

# Committee Report

**REGULAR CALENDAR**

**February 17, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Election Law to  
which was referred CACR 4,**

**AN ACT redistricting. Providing that an independent  
redistricting commission shall be established to draw  
boundaries for state and federal offices. Having  
considered the same, report the same with the following  
resolution: RESOLVED, that it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Fenton Groen**

**FOR THE MAJORITY OF THE COMMITTEE**

## **MAJORITY COMMITTEE REPORT**

Committee:	<b>Election Law</b>
Bill Number:	<b>CACR 4</b>
Title:	<b>redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.</b>
Date:	<b>February 17, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

This proposed constitutional amendment would establish an Independent Redistricting Commission. If adopted the change to the Constitution would not specify the details relating to such a commission leaving the membership and process subject to control by the legislature. This process would not erase the realities of a political process that is controlled by the majority party at the time. While some states have adopted commissions, there is no evidence that the process and results have been bipartisan such that it created different outcomes or eliminated accusations of partisanship. In some states that have adopted redistricting commissions in their constitution, the redistricting is limited to districts for federal elections. New Hampshire has the largest state legislative body in the United States. This makes our legislature the most representative group, "commissioned of the people" if you will, to perform this constitutional responsibility. The majority of the committee believes that a constitutional amendment does not end the debate on partisanship and will insulate the persons who do the redistricting from the will of the voting NH citizenry.

Vote 11-8.

Rep. Fenton Groen  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Election Law

**CACR 4**, redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fenton Groen for the **Majority** of Election Law. This proposed constitutional amendment would establish an Independent Redistricting Commission. If adopted the change to the Constitution would not specify the details relating to such a commission leaving the membership and process subject to control by the legislature. This process would not erase the realities of a political process that is controlled by the majority party at the time. While some states have adopted commissions, there is no evidence that the process and results have been bipartisan such that it created different outcomes or eliminated accusations of partisanship. In some states that have adopted redistricting commissions in their constitution, the redistricting is limited to districts for federal elections. New Hampshire has the largest state legislative body in the United States. This makes our legislature the most representative group, “commissioned of the people” if you will, to perform this constitutional responsibility. The majority of the committee believes that a constitutional amendment does not end the debate on partisanship and will insulate the persons who do the redistricting from the will of the voting NH citizenry. **Vote 11-8.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**February 17, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Election Law to  
which was referred CACR 4,**

**AN ACT redistricting. Providing that an independent  
redistricting commission shall be established to draw  
boundaries for state and federal offices. Having  
considered the same, and being unable to agree with  
the Majority, report with the recommendation that the  
bill OUGHT TO PASS.**

**Rep. Connie Lane**

**FOR THE MINORITY OF THE COMMITTEE**

## **MINORITY COMMITTEE REPORT**

Committee:	<b>Election Law</b>
Bill Number:	<b>CACR 4</b>
Title:	<b>redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.</b>
Date:	<b>February 17, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

This proposal to amend New Hampshire's Constitution directs that, decennially, an independent redistricting commission shall make an apportionment of representatives and establish the boundaries of electoral districts for state and federal elections. The redistricting plan developed by the commission is to be submitted to and approved by the Legislature. Currently, 21 U.S. states have some form of non-partisan or bipartisan redistricting commission. There is broad, bipartisan support for states to create independent redistricting commissions to draw district lines. At least 60% of Democrats, Republicans, and unaffiliated voters support the creation of these commissions (ALG Research, Campaign Legal Center, Jan. 25, 2019). This proposal does not bind future legislatures to any commission's proposal, but it does offer a fairer and more open redistricting process. While the minority believes that the New Hampshire Constitution already allows for such a process, expressly integrating the idea into the Constitution is advantageous for two reasons: every voter will have the chance to weigh in on the proposal and, if such an idea is adopted, it will be protected for posterity.

