

CACR 15 - AS INTRODUCED

2018 SESSION

18-2374
06/08

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **15**

RELATING TO: legal actions.

PROVIDING THAT: taxpayers have standing to bring actions against the government.

SPONSORS: Rep. Hagan, Rock. 4; Rep. Rouillard, Hills. 6; Rep. Backus, Hills. 19; Rep. Berch, Ches. 1

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution provides that a taxpayer who is eligible to vote in the state has standing to petition the court to declare whether the state or the political subdivision in which the taxpayer resides has spent funds in violation of a law, ordinance, or constitutional provision.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

CONCURRENT RESOLUTION PROPOSING CONSITUTIONAL AMENDMENT

RELATING TO: legal actions.

PROVIDING THAT: taxpayers have standing to bring actions against the government.

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 8 of the first part of the constitution be amended to read as follows:

2 [Art.] 8. [Accountability of Magistrates and Officers; Public’s Right to Know.] All power residing
3 originally in, and being derived from, the people, all the magistrates and officers of government are
4 their substitutes and agents, and at all times accountable to them. Government, therefore, should
5 be open, accessible, accountable and responsive. To that end, the public’s right of access to
6 governmental proceedings and records shall not be unreasonably restricted. ***The public also has***
7 ***a right to an orderly, lawful, and accountable government Therefore, any individual***
8 ***taxpayer eligible to vote in the State shall have standing to petition the Superior Court to***
9 ***declare whether the State or political subdivision in which the taxpayer resides has spent,***
10 ***or has approved spending, public funds in violation of a law, ordinance, or constitutional***
11 ***provision. In such a case, the taxpayer shall not have to demonstrate that his or her***
12 ***personal rights were impaired or prejudiced beyond his or her status as a taxpayer.***
13 ***However, this right shall not apply when the challenged governmental action is the***
14 ***subject of a judicial or administrative decision from which there is a right of appeal by***
15 ***statute or otherwise by the parties to that proceeding.***

16 II. That the above amendment proposed to the constitution be submitted to the qualified
17 voters of the state at the state general election to be held in November, 2018.

18 III. That the selectmen of all towns, cities, wards and places in the state are directed to
19 insert in their warrants for the said 2018 election an article to the following effect: To decide
20 whether the amendments of the constitution proposed by the 2018 session of the general court shall
21 be approved.

22 IV. That the wording of the question put to the qualified voters shall be:
23 "Are you in favor of amending article 8 of the first part of the constitution to read as follows:

24 [Art.] 8. [Accountability of Magistrates and Officers; Public’s Right to Know.] All power residing
25 originally in, and being derived from, the people, all the magistrates and officers of government are
26 their substitutes and agents, and at all times accountable to them. Government, therefore, should
27 be open, accessible, accountable and responsive. To that end, the public’s right of access to
28 governmental proceedings and records shall not be unreasonably restricted. The public also has a

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1 right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer
2 eligible to vote in the State, shall have standing to petition the Superior Court to declare whether
3 the State or political subdivision in which the taxpayer resides has spent, or has approved spending,
4 public funds in violation of a law, ordinance, or constitutional provision. In such a case, the
5 taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced
6 beyond his or her status as a taxpayer. However, this right shall not apply when the challenged
7 governmental action is the subject of a judicial or administrative decision from which there is a
8 right of appeal by statute or otherwise by the parties to that proceeding."

9 V. That the secretary of state shall print the question to be submitted on a separate ballot
10 or on the same ballot with other constitutional questions. The ballot containing the question shall
11 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made
12 in either of the squares, the ballot shall not be counted on the question. The outside of the ballot
13 shall be the same as the regular official ballot except that the words "Questions Relating to
14 Constitutional Amendments proposed by the 2018 General Court" shall be printed in bold type at
15 the top of the ballot.

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