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Contains: Committee Report

HOUSE CALENDAR

REPORT OF THE COMMITTEE ON LEGISLATIVE ADMINISTRATION

On Monday, March 7, the Legislative Administration Committee met to consider the matter of Representative Don Leeman and whether or not he was an inhabitant of the district he was elected to represent, the topic being referred to the committee by the Speaker. Representative Leeman had been living at 14 Partridge Green Way, which is in Ward 3 in the city of Rochester. The district, (Strafford 23), includes Ward 3 (as well as Ward 2). Representative Leeman told the committee the he had lived there for 9 years, but had moved on December 29 of 2015 and currently resides at 64 Old Farm Lane in Rochester's Ward 6. The committee took testimony from the Speaker, Clerk, and House Legal Counsel. Part 2, Article 14 of the New Hampshire Constitution was reviewed extensively, which includes the language "every member of the house of representatives shall be chosen, by ballot; and, for two years, at least, next preceding his election shall have been an inhabitant of this state; shall be, at the time of his election, an inhabitant of the town, ward, place or district he may be chosen to represent and shall cease to represent such town, ward, place or district immediately on his ceasing to be qualified as aforesaid." The provision twice uses the term "inhabitant" and that is an older term from the 1700s that means, according to Black's Law Dictionary, "one who resides actually and permanently in a given place and has his domicile there." Additionally, according to the book *The New Hampshire State Constitution*, by Lawrence Friedman (2015 edition), "if a member moves out of his or her district, the residency requirement is not met and he or she ceases to be a representative." The committee, as part of this report undertook to answer two questions. 1) Is the member an inhabitant of the district to which he was elected? 2) Is the member qualified to continue to represent the district to which he was elected? The committee agreed, unanimously, that the answer to both questions was no. Representative Leeman can no longer serve as a member of the New Hampshire House because he has constitutionally disqualified himself.

Rep. Dick Hinch for the Committee