



New Hampshire Community Rights Network

February 5, 2019

Dear Municipal Officials,

Over the past 10 years, we've heard from local elected officials like yourselves from all over the Granite State who have been faced with a difficult decision in their community, but who have felt like their hands were tied by the State as they tried to address it.

Has this happened to you? Have you been told by your town attorney that you were 'preempted' or prohibited by state laws from protecting your constituents? Have you been threatened by an industry that you believe would be detrimental to your community's health and safety? Have you ever faced issues in your community that you didn't have the authority to do anything about?

Some of the problems you may be facing are not limited to just your town or even a few towns. Rather, what we've heard from municipalities in all counties across NH is that – in order to address local concerns and protect their community's health and safety – they need more power than the State currently allows them. We are contacting you to see if the following proposed solution resonates with the vision for your community's future.

We are proposing an amendment to the NH Constitution, CACR8 (**text on the back of this letter**), that would secure more decision-making authority at the local level—that's the level you currently work with. No state rep needed! This would give you and people in your community – those most affected by these decisions by the State – the power to make local lawmaking decisions that address the unique needs of your community.

CACR8 would empower the PEOPLE of NH with authority to use their local lawmaking process to build on state and federal protections; establishing state and federal laws as a "floor" in which local people can collectively raise but not lower, thereby protecting economic, social, and environmental needs at the municipal level. Last year, 1/3 of the NH House supported elevating the right of NH people to use their local governing process to pass local laws protecting the health and safety of individuals, their communities, and natural environments above corporate and state actions that harm them. Your help is needed to achieve the 3/5ths vote required to advance this state constitutional amendment effort this year.

If this kind of local empowerment resonates with you, we ask that you contact the [NH House Municipal & County Government committee](#) immediately to express support for 'local knows best' in matters of community health and safety. We anticipate a committee hearing on CACR8 in the next week or two and your individual and/or municipal support will make a significant difference in advancing local democracy in NH. If you'd like to learn more, please visit our website, at www.nhcommunityrights.org. You could also email us at info@nhcommunityrights.org.

Sincerely,

The Board of NH Community Rights Network (NHCRN)

Michelle Sanborn, Alexandria NH, Grafton County
Peter White, Nottingham NH, Rockingham County
Monica Christofili, Newmarket NH, Rockingham County
Doug Darrell, Barnstead NH, Belknap County
Diane St. Germain, Barnstead NH, Belknap County

**19-0717 06/08 STATE OF NEW HAMPSHIRE In the Year of Our Lord Two Thousand Nineteen
CONCURRENT RESOLUTION [CACR8] PROPOSING CONSITUTIONAL AMENDMENT**

RELATING TO: right to govern.

PROVIDING THAT: the people of the state may enact local laws that protect health, safety and welfare.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of NH be amended as follows:

I. That the first part of the constitution be amended by inserting after article 39 the following new article:

[Art.] 40. [Right of Local Community Self-Government.] All government of right originates from the people, is founded in their consent, and instituted for the general good; the people have the right and the duty to reform governments when those governments manifestly endanger public liberty; therefore, all people have the inherent and inalienable right to local self-government, a right of the people which includes using, altering, abolishing, or reforming their municipal governments to enact local laws that recognize, secure, and protect the economic, social, and environmental well-being of people, their communities, and natural environments. This right to local self-government includes the people's authority to use prohibitions and other means to elevate the rights of people, their communities, and natural environments, and to do so free from ceiling preemption and from competing rights, powers, or duties of corporations and other business entities. Local laws enacted pursuant to this article may strengthen and expand but shall not weaken or constrict existing rights and protections for people, or their communities, or natural environments, as those already recognized rights and protections are secured by other local, state, federal, or international laws, including but not limited to federal first and second amendment rights and protections.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2020.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2020 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2019 session of the general court shall be approved.

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

“Are you in favor of amending the first part of the constitution by inserting after article 39 a new article to read as follows:

[Art.] 40. [Right of Local Community Self-Government.] All government of right originates from the people, is founded in their consent, and instituted for the general good; the people have the right and the duty to reform governments when those governments manifestly endanger public liberty; therefore, all people have the inherent and inalienable right to local self-government, a right of the people which includes using, altering, abolishing, or reforming their municipal governments to enact local laws that recognize, secure, and protect the economic, social, and environmental well-being of people, their communities, and natural environments. This right to local self-government includes the people's authority to use prohibitions and other means to elevate the rights of people, their communities, and natural environments, and to do so free from ceiling preemption and from competing rights, powers, or duties of corporations and other business entities. Local laws enacted pursuant to this article may strengthen and expand but shall not weaken or constrict existing rights and protections for people, or their communities, or natural environments, as those already recognized rights and protections are secured by other local, state, federal, or international laws, including but not limited to federal first and second amendment rights and protections.

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

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

VII. Voters' Guide. AT THE PRESENT TIME, the constitution does not grant any power directly to municipalities. Municipalities have authority to act only if the legislature gives it to them by statute.

IF THE AMENDMENT IS ADOPTED, the constitution will grant municipalities the right to enact local laws that protect health, safety, and welfare.