

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 392-FN, relative to constitutional convention procedures for delegates.

Hearing Date: April 4, 2023

Members of the Committee Present: Senators Gray, Murphy, Abbas and Perkins Kwoka

Members of the Committee Absent : Senator Soucy

Bill Analysis: This bill enacts procedures to choose, regulate, and bind delegates to an amendment proposing convention under Article V of the United States Constitution.

Sponsors:

Rep. Newell

Rep. Read

Who supports the bill: Representative Jodi Newell, Debbie Augustine, Kenn Quinn, Samuel Fieldman, Ron Klemarczyk, Beverly Grenert, Debbie Augustine, Eric Benevides, Debra Merrick, and Carol Petruszewicz

Who opposes the bill: Julie Smith

Summary of testimony presented in support:

Ken Quinn

- He is currently working on an Article V convention for congressional term limits.
- His studies found that 82% of Americans support the action of this bill.
- He has little hope that congress will limit the lengths of their own terms.
- He believes procedures for conventions are needed here in New Hampshire.
- HB 392 clarifies the concerns of legislators regarding formal procedures.
- He believes this legislation will be helpful by allowing legislators the freedom to focus more on policy rather than the process.
- New Hampshire leads the country in using conventions to adopt a new constitution or to propose amendments.
- Two conventions were used to adopt a new state constitution and fifteen conventions have been convened to propose amendments to the constitution.
- Throughout those conventions, delegates have proposed 197 amendments and ratified 96 of them.
- New Hampshire uses these procedures annually.

Samuel Fieldman – National Council for Wolf PAC

- The National Council for Wolf PAC sought to amend the United States Constitution to end the corruption of money in politics.
- HB 392 will regulate the process of conducting conventions.
- This bill has been uncontroversial due to the existence of checks and balances built into the system.

- It adds additional protections to help the state of New Hampshire ensure that it is properly regulating the delegate procedures.
- The procedures outlined in HB 392 are in line with New Hampshire state regulations under Article 7.
- There was a provision in which the town of Boscawen was able to combine delegates and instruct them to remove and replace a delegate with an alternate.
- In 1933 during the ratification of the 21st amendment in Arizona, regulations allowed a delegate to be replaced if they violated their oath.
- Since then, states have scrambled to get laws in place.
- In 2020, the language in this bill was copied and upheld in the New Mexico Electoral College Bill.
- It would be easier if states had gold standard, regulations for delegates, in place ahead of time
- Regulations like this were endorsed by the American Bar Association and both Republicans and Democrats.
- Senator Abbas asked what would happen if a policy issue was raised during the convention but was not discussed prior to that delegate being seated.
 - Mr. Fieldman replied, if a policy issue is not within the scope of the call of the convention, the delegate would not be able to take action and vote. He continued; Florida is one of the states that has a comparable process to the Article V limited convention process. Every 20 years Florida holds a convention which is limited to budgetary issues. In 2008 there was a dispute whether or not some of the issues that were brought up were within the scope. The state supreme court decided that the provisions that passed in 2008, that were not in the budgetary scope, were not allowed to go on for ratification.
- Senator Abbas asked if there is a procedure in place to provide delegates the necessary authority.
 - Mr. Fieldman replied, yes the state legislature is responsible for instructing its delegates under the Article V convention process, which includes this provision. The state legislature could expand or contract instructions to delegates.

Representative Jodi Newell

- HB 392 is not a call for an Article V convention.
- It establishes regulations and processes for the delegates to a convention.
- Senator Murphy asked if there was a particular issue that she would like to see addressed .
 - Rep. Newell replied that she first looked into this because she wanted to get money out of politics. This is what the people want but the people that change it are negatively affected by the change. She is trying to respond to what she heard other states and organizations are doing when calling a convention.

Debbie Augustine

- Since June of 2020, she has volunteered with Wolf PAC.
- This organization is committed to restoring free and fair elections.
- She expressed her frustration and anger in regards to the corruption in Congress.
- She questions if the future of democracy will just belong to the highest bidder.
- HB 392 spells out a regulatory process for delegates of an Article V convention to the United States Constitution.

- It also addresses the issue of campaign reform by means of a Constitutional Amendment.
- The passage of HB 392 could pressure Congress into addressing the systemic corruption entrenched in politics.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: April 7, 2023