

Bill as
Introduced

HB 706-FN-A - AS AMENDED BY THE HOUSE

28Feb2019... 0597h
28Feb2019... 0699h

2019 SESSION

19-0192
11/03

HOUSE BILL **706-FN-A**

AN ACT establishing an independent redistricting commission.

SPONSORS: Rep. M. Smith, Straf. 6; Rep. Berch, Ches. 1; Rep. Porter, Hills. 1; Rep. Knirk, Carr. 3; Rep. Danielson, Hills. 7; Rep. Ebel, Merr. 5; Rep. Gordon, Graf. 9; Rep. Myler, Merr. 10; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Feltes, Dist 15

COMMITTEE: Election Law

ANALYSIS

This bill establishes an independent redistricting commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 706-FN-A - AS AMENDED BY THE HOUSE

28Feb2019... 0597h
28Feb2019... 0699h

19-0192
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing an independent redistricting commission.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter
2 662-A the following new chapter:

3 CHAPTER 662-B

4 INDEPENDENT REDISTRICTING COMMISSION

5 662-B:1 Independent Redistricting Commission Established. There is hereby established a New
6 Hampshire independent redistricting commission ("commission"), that shall convene no later than
7 July 1 every 10 years beginning in 2021, in order to:

8 I. Conduct an open and transparent process enabling full public consideration of and
9 comment on the drawing of district lines.

10 II. Draw district lines according to the redistricting criteria specified in this chapter.

11 III. Conduct its business with integrity and fairness.

12 662-B:2 Eligibility to Serve on the Commission.

13 I. A person shall be eligible for appointment to the commission if the person has registered
14 as a voter in New Hampshire, and has been a member of the same political party or with no political
15 party since the previous statewide election.

16 II. Each commission member shall have voted in 2 of the last 3 statewide general elections
17 immediately preceding his or her application for appointment to the commission.

18 III. No person shall be eligible to serve as a member of the commission if, at any point
19 during the 4 years prior to submitting an application for appointment to the commission, the person:

20 (a) Has been a candidate for, or elected to, any federal, state, or county elective public
21 office.

22 (b) Served as an officer or employee of, or consultant to, a major political party or a
23 campaign committee of a candidate for federal, state, or county elective public office.

24 (c) Served as an elected or appointed member of the state committee of a political party.

25 (d) Has been registered as a lobbyist in New Hampshire.

26 (e) Has contributed 75 percent or more of the individual campaign contribution limit
27 allowable under the Federal Election Campaign Act, or any successor law that replace the Federal
28 Election Campaign Act, to any one federal candidate.

29 IV. No person shall be eligible to serve as a commission member if he or she is a staff
30 member, consultant to, under a contract with, or a person with an immediate family relationship

1 with the governor, secretary of state, any member of the legislature, executive council, county
2 commission, or any member of the United States Congress. As used in this section, a member of a
3 person's immediate family is one with whom the person has a bona fide relationship established
4 through blood or legal relation, including parents, children, siblings, and in-laws.

5 V.(a) By joining the commission, a member waives his or her right to hold any federal, state,
6 county, elective public office or to hold any appointed state public office for a period of 4 years from
7 the date of appointment to the commission, and agrees to complete a financial disclosure form 15A
8 as is required of legislators before accepting appointment as a commissioner.

9 (b) A member of the commission shall not be eligible, for a period of 2 years from the
10 appointment, to serve as an officer or employee of, or as a consultant to, the New Hampshire general
11 court, or any individual legislator in the state or in the United States Congress, or to register as a
12 lobbyist in this state.

13 662-B:3 Appointment of Commissioners.

14 I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to
15 the extent practicable, notify all eligible persons and invite them to apply. These efforts shall
16 include, but not be limited to:

17 (a) Advertising the application period and criteria in all daily newspapers in the state
18 once a week for 4 consecutive weeks.

19 (b) Advertising the application period and criteria on the home page of all state agency
20 websites.

21 (c) Requesting media to publicize the commission's search for eligible members.

22 II.(a) A person who is eligible to serve as a member of the commission may submit an
23 application to the secretary of state no later than February 1 of each year ending in the number one.
24 From all timely and eligible applications received, the secretary of state shall choose 45 potential
25 members of the commission by March 15 of each year ending in the number one. The 45 persons so
26 selected shall proportionally represent the 5 current executive council districts. In addition to fair
27 geographic representation, the secretary of state shall, to the extent practicable, achieve racial,
28 ethnic, and gender diversity within the applicant pool, reflective of the state's diversity.

29 (b) The 45 persons so selected shall be divided into 3 pools: 15 members who are
30 members of the largest political party in the state; 15 members who are members of the next largest
31 political party in the state; and 15 persons who are not members of either the largest or next largest
32 political party in the state. The secretary of state shall interview the 45 persons, screening for
33 applicants who are compromise oriented, are able to be impartial, and have an appreciation for New
34 Hampshire's diverse demographics and geography. As a result of those interviews, and no later than
35 May 1 of each year ending in the number 1, the 3 pools shall be reduced by 5 persons each. The
36 majority and minority leaders in each house of the general court shall review the 30 potential

1 members for a period of up to 3 weeks and may each strike 2 applicants, up to a maximum of 8 total
2 strikes by the 4 legislative leaders in total.

3 (c) From the potential members remaining, and no later than May 22 of each year
4 ending in one, the secretary of state shall appoint at random 3 members who are members of the
5 largest political party in the state, 3 members who are members of the next largest political party in
6 the state, and 3 persons who are not members of either the largest or next largest political party in
7 the state. These 9 members shall then appoint the final 6 members from those persons remaining in
8 the pool. Of the final 6 members, 2 members shall be members of the largest political party in the
9 state, 2 members shall be members of the next largest political party in the state, and 2 persons
10 shall not be members of either the largest or next largest political party in the state.

11 III. In the event of substantial neglect of duty, gross misconduct in office, or inability to
12 discharge the duties of office, a member of the commission may, after being served written notice
13 and given an opportunity for a response, be removed by a vote of 11 members of the commission. A
14 finding of substantial neglect of duty or gross misconduct in office may result in referral to the New
15 Hampshire attorney general for criminal prosecution.

16 IV. Vacancies on the commission shall be filled when they occur, by selecting a new member
17 from among the original pool of applicants still willing to serve and from the same party category as
18 the member that held the now vacant position, or by seeking a replacement in the same manner as
19 initial appointments.

20 V. The term of office of commission members expires upon the appointment of the first
21 member of the succeeding commission.

22 662-B:4 Commission Meetings.

23 I. The commission shall act in public meetings by the affirmative vote of at least 9 members,
24 including at least 2 members who are members of each of the 2 largest political parties in the state
25 and 2 who are not members of either the largest or next largest political party in the state.

26 II. All meetings of the commission shall be open to the public. The commission shall
27 publicly post notice of its meetings on the commission website and other appropriate outlets at least
28 7 days prior to such meetings. All records of the commission, including all communications to or
29 from the commission regarding the work of the commission, shall be made available for public
30 inspection.

31 III. The commission shall hold at least one public meeting in each county prior to drawing
32 any maps and at least one public meeting in each county after releasing any proposed maps.

33 IV. The commission shall create a website that shall provide, at a minimum, a description of
34 the role of the commission in the redistricting process, timely information to the public about the
35 time, place, and purpose of each meeting of the commission, reports, minutes, and such other
36 information that will support an open and transparent process.

1 V. The commission shall provide a meaningful opportunity for all persons to participate in
2 the public meetings, including, but not limited to, issuing notices in multiple languages and ensuring
3 that translation and sign language services are available at all hearings at the commission's expense
4 or through partnership with outside organizations. Meetings shall be held only in spaces that are
5 accessible under the Americans with Disabilities Act of 1990, as amended.

6 VI. Commission meetings shall be adequately advertised and planned so as to encourage
7 attendance and participation across the state. This includes scheduling meetings outside of regular
8 work hours and using technology that allows for real-time, virtual participation and feedback.

9 VII. The commission shall be considered a public body subject to RSA 91-A. No documents
10 created or received by the commissioners or staff as part of official duties, including emails and text
11 messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

12 VIII. Commissioners and staff may not communicate with outside persons attempting to
13 influence commissioners or commission action outside of public meetings. To the extent that
14 commissioners and staff receive such communications, the identity of the person or group and the
15 subject of the communication shall be publicly disclosed on the commission website.

16 662-B:5 Developing Redistricting Maps.

17 I. During the map drawing process, any member of the public may submit maps or portion of
18 maps for consideration by the commission. These submissions shall be made publicly available and
19 shall include the name of the person making the submission. Electronically submitted maps may be
20 posted on the commission website.

21 II.(a) The commission shall release proposed maps and shall display the proposed maps, in a
22 manner determined by the commission, providing that such display shall include posting on the
23 commission website for a minimum of 14 days for public comment and by distribution to the news
24 media in a manner designed to achieve the widest public access reasonably possible before
25 establishing a final plan. Additionally, the efforts to achieve access shall include but not be limited
26 to:

27 (1) Advertising the availability of the proposed maps in all daily newspapers in the
28 state.

29 (2) Advertising the availability of the proposed maps on the home page of all state
30 agency websites.

31 (3) Requesting media to publicize the availability of the proposed maps.

32 (b) When releasing a proposed map, the commission shall also release population data,
33 geographic data, election data, and any other data used to create the plan.

34 III. The commission shall issue with all proposed and final maps written evaluations that
35 measure the maps against external metrics. These metrics shall cover all criteria set forth in RSA
36 662-B:6, including the impact of the maps on the ability of minority communities to elect candidates

1 of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to
2 which the maps preserve or divide communities of interest.

3 IV.(a) No later than January 15 of any year ending in 2, the commission shall act to approve
4 final plans for New Hampshire county commission, house, senate, executive council, and
5 congressional districts. Upon approval, the commission shall submit the final New Hampshire house
6 and senate, executive council, and congressional district plans to the senate president, speaker of the
7 house of representatives, and senate and house minority leaders.

8 (b) If a chamber of the legislature fails to pass the final plans for the New Hampshire
9 house and senate, the presiding officer of that chamber shall issue a written explanation specifying
10 how the final plan fails the criteria listed in RSA 662-B:6 or any other binding federal or state law.
11 The commission shall then amend the final plans to the extent necessary to satisfy the criteria in
12 RSA 662-B:6 or other legal requirements and resubmit it to the legislature for a subsequent up or
13 down floor vote.

14 (c) This process shall repeat until the legislature passes final plans for the New
15 Hampshire house and senate at which point the plans shall be filed with the Secretary of State.

16 662-B:6 Redistricting Criteria.

17 I. The commission shall establish single or multi-member districts for the New Hampshire
18 county commissions, house of representatives, and single member districts for the New Hampshire
19 senate, executive council, and United States representative, using the following criteria as set forth
20 in the following order of priority:

21 (a) Districts shall comply with the United States Constitution and all applicable federal
22 laws. Districts shall be drawn on the basis of total population.

23 (b) Districts shall comply with the New Hampshire constitution and all applicable state
24 laws.

25 (c) Districts shall form single boundaries and shall not be bisected or otherwise divided
26 by other districts, and shall respect the geographic integrity of political boundaries to the extent
27 practicable without violating the requirements of state law or any of the preceding subdivisions.

28 (d) Districts shall provide racial minorities and language minorities with an equal
29 opportunity to participate in the political process and shall not diminish their ability to elect
30 candidates of choice, whether alone or in coalition with others.

31 (e) Districts shall respect the integrity of communities of interest to the extent
32 practicable. For purposes of this section a community of interest is defined as an area with
33 recognized similarities of interests, including but not limited to racial, ethnic, economic, social,
34 cultural, geographic, or historic identities. Communities of interest shall not include common
35 relationships with political parties or political candidates.

36 II. The plan as a whole shall not have the intent or the effect of unduly favoring or
37 disfavoring any political party, incumbent, or candidate for political office.

1 662-B:7 Failure of Commission and Legislature to Reach Consensus. If the commission fails to
2 approve and file redistricting plans by January 15 in a year ending in 2, or the legislature fails to
3 adopt and file a redistricting plan by February 15 of the even year following a federal decennial
4 census, the New Hampshire supreme court shall appoint by March 1 in the even year following a
5 decennial census a special master to create the relevant plans in accordance with the redistricting
6 criteria and requirements set forth in RSA 662-B:6. The court shall make the special master's plans
7 public and schedule a hearing where interested parties may present testimony and other evidence
8 regarding the plans' compliance with redistricting criteria. The supreme court shall accept the
9 master's proposed plan no later than April 1 of the even year following the decennial census and
10 certify the results to the secretary of state, who shall forward the plan to the president of the senate,
11 the speaker of the house of representatives, and the minority leaders of both the house of
12 representatives and senate for adoption in accordance with RSA 662-B:5, IV.

13 662-B:8 Judicial Review.

14 I. The New Hampshire supreme court has original and exclusive jurisdiction in all
15 proceedings in which the final and legislatively adopted redistricting map is challenged or is claimed
16 not to have taken timely effect.

17 II. Any registered voter in this state may file a petition, within 45 days after adoption of a
18 final map on the grounds that the plan violates any federal or state law.

