

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**CASE NO. 2020-0414**

**Request for an Opinion of the Justices  
(Quorum under Part II, Article 20)**

**MEMORANDUM OF LAW OF  
THE NEW HAMPSHIRE FIREARMS COALITION**

Now comes the Honorable Joseph A. Hoell Jr., Secretary of The New Hampshire Firearms Coalition Inc., and the Honorable Andrew J. Manuse, Chairman of ReopenNH, and they respectfully submit this Memorandum urging this Honorable Court to answer the question posed by the Clerk of the New Hampshire House on behalf of the House of Representatives in the positive, and to fully answer the complete, but unasked and unsubmitted question regarding the Constitutionality of remote sessions.

**QUESTION PRESENTED**

On September 17, 2020, the Clerk of the House of Representatives on behalf of the House of Representatives requested that the justices of the New Hampshire Supreme Court give their opinion upon the following question of law:

“Would holding a session of the New Hampshire House of Representatives remotely, either wholly or in part, whereby a quorum could be determined electronically, violate Part II, Article 20 of the New Hampshire Constitution?”<sup>1</sup>

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<sup>1</sup> Letter from House Clerk, Appendix at 1.

## STATEMENT OF FACTS

The New Hampshire House of Representatives met on Wednesday September 16, 2020, for the purpose of meeting the requirements of Part 2, Form of Government, New Hampshire State Constitution, Art. 44, regarding the vetoes of the Governor.<sup>2</sup> At the beginning of the House session on September 16, 2020, House members voted on two questions to be sent to the New Hampshire Supreme Court seeking an opinion of the Justices. Representative Ebel of New London moved that the House seek an opinion of the Justices on the following question:

“Would holding a session of the New Hampshire House of Representatives remotely, either wholly or in part, whereby a quorum could be determined electronically, **violate Part II, Article 20, of the New Hampshire Constitution?**” (emphasis supplied), Letter from House Clerk, Appendix 1

Representative Ebel’s motion passed almost along party lines. Roll Call vote, 199 Yea, 134 Nay. (Yea, 193D, 6R, Nay 134R, 0D).<sup>3</sup>

During the debate on Representative Ebel’s motion, members of the General Court attempted to modify the motion to include a request to consider Part 2nd, Art. 8, in answering the proposed question. The Speaker of the House ruled the amendment was not in order. During the debate, the Speaker’s ruling was challenged, the challenge of the Speaker was ruled out of order by the Chair.<sup>3</sup>

The member from Belmont, Representative Sylvia submitted a second question to the House.

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<sup>2</sup> Note: Journal of House Proceedings has not been published for the September 16th, 2020 session and the video of the House session is the only documented proof of this debate.

<sup>3</sup><http://sg001-harmony.sliq.net/00288/Harmony/en/PowerBrowser/PowerBrowserV2/20200916/-1/21480>

“Would holding a session of the New Hampshire House of Representatives remotely, either wholly or in part, whereby a quorum could be determined electronically, **violate any article of the New Hampshire Constitution?**” [Ibid]. (emphasis supplied)

Representative Sylvia’s motion failed on a roll call vote 156 Yea, 178 Nay. While the vote did not pass, the vote had solid bipartisan support (Yea: 139R 17D, Nay 176D, 2R).

The fact that more than 150 members of the House, with significant support from both parties, recognized there are other critical New Hampshire Constitutional provisions that need to be considered in answering this question should be given great weight by this Court. The language drafted and adopted for the question does not consider other relevant constitutional provisions; 156 House members believed the motion submitted omits consideration of several articles of the New Hampshire Constitution that are relevant and material. Discussion on the House floor reveals this reasoning and belief in detail. If the Justices answer the question submitted by the House, without considering the omitted relevant Constitutional provisions, arguably deprivation of other constitutional rights may occur. It is critical that the Court include in the scope of its review other related Constitutional mandates, as discussed on the House floor.

During the floor debate, Representative Sylvia pointed out that in holding a virtual House Session, the General Court would violate provisions of the New Hampshire Constitution Bill of Rights section including “...right of access to governmental proceedings and records shall not be unreasonably restricted. ...” N.H. CONST. pt. I, art. 8. Those who are unable to afford a computer, or who are technologically challenged, will be denied access to governmental proceedings, and in some cases participation in the legislative process.

To put this in perspective, the Manchester School District went to great expense, purchasing approximately 7,000 laptops to make sure all students were permitted access to the Internet when the school board made the decision to educate remotely.<sup>4</sup> Is the

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<sup>4</sup> <https://manchesterinklink.com/schools-to-get-new-computers-at-good-discount-thanks-to-super-shopper-strategy/>, last accessed October 5<sup>th</sup>, 2020.

