

**CACR 6 - AS INTRODUCED**

2021 SESSION

21-0253

06/11

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **6**

RELATING TO: the retirement age of judges.

PROVIDING THAT: the retirement age of judges be increased.

SPONSORS: Rep. Lynn, Rock. 7

COMMITTEE: Judiciary

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ANALYSIS

This constitutional amendment concurrent resolution extends the time a judge may serve to age 75 unless the governor and council determine that the judge's service shall terminate at age 70.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: the retirement age of judges.

PROVIDING THAT: the retirement age of judges be increased.

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

2 [Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of  
3 ~~[Judge of any Court, or Judge of Probate, or]~~ Sheriff of any county, after he has attained the age of  
4 seventy years. ***No person who has attained the age of seventy years shall hold the office of***  
5 ***Judge or serve as a Judge of any court in any case or controversy, provided however that a***  
6 ***Judge’s service may be extended to age seventy-five in accordance with the following***  
7 ***procedure. Not more than 180 days nor less than 90 days before reaching age seventy, a***  
8 ***Judge who desires to extend his service shall provide notice thereof in writing to the***  
9 ***Governor and Council. Upon receipt of said notice, the Governor and Council may***  
10 ***undertake such examination of the Judge’s continuing fitness and qualifications to hold***  
11 ***office, and may hold such hearings, as the Governor and Council deem necessary. The***  
12 ***Judge’s term of service shall be extended to age seventy-five unless prior to the Judge***  
13 ***attaining age seventy both the Governor and the Council, by majority vote of Council***  
14 ***members, determine that the Judge’s service shall terminate at age seventy.***

15 II. That the above amendment proposed to the constitution be submitted to the qualified  
16 voters of the state at the state general election to be held in November, 2022.

17 III. That the selectmen of all towns, cities, wards and places in the state are directed to  
18 insert in their warrants for the said 2022 election an article to the following effect: To decide  
19 whether the amendments of the constitution proposed by the 2021 session of the general court shall  
20 be approved.

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

22 "Are you in favor of amending article 78 of the second part of the constitution to read as follows:

23 [Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of  
24 Sheriff of any county, after he has attained the age of seventy years. No person who has attained the  
25 age of seventy years shall hold the office of Judge or serve as a Judge of any court in any case or  
26 controversy, provided however that a Judge’s service may be extended to age seventy-five in  
27 accordance with the following procedure. Not more than 180 days nor less than 90 days before

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1 reaching age seventy, a Judge who desires to extend his service shall provide notice thereof in  
2 writing to the Governor and Council. Upon receipt of said notice, the Governor and Council may  
3 undertake such examination of the Judge's continuing fitness and qualifications to hold office, and  
4 may hold such hearings, as the Governor and Council deem necessary. The Judge's term of service  
5 shall be extended to age seventy-five unless prior to the Judge attaining age seventy both the  
6 Governor and the Council, by majority vote of Council members, determine that the Judge's service  
7 shall terminate at age seventy."

8 V. That the secretary of state shall print the question to be submitted on a separate ballot or  
9 on the same ballot with other constitutional questions. The ballot containing the question shall  
10 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in  
11 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall  
12 be the same as the regular official ballot except that the words "Questions Relating to Constitutional  
13 Amendments proposed by the 2021 General Court" shall be printed in bold type at the top of the  
14 ballot.

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

17 VII. Voters' Guide.

18 AT THE PRESENT TIME, a judge must retire by the age of 70.

19 IF THE AMENDMENT IS ADOPTED, A judge will be able to serve to age 75 unless  
20 the governor and council determine that the judge's service shall terminate at age 70.