

CACR 33 - AS INTRODUCED

2022 SESSION

22-2399

07/04

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **33**

RELATING TO: recall elections.

PROVIDING THAT: the general court may authorize recall elections.

SPONSORS: Rep. Moffett, Merr. 9

COMMITTEE: Legislative Administration

ANALYSIS

This constitutional amendment concurrent resolution provides that the general court may authorize recall elections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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: recall elections.

PROVIDING THAT: the general court may authorize recall elections.

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 5 of the second part of the constitution be amended to read as follows:

2 [Art.] 5. [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines
3 and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And farther,
4 full power and authority are hereby given and granted to the said general court, from time to time,
5 to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes,
6 ordinances, directions, and instructions, either with penalties, or without, so as the same be not
7 repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this
8 state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary
9 support and defense of the government thereof, and to name and settle biennially, or provide by
10 fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the
11 election and appointment of whom are hereafter in this form of government otherwise provided for;
12 ***and to provide a recall procedure to permit citizens to remove an elected official before the***
13 ***end of a term of office***; and to set forth the several duties, powers, and limits, of the several civil
14 and military officers of this state, and the forms of such oaths or affirmations as shall be respectively
15 administered unto them, for the execution of their several offices and places, so as the same be not
16 repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and
17 other punishments, and to impose and levy proportional and reasonable assessments, rates, and
18 taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within
19 the same; to be issued and disposed of by warrant, under the hand of the governor of this state for
20 the time being, with the advice and consent of the council, for the public service, in the necessary
21 defense and support of the government of this state, and the protection and preservation of the
22 subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the
23 general court shall not authorize any town to loan or give its money or credit directly or indirectly for
24 the benefit of any corporation having for its object a dividend of profits or in any way aid the same by
25 taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the
26 state, the general court may provide for special assessments, rates and taxes on growing wood and
27 timber.

28 II. That the above amendment proposed to the constitution be submitted to the qualified

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1 voters of the state at the state general election to be held in November, 2022.

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

6 IV. That the wording of the question put to the qualified voters shall be:
7 “Are you in favor of amending article 5 of the second part of the constitution to read as follows:

8 [Art.] 5. [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines
9 and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And farther,
10 full power and authority are hereby given and granted to the said general court, from time to time,
11 to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes,
12 ordinances, directions, and instructions, either with penalties, or without, so as the same be not
13 repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this
14 state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary
15 support and defense of the government thereof, and to name and settle biennially, or provide by
16 fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the
17 election and appointment of whom are hereafter in this form of government otherwise provided for;
18 and to provide a recall procedure to permit citizens to remove an elected official before the end of a
19 term of office; and to set forth the several duties, powers, and limits, of the several civil and military
20 officers of this state, and the forms of such oaths or affirmations as shall be respectively
21 administered unto them, for the execution of their several offices and places, so as the same be not
22 repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and
23 other punishments, and to impose and levy proportional and reasonable assessments, rates, and
24 taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within
25 the same; to be issued and disposed of by warrant, under the hand of the governor of this state for
26 the time being, with the advice and consent of the council, for the public service, in the necessary
27 defense and support of the government of this state, and the protection and preservation of the
28 subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the
29 general court shall not authorize any town to loan or give its money or credit directly or indirectly for
30 the benefit of any corporation having for its object a dividend of profits or in any way aid the same by
31 taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the
32 state, the general court may provide for special assessments, rates and taxes on growing wood and
33 timber.”

34 V. That the secretary of state shall print the question to be submitted on a separate ballot or
35 on the same ballot with other constitutional questions. The ballot containing the question shall
36 include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in
37 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall

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1 be the same as the regular official ballot except that the words “Questions Relating to Constitutional
2 Amendments proposed by the 2022 General Court” shall be printed in bold type at the top of the
3 ballot.

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

6 VII. Voters' Guide.

7 AT THE PRESENT TIME, there is no recall procedure in this state for removing an
8 elected official before the end of his or her term of office.

9 IF THE AMENDMENT IS ADOPTED, it will enable the state legislature to
10 authorize recall election for citizens to remove an elected official before the end of his or her term of
11 office.