Rep. Connie Lane  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Election Law

**CACR 4**, redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices. **OUGHT TO PASS.**

Rep. Connie Lane for the **Minority** of Election Law. This proposal to amend New Hampshire's Constitution directs that, decennially, an independent redistricting commission shall make an apportionment of representatives and establish the boundaries of electoral districts for state and federal elections. The redistricting plan developed by the commission is to be submitted to and approved by the Legislature. Currently, 21 U.S. states have some form of non-partisan or bipartisan redistricting commission. There is broad, bipartisan support for states to create independent redistricting commissions to draw district lines. At least 60% of Democrats, Republicans, and unaffiliated voters support the creation of these commissions (ALG Research, Campaign Legal Center, Jan. 25, 2019). This proposal does not bind future legislatures to any commission's proposal, but it does offer a fairer and more open redistricting process. While the minority believes that the New Hampshire Constitution already allows for such a process, expressly integrating the idea into the Constitution is advantageous for two reasons: every voter will have the chance to weigh in on the proposal and, if such an idea is adopted, it will be protected for posterity.

Original: House Clerk

Cc: Committee Bill File

## CACR 4 Majority Report – Rep Fenton Groen

This CACR proposes the adoption of a constitutional amendment to establish an Independent Redistricting Commission. If adopted the change to the Constitution would not specify the actual creation of such a Commission leaving the membership and process subject to control by the legislature. Such a process does not erase the realities of a political process that is controlled by the majority party at the time. While some states have adopted commissions, there is no evidence that the process and results have been bi partisan such that it created different outcomes or eliminated accusations of partisanship. In some States that have adopted redistricting commissions in their constitution, the redistricting is limited to districts for federal elections. New Hampshire has the largest legislative body in the United States. This makes our legislature the most representative group, “commissioned of the people” if you will, to perform this constitutional responsibility. The majority of the committee believes that a constitutional amendment does not end the debate on partisanship and will insulate the persons who do the redistricting from the will of the voting NH citizenry.



**Archived:** Thursday, April 22, 2021 11:18:25 AM  
**From:** [Miriam Simmons](#)  
**Sent:** Thursday, April 22, 2021 10:20:24 AM  
**To:** [Miriam Simmons](#)  
**Subject:** FW: Minority Report - CACR 4  
**Response requested:** Yes  
**Importance:** Normal

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**From:** Barbara Griffin <[Barbara.Griffin@leg.state.nh.us](mailto:Barbara.Griffin@leg.state.nh.us)>  
**Sent:** Thursday, February 18, 2021 3:35 PM  
**To:** [Miriam Simmons](#) <[miriam.simmons@leg.state.nh.us](mailto:miriam.simmons@leg.state.nh.us)>  
**Subject:** Fw: Minority Report - CACR 4

The minority report is fine.

Barbara

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**From:** Connie Lane <[Connie.Lane@leg.state.nh.us](mailto:Connie.Lane@leg.state.nh.us)>  
**Sent:** Thursday, February 18, 2021 3:03 PM  
**To:** [Miriam Simmons](#) <[miriam.simmons@leg.state.nh.us](mailto:miriam.simmons@leg.state.nh.us)>; [Barbara Griffin](#) <[Barbara.Griffin@leg.state.nh.us](mailto:Barbara.Griffin@leg.state.nh.us)>  
**Cc:** [David Cote](#) <[david.cote@leg.state.nh.us](mailto:david.cote@leg.state.nh.us)>  
**Subject:** Re: Minority Report - CACR 4

Miriam and Barbara,  
Below is the minority report for CACR 4. Sorry for the confusion at my end.

**CACR 4**, relating to redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

**Rep. Connie Lane for the Minority.**

This proposal to amend New Hampshire's Constitution directs that, decennially, an independent redistricting commission shall make an apportionment of representatives that establishes the boundaries of electoral districts for state and federal elections. The redistricting plan shall be submitted to and approved by the Legislature. Currently, 21 U.S. states have some form of non-partisan or bipartisan redistricting commission. There is broad, bipartisan support for states to create independent redistricting commissions to draw district lines. At least 60% of Democrats, Republicans, and Unaffiliated voters support the creation of these commissions (ALG Research, Campaign Legal Center, Jan. 25, 2019). This proposal does not bind future legislatures to any commission's proposal, but it does offer a fairer and more open redistricting process. While the minority believes that the New Hampshire Constitution already allows for such a process, expressly integrating the idea into the Constitution is advantageous for two reasons: every voter will have the chance to weigh in on the proposal and, if such an idea is adopted, it will be protected for posterity.

