

HB 1266 – AS INTRODUCED

2014 SESSION

14-2320
06/05

HOUSE BILL **1266**

AN ACT relative to the appointment of the town clerk.

SPONSORS: Rep. Bickford, Straf 3

COMMITTEE: Municipal and County Government

ANALYSIS

This bill permits a town to authorize the board of selectmen or the town manager to appoint the town clerk.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the appointment of the town clerk.

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

1 1 Removal of Town Clerk; Elected Town Clerk. Amend the section heading and introductory
2 paragraph of RSA 41:16-c to read as follows:

3 41:16-c Removal of ***Elected*** Town Clerk. The governing body may institute proceedings to
4 remove [a] ***an elected*** town clerk from office whenever, upon examination by the department of
5 revenue administration, a certified public accountant, or a public accountant licensed by the state
6 under RSA 309-A, the accounts are found to contain an irregularity or material error, or show
7 evidence that the timely deposit of funds has not been made in accordance with RSA 261:165. For
8 the purposes of this section, “irregularity” means an intentional misstatement of the financial
9 statements or a theft of assets, and “material error” means a mistake or omission resulting from
10 gross negligence which results in a material misstatement of the financial statements. The
11 governing body may institute proceedings to remove the ***elected*** town clerk as follows:

12 2 New Paragraph; Removal of Town Clerk; Appointed Town Clerk. Amend RSA 41:16-c by
13 inserting after paragraph VI the following new paragraph:

14 VII. An appointed town clerk may be removed pursuant to this section, in addition to any
15 other manner of removal permitted by law.

16 3 New Section; Appointed Town Clerk. Amend RSA 41 by inserting after section 16-c the
17 following new section:

18 41:16-d Appointed Town Clerk. Any town may, under an article in the warrant for the annual
19 town meeting, vote to authorize the appointment rather than the election of a town clerk. Such
20 appointment shall be made in accordance with RSA 669:17-e by either the board of selectmen, or in
21 the case of a town operating under RSA 37 upon recommendation of the town manager with approval
22 of the board of selectmen. Whenever the selectmen or manager appoint the town clerk, such
23 appointment shall be made in writing and shall include the compensation to be paid. Any town may
24 rescind the vote to appoint a town clerk under an article in the warrant for the annual town meeting.
25 If such article to rescind the appointment of a town clerk is approved, then the town shall reinstate
26 the office of elected town clerk and shall fill the vacancy in accordance with RSA 669:65.

27 4 Deputy Town Clerk. Amend RSA 41:18 to read as follows:

28 41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in
29 the same manner as the town clerk and who shall perform all the duties of the town clerk in case of
30 his or her absence by sickness, resignation, or otherwise subject to the provisions of RSA 669:65. A
31 deputy town clerk appointed hereunder shall be appointed by the [~~elected~~] town clerk with the

HB 1266 – AS INTRODUCED
- Page 2 -

1 approval of the selectmen.

2 5 Election by Ballot; Town Clerk. Amend RSA 669:15, IV to read as follows:

3 IV. Town clerk (RSA 41:16 through 16-b), ***unless provision has been made for***
4 ***appointment under RSA 41:16-d.***

5 6 New Section; Discontinuing Office of Elected Town Clerk. Amend RSA 669 by inserting after
6 section 17-d the following new section:

7 669:17-e Discontinuing Office of Elected Town Clerk. When a town votes to discontinue an
8 elected town clerk office, the person holding the elected office of town clerk at the time of the vote to
9 discontinue it shall continue to hold office until the annual town election first following the
10 discontinuance of the office, at which time the elected office of town clerk shall terminate irrespective
11 of the length of that officer's term.

12 7 Effective Date. This act shall take effect 60 days after its passage.