



Legal Briefs

What is the procedure for removal of elected officials?

There is no general procedure for removal of elected officials, except for removal for violation of the oath of office by petition to superior court under RSA 42:1, 1-a. (There is no detail in the statutes as to what constitutes a violation of the oath except for divulgence of information learned in a nonpublic session where the minutes are sealed. See RSA 42:1-a, II.) In addition, a person sentenced for a felony, from the time of his sentence until the time of final discharge, may not hold public office. RSA 607-A:2.

Many elected offices have specific procedures for removal: for example, town clerk, RSA 41:16-c; treasurer, RSA 41:26-d; tax collector, RSA 41:40; elected planning board or zoning board of adjustment, RSA 673:13, II. Some elected offices have no procedure for removal: for example, board of selectmen; moderator; board of library trustees; and trustees of trust funds.

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