General Court and New Hampshire taxpayers prepared to provide every citizen of the State of New Hampshire reliable access to the Internet with computer hardware to access House sessions? While Representative Sylvia did not quote the New Hampshire Constitution directly, Sylvia pointed out that forcing the public to view the general session through a computer monitor was not in compliance with Part 1st, Article 8.

The question posed by the House fails to consider these Constitutional provisions where a physical presence at a location is contemplated and presumed within the context of the article:

- “The Legislature shall **assemble** for the redress of public grievances and for making such laws as the public good may require.” (emphasis supplied), N.H. CONST. pt. I, art. 31.
- “The senate and house shall **assemble** biennially on the first Wednesday of December for organizational purposes in even numbered years, and shall **assemble** annually on the first Wednesday following the first Tuesday in January, and at such other times as they may judge necessary;...” (emphasis supplied) , N.H. CONST. pt. II, art. 3.
- “The **doors of the galleries**, of each House of the Legislature, **shall be kept open to all persons who behave decently**, except when the welfare of the state, in the opinion of either branch, shall require **secrecy**.” (emphasis supplied) N.H. CONST. pt. II, art. 8.
- “No member of the House of Representatives, or Senate shall be arrested, or held to bail, on mesne process, **during his going to, returning from, or attendance upon**, the Court.” (emphasis supplied), N.H. CONST. pt. II, art. 21

The articles above referenced clearly expect legislators **assembling** at a given **physical location: “the galleries of each House of the Legislature,” the “doors of the galleries,”** and **“attendance upon” [a place] during each** session. The only exception to the galleries remaining open to the assembling public is for situations requiring **“secrecy.”**

In order to meet the requirements of the New Hampshire Constitution, to “assemble,” the members of the House must be co-located to conduct business. The clear

meaning of the verb assemble (GATHER) is clearly defined as the gathering of parts (individuals) into a single group at a single physical place:

“to come together in a single place or bring parts together in a single group:

We assembled in the meeting room after lunch.

to[sic] assemble data

At the staff meeting, the manager told the assembled company (= everyone there) that no one would lose their job.

Within hours of the tragedy happening, an emergency rescue team had been assembled.

He gazed once more around the room, where his entire family were assembled.

Over 50,000 people assembled in the main square.

He came out onto the balcony to speak to the crowd that had assembled outside.

Everyone is assembling outside the cathedral, ready for the Remembrance Day parade.”<sup>5</sup>

The contemporary definitions of that time-period reiterate that a single (one) physical place was intended:

- Noah Webster's 1828 American Dictionary of the English Language defines “assemble” as “To collect a number of individuals or particulars into **one place**, or body; to bring together or call together; to convene, to congregate.” (emphasis supplied), Webster, N. (1828). *An American dictionary of the English language*.
- “To ASSEMBLE, v. a. To bring together into **one place**. ASSEMBLY, A company met together.”, (emphasis supplied), Thomas Sheridan, A Complete Dictionary of the English Language, (Fourth Edition, 2 volumes; London: Printed for Charles Dilly et al., 1797).<sup>6</sup>

“The doors of the galleries, of each House of the Legislature, shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.” New Hampshire Constitution, Part 2nd, Art 8. Noah Webster's 1828 American Dictionary of the English Language defines gallery as a physical location “1. In architecture, a covered part of a building, ...3. In churches, a

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<sup>5</sup> <https://dictionary.cambridge.org/us/dictionary/english/assemble>

<sup>6</sup> <https://archive.org/details/completedictiona01sheriala/page/n197/mode/2up>

floor elevated on columns and furnished with pews or seats;... A similar structure in a play-house'. Webster, N. (1828). *An American dictionary of the English language*. “Doors” are also specifically mentioned in the Constitution. Doors, which are physical barriers to a room—in this case the gallery—that “shall be kept open to all persons...”

