CACR 21 - VERSION ADOPTED BY BOTH BODIES

04/21/2022 1561s

2022 SESSION

22-2093
07/05

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION ***21***

RELATING TO: registers of probate.

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

SPONSORS: Rep. Silber, Belk. 2; Rep. Ankarberg, Straf. 10

COMMITTEE: Judiciary

AMENDED ANALYSIS

This constitutional amendment concurrent resolution amends the constitution to delete references to registers of probate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

CACR 21 - VERSION ADOPTED BY BOTH BODIES

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

CONCURRENT RESOLUTION PROPOSING CONSITUTIONAL AMENDMENT

RELATING TO: registers of probate.

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

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

I. That article 71 of the second part of the constitution be amended to read as follows:

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

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

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

III. That the above amendments proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2022.

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

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

"Are you in favor of amending articles 71 and 81 of the second part of the constitution to read as follows:

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

[Art.] 81. [Judges Not to Act as Counsel.] No judge shall be of counsel, act as advocate, or

receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which he or she is judge."

VI. That the secretary of state shall print the question to be submitted on a separate ballot with other constitutional questions or on the official ballot. The ballot containing the question shall include 2 ovals next to the question allowing the voter to vote "Yes" or "No." If no oval is marked, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2022 General Court" shall be printed in bold type at the top of the ballot.

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

VIII. Voters' Guide.

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

IF THE AMENDMENT IS ADOPTED, the constitution will no longer include the reference to registers of probate.