

State Constitution > Oaths and Subscriptions

Established October 31, 1783 Effective June 2, 1784 As Subsequently Amended and in Force January 2007

[Art.] 84. [Oath of Civil Officers.] Any person chosen governor, councilor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz. -

I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I, A.B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as, according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. So help me God.

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again.

Provided always, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word "swear," and likewise the words "So help me God," subjoining instead thereof, "This I do under the pains and penalties of perjury."

I, A.B., do solemnly and sincerely swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as.....according to the best of my abilities, agreeably to the rules and regulations of this constitution, and the laws of the State of New Hampshire. So help me God.

June 2, 1784

Amended 1792 three times, changing president to governor; shortening oath of allegiance; and dispensing with need to take second oath.

Amended 1970 adding allegiance to the United States of America.

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS,
AND UNINCORPORATED PLACES**

**CHAPTER 42
OATHS OF TOWN OFFICERS**

Section 42:1

42:1 Oath Required. – Every town officer shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire and any such person who violates said oath after taking the same shall be forthwith dismissed from the office involved.

Source. RS 35:1. CS 37:1. GS 38:1. GL 41:1. PS 44:1. PL 48:1. RL 60:1. RSA 42:1. 1969, 372:4, eff. Aug. 31, 1969.

ARTICLE X
CONDUCT OF OFFICIALS¹

C10-1. Eligibility for Elective Office. [Amended 9-25-1985, approved 11-5-1985 by election]

Except as provided by state law, no employee of this city shall hold an elective or appointive office in this city government while they are in the employ of this city or any of its agencies.

C10-2. Conflicts of Interest and Disqualification from Decision-Making Process. [Amended 9-5-1990, approved 11-6-1990 by election; 2-12-2003, approved 11-4-2003 by election; 11-2-2021 by election]

No elective or appointive officer or employee of this city shall knowingly take part in a decision concerning the business of this city in which they or a member of their immediate family directly or indirectly has a financial interest, aside from their salary as such officer or employee, greater than any other citizen or taxpayer. Any elective or appointive officer or employee of the city who has such financial interest in any such decision shall make full, public disclosure of such interest prior to the city's deliberating on such decision.

C10-3. (Reserved)²

C10-4. Private Use of City Property and Personnel.

No elective or appointive officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

C10-5. Acceptance of Gifts and Gratuities.

No elective or appointive officer or employee of the city shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his/her official duties.

C10-6. Disposition of Fees.

No elective or appointive officer or employee of the city shall collect any fees, salaries or other payments in connection with his/her official duties with the exception of court fees, for his/her own use, but all such fees, salaries or other payments shall be paid into the city treasury.

C10-7. Misuse of Information.

No elective or appointive officer or employee of the city shall utilize or dispense information gained through said office or employment for the personal profit of

1. Editor's Note: See also Ch. 21, Ethics, Code of.

2. Editor's Note: Former § C10-3, Disqualification from Decision-Making Process, was repealed 11-2-2021 by election.

themselves or others, as opposed to the public good of the community.

C10-8. Applicability. [Amended 9-5-1990, approved 11-6-1990 by election]

This Article shall apply to all officers and employees of the city, including officers and employees of the school system.

C10-9. Civil Penalty. [Amended 11-2-2021 by election]

Any elective or appointive officer or employee of the city found to have violated any of the provisions of this article shall be personally liable to the city to the extent that the city suffers loss thereby.³

C10-10. Future Employment. [Amended 8-26-1992, approved 11-3-1992 by election; 11-2-2021 by election]

No elective or appointive officer or employee of the City shall solicit, negotiate for or promise to accept employment with any person, firm or corporation with which the officer's or employee's department, body or agency is engaged on behalf of the City in the transaction of business which is or may be affected by the officer's or employee's official action. No elective officer may become employed by the City within one year after their term of office ends.

3. Editor's Note: For further penalties see § C11-13.

ARTICLE XI
GENERAL PROVISIONS

C11-1. Oath of Office. [Amended 11-2-2021 by election]

Every person elected or appointed to any city office, before entering upon the duties of their office, shall take and subscribe to such oath of office or affirmation as provided by law, which shall be filed and kept in the office of the City Clerk.

C11-2. Notice of Election or Appointment. [Amended 11-2-2021 by election]

Written notice of the election or appointment to any city office or board shall be mailed (hard copy or electronic) to the individual involved at their last known physical or electronic address, by the City Clerk, within 48 hours after the appointment is made or the results of any vote are certified by the Board of Supervisors of Elections to the City Council. Said notice shall state that within 10 days, the individual involved shall file with the City Clerk an acceptance of his/her election or appointment and failure to do so shall be deemed a refusal to serve, and the position shall thereupon be vacant.

