

Bill as Introduced

HB 224-FN - AS INTRODUCED

2011 SESSION

11-0707
03/10

HOUSE BILL

224-FN

AN ACT

establishing an independent legislative redistricting commission.

SPONSORS:

Rep. Pierce, Graf 9

COMMITTEE:

Special Committee on Redistricting

ANALYSIS

This bill establishes an independent legislative redistricting commission to prepare a plan of apportionment of representative and senatorial districts following each decennial census.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

- 1 (b) One member appointed by the chief justice of the supreme court.
- 2 (c) One member appointed by the speaker of the house of representatives.
- 3 (d) One member appointed by the minority leader of the house of representatives.
- 4 (e) One member appointed by the president of the senate.
- 5 (f) One member appointed by the minority leader of the senate.

6 III. A vacancy among the members of the commission shall be filled by the appointing
7 authority within 15 days after the vacancy occurs.

8 IV. No person shall be appointed to the commission who:

- 9 (a) Is not an eligible voter of the state at the time of selection.
- 10 (b) Holds partisan public office or political party office.
- 11 (c) Is a relative of or is employed by a member of the general court or of the
12 United States Congress, or is employed directly by the general court or by the United States
13 Congress.
- 14 (d) Has not resided in the state for at least 5 years.

15 V. No more than 4 members of the commission shall be residents of the same congressional
16 district.

17 VI. Members shall reimbursed for mileage incurred in carrying out their duties under this
18 chapter.

19 662-B:3 Duties of Commission. The commission shall develop a plan for the apportionment of
20 representative, senatorial, and congressional districts based on the most recent decennial census.
21 The plan shall conform to the requirements of Part II, Articles 9, 11, 11-a, 26, and 26-a of the
22 New Hampshire constitution as well as relevant provisions of the United States Constitution. The
23 commission shall forward the plan to the speaker of the house of representatives and the president of
24 the senate, and shall include proposals for legislation necessary to effectuate the plan.

25 662-B:4 Redistricting Standards.

26 I. Districts shall be established on the basis of population. Each representative, senatorial,
27 and congressional district shall have a population as nearly equal as practicable to the ideal district
28 population. Ideal district population shall be determined by dividing the number of districts to be
29 established into the population of the state reported in the latest federal decennial census.

30 II. No district shall be drawn for the purpose of favoring a political party, incumbent
31 legislator, or other person or group. No district shall be drawn for the purpose of augmenting or
32 diluting the voting strength of a language or racial minority group. In establishing districts, no use
33 shall be made of any of the following data:

- 34 (a) Addresses of incumbent legislators.
- 35 (b) Political affiliations of registered voters.
- 36 (c) Previous election results.

1 (d) Demographic information, other than population head counts, except as required by
2 the Constitution and laws of the United States.

3 III. In order to minimize electoral confusion and to facilitate communication within state
4 legislative districts, each plan drawn under this chapter shall provide that each representative
5 district is wholly included within a single senatorial district and that, so far as possible, each
6 representative and each senatorial district shall be included within a single congressional district.
7 However, the standards established by paragraphs I and II shall take precedence where a conflict
8 arises between those standards and the requirement, so far as possible, of including a representative
9 or senatorial district within a single congressional district.

10 IV. Each bill embodying a plan drawn under this chapter shall provide that any vacancy in
11 the general court which takes office in the year ending in one, occurring at a time which makes it
12 necessary to fill the vacancy at a special election, shall be filled from the same district which elected
13 the representative or senator whose seat is vacant.

14 662-B:5 Timetable for Preparation of Plan.

15 I. The commission shall forward the plan to the speaker of the house of representatives and
16 the president of the senate before April 1 of each year ending in one. It is the intent of this chapter
17 that the general court shall vote on the plan in either the house of representatives or the senate
18 expeditiously, but not less than 7 days after the plan is received and made available to the members
19 of the general court, under a procedure or rule permitting no amendments except those of a purely
20 corrective nature. It is further the intent of this chapter that if the bill is approved by the first house
21 in which it is considered, it shall expeditiously be brought to a vote in the second house under a
22 similar procedure or rule.

