

CA CR 27 - AS INTRODUCED

2026 SESSION

26-3162

09/08

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **27**

RELATING TO: relating to the authority to establish courts.

PROVIDING THAT: Provided that the sole authority lies within the general court.

SPONSORS: Rep. Wherry, Hills. 13

COMMITTEE: Judiciary

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ANALYSIS

This constitutional amendment concurrent resolution removes the exception to the general court's power to establish courts.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

PROVIDING THAT: Provided that the sole authority lies within the general court.

*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 the above amendment proposed to the constitution be submitted to the qualified  
14 voters of the state at the state general election to be held in November, 2026.

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

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

20 "Are you in favor of amending the constitution so that article 4 of the second part of the constitution  
21 reads as follows:

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

23 The general court shall forever have full power and authority to erect and constitute judicatories  
24 and courts of record, or other courts, to beholden, in the name of the state, for the hearing, trying,  
25 and determining, all manner of crimes, offenses, pleas, processes, complaints, actions, causes, matters  
26 and things whatsoever arising or happening within this state, or between or concerning persons  
27 inhabiting or residing, or brought, within the same, whether the same be criminal or civil, or  
28 whether the crimes be capital, or not capital, and whether the said pleas be real, personal or mixed,

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2 given and granted, full power and authority, from time to time, to administer oaths or affirmations,  
3 for the better discovery of truth in any matter in controversy, or depending before them."

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

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

12 VII. Voters' Guide.

13 AT THE PRESENT TIME, the power for the general court to erect and constitute  
14 judicatories and courts of record has an exception for "as otherwise provided by Article 72-a of Part  
15 2."

16 IF THE AMENDMENT IS ADOPTED, the exception would be removed.