

## NHDP 2022 Constitutional Amendment Questions Guidance

**OVERVIEW:** There are two questions relating to constitutional amendments on the ballot this year. One was voted on by the legislature, the other is scheduled to appear every 10 years.

**QUESTION 1:** This ballot question was created by the legislature via CACR 21.

This question is regarding removing the register of probate as an elected position. In 2011, the legislature moved the duties of the registers of probate to the court system, leaving the position as a largely ceremonial post with no responsibilities. If this amendment passes, the position will no longer appear on the ballot and the position will cease to exist. If the question fails, they will still appear on the ballot, but will have no duties.

The legislature stripped the probate of its power in 2011 as part of a larger set of reforms, which passed 20-1 out of the Judiciary committee.

### QUESTION TEXT:

#### ***Constitutional Amendment Proposed by the 2022 General Court***

1. "Are you in favor of amending articles 71 and 81 of the second part of the constitution to read as follows:

*[Art.] 71. [County Treasurers, County Attorneys, Sheriffs, and Registers of Deeds Elected.] The county treasurers, county attorneys, sheriffs and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method now practiced, and the laws of the state, provided nevertheless the legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them. [Art.] 81. [Judges Not to Act as Counsel.] No judge shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which he or she is judge."*

*(Passed by the N.H. House 294 Yes 43 No; Passed by Senate 21 Yes 3 No.) CACR 21*

**VOTE: YES**

**EXPLANATION:** Given that the register of probate is one that has no duties, and the overwhelming support this measure had in the legislature, we believe now is the time to remove this position.

**QUESTION 2:** This question is required to be asked of New Hampshire voters every 10 years. The last constitutional convention was in the 1980s. It is a constitutional requirement that the question be on the ballot this year.

**QUESTION TEXT:**

*Question Proposed pursuant to Part II, Article 100 of the New Hampshire Constitution*

2. *"Shall there be a convention to amend or revise the constitution?"*

**VOTE: NO**

**EXPLANATION:** If this were to pass, there would be an election next year to elect 400 constitutional convention delegates, they would then meet to consider changes to the constitution and any amendments would be placed on the ballot during the 2024 election.

We believe this convention could act as a vehicle to allow radical elements in and outside of New Hampshire to enact an extreme agenda and open up the state to deeply conservative and libertarian constitutional changes never seen before.

As such, we do not feel there is a need to start that process at this time.