19 III. The New Hampshire supreme court shall give priority to ruling on any matter related to
20 redistricting presented to the court. If the court determines that the final plan violates any federal
21 or state law, the court shall fashion the relief that it deems appropriate, including, but not limited
22 to, appointment of a new special master in accordance with RSA 662-B:7.

23 662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at the
24 federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

25 662-B:10 Financial Independence.

26 I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums
27 not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

28 II. For each subsequent biennium preceding the decennial census, the governor shall include
29 in his or her budget recommendation appropriations sufficient to meet the estimated expenses of the
30 commission, including but not limited to adequate funding for a statewide outreach program to
31 solicit broad public participation in the redistricting process and adequate office space available for
32 the operation of the commission.

33 662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such
34 administrative and staff support as is necessary for the commission to perform its duties.

35 2 Effective Date. This act shall take effect upon its passage.

**HB 706-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing an independent redistricting commission.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

The Judicial Branch and Department of Justice were originally contacted on January 8, 2019, with follow up on January 15, 2019 for a fiscal note worksheet, which they have not provided as of February 12, 2019.

METHODOLOGY:

This bill creates an independent redistricting commission to convene no later than December 30th every 10 years, beginning in 2020. The Secretary of State would identify the pool of eligible individuals to serve as commissioners, notify such eligible persons and invite them to apply, and use advertisements and media to publicize the search for eligible members. The Secretary of State shall select 60 qualified individuals from this process and further interview and screen these individuals to offer a list of 30 individuals to the House and Senate majority and minority leaders of the General Court for further review and selection, and the Secretary shall then appoint 9 members who will appoint the final 6 members. The Secretary of State shall provide administrative and staff support to the commission.

The Department of State indicates the process of selection of commissioners is involved and would be concurrent with election responsibilities, which may necessitate additional staff. Actual costs are indeterminable at this time.

The Legislative Branch assumes additional costs associated with independent commission member mileage reimbursement would be addressed through appropriations to the Secretary of State's Office. Expenses of the leadership of the General Court in striking applicants and voting on final plans could be absorbed without additional legislative funding.

AGENCIES CONTACTED:

Departments of State and Justice, Legislative and Judicial Branches

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HOUSE BILL

706-FN-A

AN ACT

establishing an independent redistricting commission.

SPONSORS:

Rep. M. Smith, Straf. 6; Rep. Berch, Ches. 1; Rep. Porter, Hills. 1; Rep. Knirk, Carr. 3; Rep. Danielson, Hills. 7; Rep. Ebel, Merr. 5; Rep. Gordon, Graf. 9; Rep. Myler, Merr. 10; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Feltes, Dist 15

COMMITTEE:

Election Law

ANALYSIS

This bill establishes an independent redistricting commission.

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.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing an independent redistricting commission.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter
2 662-A the following new chapter:

3 CHAPTER 662-B

4 INDEPENDENT REDISTRICTING COMMISSION

5 662-B:1 Independent Redistricting Commission Established. There is hereby established a New
6 Hampshire independent redistricting commission ("commission"), that shall convene no later than
7 July 1, 2021, and every 10 years thereafter, in order to:

8 I. Conduct an open and transparent process enabling full public consideration of and
9 comment on the drawing of district lines.

10 II. Draw district lines according to the redistricting criteria specified in this chapter.

11 III. Conduct its business with integrity and fairness.

12 662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to
13 the commission if the person is eligible to register to vote in New Hampshire and if the person does
14 not currently hold office in the United States House of Representatives, New Hampshire senate,
15 New Hampshire house of representatives, executive council, or a county commission.

16 662-B:3 Appointment of Commissioners.

17 I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to
18 the extent practicable, notify all eligible persons and invite them to apply. These efforts may
19 include:

20 (a) Advertising the application period and criteria in daily newspapers in the state.

21 (b) Advertising the application period and criteria on the home page of state agency
22 websites.

23 (c) Requesting media to publicize the commission's search for eligible members.

24 (d) Publicizing the application period and criteria in the New Hampshire house and
25 senate calendars.

26 II.(a) A person who is eligible to serve as a member of the commission may submit an
27 application to the secretary of state no later than February 1 of each year ending in the number one.
28 Such application shall include the following information:

29 (1) Whether the applicant has registered as a lobbyist in the preceding 10 years.

1 (2) What elective offices, if any, the applicant has held in New Hampshire in the
2 preceding 10 years.

3 (3) If the applicant has voted in a state primary election or presidential primary
4 election in New Hampshire in the preceding 6 years, which political party's ballots the applicant has
5 taken.

6 (b) From all eligible applications received, the senate and house leaders from the
7 majority party in the house shall nominate 10 applicants from the majority party in the house, and
8 the senate and house leaders from the largest minority party in the house shall nominate 10
9 applicants from the largest minority party in the house. The senate and house leaders from the
10 majority party in the house shall chose 5 members from the 10 applicants so selected from largest
11 minority party in the house to serve on the commission. The senate and house leaders from the
12 largest minority party in the house shall chose 5 members from the 10 applicants so selected from
13 the majority party in the house to serve on the commission.

14 (c) The 10 commissioners so selected shall together select 5 commissioners from the
15 applicants who are not members of the majority party in the house or the largest minority party in
16 the house. The 10 commissioners may not initiate communications or reply to communications
17 about the selection process of the remaining 5 commissioners with outside persons attempting to
18 influence commissioners or commission action. The process of selecting the 5 commission members
19 not affiliated with the majority party in the house or the largest minority party in the house is not
20 subject to the right-to-know law in RSA 91-A.

21 III. In the event of substantial neglect of duty, gross misconduct in office, or inability to
22 discharge the duties of office, a member of the commission may, after being served written notice
23 and given an opportunity for a response, be removed by a vote of 11 members of the commission. A
24 finding of substantial neglect of duty or gross misconduct in office may result in referral to the New
25 Hampshire attorney general for criminal prosecution.

26 IV. Vacancies on the commission shall be filled when they occur by the commission
27 selecting, by a vote of 11 members, a new member from among the original pool of applicants of the
28 same political party as the vacated commissioner seat still willing to serve or by seeking a
29 replacement in the same manner as initial appointments.

30 V. The term of office of commission members expires 2 years after the final enactment of the
31 redistricting plan into law.

32 662-B:4 Commission Meetings.

33 I. The commission shall act in public meetings by the affirmative vote of at least 9 members.

34 II. All meetings of the commission shall be open to the public. The commission shall
35 publicly post notice of its meetings on the commission website and other appropriate outlets at least
36 7 days prior to such meetings. All records of the commission, including all communications to or

1 from the commission regarding the work of the commission, shall be made available for public
2 inspection.

3 III. The commission shall hold at least one public meeting in each county prior to drawing
4 any maps and at least one public meeting in each county after releasing any proposed maps.

5 IV. The commission shall create a website that shall provide, at a minimum, a description of
6 the role of the commission in the redistricting process, timely information to the public about the
7 time, place, and purpose of each meeting of the commission, reports, minutes, and such other
8 information that will support an open and transparent process.

9 V. The commission shall provide a meaningful opportunity for all persons to participate in
10 the public meetings. Meetings shall be held only in spaces that are accessible under the Americans
11 with Disabilities Act of 1990, as amended.

12 VI. Commission meetings shall be adequately advertised and planned so as to encourage
13 attendance and participation across the state. This includes scheduling meetings outside of regular
14 work hours.

15 VII. The commission shall be considered a public body subject to RSA 91-A. No documents
16 created or received by the commissioners or staff as part of official duties, including emails and text
17 messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

18 VIII. Commissioners and staff may not initiate communications or reply to communications
19 about commission business with outside persons attempting to influence commissioners or
20 commission action outside of public meetings. To the extent that commissioners and staff receive
21 such communications, the identity of the person or group and the subject of the communication shall
22 be publicly disclosed on the commission website.

23 662-B:5 Developing Redistricting Maps.

24 I. During the map drawing process, any member of the public may submit maps or portion of
25 maps for consideration by the commission in a portable document format suitable for archiving
26 (PDF/A) format, or other format approved by the secretary of state. These submissions shall be
27 made publicly available and shall include the name of the person making the submission.
28 Electronically submitted maps may be posted on the commission website.

29 II.(a) The commission shall post proposed maps in a manner determined by the commission,
30 provided that such display shall include posting on the commission website for a minimum of 7 days
31 for public comment and by distribution to the news media in a manner designed to achieve the
32 widest public access reasonably possible before establishing a final plan. Additionally, the efforts to
33 achieve access may include but not be limited to:

34 (1) Advertising the availability of the proposed maps in daily newspapers in the
35 state.

36 (2) Advertising the availability of the proposed maps on the home page of state
37 agency websites.

1 (3) Requesting media to publicize the availability of the proposed maps.

2 (b) When releasing a proposed map, the commission shall also release the data used to
3 create the plan, such as population data, geographic data, and election data.

4 III. The commission shall issue with the proposed and final maps written evaluations that
5 measure the maps against external metrics, and may include efficiency gap and compactness. These
6 metrics shall cover all criteria set forth in RSA 662-B:6.

7 IV.(a) No later than December 20 of any year ending in one, the commission shall submit
8 final plans for New Hampshire county commission, house, senate, executive council, and
9 congressional districts to the senate president, speaker of the house of representatives, and senate
10 and house minority leaders.

11 (b) If a chamber of the legislature fails to pass the final plans for any of the districts, the
12 commission shall review the legislative record. The commission shall then amend the final plans
13 after reviewing the legislative record, and resubmit the plans to the legislature.

14 (c) When the legislature passes final redistricting plans the plans shall be filed with the
15 secretary of state.

16 662-B:6 Redistricting Criteria.

17 I. The commission shall establish single or multi-member districts for the New Hampshire
18 county commissions, house of representatives, and single member districts for the New Hampshire
19 senate, executive council, and United States representative, using the following criteria as set forth
20 in the following order of priority:

21 (a) Districts shall comply with the United States Constitution and all applicable federal
22 laws. Districts shall be drawn on the basis of total population.

23 (b) Districts shall comply with the New Hampshire constitution and all applicable state
24 laws.

25 (c) Districts shall form single boundaries and shall not be bisected or otherwise divided
26 by other districts, and shall respect the geographic integrity of political boundaries to the extent
27 practicable without violating the requirements of state law or any preceding subdivisions.

28 (d) Districts shall be drawn in compact shapes and shall avoid jagged edges and
29 extensions.

30 (e) Commissioners shall consider the integrity of communities of interest to the extent
31 practicable. For purposes of this section a community of interest is defined as an area with
32 recognized similarities of interests, including but not limited to racial, ethnic, economic, social,
33 cultural, geographic or historic identities. Communities of interest shall not include common
34 relationships with political parties or political candidates.

35 II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or
36 disfavoring any political party, incumbent, or candidate for political office.

1 (b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any
2 racial or language group.

3 662-B:7 Failure of Legislature to Reach Consensus. If a redistricting plan is not enacted, any
4 registered voter may file a petition with the New Hampshire supreme court. The supreme court may
5 appoint a special master to create the relevant plans, upon its determination that no redistricting
6 plan will be validly enacted in time for the upcoming election. If the court creates a redistricting
7 plan, nothing in this section shall prevent a subsequent legislature from enacting an otherwise
8 lawful redistricting plan.

9 662-B:8 Judicial Review. Any registered voter in this state may file a petition, within 45 days
10 after adoption of a final map on the grounds that the plan violates any federal or state law.

11 662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at the
12 federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

13 662-B:10 Financial Independence.

14 I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums
15 not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

16 II. For each subsequent biennium preceding the decennial census, the governor shall include
17 in his or her budget recommendation appropriations sufficient to meet the estimated expenses of the
18 commission, including but not limited to adequate funding for a statewide outreach program to
19 solicit broad public participation in the redistricting process and adequate office space available for
20 the operation of the commission.

21 662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such
22 administrative and staff support as is necessary for the commission to perform its duties.

23 2 Effective Date. This act shall take effect upon its passage.

**HB 706-FN-A- FISCAL NOTE
 AS INTRODUCED**

AN ACT establishing an independent redistricting commission.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

The Judicial Branch and Department of Justice were originally contacted on January 8, 2019, with follow up on January 15, 2019 for a fiscal note worksheet, which they have not provided as of February 12, 2019.

METHODOLOGY:

This bill creates an independent redistricting commission to convene no later than December 30th every 10 years, beginning in 2020. The Secretary of State would identify the pool of eligible individuals to serve as commissioners, notify such eligible persons and invite them to apply, and use advertisements and media to publicize the search for eligible members. The Secretary of State shall select 60 qualified individuals from this process and further interview and screen these individuals to offer a list of 30 individuals to the House and Senate majority and minority leaders of the General Court for further review and selection, and the Secretary shall then appoint 9 members who will appoint the final 6 members. The Secretary of State shall provide administrative and staff support to the commission.

The Department of State indicates the process of selection of commissioners is involved and would be concurrent with election responsibilities, which may necessitate additional staff. Actual costs are indeterminable at this time.

The Legislative Branch assumes additional costs associated with independent commission member mileage reimbursement would be addressed through appropriations to the Secretary of State's Office. Expenses of the leadership of the General Court in striking applicants and voting on final plans could be absorbed without additional legislative funding.

AGENCIES CONTACTED:

Departments of State and Justice, Legislative and Judicial Branches

**HB 706-FN-A FISCAL NOTE
 AS INTRODUCED**

AN ACT establishing an independent redistricting commission.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

The Judicial Branch and Department of Justice were originally contacted on January 8, 2019, with follow up on January 15, 2019 for a fiscal note worksheet, which they have not provided as of February 12, 2019.

METHODOLOGY:

This bill creates an independent redistricting commission to convene no later than December 30th every 10 years, beginning in 2020. The Secretary of State would identify the pool of eligible individuals to serve as commissioners, notify such eligible persons and invite them to apply, and use advertisements and media to publicize the search for eligible members. The Secretary of State shall select 60 qualified individuals from this process and further interview and screen these individuals to offer a list of 30 individuals to the House and Senate majority and minority leaders of the General Court for further review and selection, and the Secretary shall then appoint 9 members who will appoint the final 6 members. The Secretary of State shall provide administrative and staff support to the commission.

The Department of State indicates the process of selection of commissioners is involved and would be concurrent with election responsibilities, which may necessitate additional staff. Actual costs are indeterminable at this time.

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member mileage reimbursement would be addressed through appropriations to the Secretary of State's Office. Expenses of the leadership of the General Court in striking applicants and voting on final plans could be absorbed without additional legislative funding.

AGENCIES CONTACTED:

Departments of State and Justice, Legislative and Judicial Branches

HB 706-FN-A - FINAL VERSION

28Feb2019... 0597h
28Feb2019... 0699h
05/23/2019 2026s

2019 SESSION

19-0192
11/03

HOUSE BILL **706-FN-A**

AN ACT establishing an independent redistricting commission.

SPONSORS: Rep. M. Smith, Straf. 6; Rep. Berch, Ches. 1; Rep. Porter, Hills. 1; Rep. Knirk, Carr. 3; Rep. Danielson, Hills. 7; Rep. Ebel, Merr. 5; Rep. Gordon, Graf. 9; Rep. Myler, Merr. 10; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Feltes, Dist 15

COMMITTEE: Election Law

ANALYSIS

This bill establishes an independent redistricting commission.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing an independent redistricting commission.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter
2 662-A the following new chapter:

3 CHAPTER 662-B

4 INDEPENDENT REDISTRICTING COMMISSION

5 662-B:1 Independent Redistricting Commission Established. There is hereby established a New
6 Hampshire independent redistricting commission ("commission"), that shall convene no later than
7 July 1, 2021, and every 10 years thereafter, in order to:

8 I. Conduct an open and transparent process enabling full public consideration of and
9 comment on the drawing of district lines.

10 II. Draw district lines according to the redistricting criteria specified in this chapter.

11 III. Conduct its business with integrity and fairness.

12 662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to
13 the commission if the person is eligible to register to vote in New Hampshire and if the person does
14 not currently hold office in the United States House of Representatives, New Hampshire senate,
15 New Hampshire house of representatives, executive council, or a county commission.

16 662-B:3 Appointment of Commissioners.

17 I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to
18 the extent practicable, notify all eligible persons and invite them to apply. These efforts may
19 include:

20 (a) Advertising the application period and criteria in daily newspapers in the state.

21 (b) Advertising the application period and criteria on the home page of state agency
22 websites.

23 (c) Requesting media to publicize the commission's search for eligible members.

24 (d) Publicizing the application period and criteria in the New Hampshire house and
25 senate calendars.

26 II.(a) A person who is eligible to serve as a member of the commission may submit an
27 application to the secretary of state no later than February 1 of each year ending in the number one.
28 Such application shall include the following information:

29 (1) Whether the applicant has registered as a lobbyist in the preceding 10 years.

1 (2) What elective offices, if any, the applicant has held in New Hampshire in the
2 preceding 10 years.

3 (3) If the applicant has voted in a state primary election or presidential primary
4 election in New Hampshire in the preceding 6 years, which political party's ballots the applicant has
5 taken.

6 (b) From all eligible applications received, the senate and house leaders from the
7 majority party in the house shall nominate 10 applicants from the majority party in the house, and
8 the senate and house leaders from the largest minority party in the house shall nominate 10
9 applicants from the largest minority party in the house. The senate and house leaders from the
10 majority party in the house shall chose 5 members from the 10 applicants so selected from largest
11 minority party in the house to serve on the commission. The senate and house leaders from the
12 largest minority party in the house shall chose 5 members from the 10 applicants so selected from
13 the majority party in the house to serve on the commission.

14 (c) The 10 commissioners so selected shall together select 5 commissioners from the
15 applicants who are not members of the majority party in the house or the largest minority party in
16 the house. The 10 commissioners may not initiate communications or reply to communications
17 about the selection process of the remaining 5 commissioners with outside persons attempting to
18 influence commissioners or commission action. The process of selecting the 5 commission members
19 not affiliated with the majority party in the house or the largest minority party in the house is not
20 subject to the right-to-know law in RSA 91-A.

21 III. In the event of substantial neglect of duty, gross misconduct in office, or inability to
22 discharge the duties of office, a member of the commission may, after being served written notice
23 and given an opportunity for a response, be removed by a vote of 11 members of the commission. A
24 finding of substantial neglect of duty or gross misconduct in office may result in referral to the New
25 Hampshire attorney general for criminal prosecution.

26 IV. Vacancies on the commission shall be filled when they occur by the commission
27 selecting, by a vote of 11 members, a new member from among the original pool of applicants of the
28 same political party as the vacated commissioner seat still willing to serve or by seeking a
29 replacement in the same manner as initial appointments.

30 V. The term of office of commission members expires 2 years after the final enactment of the
31 redistricting plan into law.

32 662-B:4 Commission Meetings.

33 I. The commission shall act in public meetings by the affirmative vote of at least 9 members.

34 II. All meetings of the commission shall be open to the public. The commission shall
35 publicly post notice of its meetings on the commission website and other appropriate outlets at least
36 7 days prior to such meetings. All records of the commission, including all communications to or

1 from the commission regarding the work of the commission, shall be made available for public
2 inspection.

3 III. The commission shall hold at least one public meeting in each county prior to drawing
4 any maps and at least one public meeting in each county after releasing any proposed maps.

5 IV. The commission shall create a website that shall provide, at a minimum, a description of
6 the role of the commission in the redistricting process, timely information to the public about the
7 time, place, and purpose of each meeting of the commission, reports, minutes, and such other
8 information that will support an open and transparent process.

9 V. The commission shall provide a meaningful opportunity for all persons to participate in
10 the public meetings. Meetings shall be held only in spaces that are accessible under the Americans
11 with Disabilities Act of 1990, as amended.

12 VI. Commission meetings shall be adequately advertised and planned so as to encourage
13 attendance and participation across the state. This includes scheduling meetings outside of regular
14 work hours.

15 VII. The commission shall be considered a public body subject to RSA 91-A. No documents
16 created or received by the commissioners or staff as part of official duties, including emails and text
17 messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

18 VIII. Commissioners and staff may not initiate communications or reply to communications
19 about commission business with outside persons attempting to influence commissioners or
20 commission action outside of public meetings. To the extent that commissioners and staff receive
21 such communications, the identity of the person or group and the subject of the communication shall
22 be publicly disclosed on the commission website.

23 662-B:5 Developing Redistricting Maps.

24 I. During the map drawing process, any member of the public may submit maps or portion of
25 maps for consideration by the commission in a portable document format suitable for archiving
26 (PDF/A) format, or other format approved by the secretary of state. These submissions shall be
27 made publicly available and shall include the name of the person making the submission.
28 Electronically submitted maps may be posted on the commission website.

29 II.(a) The commission shall post proposed maps in a manner determined by the commission,
30 provided that such display shall include posting on the commission website for a minimum of 7 days
31 for public comment and by distribution to the news media in a manner designed to achieve the
32 widest public access reasonably possible before establishing a final plan. Additionally, the efforts to
33 achieve access may include but not be limited to:

34 (1) Advertising the availability of the proposed maps in daily newspapers in the
35 state.

36 (2) Advertising the availability of the proposed maps on the home page of state
37 agency websites.

1 (3) Requesting media to publicize the availability of the proposed maps.

2 (b) When releasing a proposed map, the commission shall also release the data used to
3 create the plan, such as population data, geographic data, and election data.

4 III. The commission shall issue with the proposed and final maps written evaluations that
5 measure the maps against external metrics, and may include efficiency gap and compactness. These
6 metrics shall cover all criteria set forth in RSA 662-B:6.

7 IV.(a) No later than December 20 of any year ending in one, the commission shall submit
8 final plans for New Hampshire county commission, house, senate, executive council, and
9 congressional districts to the senate president, speaker of the house of representatives, and senate
10 and house minority leaders.

11 (b) If a chamber of the legislature fails to pass the final plans for any of the districts, the
12 commission shall review the legislative record. The commission shall then amend the final plans
13 after reviewing the legislative record, and resubmit the plans to the legislature.

14 (c) When the legislature passes final redistricting plans the plans shall be filed with the
15 secretary of state.

16 662-B:6 Redistricting Criteria.

17 I. The commission shall establish single or multi-member districts for the New Hampshire
18 county commissions, house of representatives, and single member districts for the New Hampshire
19 senate, executive council, and United States representative, using the following criteria as set forth
20 in the following order of priority:

21 (a) Districts shall comply with the United States Constitution and all applicable federal
22 laws. Districts shall be drawn on the basis of total population.

23 (b) Districts shall comply with the New Hampshire constitution and all applicable state
24 laws.

25 (c) Districts shall form single boundaries and shall not be bisected or otherwise divided
26 by other districts, and shall respect the geographic integrity of political boundaries to the extent
27 practicable without violating the requirements of state law or any preceding subdivisions.

28 (d) Districts shall be drawn in compact shapes and shall avoid jagged edges and
29 extensions.

30 (e) Commissioners shall consider the integrity of communities of interest to the extent
31 practicable. For purposes of this section a community of interest is defined as an area with
32 recognized similarities of interests, including but not limited to racial, ethnic, economic, social,
33 cultural, geographic or historic identities. Communities of interest shall not include common
34 relationships with political parties or political candidates.

35 II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or
36 disfavoring any political party, incumbent, or candidate for political office.

1 (b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any
2 racial or language group.

3 662-B:7 Failure of Legislature to Reach Consensus. If a redistricting plan is not enacted, any
4 registered voter may file a petition with the New Hampshire supreme court. The supreme court may
5 appoint a special master to create the relevant plans, upon its determination that no redistricting
6 plan will be validly enacted in time for the upcoming election. If the court creates a redistricting
7 plan, nothing in this section shall prevent a subsequent legislature from enacting an otherwise
8 lawful redistricting plan.

9 662-B:8 Judicial Review. Any registered voter in this state may file a petition within 45 days
10 after adoption of a final map on the grounds that the plan violates any federal or state law.

11 662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at the
12 federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

13 662-B:10 Financial Independence.

14 I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums
15 not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

16 II. For each subsequent biennium preceding the decennial census, the governor shall include
17 in his or her budget recommendation appropriations sufficient to meet the estimated expenses of the
18 commission, including but not limited to adequate funding for a statewide outreach program to
19 solicit broad public participation in the redistricting process and adequate office space available for
20 the operation of the commission.

21 662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such
22 administrative and staff support as is necessary for the commission to perform its duties.

23 2 Effective Date. This act shall take effect upon its passage.

24

25 VETOED August 9, 2019

26 Veto Sustained September 18, 2019

27

HB 706-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT establishing an independent redistricting commission.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

The Judicial Branch and Department of Justice were originally contacted on January 8, 2019, with follow up on January 15, 2019 for a fiscal note worksheet, which they have not provided as of February 12, 2019.

METHODOLOGY:

This bill creates an independent redistricting commission to convene no later than December 30th every 10 years, beginning in 2020. The Secretary of State would identify the pool of eligible individuals to serve as commissioners, notify such eligible persons and invite them to apply, and use advertisements and media to publicize the search for eligible members. The Secretary of State shall select 60 qualified individuals from this process and further interview and screen these individuals to offer a list of 30 individuals to the House and Senate majority and minority leaders of the General Court for further review and selection, and the Secretary shall then appoint 9 members who will appoint the final 6 members. The Secretary of State shall provide administrative and staff support to the commission.

The Department of State indicates the process of selection of commissioners is involved and would be concurrent with election responsibilities, which may necessitate additional staff. Actual costs are indeterminable at this time.

The Legislative Branch assumes additional costs associated with independent commission member mileage reimbursement would be addressed through appropriations to the Secretary of State's Office. Expenses of the leadership of the General Court in striking applicants and voting on final plans could be absorbed without additional legislative funding.

AGENCIES CONTACTED:

Departments of State and Justice, Legislative and Judicial Branches

Amendments

Sen. Gray, Dist 6
Rep. M. Smith, Straf. 6
April 29, 2019
2019-1707s
11/04

Amendment to HB 706-FN-A

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter
4 662-A the following new chapter:

5

CHAPTER 662-B

6

INDEPENDENT REDISTRICTING COMMISSION

7

662-B:1 Independent Redistricting Commission Established. There is hereby established a New
8 Hampshire independent redistricting commission ("commission"); that shall convene no later than
9 July 1, 2021, and every 10 years thereafter, in order to:

10

I. Conduct an open and transparent process enabling full public consideration of and
11 comment on the drawing of district lines.

12

II. Draw district lines according to the redistricting criteria specified in this chapter.

13

III. Conduct its business with integrity and fairness.

14

662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to
15 the commission if the person is eligible to register to vote in New Hampshire and if the person does
16 not currently hold office in the United States House of Representatives, New Hampshire senate,
17 New Hampshire house of representatives, executive council, or a county commission.

18

662-B:3 Appointment of Commissioners.

19

I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to
20 the extent practicable, notify all eligible persons and invite them to apply. These efforts may
21 include:

22

(a) Advertising the application period and criteria in daily newspapers in the state.

23

(b) Advertising the application period and criteria on the home page of state agency

24

websites.

25

(c) Requesting media to publicize the commission's search for eligible members.

26

(d) Publicizing the application period and criteria in the New Hampshire house and

27

senate calendars.

28

II.(a) A person who is eligible to serve as a member of the commission may submit an
29 application to the secretary of state no later than February 1 of each year ending in the number
30 one. Such application shall include the following information:

31

(1) Whether the applicant has registered as a lobbyist in the preceding 10 years.

Amendment to HB 706-FN-A

- Page 2 -

1 (2) What elective offices, if any, the applicant has held in New Hampshire in the
2 preceding 10 years.

3 (3) If the applicant has voted in a state primary election or presidential primary
4 election in New Hampshire in the preceding 6 years, which political party's ballots the applicant
5 has taken.

6 (b) From all eligible applications received, the senate and house leaders from the
7 majority party in the house shall nominate 10 applicants from the majority party in the house, and
8 the senate and house leaders from the largest minority party in the house shall nominate 10
9 applicants from the largest minority party in the house. The senate and house leaders from the
10 majority party in the house shall chose 5 members from the 10 applicants so selected from largest
11 minority party in the house to serve on the commission. The senate and house leaders from the
12 largest minority party in the house shall chose 5 members from the 10 applicants so selected from
13 the majority party in the house to serve on the commission.

14 (c) The 10 commissioners so selected shall together select 5 commissioners from the
15 applicants who are not members of the majority party in the house or the largest minority party in
16 the house. The 10 commissioners may not initiate communications or reply to communications
17 about the selection process of the remaining 5 commissioners with outside persons attempting to
18 influence commissioners or commission action. The process of selecting the 5 commission members
19 not affiliated with the majority party in the house or the largest minority party in the house is not
20 subject to the right-to-know law in RSA 91-A.

21 III. In the event of substantial neglect of duty, gross misconduct in office, or inability to
22 discharge the duties of office, a member of the commission may, after being served written notice
23 and given an opportunity for a response, be removed by a vote of 11 members of the commission. A
24 finding of substantial neglect of duty or gross misconduct in office may result in referral to the New
25 Hampshire attorney general for criminal prosecution.

26 IV. Vacancies on the commission shall be filled when they occur by the commission
27 selecting, by a vote of 11 members, a new member from among the original pool of applicants of the
28 same political party as the vacated commissioner seat still willing to serve or by seeking a
29 replacement in the same manner as initial appointments.

30 V. The term of office of commission members expires 2 years after the final enactment of
31 the redistricting plan into law.

32 662-B:4 Commission Meetings.

33 I. The commission shall act in public meetings by the affirmative vote of at least 9
34 members.

35 II. All meetings of the commission shall be open to the public. The commission shall
36 publicly post notice of its meetings on the commission website and other appropriate outlets at least
37 7 days prior to such meetings. All records of the commission, including all communications to or

1 from the commission regarding the work of the commission, shall be made available for public
2 inspection.

3 III. The commission shall hold at least one public meeting in each county prior to drawing
4 any maps and at least one public meeting in each county after releasing any proposed maps.

5 IV. The commission shall create a website that shall provide, at a minimum, a description
6 of the role of the commission in the redistricting process, timely information to the public about the
7 time, place, and purpose of each meeting of the commission, reports, minutes, and such other
8 information that will support an open and transparent process.

9 V. The commission shall provide a meaningful opportunity for all persons to participate in
10 the public meetings. Meetings shall be held only in spaces that are accessible under the Americans
11 with Disabilities Act of 1990, as amended.

12 VI. Commission meetings shall be adequately advertised and planned so as to encourage
13 attendance and participation across the state. This includes scheduling meetings outside of regular
14 work hours.

15 VII. The commission shall be considered a public body subject to RSA 91-A. No documents
16 created or received by the commissioners or staff as part of official duties, including emails and text
17 messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

18 VIII. Commissioners and staff may not initiate communications or reply to communications
19 about commission business with outside persons attempting to influence commissioners or
20 commission action outside of public meetings. To the extent that commissioners and staff receive
21 such communications, the identity of the person or group and the subject of the communication
22 shall be publicly disclosed on the commission website.

23 662-B:5 Developing Redistricting Maps.

24 I. During the map drawing process, any member of the public may submit maps or portion
25 of maps for consideration by the commission in a portable document format suitable for archiving
26 (PDF/A) format, or other format approved by the secretary of state. These submissions shall be
27 made publicly available and shall include the name of the person making the submission.
28 Electronically submitted maps may be posted on the commission website.

29 II.(a) The commission shall post proposed maps in a manner determined by the commission,
30 provided that such display shall include posting on the commission website for a minimum of 7 days
31 for public comment and by distribution to the news media in a manner designed to achieve the
32 widest public access reasonably possible before establishing a final plan. Additionally, the efforts to
33 achieve access may include but not be limited to:

34 (1) Advertising the availability of the proposed maps in daily newspapers in the
35 state.

36 (2) Advertising the availability of the proposed maps on the home page of state
37 agency websites.

Amendment to HB 706-FN-A

- Page 4 -

1 (3) Requesting media to publicize the availability of the proposed maps.

2 (b) When releasing a proposed map, the commission shall also release the data used to
3 create the plan, such as population data, geographic data, and election data.

4 III. The commission shall issue with the proposed and final maps written evaluations that
5 measure the maps against external metrics, and may include efficiency gap and compactness.
6 These metrics shall cover all criteria set forth in RSA 662-B:6.

7 IV.(a) No later than December 20 of any year ending in one, the commission shall submit
8 final plans for New Hampshire county commission, house, senate, executive council, and
9 congressional districts to the senate president, speaker of the house of representatives, and senate
10 and house minority leaders.

11 (b) If a chamber of the legislature fails to pass the final plans for any of the districts, the
12 commission shall review the legislative record. The commission shall then amend the final plans
13 after reviewing the legislative record, and resubmit the plans to the legislature.

14 (c) When the legislature passes final redistricting plans the plans shall be filed with the
15 secretary of state.

16 662-B:6 Redistricting Criteria.

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18 county commissions, house of representatives, and single member districts for the New Hampshire
19 senate, executive council, and United States representative, using the following criteria as set forth
20 in the following order of priority:

21 (a) Districts shall comply with the United States Constitution and all applicable federal
22 laws. Districts shall be drawn on the basis of total population.

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24 laws.

25 (c) Districts shall form single boundaries and shall not be bisected or otherwise divided
26 by other districts, and shall respect the geographic integrity of political boundaries to the extent
27 practicable without violating the requirements of state law or any preceding subdivisions.

28 (d) Districts shall be drawn in compact shapes and shall avoid jagged edges and
29 extensions.

30 (e) Commissioners shall consider the integrity of communities of interest to the extent
31 practicable. For purposes of this section a community of interest is defined as an area with
32 recognized similarities of interests, including but not limited to racial, ethnic, economic, social,
33 cultural, geographic or historic identities. Communities of interest shall not include common
34 relationships with political parties or political candidates.

35 II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or
36 disfavoring any political party, incumbent, or candidate for political office.

37 (b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any

Amendment to HB 706-FN-A

- Page 5 -

1 racial or language group.

2 662-B:7 Failure of Legislature to Reach Consensus. If a redistricting plan is not enacted, any
3 registered voter may file a petition with the New Hampshire supreme court. The supreme court
4 may appoint a special master to create the relevant plans, upon its determination that no
5 redistricting plan will be validly enacted in time for the upcoming election. If the court creates a
6 redistricting plan, nothing in this section shall prevent a subsequent legislature from enacting an
7 otherwise lawful redistricting plan.

8 662-B:8 Judicial Review. Any registered voter in this state may file a petition, within 45 days
9 after adoption of a final map on the grounds that the plan violates any federal or state law.

10 662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at
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12 chapter.

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14 I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums
15 not otherwise appropriated to fund expenses of the commission established pursuant to this
16 chapter.

17 II. For each subsequent biennium preceding the decennial census, the governor shall
18 include in his or her budget recommendation appropriations sufficient to meet the estimated
19 expenses of the commission, including but not limited to adequate funding for a statewide outreach
20 program to solicit broad public participation in the redistricting process and adequate office space
21 available for the operation of the commission.

22 662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such
23 administrative and staff support as is necessary for the commission to perform its duties.

24 2 Effective Date. This act shall take effect upon its passage.

Amendment to HB 706-FN-A

1 Amend the bill by replacing all after the enacting clause with the following:

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5 CHAPTER 662-B

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7 662-B:1 Independent Redistricting Commission Established. There is hereby established a New
8 Hampshire independent redistricting commission ("commission"), that shall convene no later than
9 July 1, 2021, and every 10 years thereafter, in order to:

10 I. Conduct an open and transparent process enabling full public consideration of and
11 comment on the drawing of district lines.

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13 III. Conduct its business with integrity and fairness.

14 662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to
15 the commission if the person is eligible to register to vote in New Hampshire and if the person does
16 not currently hold office in the United States House of Representatives, New Hampshire senate,
17 New Hampshire house of representatives, executive council, or a county commission.

18 662-B:3 Appointment of Commissioners.

19 I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to
20 the extent practicable, notify all eligible persons and invite them to apply. These efforts may
21 include:

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24 websites.

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26 (d) Publicizing the application period and criteria in the New Hampshire house and
27 senate calendars.

28 II.(a) A person who is eligible to serve as a member of the commission may submit an
29 application to the secretary of state no later than February 1 of each year ending in the number
30 one. Such application shall include the following information:

31 (1) Whether the applicant has registered as a lobbyist in the preceding 10 years.

32 (2) What elective offices, if any, the applicant has held in New Hampshire in the

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1 preceding 10 years.

2 (3) If the applicant has voted in a state primary election or presidential primary
3 election in New Hampshire in the preceding 6 years, which political party's ballots the applicant
4 has taken.

5 (b) From all eligible applications received, the senate and house leaders from the
6 majority party in the house shall nominate 10 applicants from the majority party in the house, and
7 the senate and house leaders from the largest minority party in the house shall nominate 10
8 applicants from the largest minority party in the house. The senate and house leaders from the
9 majority party in the house shall chose 5 members from the 10 applicants so selected from largest
10 minority party in the house to serve on the commission. The senate and house leaders from the
11 largest minority party in the house shall chose 5 members from the 10 applicants so selected from
12 the majority party in the house to serve on the commission.

13 (c) The 10 commissioners so selected shall together select 5 commissioners from the
14 applicants who are not members of the majority party in the house or the largest minority party in
15 the house. The 10 commissioners may not initiate communications or reply to communications
16 about the selection process of the remaining 5 commissioners with outside persons attempting to
17 influence commissioners or commission action. The process of selecting the 5 commission members
18 not affiliated with the majority party in the house or the largest minority party in the house is not
19 subject to the right-to-know law in RSA 91-A.

20 III. In the event of substantial neglect of duty, gross misconduct in office, or inability to
21 discharge the duties of office, a member of the commission may, after being served written notice
22 and given an opportunity for a response, be removed by a vote of 11 members of the commission. A
23 finding of substantial neglect of duty or gross misconduct in office may result in referral to the New
24 Hampshire attorney general for criminal prosecution.

25 IV. Vacancies on the commission shall be filled when they occur by the commission
26 selecting, by a vote of 11 members, a new member from among the original pool of applicants of the
27 same political party as the vacated commissioner seat still willing to serve or by seeking a
28 replacement in the same manner as initial appointments.

29 V. The term of office of commission members expires 2 years after the final enactment of
30 the redistricting plan into law.

31 662-B:4 Commission Meetings.

32 I. The commission shall act in public meetings by the affirmative vote of at least 9
33 members.

34 II. All meetings of the commission shall be open to the public. The commission shall
35 publicly post notice of its meetings on the commission website and other appropriate outlets at least
36 7 days prior to such meetings. All records of the commission, including all communications to or
37 from the commission regarding the work of the commission, shall be made available for public

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1 inspection.

2 III. The commission shall hold at least one public meeting in each county prior to drawing
3 any maps and at least one public meeting in each county after releasing any proposed maps.

4 IV. The commission shall create a website that shall provide, at a minimum, a description
5 of the role of the commission in the redistricting process, timely information to the public about the
6 time, place, and purpose of each meeting of the commission, reports, minutes, and such other
7 information that will support an open and transparent process.

8 V. The commission shall provide a meaningful opportunity for all persons to participate in
9 the public meetings. Meetings shall be held only in spaces that are accessible under the Americans
10 with Disabilities Act of 1990, as amended.

11 VI. Commission meetings shall be adequately advertised and planned so as to encourage
12 attendance and participation across the state. This includes scheduling meetings outside of regular
13 work hours.

14 VII. The commission shall be considered a public body subject to RSA 91-A. No documents
15 created or received by the commissioners or staff as part of official duties, including emails and text
16 messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

17 VIII. Commissioners and staff may not initiate communications or reply to communications
18 about commission business with outside persons attempting to influence commissioners or
19 commission action outside of public meetings. To the extent that commissioners and staff receive
20 such communications, the identity of the person or group and the subject of the communication
21 shall be publicly disclosed on the commission website.

22 662-B:5 Developing Redistricting Maps.

23 I. During the map drawing process, any member of the public may submit maps or portion
24 of maps for consideration by the commission in a portable document format suitable for archiving
25 (PDF/A) format, or other format approved by the secretary of state. These submissions shall be
26 made publicly available and shall include the name of the person making the submission.
27 Electronically submitted maps may be posted on the commission website.

28 II.(a) The commission shall post proposed maps in a manner determined by the commission,
29 provided that such display shall include posting on the commission website for a minimum of 7 days
30 for public comment and by distribution to the news media in a manner designed to achieve the
31 widest public access reasonably possible before establishing a final plan. Additionally, the efforts to
32 achieve access may include but not be limited to:

33 (1) Advertising the availability of the proposed maps in daily newspapers in the
34 state.

35 (2) Advertising the availability of the proposed maps on the home page of state
36 agency websites.

37 (3) Requesting media to publicize the availability of the proposed maps.

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1 (b) When releasing a proposed map, the commission shall also release the data used to
2 create the plan, such as population data, geographic data, and election data.

3 III. The commission shall issue with the proposed and final maps written evaluations that
4 measure the maps against external metrics, and may include efficiency gap and compactness.
5 These metrics shall cover all criteria set forth in RSA 662-B:6.

6 IV.(a) No later than December 20 of any year ending in one, the commission shall submit
7 final plans for New Hampshire county commission, house, senate, executive council, and
8 congressional districts to the senate president, speaker of the house of representatives, and senate
9 and house minority leaders.

10 (b) If a chamber of the legislature fails to pass the final plans for any of the districts, the
11 commission shall review the legislative record. The commission shall then amend the final plans
12 after reviewing the legislative record, and resubmit the plans to the legislature.

13 (c) When the legislature passes final redistricting plans the plans shall be filed with the
14 secretary of state.

15 **662-B:6 Redistricting Criteria.**

16 I. The commission shall establish single or multi-member districts for the New Hampshire
17 county commissions, house of representatives, and single member districts for the New Hampshire
18 senate, executive council, and United States representative, using the following criteria as set forth
19 in the following order of priority:

20 (a) Districts shall comply with the United States Constitution and all applicable federal
21 laws. Districts shall be drawn on the basis of total population.

22 (b) Districts shall comply with the New Hampshire constitution and all applicable state
23 laws.

24 (c) Districts shall form single boundaries and shall not be bisected or otherwise divided
25 by other districts, and shall respect the geographic integrity of political boundaries to the extent
26 practicable without violating the requirements of state law or any preceding subdivisions.

27 (d) Districts shall be drawn in compact shapes and shall avoid jagged edges and
28 extensions.

29 (e) Commissioners shall consider the integrity of communities of interest to the extent
30 practicable. For purposes of this section a community of interest is defined as an area with
31 recognized similarities of interests, including but not limited to racial, ethnic, economic, social,
32 cultural, geographic or historic identities. Communities of interest shall not include common
33 relationships with political parties or political candidates.

34 II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or
35 disfavoring any political party, incumbent, or candidate for political office.

36 (b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any
37 racial or language group.

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1 662-B:7 Failure of Legislature to Reach Consensus. If a redistricting plan is not enacted, any
2 registered voter may file a petition with the New Hampshire supreme court. The supreme court
3 may appoint a special master to create the relevant plans, upon its determination that no
4 redistricting plan will be validly enacted in time for the upcoming election. If the court creates a
5 redistricting plan, nothing in this section shall prevent a subsequent legislature from enacting an
6 otherwise lawful redistricting plan.

7 662-B:8 Judicial Review. Any registered voter in this state may file a petition, within 45 days
8 after adoption of a final map on the grounds that the plan violates any federal or state law.

9 662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at
10 the federal rate for expenses incurred in connection with the duties performed pursuant to this
11 chapter.

12 662-B:10 Financial Independence.

13 I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums
14 not otherwise appropriated to fund expenses of the commission established pursuant to this
15 chapter.

16 II. For each subsequent biennium preceding the decennial census, the governor shall
17 include in his or her budget recommendation appropriations sufficient to meet the estimated
18 expenses of the commission, including but not limited to adequate funding for a statewide outreach
19 program to solicit broad public participation in the redistricting process and adequate office space
20 available for the operation of the commission.

21 662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such
22 administrative and staff support as is necessary for the commission to perform its duties.

23 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen Melanie Levesque, Chair
Sen Tom Sherman, Vice Chair
Sen Jon Morgan, Member
Sen Regina Birdsell, Member
Sen James Gray, Member

Date: April 25, 2019

HEARINGS

Wednesday		05/01/2019
(Day)		(Date)
Election Law and Municipal Affairs		LOB 102
(Name of Committee)		(Place)
		9:00 a.m.
		(Time)
9:00 a.m.	HB 479-FN	relative to eligibility for the low and moderate income homeowners property tax relief. (THE PREVIOUS HEARING FOR HB 479 WAS RECESSED ON APRIL 24th)
9:20 a.m.	HB 504	relative to election-related amendments to the United States Constitution.
9:45 a.m.	HB 618-LOCAL	relative to the definition of contracts relative to official ballot default budgets.
10:00 a.m.	HB 706-FN-A	establishing an independent redistricting commission.
11:30 a.m.	HB 641-LOCAL	allowing municipalities to collect an occupancy fee from operators of local room rentals.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 479-FN

Rep. Fellows
Rep. Weston

HB 504

Rep. Read
Rep. W. Pearson

HB 618-LOCAL

Rep. Gilman

HB 641-LOCAL

Rep. Edgar
Rep. Pantelakos
Rep. Suzanne Smith

HB 706-FN-A

Rep. M. Smith
Rep. Danielson
Sen. Fuller Clark

Rep. Gordon

Rep. Butler
Rep. Guthrie

Rep. Josephson

Rep. Almy
Rep. Cloutier
Sen. Sherman

Rep. Berch
Rep. Ebel
Sen. Chandley

Rep. Ames

Rep. Vann
Sen. Fuller Clark

Rep. Cushing
Rep. Khan

Rep. Porter
Rep. Gordon
Sen. Feltes

Rep. Ellison

Rep. T. Smith

Rep. Cleaver
Rep. Loughman

Rep. Knirk
Rep. Myler

Tricia Melillo 271-3077

Melanie Levesque
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 706-FN-A, establishing an independent redistricting commission.

Hearing Date: May 1, 2019

Members of the Committee Present: Senators Levesque, Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : None

Bill Analysis: This bill establishes an independent redistricting commission.

Sponsors:

Rep. M. Smith
Rep. Knirk
Rep. Gordon
Sen. Chandley

Rep. Berch
Rep. Danielson
Rep. Myler
Sen. Feltes

Rep. Porter
Rep. Ebel
Sen. Fuller Clark

Who supports the bill: Please see scanned sign in sheets.

Who opposes the bill: None

Summary of testimony presented in support:

Representative Smith

- When she was in her third term she was asked to serve on the redistricting committee.
- It was the worst experience she ever had. It was in 2000 and there was a proposal to do the redistricting by resolution.
- She believes that redistricting should not be done by resolution and they had to go to the supreme court, at great expense, to decide the maps.
- In 2010 they had the same issues and she believes this bill will get in right by leveling the playing field.
- A system which lets the legislators choose which citizens vote for them is backwards.
- The system in this bill will correct that and she hopes the committee will support it as it honors independence and compromise.
- This is not about democrat and republican, conservative and liberal, it is about right and wrong.
- The amendment that Senator Gray and she came up with is significant in how to come up with the commissioners. What they came up with is that leadership in the legislature will select them.
- It clearly lays the responsibility for the appointment process on the legislature and it lessens the significance of the role of the Secretary of State.
- This legislation will stand as a great example of how to take the partisanship out of choosing legislative districts.

Representative Gordon

- His district of Grafton County was constructed during the last redistricting and it is problematic.
- He represents 4 different school districts and 3 high schools that serve the five towns.
- Bristol has exactly 3,300 people and under the constitution should have its own representative but was not given one in the last redistricting.
- The other towns are so far apart from each other there is no community interest.
- There is only one road that leads to Grafton from the other four towns.
- There are 4 republican towns and one democrat town.
- He benefitted as a republican, but it is not right for the citizens of his district.
- He knows his constituents would want to be in a district that they have a sense of community with.
- He is in support of a redistricting commission.

Representative Horrigan

- His district is Durham and Madbury.
- The redistricting done in 2010 was the biggest fiasco that he has ever been involved in. There was no transparency and a fairly small group of republicans who put it together.
- It disregarded the constitutional mandate that states whenever possible every town that can have its own district should.
- The Senate plan was gerrymandered to disadvantage several democratic incumbents.
- There is ridiculous redistricting of the executive councilor districts.
- Many house districts were not mapped continuous and they are supposed to be.
- Some of the towns should have had their own district but that did not happen.
- Pelham got lumped in with Hudson but should have been on their own.
- The chair of the House redistricting committee mapped the district to benefit himself.
- He supports the amendment.
- This bill moves up the time line, so candidates will know what their districts are before the filing deadline and should have the plan by February or March.

Bob Perry – Open Democracy Action

- The amendment is a bipartisan compromise and there is a need for fair maps.
- Beginning in 1962 the Supreme Court of the United States has ruled on redistricting cases in four major areas.
- Cases related to populations, legislatures vs. commissions, race and partisanship.
- Gerrymandering is legalized fraud forced on voters.
- Members of the majority party believe they have the authority to skew districts for self-benefit.
- The situation of gerrymandering has only worsened over the years because of the advent and use of algorithms much more sophisticated than the software available in prior plans.
- Public opinion is sharply on the side of fairness and there is voter support for removing partisan bias from redistricting.
- The court has just take on another case that could change federal law regarding redistricting but in the meantime the buck must stop with the states.

Rick Bourdon – Open Democracy Action

- One criticism by skeptics is that we have no concrete evidence of partisan bias in redistricting actually exists.
- We have concrete evidence of partisan bias.
- He undertook a measure to find partisan bias and the efficiency of a political party to gain votes.
- He did the calculations to find efficiency gaps and the results were gaps in the Senate, House and Executive Council districts all over 8% of votes cast.
- An efficiency gap greater than 8% is highly suspicious and cause for examination and is evidence of partisan bias in the redistricting.
- The problem is real and needs to be dealt with and this bill will do that.
- Senator Gray asked if he would believe that on page 4 line 5 states that the commission may include the metrics that they develop with the maps about both the efficiency gap and the compactness. Mr. Bourdon replied that he is aware and there are also a number of mathematical ways to measure partisan bias as well. The efficiency gap is the one that has received the most attention in the last few years because of Supreme Court Cases.

Olivia Zinc – Open Democracy Action

- The amendment shows dedication and that this is a bipartisan effort.
- In the NH Constitution under part 2 article 9 and article 26 it states that no town or ward shall be divided or altered.
- It is important that the integrity of the NH constitution is in this process and that this is an independent and transparent commission.
- The public input and all meetings online are pieces that will show voters that this is important as NH has a proud tradition of citizen participation.
- This bill is transparent, good public policy and provides legitimacy to the independent redistricting commission.
- This bill creates consensus requirements because nine members must vote for the map each party must have members vote for it.

Henry Klementowicz – NH ACLU

- Voter confidence will be increased with this commission by the bipartisan nature of its proposal.
- They support the amendment and the bill.

Yurij Rudensky – Brennan Center for Justice

- He studies redistricting issues in all fifty states.
- HB 706 is effective policy that combines best practices from other states and NH values to make sure people have fair representation.
- The process that this policy took to come to this committee is important.
- The pieces in this policy that he is most excited about is the balance of independence from the political process with room for the legislature to be involved.
- It is a policy that promotes compromise which is important in redistricting.
- The way districts are drawn can dictate which party wins and that should be left to the people.
- Ensuring that all parties will be represented on the commission is important and that,

there will be rules for them to follow.

- There is a parachute in case the process has problems, there is a ban on party gerrymandering.
- There is good language around transparency and public accountability.
- The commission will show its work and the public will be able to participate through public hearings.
- People will feel more connected to their representative government.
- They have studied the outcomes from commission drawn maps and they do better in court and they encourage political competition.
- NH, by passing this bill, will become a national leader in developing systems that help promote key American values and democracy.
- Senator Levesque asked are there any concerns about the constitutionality of this bill. Mr. Rudensky replied that he does not have any concerns about that and no court has ever struck down a commissions mapping. With the legislature being involved and approving the map any constitutional concerns should be erased.
- Senator Birdsell asked if he was familiar with any other states where the legislature does the redistricting. Mr. Rudensky replied that he knows for certain that Utah does, and they have a similar model and maybe Iowa.

Representative Danielson

- He believes this is a very good effort to straighten out the issues NH has with redistricting.
- The commission will be in a better position to monitor the changes in the political and philosophical sense of the population.
- It is not just a game of numbers but what is behind those numbers that is important.
- The changes in the socioeconomic populations is also important to have an independent commission evaluate.
- To make the system more sensitive to the values of the voters of NH will represent those political, social and cultural values that we hold.

Maggie Goodlander

- An independent redistricting commission is the best way for NH to become a leader in drawing maps in the future.
- First principles, our democracy depends upon fair redistricting.
- Benjamin Franklin quote " a republic madam, if you can keep it".
- The right to freely choose our representatives will keep our Republic.
- This bill takes on the problem of partisan gerrymandering and the threat it poses.
- Ronald Regan had said that gerrymandering is antidemocratic and un-American and often unavoidable because of structure.
- Legislators are in a conflict of interest when they have been asked to draw the districts they represent.
- This is a bipartisan problem and in 1986 the Republican party argued before the court that gerrymandering was unconstitutional
- The landscape is even worse now, 33 years later.
- NH has shown far more restraint than the extreme examples from other states.
- HB 706 is a really good place to start on this issue of fair redistricting.
- The supreme court addressed Senator Birdsell's question of constitutionality of a commission drawing the maps instead of the legislature in an Arizona case four years.

ago. Federally it has been decided and it is allowed.

- Sen Birdsell commented that she wants to make sure they have the data behind them to reference it when there is push back. Ms. Goodlander replied that in 662:A in the revised statutes, that provision creates the mechanism to create a commission to carry out redistricting.

Rob Fried

- There would be more respect for a legislator if they were elected in a fully democratic and fair district.
- Surveys show that belief in democracy as the best possible government is declining particularly in young people.
- They see the leaders that have taken over, and at China.
- To pass this bill will send a message to the young people that NH believes in democracy and wants them to participate.
- Showing them that their voter really does count.

Corrine Dodge – NH Voters Restoring Democracy

- They are part of a grass roots movement in support of this bill.
- They believe that it is well-past time to abolish the current gerrymandered system of redistricting in NH that is ultimately unfair to all NH voters.
- The current system allows the majority party to meet behind closed doors and redistrict in ways that benefit them. There is no transparency or public input.
- NH voters are exasperated with this unfair system.
- They are asking this committee to show them that they will put the interest of the constituents before any party line.
- This plan for redistricting will be far superior to the unfair partisan plan we are currently using.

Nancy Marashio – NH League of Women Voters

- The bonus to this bill is that it has been worked on with compromise in a bipartisan way.
- They run candidate forums across the state and voters understand that the voting districts are not correct.
- They question why they are represented in certain ways.
- The NH League of Women Voters participated in a redistricting task force with the U.S. League of Women Voters and researched for two years the process in every state and by consensus came up with a policy recommendations most of which are in this bill.
- They support voters being recognized as powerful people and this bill does that.

Summary of testimony presented in opposition: None

Speakers

Senate Election Law and Municipal Affairs Committee SIGN-IN SHEET

Date: May 1, 2019 Time: 10:00 a.m.

HB 706-FN AN ACT establishing an independent redistricting commission.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
Senator Fuller-Clark SD #21	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Melanie Husgen Ellen Road Rock 17	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Margyrie Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Ned Gordon, Distr 9 Grafton	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alvin See London Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Polly Cayson Grafton # 12	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen Shimon Chandler SD #11	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Claudia C. Damon Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXXXXXXXXX	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
BOB PERCY OPEN DEMOCRACY ACTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
RICK BOURDON OPEN DEMOCRACY 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
OMNIA ZINK OPEN DEMOCRACY ACTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Laurie Warnock Hampstead NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Henry Clements ACTU-NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kurt Rudensky, Brewer Center	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Wilke, self	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Amy Metcalf, Hopkinton	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maggie Gooden, Putnam	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Danielson	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Senate Election Law and Municipal Affairs Committee SIGN-IN SHEET

Date: May 1, 2019 Time: 10:00 a.m.

HB 706-FN AN ACT establishing an independent redistricting commission.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
Louise Spencer Concord NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MARY MARSH Concord NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Susan Kennedy, Canterbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Francis (Randy) Hayes Canterbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Martha Clark Canterbury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeanne Torpey Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maura Willing Concord self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sally Hatch Concord self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Liz-Anne Platt Concord Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cher Falk Wilton Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ry Perencovich self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Rob Fried (Sond) self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PAT Wilczynski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kate Kaymak (self)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Abigail Rogers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUSAN COVERED contacted self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Julia Peabody	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Fortin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How STEVEN RAND	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ry Frosty / Morgan 0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Senate Election Law and Municipal Affairs Committee

SIGN-IN SHEET

Date: May 1, 2019 Time: 10:00 a.m.

57

HB 706-FN AN ACT establishing an independent redistricting commission.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
Sandra Stonebaker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Margaret Byrnes NWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Marshall LAUVH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Maryjane Smith PRIME SPONSOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kyri Claffin Concord Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Lucas Meyer / America Votes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RICHARD LEONARD Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Catherine Dodge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Julia Gilman Rock 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Jan Talome	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MARY TILL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Jane Armstrong	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Timothy McKernan Granite State Pages	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Edger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Dawson - Rep Dis Fr ^{Hilkeberg}	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Penny Carney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Tom Lachman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Tim Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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Testimony

**Remarks of Yuriy Rudensky, Redistricting Counsel,
Brennan Center for Justice
May 1, 2019**

The Brennan Center for Justice appreciates the opportunity to testify in support of House Bill 706, which would create an independent advisory commission and establish clear guidelines for redistricting in New Hampshire.

The Brennan Center is a non-partisan law and policy institute that works to improve our nation's systems of democracy and justice. Redistricting reform has long been an integral part of this mission. Over the years, we have partnered with Republican and Democratic lawmakers and grassroots advocates to promote independent, community driven, and transparent redistricting.

Since last fall, a broad coalition of bipartisan stakeholders in New Hampshire has worked to shape HB 706 into a proposal that will meaningfully improve redistricting in the Granite State. We endorse the work and strongly urge the committee to pass HB 706.

When it comes to redistricting, there is no one-size-fits-all approach. This is why the Brennan Center works to ensure that proposals advance a number of core principles: independence, compromise, adherence to clear mapdrawing criteria, and public accountability and transparency.¹ HB 706 promotes all of these important redistricting values.

1. *Independence.* Redistricting should have a buffer from the political system to remove the temptation to use the process to advantage certain incumbents or parties. HB 706 will create an advisory commission composed of citizens, not lawmakers, and will draw maps that the legislature will then approve. This effectively insulates redistricting from the political arena while leaving room for elected officials to maintain a role in redistricting.
2. *Inclusivity and compromise.* Redistricting should include the perspectives of a broad range of stakeholders that work to reach common ground. HB 706 will create a 15-member commission that requires geographic and political diversity. With equal numbers of Republican, Democratic, and unaffiliated commissioners, no party or set of interests will be able to hijack the redistricting process. The experiences of other states that have used commissions suggest that this size and composition is manageable and will safeguard against individual commissioners having outsized influence over the process.
3. *Clear guidelines.* Redistricting should follow clear rules that create boundaries on acceptable outcomes. HB 706 will establish prioritized criteria to guide mapdrawing and remove opportunities

¹ "Redistricting Commissions: What Works," Brennan Center for Justice, updated July 24, 2018, <https://www.brennancenter.org/blog/redistricting-commissions-what-works>.

for gamesmanship. Simply put, commissioners will not be able to impose their own priorities. Instead, they will be required by law to satisfy both the federal and New Hampshire constitutions, keep towns together, and draw compact boundaries. They will also be required to give due consideration to the common cultural ties and policy needs that bond Granite Staters into distinct communities of interest.

California's commission, which used similar rules, produced consensus maps. This is because commissioners were clear on their objectives and could avoid deadlock and resolve disagreement by considering which proposals better advanced the relevant criteria.

4. *Community involvement and transparency.* Redistricting should happen in public view so people know how decisions affecting their representation are made. HB 706 will provide the public with ample opportunity to weigh in on the commission's work. Hearings will be held around the state so that people can define their communities of interest and give commissioners feedback. Strong disclosure and transparency rules will give the public and lawmakers alike the confidence that no one has rigged the process.

These provisions work. Commission-based redistricting has been implemented in a growing number of states. HB 706 incorporates best-practices and features from states that have had positive experiences with independent redistricting. Conceptually, the proposed New Hampshire commission is most similar to those in Iowa, Vermont, and Maine.² We studied the structure of these, and other, commissions and interviewed relevant stakeholders. HB 706 is consistent with best-designs gleaned from the experience of these other states.

These studies give us confidence in recommending HB 706. If passed, the proposal can bring about significant positive changes. The public should see drastic improvements in transparency and accountability and should feel more connected to their representatives, improving confidence in government. Elected officials, likewise, should see more compact and cohesive districts that make it easier to campaign, connect with constituents, and legislate according to their needs. But the benefits go beyond improvements in politics.

HB 706 advances a process that produces better outcomes. An extensive study released by an economist at Lafayette College showed that redistricting commissions increase the number of competitive elections.³ A separate analysis found that commission-drawn maps hold up better in court than those drawn by legislators.⁴

For these reasons, the Brennan Center enthusiastically supports HB 706. It is refreshing to see a bipartisan coalition of elected officials and community stakeholders understand the critical role that redistricting plays in maintaining a healthy democracy and to work together to find solutions that work for the Granite State. By passing HB 706, New Hampshire has an opportunity to set an example for the rest of the country.

² "Who Draws the Maps? Legislative and Congressional Redistricting," Brennan Center for Justice, updated January 30, 2019, <https://www.brennancenter.org/analysis/who-draws-maps-states-redrawing-congressional-and-state-district-lines>.

³ James de Vault, "Independent Redistricting Commissions and Electoral Competition in the US House of Representatives," *Open Journal of Political Science* 9 (2019): 1-16, <https://doi.org/10.4236/ojps.2019.91001>,

⁴ "Politicians Lose More Gerrymandering Cases: Courts," Common Cause, updated April 25, 2019, <https://www.commoncause.org/democracy-wire/politicians-lose-more-gerrymandering-cases-courts/>

STATE LEGISLATIVE REDISTRICTING GUIDE

Introduction:

Redistricting criteria are rules and provisions that guide how electoral districts are drawn. All states are required by the U.S. Constitution to ensure districts are nearly equal in population for congressional redistricting. For state legislative districts, the 14th Amendment of the Constitution requires that districts are substantially equal. In addition to the mandatory standards set by the Constitution, many states adopt their own criteria either by statute or in their state constitution. The majority of states mandate districts to be contiguous and compact. However, most states do not define what compactness means.

Some states include additional measures to help communities secure meaningful representation. Many states consider “communities of interest” when drawing their districts. Community of interest is a term for groups of people who share common social, cultural, racial, economic, geographic, or other concerns. These groups likely have similar legislative interests and can benefit from cohesive representation.

A good redistricting process is transparent to the public. A few states have adopted measures aimed at engaging the public in the map drawing process by requiring public hearings either before or during map-drawing or requiring maps to be published for some time ahead of voting on the map. Certain states have also attempted to include bipartisanship in the map approval process by requiring a supermajority to pass a proposed redistricting plan. Increasingly, states are adding measures to encourage competition and prohibit intentionally or unduly favoring a political party or candidate. All these measures serve to increase the fairness and consistency of the redistricting process.

Public participation provisions – 19 states

- Alaska
- Arizona
- California
- Colorado
- Hawaii
- Idaho
- Illinois
- Iowa
- Maine
- Maryland
- Michigan*
- Missouri
- Montana
- Nebraska
- New York
- Ohio
- Oregon
- Utah*
- Washington

Racial equity provision – 6 states

- Colorado*

- Florida
- Illinois
- Iowa
- Missouri*
- Oregon

Communities of interest requirement – 17 states

- Alaska
- Arizona
- California
- Colorado
- Hawaii
- Idaho
- Illinois
- Maine
- Michigan*
- New York
- Oklahoma
- Oregon
- South Dakota
- Utah*
- Vermont
- Washington
- Wisconsin

Ban on favoring party, candidate, and/or incumbent – 13 states

- California
- Colorado*
- Delaware
- Florida
- Hawaii
- Idaho
- Iowa
- Michigan*
- Missouri*
- Montana
- New York
- Ohio
- Oregon
- Washington

Encourages competition – 4 states

- Arizona
- Colorado*
- Missouri*
- Washington

Compactness requirement – 30 states

- Alaska
- Arizona
- California
- Colorado
- Florida
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Michigan
- Mississippi
- Missouri
- Montana
- Nebraska
- New Jersey (house districts only)
- New Mexico (house districts only)
- New York
- North Dakota
- Ohio (house districts only)
- Oklahoma
- Pennsylvania
- Rhode Island (house districts only)
- South Dakota
- Utah*
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin (house districts only)

State limit on population deviations – 4 states

- Colorado
- Iowa
- Montana
- Ohio

Supermajority requirement for legislative passage

- **Commission Supermajority – 6 states**
 - California
 - Colorado*
 - Michigan*
 - Missouri
 - Utah*
 - Washington
- **Legislative Supermajority – 3 states**
 - Connecticut
 - Maine

- Washington (legislature may amend redistricting plan proposed by the commission but with 2/3 vote from each house)

No gubernatorial veto – 8 states

- Arkansas
- Connecticut
- Florida
- Maryland
- Mississippi
- Missouri
- North Carolina
- Ohio

*Criteria passed in 2018 will be put into effect for the first time in 2021's redistricting.



Statement by Henry Klementowicz, Staff Attorney, ACLU-NH
Senate Election Law and Municipal Affairs Committee
House Bill 706
May 1, 2019

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (“ACLU-NH”)—a non-partisan, non-profit organization working to protect civil liberties throughout the state for over 50 years. House Bill 706 (HB 706) would create an Independent Redistricting Commission. We respectfully urge the Committee to support HB 706 with Senator Gray’s amendment.

Daniel Webster once said, “The right to choose a representative is every man’s portion of sovereign power.” HB 706 would further enshrine that right.

There have been broad, bipartisan discussions about this bill, which have culminated in an amendment from Senator Gray and Representative Smith. We believe that this amendment improves the bill and represents a strong, bipartisan message in favor of promoting good government and empowering voters. We support this amendment.

Currently, under the New Hampshire Constitution, election districts are created by the legislature. Every ten years following the decennial census, the legislature is tasked with drawing boundaries which are sent to the Governor for signature. Unfortunately, this procedure is ripe for misuse through a process called Gerrymandering. Through Gerrymandering, a legislature can draw the districts in a way to “pack” voters in a political minority into few districts while “cracking” other voters in a political minority into other districts. For example, following the 2018 elections, one party received 53% of the votes for the Wisconsin State Assembly, yet won only 36 of 99 seats. We have seen both parties Gerrymander districts to favor themselves.

New Hampshire is not immune to these illegal and immoral efforts. In 2016, New Hampshire Public Radio analyzed election results for state Senate. Using a measure called the “efficiency gap” – a commonly accepted measure of gerrymandering based on the number of “wasted” votes each party receives – the analysis concluded that, in the 11 state Senate elections from 1994 to 2014, Republicans on average came out with 10 to 15 percent more seats in the Senate than a neutral map would have yielded.

In addition, by creating “safe” seats for one political party, Gerrymandering can make it so the only competitive election for a particular office is a primary. This incentivizes candidates to run to the left or to the right rather than the center. Since they have less of an incentive to convince voters in the middle, politicians tend to take more polarized positions, which in turn leads to increased partisan gridlock and decreased bipartisanship. Partisan Gerrymandering is currently being challenged before the Supreme Court of the United States, and a federal judge has described Gerrymandering as “cancerous, undermining the fundamental tenets of our form of democracy.”



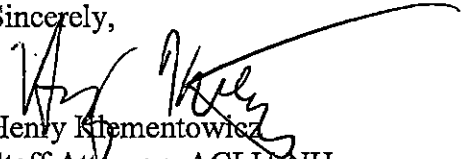
The current processes whereby the legislature draws the districts has also broken down in the past when the legislature and Governor could not agree on maps after the 2000 census. The Court had to draw the maps instead, which led to confusion and delay. *See Burling v. Chandler*, 148 N.H. 143 (2002). After the 2010 census, we again saw court involvement. We believe that an Independent Redistricting Commission would be less likely to deadlock than a legislature, thus lowering the likelihood of need for court involvement. Indeed, maps draw by independent redistricting commissions are significantly more likely to be upheld by courts.¹

New Hampshire would not be the first state to enact an independent redistricting commission, and this proposal draws from the experience of other states. In 20 states, there are commissions independent of the legislature that play a role in crafting political districts. The drafters of this bill have had the good fortune to examine other states' independent redistricting commissions to incorporate what works and to improve upon what could be done better.

This proposal would create an independent redistricting commission and would move the power to set districts from the legislature to the commission in the first instance. Consistent with the New Hampshire Constitution, the legislature would have ultimate authority to approve the maps drawn by the commission. This would improve our democracy by enabling the voters to choose their politicians, rather than allowing politicians to choose their voters. In addition, this bill promotes transparency and fairness by creating criteria to guide the Commission in its work to draw the districts in a fair way that does not unduly favor or disfavor any political party or racial or language group.

For these reasons, we urge the Committee to support HB 706.

Sincerely,



Henry Klementowicz
Staff Attorney, ACLU-NH

¹ <https://www.commoncause.org/democracy-wire/politicians-lose-more-gerrymandering-cases-courts/>

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To: Chairwoman Levesque and Members of the Election Law and Municipal Affairs Committee

From: Yuriy Rudensky, Redistricting Counsel, Brennan Center for Justice

Date: May 2, 2019

Re: State constitutional provisions vesting reapportionment/redistricting in the legislature

During the May 1, 2019 committee hearing on amended House Bill 706, Senator Birdsell asked whether other states that use advisory redistricting commissions have constitutional provisions that specifically vest the authority to apportion or redistrict in the legislature.

The answer to that question is yes.

This memo is a follow up so that all members of the Committee have quick access to the relevant language in the New Hampshire constitution and the other relevant constitutions in states that have adopted the advisory commission model.

If amended HB 706 passes, New Hampshire would be the seventh state to draw districts by advisory commission. The six states that have already adopted that redistricting model include Connecticut, Iowa, Maine, New York, Utah, and Vermont. All of these states, other than Connecticut, have provisions that are substantially similar to Part Second, Article IX and Article XXVI of the New Hampshire constitution.

New Hampshire

The relevant portions of the New Hampshire constitution read: "the legislature shall make an apportionment of representatives"¹ and "[t]he legislature shall divide the state into single-member [state senate] districts."² Five of the six states that will use advisory commissions to draw districts in 2021 have substantially similar language. In these five states, such provisions have not prevented advisory commissions from drawing maps in the first instance and sending them to the legislature for ratification.

Iowa

The relevant portion of the Iowa constitution reads: "[t]he general assembly shall in 1971 and in each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the general assembly and establish senatorial and representative districts."³

¹ N.H. Const. Pt. 2, art. IX.

² N.H. Const. Pt. 2, art. XXVI.

³ Iowa Const. art. III, § 35.

BRENNAN CENTER FOR JUSTICE

This language, in effect, is no different than that in the New Hampshire constitution. Iowa has been using an advisory commission to draw its districts since 1981 without any constitutional issues arising.

Maine

Similarly, the Maine constitution provides that “[t]he Legislature which convenes in 2013, and also the Legislature which convenes in 2021 and every 10th year thereafter, shall cause the State to be divided into districts”⁴ and “[t]he Legislature which shall convene in the year 2013, and also the Legislature which shall convene in the year 2021 and every tenth year thereafter, shall cause the State to be divided into districts.”⁵ Maine has been using an advisory commission to draw districts since 1983 without any constitutional issues arising.

New York

For New York’s general assembly, the state constitution requires that “[t]he members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at each regular session at which the senate districts are readjusted or altered.”⁶ The language regarding apportioning the New York senate is a bit less explicit, but also implies redistricting requires some legislative action. New York adopted an advisory commission in 2014 so the commission has not yet drawn districts.

Utah

The relevant portion of the Utah constitution language reads: “the Legislature shall divide the state into congressional, legislative, and other districts.”⁷ The state just passed redistricting reform in 2018 and so the advisory redistricting commission has not yet drawn districts.

Vermont

Vermont’s constitutional language likewise provides that “[i]n establishing representative districts, which shall afford equality of representation, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions”⁸ and that “[i]n establishing senatorial districts, which shall afford equality of representation, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.”⁹ Vermont first adopted an advisory commission in 1965 and amended the process to its current form in 1989. It has been drawing districts since then without any constitutional issues arising.

Conclusion

To reiterate, all states that use advisory commissions to draw districts other than Connecticut have provisions substantially similar to Part Second, Article IX and Article XXVI of the New Hampshire constitution. None of these commissions have been found to be unconstitutional despite this language or for any other reason.

⁴ Me. Const. art. IV, pt. 1, §2.

⁵ Me. Const. art. IV, pt. 2, §2.

⁶ N.Y. Const. art. III, §5.

⁷ Utah Const. art. IX, §1.

⁸ Vt. Const. Ch. II, §13.

⁹ Vt. Const. Ch. II, §18.



May 1, 2019

The Honorable Melanie Levesque
Chair
Senate Committee on Election Law and Municipal Affairs
New Hampshire General Court

The Honorable Tom Sherman
Vice Chair
Senate Committee on Election Law and Municipal Affairs
New Hampshire General Court

Re: Statement for the Record in Support of HB 706

The Campaign Legal Center (“CLC”) respectfully submits this statement to the Committee in support of HB 706, a bill establishing an independent redistricting commission (“IRC”) in New Hampshire. CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening democracy across all levels of government. Our work promotes every citizen’s right to participate in the democratic process. We appreciate the opportunity to submit a statement in support of this important legislation.

This statement begins with a discussion of HB 706’s constitutionality under the New Hampshire Constitution. Then, we examine HB 706’s constitutionality under the United States Constitution. Next, we review the benefits of HB 706’s transparency requirements. In the final section, we explain how partisan gerrymandering would be almost impossible under the new IRC.

To provide the Committee with additional information about IRCs around the country, we have included as an attachment CLC’s report from 2018, titled Designing Independent Redistricting Commissions.

I. HB 706 is constitutional under the New Hampshire Constitution.

HB 706 grants authority to an IRC to create district maps for Legislative and Congressional districts and the Executive Council. The IRC would have the authority to draw the district maps, but the General Court would have final authority to approve or reject—but not to amend—the maps.

The relevant portion of part two, article 26 of the New Hampshire Constitution states:

And that the state may be equally represented in the senate, the legislature shall divide the state into single member districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place.

Although the IRC will be charged with drawing the maps, the General Court will be ultimately responsible for determining which maps govern the single and multi-member districts in accordance with New Hampshire's constitutional mandate. Thus, this statute should survive constitutional challenges.

II. HB 706 is constitutional under the United States Constitution.

In *Arizona State Legislature v. Arizona Independent Redistricting Commission*, the state legislature brought a claim alleging that a ballot initiative creating an IRC violated the Elections Clause of the United States Constitution.¹ The Elections Clause states:

The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.²

In *Arizona*, the legislature did not have final authority to approve or reject the commission-created maps. Instead, voters vested redistricting authority solely in the IRC. The Supreme Court of the United States ultimately concluded that IRCs created by citizen referendum are constitutional.

¹ *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 135 S. Ct. 2652 (2015).

² U.S. Const. art. I, §4, cl. 1.

Additionally, Judge Rosenblatt, who dissented from the District Court's opinion, argued that IRCs are unconstitutional because the Arizona legislature did not "have any outcome-defining effect" on the redistricting process.³ HB 706 even addresses Judge Rosenblatt's concern because the commission-created maps cannot go into effect without the General Court's enactment. Thus, the General Court retains an outcome defining position in the redistricting process.

III. HB 706's transparency requirements are good public policy and will provide legitimacy to the maps the IRC creates.

HB 706 contains strong transparency requirements including that all IRC meetings and records must be open to the public, allowing the public to submit draft maps, and creating and maintaining a website to disseminate data and information about the drafting process. The experiences in other states demonstrate that robust transparency requirements, such as the ones in HB 706, are vitally important to ensure that the commission is a success.

California's 2010 redistricting cycle was a success, in part, because of its IRC's transparency requirements. California's IRC had to adhere to transparency requirements that are similar to the requirements in HB 706. Scholars have found that California's "open and participatory redistricting process created a heightened interest among the public. Many advocacy and civil rights groups that had participated in prior redistricting cycles not only submitted statewide or regional maps, they mobilized members and constituents to attend and testify at individual hearings."⁴ One commissioner found that

the overall process of constructing the maps . . . reflected the norms of transparency and participation. Compared to previous maps drawn by the legislature, the commission drawn maps were generally more compact, more competitive, better at advancing minority voting rights, and more successful in maintaining cities, counties, and communities of interest.⁵

Although much scholarship focuses on the California IRC's experiences, its transparency requirements are not an outlier. Iowa requires its non-partisan commission to conduct public hearings and accept comments at the

³ *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 997 F. Supp. 2d 1047, 1058 (D. Ariz. 2014).

⁴ Angelo N. Ancheta, *Redistricting Reform and the California Citizens Redistricting Commission*, 8 Harv. L. & Pol'y Rev. 109, 129 (2014).

⁵ *Id.*

meetings.⁶ Idaho requires its bi-partisan commission to have meetings that are open to the public, subject to Idaho's open access laws, and the commission has to accept maps submitted by the public.⁷ These transparency requirements, similar to those in HB 706, have been crucial in maintaining the integrity of—and in resisting legal challenges to— IRCs around the nation.

IV. HB 706's consensus requirements will help ensure that the IRC does not create gerrymandered districts.

Under HB 706, the commission will be composed of 15 commissioners. The 15 commissioners are selected from a process that empowers the majority and minority leaders in each chamber to strike applicants from the list of potential commissioners; empowers the secretary of state to select, in a randomized way, an equal number of commissioners who belong to the largest political party, the second largest political party, and those who are not members of either party; and then empowers the Secretary-of-State-selected commissioners to choose additional commissioners.

HB 706 requires nine commissioners to approve a map including at least two commissioners who are members of the largest political party, two commissioners who are members of the second largest political party, and two commissioners who are not members of either political party.

By requiring consensus from three pools, the commission is less likely to produce gerrymandered maps. Partisan gerrymandering occurs where one party intentionally gains a systematic advantage for itself through the drawing of district boundaries.⁸ As a result, elections are determined not by the will of the people, but the will of map drawers.⁹ Under HB 706, no party will be able to intentionally gain a systematic advantage for itself because the commissioners are required to reach a consensus across party lines.

⁶ Iowa Code Ann. §§ 42.2, 42.6

⁷ Idaho Code Ann. § 72-1505

⁸ See *Attachment A* Ruth Greenwood, Annabelle Harless, Blair Bowie, and Charquia Wright, *Designing Independent Redistricting Commissions*, 5 (2018).

⁹ *Id.*

V. Conclusion

In conclusion, we respectfully urge the Committee to support creating an IRC by supporting HB 706. We would be happy to answer any questions arising from this testimony.

Respectfully submitted,



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LWVUS Position on Redistricting

THE LEAGUE'S POSITION ON REDISTRICTING

The League of Women Voters believes responsibility for redistricting preferably should be vested in an independent special commission, with membership that reflects the diversity of the unit of government, including citizens at large, representatives of public interest groups, and members of minority groups.

Every redistricting process should include:

- Specific timelines for the steps leading to a redistricting plan
- Full disclosure throughout the process and public hearings on the plan proposed for adoption
 - Redistricting at all levels of government must be accomplished in an open, unbiased manner with citizen participation and access at all levels and steps of the process, and
 - Should be subject to open meeting laws.
- A provision that any redistricting plan should be adopted by the redistricting authority with more than a simple majority vote.
 - Remedial provisions established in the event that the redistricting authority fails to enact a plan. Specific provisions should be made for court review of redistricting measures and for courts to require the redistricting authority to act on a specific schedule.
 - Time limits should be set for initiating court action for review.
 - The courts should promptly review and rule on any challenge to a redistricting plan and require adjustments if the standards have not been met.

The standards on which a redistricting plan is based, and on which any plan should be judged, must:

- Be enforceable in court
- Require:
 - Substantially equal population
 - Geographic contiguity
 - Effective representation of racial and linguistic minorities
- Provide for (to the extent possible)
 - Promotion of partisan fairness
 - Preservation and protection of “communities of interest”
 - Respect for boundaries of municipalities and counties
- Compactness and competitiveness may also be considered as criteria so long as they do not conflict with the above criteria
- Explicitly reject
 - Protection of incumbents, through such devices as considering an incumbent’s address
 - Preferential treatment for a political party, through such devices as considering party affiliation, voting history and candidate residence.

Statement of Position on Redistricting, as Adopted by Concurrence, June 2016. This position does not supersede any existing state League redistricting position.

May 1, 2019

The Honorable Melanie Levesque, Chair
Senate Election Law & Municipal Affairs Committee
Legislative Office Building, Room 102

TESTIMONY in support of HB 706 by Rick Bourdon, Co-chair, Open Democracy Action

Chairman Levesque and members of the Committee:

There is strong evidence that New Hampshire lawmakers have engaged in partisan redistricting, otherwise known as gerrymandering. How do I know?

First a little history. In recent years, the US Supreme Court has maintained that redistricting with partisan intent should be unconstitutional, but has never struck down an electoral map on that basis. Why? Because (1) the Court, as a rule, is reluctant to wade into political/partisan matters, and, more importantly, (2) there had been as yet no available measure of gerrymandering that justices could agree distinguished between a truly partisan map and one that was simply poorly conceived. The Court put out a call to political scientists and mathematicians to come up with such a measure.

They did. In fact they came up with a number of measures. The most talked about of these, and the apparent metric of choice at the moment, is known as the *efficiency gap*. Briefly, the efficiency gap is calculated as the difference between *wasted votes* cast for one political party and wasted votes cast for the opposing party, expressed as a percentage of total votes cast. Wasted votes are either votes cast for a losing candidate or the excess of votes cast for a winning candidate beyond the number of votes needed to win. In equation form:

$$EG(\%) = \frac{WV_{P1} - WV_{P2}}{TV} \times 100$$

In the spring of 2018, in order to satisfy both my interest in gerrymandering in New Hampshire and my rather strong geeky tendencies, I calculated efficiency gaps for NH Council, Senate, and House using data from the 2016 elections. It was a big job, one I don't plan on replicating any time soon. Here are the results:

Office	Efficiency Gap
NH Exec. Council	9.0% (favoring Republicans)
NH Senate	10.1% " "
NH House*	9.8% " "

Now, an efficiency gap greater than 8% is considered highly suspicious and cause for examination. Using the 8% threshold, partisan redistricting favoring Republicans appears to have been the case for all three sets of races.

That's the logical conclusion from the 2016 data. As we all know, election results in 2018 were vastly different from those in 2016. Democrats gained majorities in the Executive Council and both chambers of the legislature. District boundaries, however, had not changed between elections. So do the more recent results suggest that gerrymandering hadn't taken place after all?

The short answer is no. Gerrymandered districts don't maintain their partisan bias forever, and a good deal of time has passed since the last round of redistricting. Moreover, there are a lot more factors in play besides district boundaries: demographic changes; current events affecting both state and national politics; the large number of independent voters in NH; the comparative energy levels, dollars spent, and effectiveness of candidates and political parties; and more I'm sure.

The 2016 data points the finger at Republicans, but it matters not to me which party did what when. Clear evidence from other states shows that the Democratic party is guilty of gerrymandering as well. It's time for an end to the practice. Redistricting for partisan advantage is undemocratic (small d) and flies in the face of the principle of one person one vote. A nonpartisan redistricting commission is the logical solution, a solution being chosen by more and more states across the country.

I am encouraged by the fact that HB 706 enjoys bipartisan support. I am also encouraged by the fact that the bill enjoys broad support among members of the current majority party, a party that might well, should this bill fail, have the upper hand in the next round of redistricting. Having the "upper hand" is what has led to gerrymandering in the past. It reflects short-term thinking, a choice for partisan gain at the expense of the democratic values (again small d) that this country was founded upon.

I strongly encourage the Committee to vote *Ought to Pass* on HB 706.

Thank you for considering my testimony.

Respectfully,

Rick Bourdon, Co-Chair, Open Democracy Action
50 Preston Road
Lyme, NH 03768
(603) 759-1888

*End note

The House efficiency gap from 2016 data is especially interesting. It does not, in my opinion, indicate gerrymandering. Rather, it reflects a serious bias created by the majority-party-take-all nature of New Hampshire's multi-member districts. Below is a comparison of small districts (1 to 3 members) and larger ones (4 to 11 members).

Seats/district	# districts	# seats	Efficiency Gap
1 to 11 (all)	204	400	9.8% (favoring Republicans)
1 to 3	183	286	-.4% (favoring no party)
4 to 11	21	114	22.2% (favoring Republicans)

In districts with just one or a few seats, the efficiency gap is essentially zero—no evidence of undue partisan advantage. The efficiency gap for larger multi-seat districts, however, is off the charts in favor of Republicans. While there are multi-member districts with Democratic voting majorities and all-Democrat house delegations, they are relatively few and with mostly small numbers of seats per district. The big districts are almost exclusively located in the southern part of the state where there are Republican majorities. Hence the Republican advantage.

Whether a non-partisan redistricting commission could solve this problem is up for debate. Certainly it could draw attention to the issue and spur further action by the legislature and multimember districts. There are several possible remedies. We could break these districts up into smaller ones, institute ranked choice voting, or—my personal favorite—do a combination of both.

HB 706

Senate Election Law Committee

May 1, 2019

LOB Rm 102 10:00

Good morning again Chairwoman Levesque, Vice-Chair Sherman and members of this Election Law Committee:

My name is Corinne Dodge. I live in Derry, and am here to represent both myself and NH Voters Restoring Democracy. We strongly support HB 706 and ask for your support.

1 We, like an overwhelming number of NH voters, believe that it is well-past time to abolish the current gerrymandered system of redistricting in NH that is ultimately unfair to all NH voters whether they be Republican, Democrat or Undeclared. This system currently allows whichever political party is in the majority to be legally free to unilaterally meet behind closed doors to redistrict in ways that insure that their own party members will be at a distinct advantage to win elections for the next 10 years. No transparency and/or public input is currently required. That is **not** the way a democratic Republic is supposed to work.

Testimony
NH voters are exasperated with this unfair system, and we want gerrymandering to be prohibited by any political party. We were hopeful as we learned that the **House** Election Law Committee voted unanimously to send an amended version of HB ~~504~~⁷⁰⁶ for a full House vote as 'Ought to Pass'. And now it is in your hands. We ask you, as **Senate** Election Law Committee members to be brave enough to do the same. Show us that you will put the interests of your constituents before any party line. By doing so you will be sending a message to NH voters and to Governor Sununu that our Republican and Democratic Senators are now ready and willing to work across "the aisle" to support the well-being of both NH citizens and NH governance. Hopefully Governor Sununu will then follow your example.

While no plan is ever perfect, this plan for redistricting will be far superior to the unfair partisan plan we are currently and unfortunately using. Please support HB 706.

Thank You

Voting Sheets

Senate Election Law & Municipal Affairs Committee

EXECUTIVE SESSION RECORD

2019 Session

Bill # 406-FN-A

Hearing date: 5/11/19

Executive Session date: 5/16/19

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Amend 1707s OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#00265

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. L.

Notes: _____

Committee Report

Docket of HB706**Bill Title:** establishing an independent redistricting commission.**Official Docket of HB706.:**

Date	Body	Description
1/18/2019	H	Introduced 01/03/2019 and referred to Election Law HJ 3 P. 27
1/23/2019	H	Public Hearing: 01/29/2019 02:00 pm LOB 308
2/11/2019	H	Subcommittee Work Session: 02/12/2019 02:00 pm LOB 308
2/12/2019	H	Subcommittee Work Session: 02/19/2019 10:00 am LOB 308
2/12/2019	H	Subcommittee Work Session: 02/20/2019 09:45 am LOB 308
2/12/2019	H	Executive Session: 02/20/2019 11:00 am LOB 308
2/20/2019	H	Committee Report: Ought to Pass with Amendment #2019-0597h for 02/27/2019 (Vote 20-0; CC) HC 13 P. 7
2/27/2019	H	Removed from Consent (Rep. Boehm) 02/27/2019 HJ 6 P. 2
2/28/2019	H	Amendment #2019-0597h : AA VV 02/28/2019 HJ 7 P. 42
2/28/2019	H	FLAM #2019-0699h (Rep. Ley): AA VV 02/28/2019 HJ 7 P. 45
2/28/2019	H	Ought to Pass with Amendment 2019-0597h and 2019-0699h: MA RC 218-123 02/28/2019 HJ 7 P. 45
3/18/2019	S	Introduced 03/14/2019 and Referred to Election Law and Municipal Affairs; SJ 9
4/25/2019	S	Hearing: 05/01/2019, Room 102, LOB, 10:00 am; SC 20
5/16/2019	S	Committee Report: Ought to Pass with Amendment #2019-2026s , 05/23/2019; SC 23
5/23/2019	S	Special Order to the beginning of Election Law and Municipal Affairs, Without Objection, MA; 05/23/2019; SJ 17
5/23/2019	S	Special Order to after Executive Departments and Administration, Without Objection, MA; 05/23/2019; SJ 17
5/24/2019	S	Special Order to to the present time, Without Objection, MA; 05/23/2019; SJ 17
5/23/2019	S	Committee Amendment #2019-2026s , AA, VV; 05/23/2019; SJ 17
5/23/2019	S	Ought to Pass with Amendment 2019-2026s, MA, VV; OT3rdg; 05/23/2019; SJ 17
6/13/2019	H	House Concurs with Senate Amendment 2026s (Rep. Moynihan): MA DV 208-137 06/13/2019 HJ 19 P. 3
7/10/2019	S	Enrolled (In recess 06/27/2019); SJ 21
7/12/2019	H	Enrolled 06/27/2019 HJ 20 P. 56
8/12/2019	H	Vetoed by Governor Sununu 08/09/2019
9/18/2019	H	Veto Sustained 09/18/2019: RC 227-145 Lacking Necessary Two-Thirds Vote HJ 21 P. 59

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 706-FN-A

Senate Committee: Elec. Law+MA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1707 - amendment # 2026

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office JM