23 II. If the plan fails to be approved by a constitutional majority in either the house of
24 representatives or the senate, the clerk of the house of representatives or the senate, as the case may
25 be, shall at once transmit to the commission reasons why the plan was not approved. The
26 commission shall then prepare a second plan in accordance with RSA 662-B:4, and taking into
27 account the reasons cited by the house of representatives or senate for its failure to approve the plan
28 insofar as it is possible to do so within the requirements of RSA 662-B:4. The second plan shall be
29 delivered to the speaker of the house of representatives and the president of the senate not later
30 than May 1 of the year ending in one, or 21 days after the date of the vote by which the house of
31 representatives or the senate fails to approve the plan submitted under paragraph I, whichever date
32 is later. It is the intent of this chapter that, if a second plan is necessary, it shall be brought to a
33 vote not less than 7 days after the plan is made available to the members of the general court, in the
34 same manner as prescribed for the plan under paragraph I.

35 III. If the second plan submitted by the commission fails to be approved by a constitutional
36 majority in either the house of representatives or the senate, the same procedure as prescribed by
37 paragraph II shall be followed. If a third plan is required, it shall be delivered to the speaker of the

1 house of representatives and the president of the senate not later than June 1 of the year ending in
2 one, or 21 days after the date of the vote by which the house of representatives or the senate fails to
3 approve the second plan submitted under paragraph II, whichever date is later. It is the intent of
4 this chapter that, if it is necessary to submit a plan under this paragraph, the plan be brought to a
5 vote within the same time period after its delivery to the speaker of the house of representatives and
6 the president of the senate as is prescribed for the plan submitted under paragraph II, but shall be
7 subject to amendment in the same manner as other bills.

8 IV. If the census data necessary for the redistricting plan is unavailable by February 15 of
9 the year ending in one, the dates set forth in this section shall be extended by a number of days
10 equal to the number of days after February 15 of the year ending in one that the census data
11 becomes available.

12 662-B:6 Transparency of Redistricting Process.

13 I.(a) The secretary of state shall develop and maintain a public Internet site that will allow
14 members of the public to monitor and comment on the commission's work. This public Internet site
15 shall be fully functional and accessible by members of the general public at least 30 days before the
16 U.S. Census Bureau provides the state with selected decennial census tabulations pursuant to Public
17 Law 94-171.

18 (b) Within 14 days after the U.S. Census Bureau provides the state with selected
19 decennial data tabulations pursuant to P.L. 94-171, the commission shall forward to the secretary of
20 state and the secretary of state shall promptly post on the public Internet site:

- 21 (1) Precinct-level data containing voter registration and election returns;
22 (2) Census tract-level data on voter registration and election returns;
23 (3) Detailed maps reflecting the data provided in subparagraphs (b)(1) and (2);
24 (4) Any interactive software used by the commission to enable a person to design
25 representative, senatorial, and congressional districts that meet criteria established by RSA 662-B:4;
26 and

27 (5) Information on creating and submitting a proposed plan developed pursuant to
28 subparagraph (4) or by other means to the commission.

29 (c) The secretary of state shall take all actions necessary to ensure that the public
30 Internet site is updated continuously to provide advance notice of commission meetings and to
31 otherwise provide timely information on the activities of the commission.

32 II.(a) Within 60 days after the U.S. Census Bureau provides the state with selected
33 decennial data tabulations pursuant to P.L. 94-171, the commission shall solicit public input in
34 developing the state's redistricting plans for representative, senatorial, and congressional districts
35 by: publicizing and holding hearings in representative geographic regions of the state at which
36 members of the public may provide comments; and establishing a procedure through which members
37 of the public can provide comments through the public Internet site and other methods. The

1 commission shall forward to the secretary of state and the secretary of state shall post the minutes of
2 its meetings of each public hearing as well as any written comments received from the public within
3 48 hours of receipt of the minutes and comments.

4 (b) The commission shall encourage the public submission of redistricting plans, both
5 partial and complete, through the public Internet site and other methods, and shall post all plans
6 received on the public Internet site. When practicable, the commission shall consider each plan
7 submitted to it and shall give preference to any plan that most minimizes deviation from the criteria
8 required by RSA 662-B:4.

9 III.(a) At least 21 days prior to drawing a final redistricting plan, the commission shall
10 forward to the secretary of state and the secretary of state shall post on the public Internet site and,
11 if practicable, cause to have published in newspapers of general circulation throughout the state, the
12 following information:

13 (1) A detailed version of the proposed final plan, including a map showing each
14 representative, senatorial, and congressional district established under the plan and the total
15 population and the voting age population by race or membership in a language minority group of
16 each such district;

17 (2) Where practicable, a description of all redistricting plans submitted by the public;

18 (3) A statement explaining why the districts were drawn by the commission as they
19 were and explaining how the adoption of the plan will best serve the public interest;

20 (4) Any dissenting statements of any members of the commission who did not
21 approve of the proposed final plan;

22 (5) Information on how to submit public comment to the commission regarding the
23 plan; and

24 (6) Where practicable, a detailed statement explaining why other proposed plans
25 submitted and pursuant to subparagraph II(b) were rejected.

