

Why taxpayer standing matters

Another View Chuck Douglas

THE RECENT \$1 million accounting error in Dunbarton's school budget highlights why taxpayers should be able to be heard in court. The school board wanted to hold on to the money in a reserve fund, but needed court approval to have a special school meeting to OK their plan. Two dozen Dunbarton voters and taxpayers led by state Rep. J.R. Hoell asked the court to be heard in opposition to the school board's plan.

Superior Court Justice Richard McNamara threw the taxpayers out because in 2014 the New Hampshire Supreme Court held that taxpayers cannot go to court to challenge the government unless they can show their individual rights are directly prejudiced.

For over 150 years, taxpayer suits have held governments accountable in our state because we, the citizens, are in charge. We are not peasants in a medieval kingdom, but rather the government is our agent, and we are in charge.

The 2014 Duncan v. State opinion that keeps citizens from judicial redress will be history in November if the voters approve Question 1 on the ballot. It would amend the New Hampshire Constitution to restore the historic role of taxpayers being able to challenge

illegal or unconstitutional acts by our agents — the government.

I urge a yes vote on Question #1. This proposed constitutional amendment was never a partisan issue and unites the left, right, and middle. That consensus led to a 309 to 9 vote for it in the House and 22-2 vote in the Senate. Rarely is there such bipartisan approval of a proposed constitutional amendment.

While our courts usually get things right, there is a mechanism to correct them when they get a constitutional ruling wrong. The voters can approve amendments to the state Constitution. That check and balance has led to over 200 amendments since 1784. Thankfully very few of them were to overturn court decisions.

Luckily for the taxpayers of Dunbarton, the judge did at least review the arguments made by them and ruled in their favor by denying the special meeting. Taxes on a typical \$300,000 home in Dunbarton will take a one-time drop of \$1,000 as a result.

It is time to restore taxpayer standing by voting yes on Question #1.

Chuck Douglas is a former New Hampshire Supreme Court justice and congressman.