The House has asked this Court to opine upon Part II, Article 20 of the New Hampshire Constitution. The inquiry should not end there, as this Court has found in other contexts:

“In the context of individual rights, this Court has said, Even if it appears that the Federal Constitution is more protective than the State Constitution, the right of our citizens to the full protection of the New Hampshire Constitution requires that we consider State constitutional guarantees. This is because any decision we reach based upon *federal* law is subject to review by the United States Supreme Court, whereas we have unreviewable authority to reach a decision based on articulated adequate and independent *State* grounds. *Michigan v. Long*, 103 S. Ct. 3469, 3475 (1983). Since this court is the final authority on New Hampshire law, initial resolution of State constitutional claims insures that the party invoking the protections of the New Hampshire Constitution will receive an expeditious and final resolution of those claims. Therefore, we will first examine the New Hampshire Constitution and only then, if we find no protected rights thereunder, will we examine the Federal Constitution to determine whether it provides greater protection”. *State v. Ball*, 124 N.H. 226, 232 (1983)

One need only look to this Court’s cases to determine the answer is in the positive:

“...the following comments by the United States Supreme Court on practical constitutional construction: "General acquiescence cannot justify departure from the law, but long and continuous interpretation in the course of official action under the law may aid in removing doubt as to its meaning." *Smiley v. Holm*, [285 U.S. 355](#), 369 (1932); *accord Morin*, 93 N.H. at 49, 35 A.2d at 518 (the meaning of the constitution is settled by the continuous and uninterrupted interpretation placed upon it over many years)...The house consistently has interpreted article 44 to require only two-thirds of those present and voting to attain an override. In 1969, the very question of this appeal was set forth as a parliamentary inquiry. In his response, the speaker of the house said: [I]t does appear that precedent in the past has established that in interpretation of Article 44 of the New Hampshire Constitution to override a veto of the Governor it is necessary only to have two-thirds of the members present and voting.—Providing of course a quorum is present as further prescribed in the constitution.

N.H.H.R. JOUR. 171 (1969). We believe that the house's continuous practice of overriding vetoes based on a vote of two-thirds of those present and voting lends strong support to the house leaders' interpretation.”

The senate practice is also relevant to our analysis.

Article 44 applies both to the house and the senate. ...There are four precedents dating back to the earliest days of our legislative history in which the presiding officer of the senate stated that the standard for overriding a gubernatorial veto required two-thirds of the senators present..... The plaintiffs argue that the senate's unexplained current practice evidences their claim that the house's unbroken practice for nearly two hundred years should be changed. We are not persuaded. Rather, we believe that the early senate practice is entitled to great weight in determining the framers' intent, *see Morin*, 93 N.H. at 49, 35 A.2d at 518, and that the more recent senate practice is nothing more than an aberration in constitutional interpretation.

For the reasons set forth above, we hold that the phrase "two-thirds of that house" in article 44 means two-thirds of those **present** and voting, a quorum being **present.**” Warburnton v. Thomas, 136 N.H. 383, 393 (1992), (emphasis supplied).

The Court in the Warburnton v. Thomas case, further instructed regarding “Constitutional Construction”

"...it is the duty of the court to place itself as nearly as possible in the situation of the parties at the time the instrument was made, that it may gather their intention from the language used, viewed in the light of the surrounding circumstances.

While the constitution as it now stands is to be considered as a whole as if enacted at one time, to ascertain the meaning of particular expressions, it may be necessary to give attention to the circumstances under which they became parts of the instrument."...

"[W]e regard it as a well settled and unquestioned rule of construction that the language used by the legislature, in the statutes enacted by them, and that used by the people in the great paramount law which controls the legislature as well as the people, is to be always understood and explained in that sense in which it was used at the time when the constitution and the laws were adopted."

Opinion of the Justices, 121 N.H. at 483, 431 A.2d at 136 (emphasis added in 121 N.H. at 483, 431 A.2d at 136) (quoting Opinion of the Justices, 41 N.H. at 551).” Warburnton v. Thomas, 136 N.H. 383, 386-387 (1992).

The right of New Hampshire citizens to see and hear *in person* those who have the privilege of passing laws that everyone in the state will be bound to follow or suffer the

consequences cannot be overstated. The question posed by the House contemplates the entire 400 House members meeting “remotely. ...either wholly or in part, whereby a quorum could be determined electronically, ..”. Letter from House Clerk to the Justices, Appendix 1.