26 (b) At least 14 days prior to drawing a final redistricting plan, the commission shall
27 solicit comments from the public regarding the plan either by publicizing and holding public
28 meetings at which members of the public may provide comment, or by establishing a procedure by
29 which the public can submit written comments through the commission Internet site and other
30 methods. The commission shall forward to the secretary of state and the secretary of state shall post
31 any written comments received by the public regarding the plan on the public Internet site within
32 48 hours upon receipt of such comments.

33 (c) If, in response to public comment or for any other reason, the commission amends its
34 plan or drafts a new plan, the commission shall again provide public notice and solicit public
35 comment regarding the amended or new plan pursuant to subparagraphs (a) and (b), unless so doing
36 would cause the commission to violate a deadline established by state law.

1 (d) The commission shall not draw any redistricting plan for submission to the
2 legislature unless and until such plan has been subject to the public notice and comment process
3 outlined in this paragraph.

4 IV. Within 7 days after any redistricting plan is drawn by the commission, the commission
5 shall forward to the secretary of state and the secretary of state shall post on the public Internet site:

6 (a) A detailed report justifying the adopted plan and explaining specifically how the
7 plan, and each district within such plan, serves the public interest. The commission shall forward to
8 the secretary of state and the secretary of state shall publish on the public Internet site any
9 dissenting statements of any members of the commission.

10 (b) The final redistricting maps showing each representative, senatorial, and
11 congressional district established under the plan, and a report showing the total population and the
12 voting age population by race or membership in a language minority group, of each such district in
13 the plan. If the state maintains registered voter data by race or membership in a language minority
14 group, the report under this paragraph shall also include those registered voter data for each district
15 in the proposed final plan.

16 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
11-0707
01/19/11

HB 224-FN - FISCAL NOTE

AN ACT establishing an independent legislative redistricting commission.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 224 FISCAL NOTE

AN ACT establishing an independent legislative redistricting commission.

FISCAL IMPACT:

The Department of State states this bill will increase state general fund expenditures by \$250,000 in FY 2012 and by an indeterminable amount in FY 2013 and each year thereafter. There will be no fiscal impact on state, county, and local revenues, or county and local expenditures.

METHODOLOGY:

This bill establishes an independent legislative redistricting commission to prepare a plan of apportionment of representative and senatorial districts following each decennial census. The Department of State states the proposed legislation requires the development and maintenance of an interactive website to display all documents and information relative to the work of the redistricting commission as well as providing a means for the public to monitor and comment on the commission's work. The Department estimates to develop and implement such a site would increase state expenditures by \$250,000 in FY 2012. The Department also notes the proposed legislation is not clear as to how long they would be required to maintain the web site once redistricting work has been completed and approved by the Legislature, but estimates such maintenance would increase state expenditures by up to \$25,000 per fiscal year in FY 2013 and each year thereafter in which the site was required to be maintained.

Speakers

Hearing Minutes

HOUSE SPECIAL COMMITTEE ON REDISTRICTING

PUBLIC HEARING ON HB 224-FN

BILL TITLE: establishing an independent legislative redistricting commission.
DATE: 3/4/11
LOB ROOM: 308 **Time Public Hearing Called to Order:** 3:16 PM
Time Adjourned: 3:55 PM

(please circle if present)

Committee Members: Reps. Mirski, Bates, Groen, Rowe, Swinford, E. Smith, Howard, H. Richardson, Chandler, Hess, Silva, Vaillancourt, Pierce, Brunelle, S. Keans and Weber

Bill Sponsors: Rep. Pierce, Graf 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Pierce – Abait objectivity and transparency in redistricting process. Whoever draws the lines goes a long way to deciding who gets elected. Avoid legislators self interest of making it more comfortable for himself. Create more competitive districts or potential to be more competitive.

- 1) Creates commission
- 2) Sets up criteria for _____ lines.
- 3) Open process asking public input.

Supported by League of Women Voters; America Votes; Common Cause. AARP

7 member commission – 1 governor/ 1 Superior Court Chief/1 Sen. President/1 Sen. Majority Leader/1 House Seaker/1 House Majority Leader
Require that deviation be minimized.