Regards,  
Representative Connie Lane  
Merrimack District 12

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**From:** Miriam Simmons <[miriam.simmons@leg.state.nh.us](mailto:miriam.simmons@leg.state.nh.us)>  
**Sent:** Thursday, February 18, 2021 2:31 PM  
**To:** Connie Lane <[Connie.Lane@leg.state.nh.us](mailto:Connie.Lane@leg.state.nh.us)>  
**Subject:** RE: Minority Reports

Ok

# Voting Sheets

**HOUSE COMMITTEE ON ELECTION LAW**

**EXECUTIVE SESSION on CACR 4**

**BILL TITLE:** redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.

**DATE:** February 17, 2021

**LOB ROOM:** Remote / Hybrid

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Groen

Seconded by Rep. W. MacDonald

Vote: 11-8

**CONSENT CALENDAR: NO**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Bill # CACR-4

BILL TITLE: Redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.

DATE: 2-19-2021

LOB ROOM: 306

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Fenton Green Seconded by Rep. Wayne MacDonald Vote: 11/8

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_ YES \_\_\_\_ NO

Minority Report? \_\_\_\_ Yes \_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: Rep Natalie Wells, Clerk  
Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: CAGR-4 Motion: ITL AM #: 11/8 Exec Session Date: 2-17-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.		✓	
Ward, Gerald W.R.		✓	
Bergeron, Paul R.		✓	
<del>Sandler, Matt</del> <i>Mannie Espitia</i>		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		⊘	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
<b>TOTAL VOTE:</b>	<b>11</b>	<b>8</b>	

# Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON CACR 4

**BILL TITLE:** redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.

**DATE:** February 12, 2021

**LOB ROOM:** LOB Hybrid      **Time Public Hearing Called to Order:** 9:30 a.m.

**Time Adjourned:** 10:04 a.m.

**Committee Members:** Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

**Bill Sponsors:**

Rep. Schuett

Rep. Porter

TESTIMONY

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

**\*Rep Dianne Schuett, Prime Sponsor, Merrimack #20, Introduced bill**

Emailed Testimony and Amendment 2021- 0290h

- Identical to CACR 9 (Session 2020)
- Last committee held subcommittees which produced this draft in current CACR 4
- Places in the Constitution the will of the people
- HB 121 only proposes one method for creating
- This CACR addresses the Constitution to enable the statute
- Gives the people the right to weigh in on the subject
- Amendment was suggested by a constituent

**Rep. Porter, Co-Sponsor, Hillsborough #1**

- CD #1 is “purple”
- Her constituents want citizen input.
- Independent Commissions have received non-partisan support in the past.
- The Town of Hillsboro passed a resolution in support of the idea in CACR 4.

**Liz Tantarelli – President, League of Women Voters, Supports**

- Committed to fair and non-partisan redistricting
- Amendment
- 2011 process resulted in lawsuits
- 15 states (ME, VT, NY, RI) have Commissions because of voters wanting to be heard
- US Supreme Court says it’s up to the states
- Upset that Steve Stepanek made a comment about sending a conservative to Congress.
- Transparency and nonpartisanship are key
- Will take questions

**Question – Rep. Prudhomme-O’Brien; on election outcomes since 2011.**



**Louise Spencer – Concord, NH – Co-founder of Kent Street Organization, Support**

- Top priority issue
- Believes in a fair fight
- CACR 4 will enshrine fairness in Constitution
- Fairness is in the people not vested political interests
- 86% of districts have been decided
- Maps drawn to protect everyone but the voter

**\*Olivia Zink, Executive Director of Open Democracy Action, supports**

**Submitted email testimony**

- Politicians should be picked by voters
- 10 years ago, the Constitution and voters' wishes were ignored
- In 2006, the voters approved
- This Committee should be accountable to people not parties
- Exec Council District 2 is an example of district packing
- CACR 4 allows NH to be represented fairly