Article 20 requires that House members be “**present**” clearly in reference to their physical attendance in the publicly observable and specified House chamber during session. The New Hampshire Constitution clearly provides and intends that House members are expected to be physically located in a common room, which can be observed by the public from the gallery. The answer to the House’s question can be found throughout opinions of this Court,

“The object of construction, applied to a constitution, is to give effect to the intent of its framers, and of the people in adopting it. This intent is to be found in the instrument itself ...” *Lake County v. Rollins*, 130 U.S. 662, 670, 9 S. Ct. 651, 32 L. Ed. 1060 (1889). “To get at the thought or meaning expressed in ... a constitution, the first resort, in all cases, is to the natural signification of the words, in the order of grammatical arrangement in which the framers of the instrument have placed them.” *Id.* When the words convey a definite meaning, we will not add language to the instrument. *Flynn*, 133 N.H. at 21. The United States Supreme Court explained the reasoning for this in *Lake County*:

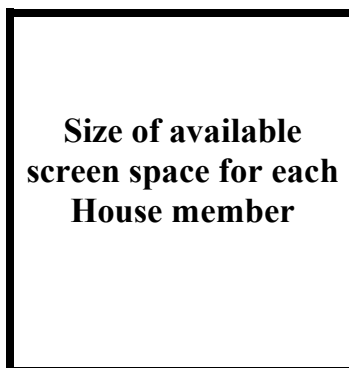
[W]here a law is expressed in plain and unambiguous terms, whether those terms are general or limited, the legislature should be intended to mean what they have plainly expressed, and consequently no room is left for construction. There is even stronger reason for adhering to this rule in the case of a constitution than in that of a statute, since the latter is passed by a deliberative body of small numbers, a large proportion of whose members are more or less conversant with the niceties of construction and discrimination, and fuller opportunity exists for attention and revision of such a character, while constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a state, the most of whom are little disposed, even if they were able, to engage in such refinements. *Lake County*, 130 U.S. at 670-71 (citations omitted).” *N.H. Ass'n of Counties v. State*, 158 N.H. 284, 292-293 (2009).

To summarize, first the Constitution clearly requires that the House meet at a physical location with a physical gallery where the representatives gather together in person to conduct business. Second, the Court should consider the concept, when two thirds of the



House members are to be physically present, whether is it physically possible, even if a person were to have an enormous 55-inch computer monitor on which to observe the House gallery, either as a member of the public or as a House member himself, to meaningfully observe eye contacts, facial expressions, gestures, posture, activities, movements and other relevant visual body language or visual cues of the 400 House members; it would be impossible. This would not comport with either the plain meaning, nor the spirit of the constitutional language.

If one were financially able to own a 55-inch computer monitor, which is actually 48” wide by 27” tall, it would allow for a screen layout allowing 390 members (potentially omitting 10 House members) in a grid pattern displaying 26 House members wide and 15 House members tall. Individual Representative displays would be 1.8 x 1.8 inches, or smaller than the size of a regulation passport photo of 2” x 2”. Surely the Constitution’s drafters did not intend for such a result, even when one considers technological advances.



Furthermore, the public wants and has a right to see which of its legislators is paying attention, which of its legislators are doing other actions or simply walking away from the screen while other legislators are debating. How are the legislators who are present going to have access to what is going on remotely if the House in their rules, says “...With the exception of devices for the hearing impaired, no member shall operate an

audible electronic transmitting and/or receiving devices...” House Rule 63, adopted for the 2019-2020 session<sup>7</sup>.

While technology has changed in two hundred years, the words in the New Hampshire Constitution are clear and do not need ‘interpreting’. Constitutional infirmities aside, portions of the State of New Hampshire still do not have reliable and/or high speed Internet access necessary to live-stream remote meetings. Less than four weeks ago, the NH Business Review stated “...For tens of thousands of New Hampshire residents without access to broadband internet, however, connecting to the “new normal” has not been easy. In fact, the pandemic has further exposed a digital divide that threatens to leave a substantial number of Granite Stater behind...”<sup>8</sup> The governor’s Emergency Broadband Expansion program has allocated \$50 million from the CARES Act Coronavirus Relief Fund to address the increased need for Internet connectivity<sup>9</sup>. “Governor Chris Sununu has authorized the allocation and expenditure of \$50 million from the CARES Act Coronavirus Relief Fund (“flex funds”) to address the increased need for internet connectivity due to the COVID-19 pandemic. The Connecting New Hampshire – Emergency Broadband Expansion Program will benefit students, families, and businesses as the need for distance learning, telework, telehealth, and other remote services continues due to the COVID-19 pandemic.”

Lack of high-speed Internet access is a long-term problem in NH.<sup>10</sup> and will disenfranchise some citizens of their ability to be involved with the legislative process. The House did not consider that many families that cannot afford the computer hardware necessary to have access to these sessions, the cost of an Internet subscription, or geographical access to a reliable Internet subscriber.

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<sup>7</sup> <http://gencourt.state.nh.us/house/abouthouse/houserules.htm>. Last accessed October 6th, 2020.