Rep. Vaillancourt – Would Governor appointing 2 not be able to create a look

Rep. Pierce – If the Governor _____

Rep. Vaillancourt – Refer to NCSL article saying this is no better (Attached)

Rep. Pierce – Inconsistent results were in regard to what courts did. _____ gerrymandering led to overturn.

Rep. Rowe – Will go to Election Law Committee. 400 Reps.

Rep. Pierce – Start off with objectivity, set a precedent. Don't think commission shall have authority to make law, merely submit a plan.

Rep. Swinford – What statute?

Rep. Pierce – Bill would become one.

Rep. Bates – Impossibility of complying with deadlines in bill.

Rep. Pierce – Would have to be amended.

Rep. Bates – Page, line 6 – Deviation line – The plan would elevate deviation above all other considerations. Is that appropriate?

Rep. Pierce – Not population deviation. Criteria deviation.

Rep. Bates – Criteria on bottom of page 2. You would have to take voter registration and previous election results into consideration.

Rep. Pierce – If you don't take these into account, you are not engaging in prohibited activity.

Rep. Vaillancourt – Appointed are not objective?

Rep. Pierce- Cumulative effect would be objective. Not individuals.

***Josiette White** – America Votes – Supports. (written testimony)
Partisan gridlock is becoming the new norm. 16 states have some version of non-partisan commission. Florida ____ recently. This is a step to remove partisan politics.

Rep. Vaillancourt – How does it remove partisanship by having partisan people make appointments?

Josiette White – Going out into community.

Liz Tentarelli – League of Women Voters – Supports
Objectivity, transparency. Not the same people holding offices and wishing to hold them will make system more balanced.

Rep. Rowe – Good idea in theory but Election Law Committee members probably want to be re-elected. 400 house members would have to be re-elected.

Liz Tentarelli – Can never get completely objective – non-partisan. First step. Impressive public input.

Rep. Mirski – Leg's response to court taking over in 2001.

Liz Tentarelli – No position back then. If this commission plan wound up in court? I can't answer it. We support separation of powers.

Rep. Swinford – Redistricting was not done behind closed doors when House did it?

Liz Tentarelli - No, but this provides more public input.

Rep. Mirski – Elections have consequences – Isn't _____ ultimate public input.

Liz Tentarelli – Last election complicated – Fiscal issue. People weren't thinking about redistricting.

Respectfully submitted,

Steve Vaillancourt, Clerk

1

HOUSE SPECIAL COMMITTEE ON REDISTRICTING

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- 1) Creates commission
 - 2) Set up criteria for district lines.
 - 3) Open process taking public input.
- Supported by Leg Women, Veterans, America Votes.

Member Commission - 1 Gov. 1 Sup Ct. Chief
1 Sen Pres 1 Sen Minority leader
1 Asst Speaker 1 Asst Minority leader

Require that deviation be minimized.

SV - Would Gov. appointing 2 not be able to create block?

Pierce - For the Gov. process.

SV - Refer to NCSC Article, saying there is no better (Attached).

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② HB 224

Josette White - America Votes. Supports. (written testimony)

Partisan gridlock is becoming the new norm.
16 states have some version of non-partisan commission.
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Mirski - Election have consequences, isn't that
ultimate public input.

VACANT 1

~~3083 VACANT SEAT~~

Tentmelli - last election emphasized
Fiscal issue. People weren't
thinking about reality

Testimony

**The League of Women Voters of New Hampshire SUPPORT AN INDEPENDENT
REDISTRICTING COMMISSION**

We also support a state redistricting process and standards that promote fair and effective representation in the state legislature and in the U.S. House of Representatives with maximum opportunity for public scrutiny.

We support legislation establishing an independent, non-partisan commission with broad-based community representation as the preferred redistricting body.

EXPANSION

1. The standards on which a redistricting plan is based, regardless of who has responsibility for redistricting:
 - a. should include as required by federal and state law
 - 1) substantially equal population
 - 2) geographic contiguity
 - 3) protection from diluting the voting strength of a racial or linguistic minority
 - 4) preservation of town or ward boundaries
 - b. should prohibit the consideration of
 - 1) the political affiliations of registered voters
 - 2) the previous election results
2. The redistricting process, regardless of who has responsibility for redistricting, should include:
 - a. time limits for the process
 - 1) automatic non-judicial procedures for problems of process and timely completion of the redistricting
 - 2) automatic court action if a plan is not completed on time (the plan, including appeals, must be in place 30 days before the deadline for candidates declaration to run for office.)
 - b. maximum opportunity for public scrutiny, including
 - 1) public hearings in a variety of locations around the state during the process (One suggestion was to hold at least three meetings in each congressional district.)
 - 2) information concerning redistricting during the process should also be widely disseminated to the public by means of all available media.
 - 3) Wide dissemination of the final plan, both in print (at municipal offices and libraries) and in electronic form with notices concerning availability in all media
 - 4) An appeal process
3. Redistricting should be limited to every ten years only (following the census).