**Hearing adjourned at 10:04 a.m.**

Respectfully submitted by,

Rep. Maureen Mooney  
Acting Committee Clerk

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

\* <sup>REP</sup> DIANNE SCHUETI

\* REP. MARJORIE PORTER

\* NZ TANTARELLI

LOUISE SPENCER

\* OLIVIA ZINK

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # CACR 4

BILL TITLE: Redistricting. PROVIDING that an Indep. Redistricting Commission

DATE: 2-12-21

ROOM: 306

Time Public Hearing Called to Order: 9:30 AM

Time Adjourned: 10:04 AM

(please circle if present)

**Committee Members:** Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

TESTIMONY

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

\* <sup>REP</sup> DIANDE SCHUETT

\* REP. MARJORIE PORTER

\* LIZ TANTARELLI

LOUISE SPENCER

\* OLIVIA ZINIK

# *DRAFT MINUTES*

## **HOUSE ELECTION LAW**

**PUBLIC HEARING on February 12, 2021**

**CACR 4 ... relating to redistricting....**

- Start time 9:30 a.m.
- End time 10:04 a.m.

### **\*Rep Dianne Schuett, Prime Sponsor, Merrimack #20, Introduced bill**

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**Question – Rep. Prudhomme-O’Brien; on election outcomes since 2011.**

### **Louise Spencer – Concord, NH – Co-founder of Kent Street Organization, Support**

- Top priority issue
- Believes in a fair fight
- CACR 4 will enshrine fairness in Constitution
- Fairness is in the people not vested political interests

# *DRAFT MINUTES*

- 86% of districts have been decided
- Maps drawn to protect everyone but the voter

## **\*Olivia Zink, Executive Director of Open Democracy Action, supports**

### **Submitted email testimony**

- Politicians should be picked by voters
- 10 years ago, the Constitution and voters' wishes were ignored
- In 2006, the voters approved
- This Committee should be accountable to people not parties
- Exec Council District 2 is an example of district packing
- CACR 4 allows NH to be represented fairly

**CLOSED hearing 10:04 a.m.**

# House Remote Testify

## Election Law Committee Testify List for Bill CACR4 on 2021-02-12

Support: 193 Oppose: 29 Neutral: 0 Total to Testify: 4

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Spencer, Louise	kentstusa@aol.com	603.491.1795	A Member of the Public	Myself	Support	Yes (3m)
Tentarelli, Liz	lvwnewhampshire@gmail.com	603.763.9296	A Member of the Public	League of Women Voters NH	Support	Yes (2m)
Porter, Marjorie	maporter995@gmail.com	603.464.0225	An Elected Official	Hillsborough D 1	Support	Yes (2m)
Zink, Olivia	olivia@opendemocracy.me	111.111.1111	A Lobbyist	Open Democracy Action	Support	Yes (2m)
Austin, Suzanne	suzanne321@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Orkin, Susan	susanorkin@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Atkinson, Matthew	mtthwatkinson@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Smith, Megan	msmith@antioch.edu	111.111.1111	A Member of the Public	Myself	Support	No
Perencevich, Ruth	rperence@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Spielman, Kathy	jspielman@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Spielman, James	jspielman@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Richardson, Daniel	daniel6_22@comcast.net	111.111.1111	A Member of the Public	Myself	Oppose	No
Osborne, Jason	houwerepoffice@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Oppose	No
Willing, Maura	Maura.Willing@Comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Cawley, David	dcawley7@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Aronson, Laura	laura@mlans.net	111.111.1111	A Member of the Public	Myself	Support	No
ward, Janet	jwardnh@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Perry, Bob	perry4nh@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Cusson, Jeanne	Jsirgus@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Cuff, JoEllen	applebug2@msn.com	111.111.1111	A Member of the Public	Myself	Support	No
Kindeke, Grace	gkindeke@afsc.org	111.111.1111	A Lobbyist	Myself	Support	No
Kowalski, Carol	carol@kaszeta.org	111.111.1111	A Member of the Public	Myself	Support	No
Bourassa, Cheryl	cbourassa59@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Minihan, Jeremiah	Jeremiah.minihan@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Burr, Emily	revemilyburr@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Johnston, Cordell	cjohnston@nhmunicipal.org	111.111.1111	A Lobbyist	NH Municipal Association	Support	No
Lightfoot, Jean	JnLightfoot@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Whittington, Jeanne	jawhittington3@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Wilke, Mary	wilke.mary@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Seibert, Christine	christine4nh@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Barton, Paul	iwebdevelop@yahoo.com	111.111.1111	A Member of the Public	Myself	Support	No
St Germain, Diane	diane.stgermain33@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
King, Marcia	mchking@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Hamilton, Melanie	Mhamilton1947@yahoo.com	111.111.1111	A Member of the Public	Myself	Support	No
Vincent, Laura	lvlauravincen5@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Clafin, Kyri	KyriClafin@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Pietrovento, Janet	jpietrovento@me.com	111.111.1111	A Member of the Public	Myself	Support	No
Ropp, Elizabeth	arunareiki@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Freeman, Ivor	mfakci@aol.com	111.111.1111	A Member of the Public	Myself	Oppose	No
Varney, Michele	maloof@metrocast.net	111.111.1111	A Member of the Public	Myself	Support	No
Nardino, Marie	mdnardino@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
McCalley, Jennifer	jenniferamccalley@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No
Covert, Susan	scovert@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No
Arnold, Neil	krisarn@myfairpoint.net	111.111.1111	A Member of the Public	Myself	Support	No
Bagshaw, Joseph	bagshaw.joseph@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No