C11-3. (Reserved)⁴

C11-4. Ethics Commission. [Added 11-5-2005 by election; amended 11-2-2021 by election]

The City Council shall establish by ordinance a five member Ethics Commission.⁵ The Commission will investigate complaints filed against members of the City Council, School Board, and members of standing city boards and commissions. If the Commission believes a complaint warrants further action or censure it will forward its recommendation to the City Council for adjudication or the school board for complaints made against school board members. The Commission may also provide advice to the Council, City Manager, and Superintendent on matters of ethics and shall coordinate where appropriate with the Personnel Advisory Board described in § C7-6.

C11-5. Removal from Office. [Added 11-5-2005 by election]

In addition to the provisions of § C11-3 City Councilors and members of standing city commissions and boards may be removed from office by a vote of the City Council upon such a recommendation having been forwarded to the Council by the Ethics Commission.

C11-6. Public Records and Meetings.

All records of the city and all meetings of the Council, boards, committees, commissions, authorities or other municipal bodies shall be open to the public, and their minutes and other records shall be available to the public in accordance with the

4. Editor's Note: Former § C11-3, Vacancies, was repealed 11-2-2021 by election. For current provisions on vacancies, see §§ C3-5 and C4-5.

5. Editor's Note: See Ch. 21, Ethics, Code of, Art. II.

provisions of RSA 91-A and amendments thereto.

C11-7. Agreements with Other Municipalities.

The City Council is authorized, as provided by RSA 53-A, to enter into agreements and regional compacts with neighboring cities and towns for the purpose of resolving their common problems for the mutual advantage and benefit of the city and its neighboring cities and towns.

C11-8. Specific Provisions to Prevail.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

C11-9. Severability.

The sections of this Charter and the parts thereof are separable. If any portion of this Charter or the application thereof to any person or circumstance shall be held invalid, the remainder thereof shall not be affected thereby.

C11-10. Authentication of Charter; Copies to be Kept on File. [Amended 9-5-1990; approved 11-6-1990 by election; 11-2-2021 by election]

Upon adoption, the Official Charter, duly authenticated by affixing the signatures of all members of the City Council, and the City Clerk and the City Seal, shall be filed with the City Clerk and remain in the Clerk's office as the Official Charter of the City of Dover. All amendments to this Charter shall be authenticated in a like manner and filed with and remain a part of the Official Charter. The City Clerk shall be responsible for the proper maintenance of the Charter, under the direction of the City Manager, with advice of legal counsel. Copies of the Charter shall be available to the public, and the City Clerk may charge a nominal cost to help defray the printing costs. Bids for the printing and binding of the Charter shall be in accordance with the provisions of § C6-16 of the Charter.

C11-11. Charter Amendments. [Amended 9-25-1985, approved 11-5-1985 by election]

Any amendments or revisions of this Charter shall be accomplished in accordance with the provisions of RSA 49-B and any subsequent amendments thereto.

- A. Periodic Review. Not less than once every 10 years, commencing in the year 2011, the City Council shall vote at its first regular meeting of the year on the following question "Shall a Charter Commission be created to review and make recommendations concerning the provisions of the Charter of the City of Dover?" If a majority of the Council shall vote in the affirmative, then the Council shall take whatever action is required under state law to bring about the formation of a Charter Commission prior to the next municipal election. **[Added 11-5-2005 by election; amended 11-2-2021 by election]**

C11-12. (Reserved)⁶

C11-13. Violations and Penalties. [Amended 9-5-1990, approved 11-6-1990 by election; 11-2-2021 by election]

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be violations, and all such violations and all violations of city ordinances for which no other punishment is provided shall be punishable by a fine of up to \$500, or imprisoned not more than 90 days, or both.

C11-14. When Effective.

This Charter and any amendments thereto shall take effect immediately upon the filing by the Board of Supervisors of Elections with the City Council of its certificate of the results of the election, indicating voter approval thereof, unless otherwise provided in the amendment(s). The provisions regarding the city budget shall not take effect, however, until January 1, next following said time. All elective or appointive officers and employees of the city at said time shall continue in the service of the city for the remainder of their terms, except as otherwise provided in this Charter.

6. Editor's Note: Former § C11-12, Amendments to change form of government, was repealed 9-25-1985, approved 11-5-1985 by election.