 1987. 2008, 148:3, eff. Aug. 5, 2008.

INCOMPATIBILITY OF TOWN OFFICES

There are several offices in town government for which a person may not file for or serve while holding another office. RSA 669:7 deals with these offices as follows:

- **No person shall at the same time file for or hold any two of the following offices:**

selectmen

treasurer

moderator

trustee of trust funds

collector of taxes

auditor and highway agent

- **No person shall at the same time file for or hold any two of the following offices:**

town treasurer

moderator

trustee of trust funds

selectman, and

head of any police department on full

time duty

- **No person shall at the same time file for or hold the office of town treasurer & town clerk**

- **No full-time town employee shall at the same time hold the office of selectman**

- **No official handling funds of the town shall at the same time hold the office of auditor**

- **No selectman moderator town clerk, deputy town clerk or inspector of election shall file for or at the same time serve as supervisor of the checklist**

- **No selectmen, town manager, school board member (except a cooperative school board member), full-time town, village district, or school district employee (except a cooperative school district employee,) or their associated agency employee or village district commissioner shall file for or serve at the same time serve as a budget committee member at large under RSA 32**

The provisions refer to the actual holding of office and are not to be construed to prevent the transfer between offices of information obtained in the regular conduct of business nor to prevent the personnel in any office from furnishing clerical assistance to any other office.

A town manager may be elected or appointed to any municipal office that would be subject to his or her supervision; but may not hold any other public office. For example, if the town road agent is supervised by the town manager, but the police chief is supervised by an elected police commission, the town manager could be elected or appointed as road agent, but not as police chief. RSA 669:8.

In the case of towns, any two appointed or elected members of the planning board may also serve together on any other municipal board or commission, except that no more than one member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7 and RSA 673:7, I.