Adopted by LWVNH state board, 2005

Submitted in testimony on March 4, 2011 by Liz Tentarelli, co-president League of Women Voter NH.

AMERICA VOTES

3/4/2011

TESTIMONY IN SUPPORT OF HB 224

Thank you Chairman Mirski and members of the committee. I'm here today on behalf of America Votes in support of HB 224.

Over the course of our state's history, the approach to redistricting in NH has grown and evolved. I think we are again at a point where it makes sense to take a look our redistricting process and update it to reflect these modern political times. With partisan gridlock becoming the new norm at the federal level and creeping into the way states engage, states across the country are moving toward non-partisan redistricting. Last year, Florida voters enacted a non-partisan commission similar to the bill before you. We as a nation are losing our ability to govern from the center, our ability to find compromise to deal with the pressing issues that face us. We cannot let Concord become a mirror image of the dysfunction in Washington.

HB 224 is a step in the right direction to ensure that we remove partisan politics from the process of deciding who represents us in Washington and Concord. It is time that the interests of the people trump the interests of political parties or politicians. HB 224 gives us a framework that puts people first in the redistricting process and would ensure that elected officials were not drawing the districts that they will serve in.

HB 0224

- Creates a commission that draws the lines for our representatives to Congress and our General Court. This bill requires that this commission is non-partisan
- Requires this commission to abide by standards that do not take into account the will and needs of politicians, but instead take into account the needs of the people this body was created to represent. Past election results would not be a factor; protecting incumbents would not be a factor; ensuring that all of our views are represented would trump what has traditionally driven this process
- Creates an open and transparent process that allows the citizens of New Hampshire to see how the process will impact their representation and allows them to comment on the process

I ask you to join me in supporting HB 224. Thank you for your time.

Submitted to the Special Committee on Redistricting by:

Josiette White

America Votes State Director

603-225-1932

4 Park St # 302

Concord NH



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Redistricting Commissions and Alternatives to the Legislature Conducting Redistricting

Overview

Since the landmark Supreme Court decisions of the 1960s that established the one-person, one-vote principle, a number of states have shifted redistricting of state legislative district lines from the legislature to a board or commission. There are 12 states that give first and final authority for legislative redistricting to a group other than the legislature. Alaska, Idaho and Arizona were the last states to join this group-using a commission for the first time in the 2000 round of redistricting. There are pros and cons to removing the process from the traditional legislative process. And the track record of success by commissions is inconsistent in terms of having plans overturned by courts. Reformers often mistakenly assume that commissions will be less partisan than legislatures when conducting redistricting but that depends largely on the design of the board or commission.

Critics of the current redistricting process argue that congressional and legislative elections are not competitive largely due to the process of adopting new districts. Arizona voters approved a state constitutional amendment in the late 1990s moving redistricting from the legislature to a five person board that must have at least one member who is not from the two major political parties. In addition, the Board must draw districts using a specific list of criteria including making the districts competitive if at all possible. In 2004, an Arizona state Superior Court overturned the plans produced by the Arizona Independent Redistricting Commission for failing to meet the competitiveness criteria in addition to other violations of the state constitution.

The commissions vary greatly from state to state in terms of their make-up. Most of them include appointments made by legislative leaders. For a table showing all commissions for state legislative plans, [click here](#).

Iowa Redistricting System

Iowa conducts redistricting unlike any other state. The Iowa system does not put the task in the hands of a commission, but rather the legislature does vote on the plans. Nonpartisan legislative staff develop maps for the Iowa House and Senate as well as U.S. House districts without any political or election data including the addresses of incumbents. This is different from all other states. For a detailed description of the Iowa system, [click here](#).

Congressional Redistricting Commissions

Only six states give first and final authority for congressional line drawing with a commission. Those six are Arizona, Hawaii, Idaho, Montana, New Jersey and Washington. Indiana employs a "fallback" commission if the legislature is unsuccessful in passing a congressional plan. For details on how congressional redistricting commissions function, [click here](#).