<sup>8</sup> <https://www.nhbr.com/camerino-broadband-is-the-next-essential-service/>, last accessed on October 6th, 2020.

<sup>9</sup> <https://www.goferr.nh.gov/covid-expenditures/connecting-nh>

<sup>10</sup> <https://www.nhpr.org/post/north-country-high-speed-internet#stream/0>

The Manchester School District ("MSD") in creating the remote learning option needed to consider this necessitating the purchase of nearly 7,000 Chromebooks, referenced here: "In the second round, the district bought 3,600 Chromebooks, also at a substantial savings, Cross said. Altogether, he said, nearly 7,000 Chromebooks were purchased. . ." <sup>11</sup> The move to remote instruction also forced numerous other changes up to and including adding locations where the internet is accessible free of charge "In addition, MSD is working to place internet hotspots in locations throughout the city – more information to follow." <sup>12</sup>

"The simplest and most obvious interpretation of a constitution, if in itself sensible, is most likely to be that meant by the people in its adoption. Additionally, we will give the words in question the meaning they must be presumed to have had to the electorate when the vote was cast." *State Employee's Ass'n of N.H. v. State of N.H.*, 161 N.H. 730, 740-741 (2011) (citations and internal quotations omitted); see also *Opinion of the Justices*, 121 N.H. 480, 483 (1981) ("[T]he language used . . . by the people in the great paramount law which controls the legislature as well as the people, is to be always understood and explained in that sense in which it was used at the time when the constitution and the laws were adopted."

"In construing a provision of the State Constitution, we examine its purpose and intent." Reviewing the history of the constitution and its amendments is often instructive, and in so doing, it is the duty of the court to place itself as nearly as possible in the situation of the parties at the time the instrument was made, that it may gather their intention from the **language** used, viewed in the light of the surrounding circumstances." *Warburton v. Thomas*, 136 N.H. 383, 387, 616 A.2d 495 (1992) (quotation omitted). "The **language** used . . . by the people in the great paramount law which controls the

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<sup>11</sup> <https://manchesterinklink.com/schools-to-get-new-computers-at-good-discount-thanks-to-super-shopper-strategy/>, last accessed October 5<sup>th</sup>, 2020

<sup>12</sup> <https://sites.google.com/mansd.org/msdremotelearning>, last accessed October 5<sup>th</sup>, 2020

legislature as well as the people, is to be always **understood** and explained in that sense in which it was used at the time when the constitution and the laws were adopted." (emphasis supplied), *Opinion of the Justices*, 121 N.H. 480, 483, 431 A.2d 135 (1981)." N.H. Motor Transp. Ass'n v. State, 150 N.H. 762, 765 (2004).

The New Hampshire Constitution requires that the government be "open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted" would not be met if there are citizens that lack the means or technology to access the government electronic broadcast.

The House in asking the deliberately restricted question which as phrased, suggests the answer the Democratic Majority in the House seek, did not consider other equally relevant Constitutional provisions requiring a physical presence in a given location as contemplated in Part second, Art. 21, "No member of the House of Representatives, or Senate shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Court." N.H. CONST. pt. II, art. 21. If there was a remote session, how would "... during legislators going to, returning from, or attendance upon, the Court" be applied? Would this allow any member to claim attendance even if he is in a car traveling out of state or even internationally, but connected electronically via a cell phone?

The question asked of the Court is short sighted and omits relevant and co-equal Constitutional provisions in an effort to suggest the answer to the question ignoring other Constitutional requirements and therefore should be answered in the positive, or in the alternative, the Court should note the incompleteness of the question and request the House to send a complete, focused and more complete question to the court.,

### **Conclusion**

For the forgoing reasons, the Honorable Joseph A. Hoell Jr., Secretary of The New Hampshire Firearms Coalition Inc., and Honorable Andrew J. Manuse, Chairman of ReopenNH, respectfully request that this Court return a positive answer to the question presented or answer the question considering the other related Constitutional provisions specifying the need to be present.

Respectfully submitted,  
Joseph A. Hoell, Jr.  
Secretary, The New Hampshire Firearms  
Coalition Inc.

Dated October 8, 2020

/s/ Joseph A. Hoell, Jr.

Andrew J. Manuse  
Chairman, ReopenNH

/s/ Andrew J. Manuse

**CERTIFICATE OF SERVICE**

I hereby certify that this memorandum was filed through the Judicial Branch's e-filing system.

Date: October 8, 2020

/s/ Joseph A. Hoell, Jr.  
Joseph A. Hoell, Jr.

