

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2003-0482, Petition of NH Bar Association, the court on February 17, 2004, issued the following order:**

Oral argument on the petition before this court is scheduled for March 10, 2004. On February 12, 2004, the petitioner filed a motion to stay the referendum requirement of Laws 2003, chapter 250, which is codified as RSA 311:7-g, providing in part that the petitioner's board of governors shall place on the ballot for the election of officers of the association, the following question: "Shall membership in the New Hampshire Bar Association be required for all attorneys licensed to practice in this state?"

We presume that laws enacted by the legislature are constitutional. See Niemiec v. King, 109 N.H. 586, 587 (1989); see also Rush v. Vera, 517 U.S. 952, 992 (1996) (O'Connor, J., concurring). This presumption applies to RSA 311:7-g. Accordingly, we deny the motion to stay the holding of the referendum.

The petitioner alleges that the by-laws of the bar association call for election ballots to be sent to the membership no later than March 15, with voting to be completed by April 15. In light of this, we order that the referendum question be placed on a separate ballot from the ballot containing the names of candidates for election to offices of the association, and that separate envelopes for each ballot be provided to the membership. Both ballots with their accompanying envelopes shall be provided to the membership in a single mailing. The petitioner shall retain all referendum ballots that are returned under seal, without performing a count of said ballots, pending further order of this court.

So ordered.

Broderick, C.J., and Nadeau, Dalianis, Duggan and Galway, JJ., concurred.

**Eileen Fox,  
Clerk**

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