For more information, contact:

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Legislatures & Elections » Redistricting » 2009 Redistricting Commissions Table

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Redistricting Commissions: Legislative Plans

**Commissions with Primary Responsibility for Drawing a Plan
(All states not represented in this table draw legislative districts through state legislative authority)**

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Alaska Alaska Const. art. 6	5	Governor appoints two; then president of the Senate appoints one; then speaker of the House appoints one; then chief justice of the Supreme Court appoints one. At least one member must be a resident of each judicial district. No member may be a public employee or official.	By September 1, 2010	30 days after census officially reported	90 days after census officially reported
Arizona Ariz. Const. art. 4, pt. 2, § 1	5	The commission on appellate court appointees creates a pool of 25 nominees, ten from each of the two largest parties and five not from either of the two largest parties. The highest ranking officer of the house appoints one from the pool, then the minority leader of the house appoints one, then the highest ranking officer of the senate appoints one, then the minority leader of the senate appoints one. These four appoint a fifth from the pool, not a member of any party already represented on the commission, as chair. If the four deadlock, the commission on appellate court appointments appoints the chair.	By February 28, 2011	None	None
Arkansas Ark. Const. 1874, art. 8	3	Commission consists of the governor, secretary of state, and the attorney general	None	By February 1, 2011	Plan becomes official 30 days after it is filed
California Article XXI	14	With the Passage of Proposition 11 in 2008, the process of redrawing California's state legislative districts was	By December 31, 2010 and each year ending in the	None	By September 15, 2011 and in each year ending in the

		<p>removed from state legislative authority and given to a newly established 14 member commission. The commission must include 5 Democrats, 5 Republicans, and 4 members from neither party. Government auditors are to select 60 registered voters from an applicant pool. Legislative leaders can reduce the pool; the auditors then are to pick eight commission members by lottery, and those commissioners pick six additional members for 14 total. For approval district boundaries need votes from three Democratic commissioners, three Republican commissioners, and three commissioners from neither party.</p>	<p>number zero thereafter</p>		<p>number 1 thereafter</p>
<p>Colorado Colo. Const. <u>art. V</u>, § 48</p>	<p>11</p>	<p>Legislature selects four: (speaker of the House; House minority leader; Senate majority and minority leaders; or their delegates). Governor selects three. Judiciary selects four. Maximum of four from the legislature. Each congressional district must have at least one person, but no more than four people representing it on the commission. At least one member must live west of the Continental Divide.</p>	<p>By August 1, 2011</p>	<p>90 days after the availability of the census data, or after the formation of the committee, whichever is later</p>	<p>March 15, 2012</p>
<p>Hawaii Haw. Const. <u>art. IV</u></p>	<p>9</p>	<p>President of the Senate selects two. Speaker of the House selects two. Minority senate party selects two. These eight select the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.</p>	<p>By March 1, 2011</p>	<p>80 days after the commission forms</p>	<p>150 days after commission formation</p>

Idaho Idaho Const. <u>art. III, § 2</u>	6	Leaders of two largest political parties in each house of the legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.	Within 15 days after the secretary of state orders creation of a commission	None	90 days after the commission is organized, or after census data is received, whichever is later
Missouri Mo. Const. <u>art. III, § 2</u>	House: 18 Senate: 10	There are two separate redistricting committees. Governor picks one person from each list of two submitted by the two main political parties in each congressional district to form the house committee. Governor picks five people from two lists of 10 submitted by the two major political parties in the state to form the senate committee. No commission member may hold office in the legislature for four years after redistricting.	Within 60 days of the census data becoming available	Five months after the commission forms	Six months after formation
Montana Mont. Const. <u>art. V, § 14</u>	5	Majority and minority leaders of both houses of the Legislature each select one member. Those four select a fifth, who is the chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.	The legislative session before the census data is available	The commission must give the plan to the Legislature at the first regular session after its appointment	30 days after the plan is returned by the Legislature
New Jersey N.J. Const. <u>art. IV, § 3</u>	10	The chairs of the two major parties each select five members. If these 10 members cannot develop a plan in the allotted time, the chief justice of the state Supreme Court will appoint an 11th member.	December 1, 2010	February 1, 2011, or one month after the census data becomes available	The initial deadline, or one month after the 11th member is picked
Ohio Ohio Const. <u>art. XI</u>	5	Board consists of the governor, auditor, secretary of state, and two people selected by the legislative leaders of each major political party.	Between August 1 and October 1, 2011	None	October 5, 2011
Pennsylvania Pa. Const. <u>art. II, § 17</u>	5	Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they fail to do so within 45 days, a majority of the state Supreme Court will select the fifth member. The chair cannot be a public official.	None listed	90 days after the availability of the census data or after commission formation, whichever is later	30 days after the last public exception that is filed against the initial plan

