

CACR 27 - AS INTRODUCED

2022 SESSION

22-2322

07/11

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **27**

RELATING TO: elected and appointed officials.

PROVIDING THAT: all state court judges shall be subject to recall and removal by petition and vote of registered voters pursuant to provisions established by the legislature.

SPONSORS: Rep. Silber, Belk. 2; Rep. Sylvia, Belk. 6; Rep. Foster, Hills. 5; Rep. Gay, Rock. 8; Rep. Bernardy, Rock. 16

COMMITTEE: Legislative Administration

ANALYSIS

This constitutional amendment concurrent resolution provides for all state court judges to be subject to recall, removal, and replacement by petition and vote of registered voters.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: elected and appointed officials.

PROVIDING THAT: all state court judges shall be subject to recall and removal by petition and vote of registered voters pursuant to provisions established by the legislature.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That article 96 of the second part of the constitution be amended to read as follows:

2 [Art.] 73. [Tenure of Office To Be Expressed in Commissions; Judges to Hold Office During Good
3 Behavior, etc.; Removal.] The tenure that all commissioned officers shall have by law in their offices
4 shall be expressed in their respective commissions, and all judicial officers duly appointed,
5 commissioned and sworn, shall hold their offices during good behavior except those for whom a
6 different provision is made in this constitution. The governor with consent of the council may
7 remove any commissioned officer for reasonable cause upon the address of both houses of the
8 legislature, provided nevertheless that the cause for removal shall be stated fully and substantially
9 in the address and shall not be a cause which is a sufficient ground for impeachment, and provided
10 further that no officer shall be so removed unless he shall have had an opportunity to be heard in his
11 defense by a joint committee of both houses of the legislature. ***All state court judges shall be***
12 ***subject to recall and removal from their offices and replacement by other persons by***
13 ***petition and vote of registered voters pursuant to such provisions as shall be established by***
14 ***the general court.***

15 II. That the above amendment proposed to the constitution be submitted to the qualified
16 voters of the state at the state general election to be held in November, 2022.

17 III. That the selectmen of all towns, cities, wards and places in the state are directed to
18 insert in their warrants for the said 2022 election an article to the following effect: To decide
19 whether the amendments of the constitution proposed by the 2022 session of the general court shall
20 be approved.

21 IV. That the wording of the question put to the qualified voters shall be:

22 “Are you in favor of amending article 96 of the second part of the constitution to read as follows

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24 Behavior, etc.; Removal.] The tenure that all commissioned officers shall have by law in their offices
25 shall be expressed in their respective commissions, and all judicial officers duly appointed,
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1 remove any commissioned officer for reasonable cause upon the address of both houses of the
2 legislature, provided nevertheless that the cause for removal shall be stated fully and substantially
3 in the address and shall not be a cause which is a sufficient ground for impeachment, and provided
4 further that no officer shall be so removed unless he shall have had an opportunity to be heard in his
5 defense by a joint committee of both houses of the legislature. All state court judges shall be subject
6 to recall and removal from their offices and replacement by other persons by petition and vote of
7 registered voters pursuant to such provisions as shall be established by the General Court."

8 V. That the secretary of state shall print the question to be submitted on a separate ballot or
9 on the same ballot with other constitutional questions. The ballot containing the question shall
10 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in
11 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
12 be the same as the regular official ballot except that the words "Questions Relating to Constitutional
13 Amendments proposed by the 2022 General Court" shall be printed in bold type at the top of the
14 ballot.

15 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
16 becomes effective when the governor proclaims its adoption.

17 VII. Voters' Guide.

18 AT THE PRESENT TIME, the New Hampshire constitution only provides the
19 Governor, with the consent of the executive council, the ability to impeach judicial officers within
20 this state.

21 IF THE AMENDMENT IS ADOPTED, all state court judges within the state will be
22 subject to recall, removal, and replacement by a petition and vote of registered voters, the process of
23 which will be determined by the legislature.