

CA CR 20 - AS INTRODUCED

2026 SESSION

26-2458
09/08

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **20**

RELATING TO: the power of the supreme and superior courts.

PROVIDING THAT: such power is repealed.

SPONSORS: Rep. Sellers, Graf. 10; Rep. Panek, Hills. 1; Rep. DeRoy, Straf. 3; Rep. Burnham, Straf. 2; Rep. Bailey, Straf. 2; Rep. Nalevanko, Ches. 9

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurring resolution repeals article 72-a of the second part of the constitution vesting judicial power in the supreme court, the superior court, and lower courts as established by the legislature, and its corresponding reference.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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-Six

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: the power of the supreme and superior courts.

PROVIDING THAT: such power is repealed.

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

2 [Art.] 4. [Power of General Court to Establish Courts.]

3 The general court [~~except as otherwise provided by Article 72-a of Part 2~~] shall forever have full
4 power and authority to erect and constitute judicatories and courts of record, or other courts, to
5 beholden, in the name of the state, for the hearing, trying, and determining, all manner of crimes,
6 offenses, pleas, processes, complaints, actions, causes, matters and things whatsoever arising or
7 happening within this state, or between or concerning persons inhabiting or residing, or brought,
8 within the same, whether the same be criminal or civil, or whether the crimes be capital, or not
9 capital, and whether the said pleas be real, personal or mixed, and for the awarding and issuing
10 execution thereon. To which courts and judicatories, are hereby given and granted, full power and
11 authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in
12 any matter in controversy, or depending before them.

13 II. That article 72-a of the second part of the constitution, relative to the supreme and
14 superior courts, be repealed.

15 III. 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, 2026.

17 IV. That the selectmen of all towns, cities, wards and places in the state are directed to
18 insert in their warrants for the said 2026 election an article to the following effect: To decide
19 whether the amendments of the constitution proposed by the 2026 session of the general court shall
20 be approved.

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

22 "Are you in favor of amending the constitution so that article 4 of the second part of the
23 constitution reads as follows and that article 72-a of the second part of the constitution, printed
24 below, be repealed.

25 [Art.] 4. [Power of General Court to Establish Courts.]

26 The general court shall forever have full power and authority to erect and constitute judicatories
27 and courts of record, or other courts, to beholden, in the name of the state, for the hearing, trying,
28 and determining, all manner of crimes, offenses, pleas, processes, complaints, actions, causes, matters

1 and things whatsoever arising or happening within this state, or between or concerning persons
2 inhabiting or residing, or brought, within the same, whether the same be criminal or civil, or
3 whether the crimes be capital, or not capital, and whether the said pleas be real, personal or mixed,
4 and for the awarding and issuing execution thereon. To which courts and judicatories, are hereby
5 given and granted, full power and authority, from time to time, to administer oaths or affirmations,
6 for the better discovery of truth in any matter in controversy, or depending before them.

7 [Art.] 72-a. [Supreme and Superior Courts.]

8 The judicial power of the state shall be vested in the supreme court, a trial court of general
9 jurisdiction known as the superior court, and such lower courts as the legislature may establish
10 under Article 4th of Part 2.

11 VI. That the secretary of state shall print the question to be submitted on a separate ballot
12 with other constitutional questions or on the official ballot. The ballot containing the question shall
13 include 2 ovals next to the question allowing the voter to vote "Yes" or "No." If no oval is marked, the
14 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular
15 official ballot except that the words "Questions Relating to Constitutional Amendments proposed by
16 the 2026 General Court" shall be printed in bold type at the top of the ballot.

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

19 VIII. Voters' Guide.

20 AT THE PRESENT TIME, part II, article 72-a of the constitution provides that the
21 judicial power of the state shall be vested in the supreme court, a trial court of general jurisdiction
22 known as the superior court, and such lower courts as the legislature may establish under article 4
23 of part 2 of the constitution

24 IF THE AMENDMENT IS ADOPTED, the original language of part II, article 4
25 would be restored, and there would be no exception to the provision that the general court shall
26 forever have full power and authority to erect and constitute judicatories and courts of record.