Washington Wash. Const. art. II, § 43	5	Majority and minority leaders of the House and Senate each select one. These four select a non-voting fifth to chair the commission. If they fail to do so by January 1, 2001, the state Supreme Court will select the fifth by February 5, 2001. No commission member may be a public official.	January 31, 2011	None	January 1, 2012
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Advisory Commissions

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Maine Me. Const. art. IV, pt. 3, § 1-A	15	Speaker of the House appoints three. House minority leader appoints three. President of the Senate appoints two. Senate minority leader appoints two. Chairs of two major political parties, or their designees. The members from the two parties represented on the commission each appoint a public member, and the two public members choose a third public member.	Within three calendar days of convening the Legislature in 2013	The commission must submit its plan to the Legislature within 120 days after the Legislature convenes in 2013. The Legislature must enact the plan, or another plan, by a 2/3 vote of both houses within 30 days after it receives the commission's plan.	Within 60 days after the Legislature fails to meet its deadline, the supreme judicial court must adopt a plan
Vermont Vt. Stat. Ann. tit. 34A	5	Chief justice appoints the chair; governor appoints one member from each political party that received 25 percent of the vote in the last gubernatorial election; those parties each select one. Secretary of state is secretary of the board but does not vote. No commissioner may be a member or employee of the legislature.	By July 1, 2010	April 1, 2011	May 15, 2011. Legislature must adopt the plan or a substitute at that biennial session.

Backup Commissions

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Connecticut Conn. Const. art. III, § 6	9	President pro tem of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two; these eight must select the ninth within 30 days.	After legislature fails to meet deadline (September 15, 2011)	None	November 30, 2011
Illinois Ill. Const. art. IV, § 3	8	President of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two, one of whom is a legislator and the other is not. No more than four from the same party. If the commission fails to develop a plan by August 10, 2001, the state Supreme Court selects two persons not of the	July 10, 2011 (if legislature fails to meet its deadline of June 30)	None	October 5, 2011

<p>Mississippi Miss. Const. art. 13, § 254</p>	<p>5</p>	<p>same political party, one of whom is chosen by lot to be the ninth member. Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House, president pro tem of the Senate</p>	<p>After legislature fails to meet deadline (60 days after end of second regular session following decennial census)</p>	<p>None</p>	<p>180 days after special apportionment session adjourns</p>
<p>Oklahoma Okla. Const. § V-11A</p>	<p>3</p>	<p>Attorney general, superintendent of public instruction, and state treasurer</p>	<p>After legislature fails to meet deadline (90 days after convening first regular session following decennial census)</p>	<p>None</p>	<p>None</p>
<p>Texas Tex. Const. art. 3, § 28</p>	<p>5</p>	<p>Lieutenant governor, speaker of the House, attorney general, comptroller of public accounts, and commissioner of the general land office</p>	<p>Within 90 days after legislature fails to meet deadline (adjournment of the first regular session following decennial census)</p>	<p>None</p>	<p>60 days after formation</p>

Other

<p>Iowa</p>	<p>Iowa conducts redistricting unlike any other state. The Iowa system does not put the task in the hands of a commission, but rather the legislature does vote on the plans. Nonpartisan legislative staff develop maps for the Iowa House and Senate as well as U.S. House districts without any political or election data including the addresses of incumbents. This is different from all other states. For a detailed description of the Iowa system click here</p>
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[Go to NCSL Redistricting home page](#)

This page is maintained by the Redistricting and Elections Committee for the National Conference of State Legislatures
 Update: 6/25/08 (psw)
 Comments: Tim.Storey@ncsl.org

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Voting Sheets

HOUSE SPECIAL COMMITTEE ON REDISTRICTING

EXECUTIVE SESSION on HB 224-FN

BILL TITLE: establishing an independent legislative redistricting commission.

DATE: March 4, 2011

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Vaillancourt

Seconded by Rep. Rowe

Vote: 11-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Steve Vaillancourt, Clerk

HOUSE SPECIAL COMMITTEE ON REDISTRICTING

EXECUTIVE SESSION on HB 224-FN

BILL TITLE: establishing an independent legislative redistricting commission.