/s/ Andrew J. Manuse  
Andrew J. Manuse

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this memorandum contains approximately XXX words. I have relied on the word count of the computer program used to prepare this memorandum.

Date: October 8, 2020

/s/ Joseph A. Hoell, Jr.  
Joseph A. Hoell, Jr.

/s/ Andrew J. Manuse  
Andrew J. Manuse

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**CASE NO. 2020-0414**

**Request for an Opinion of the Justices  
(Quorum under Part II, Article 20)**

**MEMORANDUM OF LAW OF  
THE NEW HAMPSHIRE FIREARMS COALITION**

**Appendix**

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# Request for an Opinion of the Justices (Quorum under Part II, Article 20)



PAUL C. SMITH  
Clerk of the House

## STATE OF NEW HAMPSHIRE HOUSE OF REPRESENTATIVES OFFICE OF THE HOUSE CLERK

Justices of the New Hampshire Supreme Court  
c/o Timothy Gudas, Clerk  
One Charles Doe Drive  
Concord, NH 03301

September 17, 2020

Dear Associate Justices,

A request for an opinion of the justices pursuant to Part II, Article 74 of the New Hampshire Constitution was adopted by the House of Representatives on September 16, 2020 with respect to an interpretation regarding quorums of the House.

Pursuant to this request, the question from the New Hampshire House of Representatives is as follows: Would holding a session of the New Hampshire House of Representatives remotely, either wholly or in part, whereby a quorum could be determined electronically, violate Part II, Article 20 of the New Hampshire Constitution?

On Behalf of the New Hampshire House,

A handwritten signature in black ink, appearing to read "Paul C. Smith".

Paul C. Smith  
Clerk of the House

**Part 1, Bill of Rights, of the New Hampshire State Constitution, Art 8.**

**[Art.] 8. [Accountability of Magistrates and Officers; Public's Right to Know.]** All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. The public also has a right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding. June 2, 1784. N.H. CONST. pt. I, art 8.

Amended 1976 by providing right of access to governmental proceedings and records.  
Amended 2018 by providing that taxpayers have standing to bring actions against the government.

**Part 2, Form of Government, New Hampshire State Constitution, Art 3.**

**[Art.] 3. [General Court, When to Meet and Dissolve.]** The senate and house shall assemble biennially on the first Wednesday of December for organizational purposes in even numbered years, and shall assemble annually on the first Wednesday following the first Tuesday in January, and at such other times as they may judge necessary; and shall dissolve and be dissolved at 12:01 A.M. on the first Wednesday of December in even numbered years and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE. June 2, 1784. N.H. CONST. pt. II, art 3.

Amended 1877 changing annual sessions to biennial sessions.

Amended 1889 calling for the legislature to meet in January instead of June.

1966 amendment permitting annual sessions was ruled invalid in *Gerber v. King*, 107 NH 495.

Amended 1974 to permit organizational meetings in December and the January meeting to be on the first Wednesday after the first Tuesday.

Amended 1984 changing biennial sessions to annual sessions.

**Part 2, Form of Government, New Hampshire State Constitution, Art 8.**

**[Art.] 8. [Open Sessions of Legislature.]** The doors of the galleries, of each House of the Legislature, shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy. September 5, 1792. N.H. CONST. pt. II, art 8.

**Part 2, Form of Government, New Hampshire State Constitution, Art 20.**

**[Art.] 20. [Quorum, What Constitutes.]** A Majority of the members of the House of Representatives shall be a quorum for doing business: But when less than two thirds of the Representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid. June 2, 1784. N.H. CONST. pt. II, art 20.

**Part 2, Form of Government, New Hampshire State Constitution, Art 21.**

**[Art.] 21. [Privileges of Members of Legislature.]** No member of the House of Representatives, or Senate shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Court. June 2, 1784. N.H. CONST. pt. II, art 21.

**Part 2, Form of Government, New Hampshire State Constitution, Art 44.**

**[Art.] 44. [Veto to Bills.]** Every bill which shall have passed both houses of the general court, shall, before it becomes a law, be presented to the governor, if he approves, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of persons, voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

September 5, 1792. N.H. CONST. pt. II, art 44.

**New Hampshire House Rules (2019-2020) session.**

**2019 – 2020 House Rules, As of June 5, 2020**

63. Deadly weapons; electronic devices; cameras. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or House gallery. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the House. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting and/or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in session.

<http://gencourt.state.nh.us/house/abouthouse/houserules.htm>, last accessed October 6th, 2020