

## League of Women Voters Urges Caution on Amendment, Voters' Guide

To the editor:

The League of Women Voters of New Hampshire alerts voters to an important ballot referendum that they will be asked to decide on Nov. 2. For adoption into the State Constitution, it must be approved by a 2/3 majority of those voting. A “yes” vote changes the Constitution. Any Constitutional amendment is a serious matter. This proposed amendment is NOT merely a matter of tinkering with technical wording. CACR 5 is a significant change in Article 73-a of the New Hampshire Constitution.

The proposed amendment alters the balance of power between the legislature and the judicial branches of government. Currently the legislature has the power to make “substantive rules” in judicial matters. Substantive rules define our rights. The NH Supreme Court now has the power to make “procedural rules.” Procedural rules determine the means used by the courts to enforce individual rights. If passed, this amendment would allow the legislature to enact laws that supersede procedural rules made by the courts, as long as the laws do not violate the Constitution.

Informative articles in favor of and in opposition to the proposed amendment appeared in the Union Leader on October 6 and 7. The articles by former NH House speaker Donna Sytek and Chief Justice John Broderick may be accessed via the NH Bar Assn.’s web site [www.nhbar.org](http://www.nhbar.org).

The Secretary of State’s office has sent copies of a “voters guide” about this ballot referendum to town clerks throughout the state. However, in the opinion of the League of Women Voters, the guide presents a one-sided view of the amendment. I have just returned from Concord where I attended but was not allowed to speak at a meeting of the Senate Internal Affairs Committee, one of the supposed preparers of the voters guide. The committee voted AFTER publication and distribution to approve the guide, even though one member of the committee voiced concerns about the lack of impartiality in the wording and another expressed concern that the guide doesn’t tell who prepared it.

We urge voters to consider the amendment to our constitution carefully before voting. Copies of the proposed amendment are available on sample ballots and in the “voters guide” at area town halls, as well as on the League of Women Voters’ non-partisan web site, [www.dnet.org](http://www.dnet.org).

Yours truly,  
Liz Tentarelli, President  
League of Women Voters of the Kearsarge/Sunapee Area

*Letters expressing similar positions are being sent to other newspapers by Sally Davis, President of the League of Women Voters of New Hampshire and leaders of local LWV chapters in the state.*