DATE: 3/4/11

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Vaillancourt

Seconded by Rep. Lowe

Vote: N/A (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep., Clerk

SPECIAL COMMITTEE ON REDISTRICTING

Bill #: 224 Title: Establishing an independent redistricting commission

PH Date: 1/1/11

Exec Session Date: 3, 4, 11

Motion: Vaillancourt & Rowe

Amendment #: —

MEMBER	YEAS	NAYS
Mirski, Paul, Chairman	X	
Bates, David, V Chairman	X	
Groen, Warren J	X	
Rowe, Robert H	X	
Swinford, Elaine B	X	
Smith, Edwin O	X	
Richardson, Herbert D	X	
Chandler, Gene G <u>Pherty</u>	X	
Hess, David W <u>RICE</u>	X	
Silva, Peter L <u>McGuire</u>	X	
Vaillancourt, Steve	X	
Bowers, Spec	X	
Pierce, David M		X
Brunelle, Michael D		X
Keans, Sandra B		X
Weber, Lucy M		X
TOTAL VOTE:		

11-4-

Committee Report

REGULAR CALENDAR

March 10, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on SPECIAL
COMMITTEE ON REDISTRICTING to which was
referred HB224-FN,**

**AN ACT establishing an independent legislative
redistricting commission. Having considered the same,
report the same with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Steve Vaillancourt

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee: **SPECIAL COMMITTEE ON REDISTRICTING**
Bill Number: **HB224-FN**
Title: **establishing an independent legislative
redistricting commission.**
Date: **March 10, 2011**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 cost.

Vote 11-4

Original: House Clerk
Cc: Committee Bill File

**Rep. Steve Vaillancourt
FOR THE MAJORITY**

**Original: House Clerk
Cc: Committee Bill File**

REGULAR CALENDAR

SPECIAL COMMITTEE ON REDISTRICTING

HB224-FN, establishing an independent legislative redistricting commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the **Majority** of SPECIAL COMMITTEE ON REDISTRICTING.

Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 cost. **Vote 11-4.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE:

Redistricting

BILL NUMBER:

AB 224

TITLE:

Establishing An independent redistricting commission.

DATE:

3-4-11

CONSENT CALENDAR:

YES

NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Minority report to come.

ATTACHED

COMMITTEE VOTE:

11-4

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep.

Steve Valentin
For the Committee

ATTACHED

HS 224

ITL

11-4

Rep. Steve Vaillancourt for the Special Committee on Redistricting:
Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 *COST.*

OK
Must
stair

HB 224 -- Majority

Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 cost.

Steven Vaillancourt for the Committee

ITL.

HB 224

Rep. Steve Vaillancourt for the Special Committee on Redistricting:
Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 *COST*.

minority report to come!
Pierce?

VOTE-

REGULAR CALENDAR

March 10, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on SPECIAL
COMMITTEE ON REDISTRICTING to which was
referred HB224-FN,**

**AN ACT establishing an independent legislative
redistricting commission. Having considered the same,
and being unable to agree with the Majority, report
with the recommendation that the bill OUGHT TO
PASS.**

Rep. David M Pierce

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: **SPECIAL COMMITTEE ON REDISTRICTING**
Bill Number: **HB224-FN**
Title: **establishing an independent legislative
redistricting commission.**
Date: **March 10, 2011**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS**

STATEMENT OF INTENT

Whoever draws legislative district lines decides who gets elected. But the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters.

Rep. David M Pierce
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

SPECIAL COMMITTEE ON REDISTRICTING

HB224-FN, establishing an independent legislative redistricting commission. **OUGHT TO PASS.** Rep. David M Pierce for the **Minority** of SPECIAL COMMITTEE ON REDISTRICTING. Whoever draws legislative district lines decides who gets elected. But the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters.

Original: House Clerk

Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: Redistricting

BILL NUMBER: HB 224

TITLE: _____

DATE: 3/10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

COMMITTEE VOTE: _____

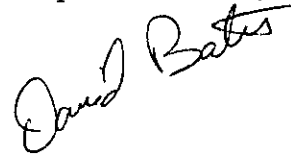
• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,
Rep. David Pierce
For the Minority

HB 224 – Minority Report

Whoever draws legislative district lines decides who gets elected. But the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters.

Rep. David Pierce for the Committee

A handwritten signature in cursive script that reads "David Bates". The signature is written in dark ink and is positioned to the right of the typed text.

HB224, establishing an independent redistricting commission
Minority Report: OTP

Whoever draws legislative district lines decides who gets elected. But the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters.