

# TITLE LXIII ELECTIONS

## CHAPTER 669 TOWN ELECTIONS

### Filling of Vacancies

#### Section 669:61

##### **669:61 Vacancies in Town Offices. –**

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. 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.

II. Nothing in this section shall be deemed to empower a town to find that a vacancy exists, in the case of a contested election or recount, until the rendering of a final judgment by a court of competent jurisdiction or by the ballot law commission as to such contested election in accordance with [RSA 652:12](#), V, or until the recount has been concluded.

III. For the purposes of paragraph I, and with respect to those offices elected by official, non-partisan ballot, the term "next annual town election" shall mean the next annual town election for which the nomination filing period, as set forth in [RSA 669:19](#), begins subsequent to the occurrence of the vacancy. Any vacancy which occurs between the beginning of the filing period and the town election shall not be filled by official ballot until the annual town election the following year.

IV. The legislative body of a town may adopt or rescind the optional procedure in this paragraph for filling vacancies in elective town offices. If the authorized person or body does not make an appointment to fill the vacancy pursuant to paragraph I within 45 days after at least one legally-qualified person has applied in writing for such appointment, then upon the filing of a petition with the selectmen signed by the number of voters required under [RSA 39:3](#) for the warning of a special town meeting, presented not less than 90 days before the next annual town meeting, the selectmen shall call a special election to fill the vacancy. The special election shall be subject to the provisions of [RSA 39:3](#) and other applicable provisions governing town elections. The person elected at the special election shall serve for a term ending upon the election and qualification of his or her successor. Unless otherwise provided, at the next annual town election, the voters of the town shall 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 the town then refuses or neglects to fill the office, a vacancy shall be deemed again to exist.

**Source.** 1979, 410:1. 1981, 520:4. 1994, 112:2. 2008, 267:1, eff. Aug. 25, 2008.