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H.154

Introduced by Representative Gannon of Wilmington

Referred to Committee on

Date:

Subject: Municipal government; vacancies in town offices; failure to accept  
office

Statement of purpose of bill as introduced: This bill proposes to deem a  
municipal office vacant whenever a municipal officer fails to take a required  
oath of office within one week of election or appointment.

An act relating to the failure of municipal officers to accept office

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1, 24 V.S.A. § 961 is amended to read:~~

~~§ 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES~~

~~(a) When a town municipal officer resigns his or her office, or has been removed therefrom, or dies, or becomes unable to perform his or her duties due to a mental condition or psychiatric disability, or removes from town, such the office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the town municipality, and in~~

1 ~~and near the town municipal clerk's office, within 10 days of the creation of~~  
2 the vacancy.

3 (b) In the event there are so many vacancies on the selectboard legislative  
4 body that a quorum cannot be achieved, the remaining ~~selectperson~~ member or  
5 ~~selectpersons~~ members of the legislative body shall be authorized to draw  
6 orders for payment of continuing obligations and necessary expenses until the  
7 vacancies are filled pursuant to section 963 of this title.

8 \* \* \*

9 (d) When a municipal officer fails within one week of election or  
10 appointment to take an oath of office pursuant to 17 V.S.A. § 831, the office  
11 shall become vacant.

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2021.~~

*Sec. 1. 24 V.S.A. § 961 is amended to read:*

*§ 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES*

*(a) When a ~~town~~ municipal officer resigns his or her the officer's office, or  
has been removed therefrom from the office, or dies, or becomes unable to  
perform his or her the officer's duties due to a mental condition or psychiatric  
disability, or removes from town, ~~such~~ the office shall become vacant. Notice  
of this vacancy shall be posted by the legislative body in at least two public*

*places in the ~~town~~ municipality, and in and near the ~~town~~ municipal clerk's office, within 10 days of the creation of the vacancy.*

*(b) In the event there are so many vacancies on the ~~selectboard~~ legislative body that a quorum cannot be achieved, the remaining ~~selectperson~~ member or ~~selectpersons~~ members of the legislative body shall be authorized to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled pursuant to section 963 of this title.*

\* \* \*

*(d) When a municipal officer refuses or neglects within 30 days of election or appointment to take an oath of office pursuant to section 831 of this title, the office shall become vacant. However, the office shall not be deemed vacant until the legislative body of the municipality has warned a regular meeting for that purpose and affords the municipal officer the opportunity to take the oath of office at the meeting.*

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on July 1, 2021.*