

HB 562 - AS INTRODUCED

2025 SESSION

25-0217

02/08

HOUSE BILL

562

AN ACT relative to the filling of vacant positions on elected municipal boards and school boards.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Burnham, Straf. 2; Rep. Berry, Hills. 44; Rep. Seidel, Hills. 29; Rep. Mazur, Hills. 44; Sen. Murphy, Dist 16

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires vacancies on elected municipal boards and school boards to be first offered to the runner up in the most recent prior election if the appointing authority chooses to fill the vacancy with an applicant who ran in any of the least 3 elections for the office.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the filling of vacant positions on elected municipal boards and school boards.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; School District Elections; Vacancies. Amend RSA 671:33 by inserting after
2 paragraph V the following new paragraph:

3 VI. For vacancies among elected positions under this section, if the board chooses to fill a
4 vacancy with an applicant who ran in any of the last 3 elections for the office they must first extend
5 an offer to the runner up in the most recent prior election.

6 2 Budget Committee Membership, Vacancies. Amend RSA 32:15, VII to read as follows:

7 VII. In municipalities where members-at-large are appointed, the chair shall notify the
8 moderator immediately upon the occurrence of any vacancy in the membership-at-large, and the
9 vacancy shall be filled by appointment by the moderator within 5 days of such notification, otherwise
10 by the budget committee. In municipalities where members-at-large are elected, vacancies shall be
11 filled by appointment by the budget committee. ***If the committee chooses to fill a vacancy with***
12 ***an applicant who ran in any of the last 3 elections for the office they must first extend an***
13 ***offer to the runner up in the most recent prior election.*** Persons appointed to fill vacancies
14 shall serve until the next annual meeting at which time a successor shall be elected or appointed to
15 either fill the unexpired term or start a new term, as the case may be.

16 3 Charter Commission; Membership; Vacancies. Amend RSA 49-B:4, II to read as follows:

17 II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, the
18 municipal clerk shall notify those elected to the charter commission of the date, time, and place of
19 the organizational meeting of the charter commission. However, if a recount is requested, such
20 notice shall be given within 5 days after the last recount is completed. The date, time, and place of
21 the organizational meeting shall be fixed by the clerk. The date shall be at least 7 days and not
22 more than 14 days after the date of the notice. The charter commission shall organize by electing
23 from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with
24 the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission
25 from the voters of the municipality. ***If the commission chooses to fill a vacancy with an***
26 ***applicant who ran in any of the last 3 elections for the office they must first extend an offer***
27 ***to the runner up in the most recent prior election.*** Members shall serve without compensation
28 but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the
29 performance of their duties.

30 4 Cemetery Trustees; Vacancies. Amend RSA 289:6, I to read as follows:

I. Every municipality shall elect a board of cemetery trustees consisting of 3 members, unless a town at an annual or special town meeting votes that the board shall consist of 5 members. In the initial election of cemetery trustees, they shall be elected by ballot at an annual town meeting. One shall be elected for a one-year term, one for a 2-year term and one for a 3-year term. In towns with a board of 5 trustees the 2 additional trustees shall be appointed by the selectmen, one for one year and one for 2 years. Subsequent trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. ***If the board chooses to fill a vacancy with an applicant who ran in any of the last 3 elections for the office they must first extend an offer to the runner up in the most recent prior election.*** The board may recommend to the appointing authority the names of no more than 2 persons who may serve as alternate members on the board. The alternate members shall be appointed to one-year terms. In cities the trustees shall be chosen and hold their office for such term as shall be provided by city ordinance. Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.

5 District Officers; Vacancies. Amend RSA 197:26 to read as follows:

197:26 Vacancies. The school board shall fill vacancies occurring on the board, and in other district offices, except that of moderator, until the next annual meeting of the district. ***If the board chooses to fill a vacancy with an applicant who ran in any of the last 3 elections for the office they must first extend an offer to the runner up in the most recent prior election.*** In case of vacancy of the entire membership of the board, or the remaining members are unable to agree upon an appointment, the selectmen, upon application of one or more voters in the district, shall fill the vacancies so existing until the next annual meeting of the district.

6 Town Elections; Filling of Vacancies. Amend RSA 669:61, to read as follows:

I. Whenever a vacancy as defined in RSA 652:12 occurs in any elective town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term ending upon the election and qualification of his successor, unless otherwise provided. ***If the authorized body or person approved by law chooses to fill a vacancy with an applicant who ran in any of the last 3 elections for the office they must first extend an offer to the runner up in the most recent prior election.*** Unless otherwise provided, at said next annual town election, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If a town then refuses or neglects to fill said office, a vacancy shall be deemed again to exist.

7 Filling of Vacancies; Supervisors of the Checklist. Amend RSA 669:64 to read as follows:

1 669:64 Supervisors of the Checklist. Vacancies in the board of supervisors shall be filled within
2 45 days by appointment made by the remaining supervisors. If there is only one member of the
3 board, or if the whole board shall be vacant, or if the remaining supervisors fail to fill the vacancy
4 within 45 days, the moderator shall make the appointments. If a town elects supervisors by means
5 of the partisan ballot system, any such appointee shall be of the same political party as the
6 supervisor whose place he is filling. ***If the board or moderator, as applicable, chooses to fill a***
7 ***vacancy with an applicant who ran in any of the last 3 elections for the office they must***
8 ***first extend an offer to the runner up in the most recent prior election.***

9 8 Vacancies in Other Offices. Amend RSA 669:75 to read as follows:

10 669:75 Vacancies in Other Offices. Vacancies in the offices of constable, sewer commissioner,
11 town assessor, overseers of public welfare, library trustee, and any other optional offices where no
12 other method of filling a vacancy shall be provided by vote of the town shall be filled by appointment
13 made by the board of selectmen, ***provided that if the board chooses to fill a vacancy with an***
14 ***applicant who ran in any of the last 3 elections for the office they must first extend an offer***
15 ***to the runner up in the most recent prior election.***

16 9 Effective Date. This act shall take effect 60 days after its passage.