

## Two questions will be on the November 8, 2022 ballot statewide.

The League of Women Voters New Hampshire, a non-partisan grassroots organization, offers this explanation to help voters understand the questions and decide how to vote.



We do not take a position on either question.

### Question 1:

The intent of this question is to amend the New Hampshire constitution to delete references to registers of probate, thus eliminating this county office.

The bill to put this on the ballot passed the House 294 to 43 and passed the Senate 21 to 3.

**Why this amendment is proposed:** *In New Hampshire, prior to 2011, the Register of Probate office in each county handled simple wills. But after 2011, when the New Hampshire state legislature approved a reorganization of the court system, many of the official duties of the Register of Probate office were stripped. After 2011, the primary job of the Register of Probate is to preserve files that have “the potential for historical significance.” --from Ballotpedia.org*

**To help voters understand the text of this question,** League of Women Voters has shown the references to Registers of Probate currently in the NH constitution as struck-thru. No struck-thru phrases appear in the question on your ballot, which makes understanding the question harder than it needs to be. (By law, the question must be shown on the ballot as it will appear if passed.)

### Text of the question:

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, ~~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.*

*[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~~ .”*

**Voters** may select “yes” or “no” or leave the question blank.

A “yes” vote is to eliminate the office of Register of Probate.

A “no” vote is to keep the office of Register of Probate in each county.

**What happens next:** If the proposed amendment is approved by two-thirds of those voting on the amendment, it takes effect, thus eliminating the office of Register of Probate from each county.

## Question 2:

**Text of the question:** Shall there be a convention to amend or revise the constitution?

**Voters** may select “yes” or “no” or leave the question blank.

*A “yes” vote is to hold a constitutional convention. A “no” vote is to do nothing at this time.*

**Background:** In New Hampshire, a state constitutional convention question appears on the ballot every 10 years. A constitutional convention consists of elected delegates that propose changes to the state's constitution. Any proposed changes, including a rewritten constitution, must then be approved by voters to take effect.

New Hampshire's last such convention was in 1984. In 2012 NH voters rejected the question by a margin of 64% to 36%.

In New Hampshire a majority vote of both houses of the legislature is needed to place the following question on the ballot: "Shall there be a convention to amend or revise the constitution?" **If no such question has not been submitted to the people by the legislature in ten years, the Secretary of State is required by Pt. II, Art. 100 to place the question on the ballot.** That is what is happening in 2022.

In other words, this question is appearing now because it has not been on the ballot for ten years.

**What happens next:** If the proposed amendment is approved by a majority of those voting on the amendment, it takes effect.

**If the majority of voters vote Yes**, voters will choose delegates to the convention at the next election.

At the convention itself, a three-fifths vote of the delegates is required to send a proposed constitutional amendment to ratification. Nothing becomes law at the convention itself.

Any amendment approved by the convention would be sent to the people at the next biennial November election as a ballot question. A two-thirds vote of those voting on the proposed amendment would be required to ratify the amendment. If the amendment does not receive a two-thirds vote, it does not take effect.

**If the majority of voters vote No**, there will be no constitutional convention for at least the next four years, though the Legislature could vote to put the convention question on the ballot again.

—  
New Hampshire voters do not have the power to make or repeal laws through referendum.

—  
**NOTE:** *If you choose not to vote on a question, that will not affect the outcome. Only the ballots with either Yes or No marked will be considered when determining the number of Yes votes needed to take effect.*