

CACR 13 - VERSION ADOPTED BY BOTH BODIES

2026 SESSION

26-2597
12/08

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **13**

RELATING TO: registers of probate.

PROVIDING THAT: the office of register of probate and all references to such office be eliminated.

SPONSORS: Rep. D. Mannion, Rock. 25; Rep. Rombeau, Hills. 2; Rep. Ankarberg, Straf. 7;
Rep. Tenczar, Hills. 1; Rep. Kuttub, Rock. 17; Rep. Donnelly, Rock. 25; Sen.
Rosenwald, Dist 13

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution amends the constitution to delete the position of register of probate and all references to the position of register of probate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

PROVIDING THAT: the office of register of probate and all references to such office be eliminated.

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

2 [Art.] 71. [County Treasurers, ~~[Registers of Probate,]~~ County Attorneys, Sheriffs, and Registers
3 of Deeds Elected.] The county treasurers, ~~[registers of probate,]~~ county attorneys, sheriffs and
4 registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in
5 the state, according to the method now practiced, and the laws of the state, provided nevertheless
6 the legislature shall have authority to alter the manner of certifying the votes, and the mode of
7 electing those officers; but not so as to deprive the people of the right they now have of electing them.

8 II. That article 81 of the second part of the constitution be amended to read as follows:

9 [Art.] 81. [Judges ~~[and Registers of Probate]~~ Not to Act as Counsel.] No judge~~[- or Register of~~
10 ~~Probate,]~~ shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any
11 probate business which is pending, or may be brought into any court of probate in the county of
12 which he *or she* is judge ~~[or Register]~~.

13 III. That the above amendments 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 IV. 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 V. That the wording of the question put to the qualified voters shall be:

20 "Are you in favor of eliminating the office of register of probate by amending articles 71 and 81 of the
21 second part of the constitution to read as follows:

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

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

12 VIII. Voters' Guide.

13 AT THE PRESENT TIME, the constitution references registers of probate while the
14 office's duties were redistributed to circuit court clerks in 2011.

15 IF THE AMENDMENT IS ADOPTED, the constitution will eliminate the position of
16 register of probate.