Anastasia, Patricia	patti.anastasia@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Mennella, Alexandra	amennella1@protonmail.com	111.111.1111	A Member of the Public	Myself	Oppose	No	:
Falk, Cheri	Falk.cj@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Vann, Ivy	ivy@vann.org	111.111.1111	An Elected Official	Myself	Support	No	:
Coon, Kate	kate2coon@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Memnin, Patricia	trish323@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No	:
Reed, Barbara	moragmcp83@outlook.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Mooney, Bridget	bridget@moonchick.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Reardon, Donna	Bugs42953@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
John, Reardon	Bugs42953@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Mailhot, Kelly	Kmailhot@sau8.org	111.111.1111	A Member of the Public	Myself	Support	No	:
Gregory-Davis, Rev. John	john@meridenucc.org	111.111.1111	A Member of the Public	Myself	Support	No	:
Adams, Dan	danieladams9@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Longman, Petra	petra.longman@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Rankin, Don	diggindawgsgw@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Cook, Barbara D	bdc7@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Grassie, Chuck	chuck.grassie@leg.state.nh.us	111.111.1111	An Elected Official	Strafford 11	Support	No	:
Ciatto, Susan	susan.ciatto@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Stinson, Ben	benrkstinson@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Heslin, Mary	mlheslin@yahoo.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Raspiller, Cindy	raspicl@hotmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Brown, Howard	hobro39@hotmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Brown, Morgan	mmbrown1998@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Brown, William	brownwd95@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Zajano, Emily	emzajano@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Josephson, Helina	helinahappy@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Gordon, Laurie	Lmgord23@gmail	111.111.1111	A Member of the Public	Myself	Support	No	:
McNamee, Brigid	brigidmcnamee@yahoo.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Zaenglein, Barbara	bzaenglein@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Zaenglein, Eric	henley11@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No	:
Brennan, Nancy	burningnan14@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Magruder, Joe	joe.magruder@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Pinto, Josie	josie@nhyouthmovement.org	111.111.1111	A Lobbyist	New Hampshire Youth Movement	Support	No	:
Henrichon, Margaret	mhenrichon@comcast.net	111.111.1111	A Member of the Public	Myself	Support	No	:
Donovan, Julie	julie.donovan@juno.com	111.111.1111	A Member of the Public	Myself	Support	No	:
van der Bijl, Dana	dana@vanderb.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Rung, Rosemarie	rosemarie.rung@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	:
Rathbun, Eric	ericrathbun@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Nastasi, Sue	ctcoastmetro@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Filiault, Jacqueline	Jx243@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Farnum, Ellen	Ellenlynnfarnum@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Goodnow, Martha	mrwg@netzero.net	111.111.1111	A Member of the Public	Myself	Support	No	:
Murray, Megan	Megan.Murray@leg.state.nh.us	111.111.1111	An Elected Official	Hillsborough 22	Support	No	:
Aiken Hobbs, Alyson	aaikenhobbs@yahoo.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Harley, Tina	tianalh@hotmail.com	111.111.1111	An Elected Official	Myself	Oppose	No	:
Tudor, Paul	Paul.Tudor.1strookingham@gmail.com	111.111.1111	An Elected Official	Myself	Oppose	No	:
Newton, Jay	Jjnewt@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Bushueff, Catherine	agawamdesigns@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Waterman, Raymond	prwaterman@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Waterman, Patricia	prwaterman@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Petrucelli, Maxine	maxinpet@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Petrucelli, Charles	chasmxpet@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	:
Emus, Joanne	Jremus0322@aol.com	111.111.1111	A Member of the Public	Myself	Support	No	:
THEBERGE, ROBERT	rolath@hotmail.com	111.111.1111	An Elected Official	Myself	Oppose	No	:



# Testimony



February 11, 2021

Re: CACR 4, providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices.

To: Madame Chair Rep. Griffin and members of the Election Law committee

In a recent Pew Research Center survey 76% of respondents said that open and transparent government is very important for the country, but only 30% think that the government is in fact open and transparent.

Clearly we have work to do to restore trust in our government.

After the 2010 census was completed, new district maps for New Hampshire were drawn largely in secret and there was little meaningful public review and comment on the proposed maps before they were voted on and approved. This closed process, plus the gerrymandering that resulted, both served to reduce trust.

An independent redistricting commission is one approach to attempt to open up the process and put an end to gerrymandering. However, some people have claimed that such a commission would be unconstitutional. CACR 4 is a remedy for that alleged problem.

People criticize CACR 4 as being too late to help with the redistricting that must occur after the 2020 census is completed, which is true. However, I am old enough to know that 2030 will be here very quickly and it is not too early to start preparing for the redistricting that will need to occur at that time.

Approving CACR 4 would have the additional benefit of allowing the public to weigh in on whether they support the idea of an independent redistricting commission. The vote that would be taken in 2022 would be a referendum on the concept. Giving the public a direct role in the approval process is another way to rebuild trust in government.

**Please vote to approve CACR 4.**

Thank you.

Phil Hatcher  
Dover, NH  
phil.hatcher@gmail.com



4 Park St Room 200  
Concord, NH 03301

[www.LWVNH.org](http://www.LWVNH.org)

February 12, 2021

To: Chair Rep. Griffin and House Election Law Committee members

From: Liz Tentarelli, president, League of Women Voters NH [LWVNewHampshire@gmail.com](mailto:LWVNewHampshire@gmail.com)

Re: **CACR 4**, creating an **Independent Advisory Redistricting Commission**, as amended

The League of Women Voters is a non-partisan organization with voting rights at the core of our mission. Central to the power of the vote is the fair apportionment of districts. The League has supported an independent redistricting commission in New Hampshire since our study of the issue in 2004, and we have testified a number of times since then. We are here today to urge you to **support CACR4**.

This bill calls upon the legislature and eventually the voting public to affirm their support for several things in the upcoming redistricting process:

- To conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines
- To draw district lines according to the redistricting criteria specified
- To draw those districts without partisan bias or consideration
- To conduct its business with integrity and fairness.

We find it hard to imagine that any of you would fail to affirm these lofty goals.

But how to make that happen, in light of previous failures of a legislative committee charged with redistricting to do so, is the issue. If you cannot support the creation of an independent advisory redistricting commission, then I urge you to support the intent of the CACR4 amendment to improve the process within the legislature, as the public demands. No gerrymandering!

### **Let's learn from the past.**

Transparency in government is protected by many statutes, but in the 2011 redistricting process in New Hampshire, transparency was almost non-existent.

In 2011 I attended two of the public hearings held on the redistricting plans. The meetings had been hastily scheduled in response to public cries for information, but the meetings were frustrating for all.

Representatives on the redistricting committee were sent to meetings around the state with nothing to show the public. I attended a meeting in West Lebanon on November 8 and was embarrassed for the legislators tasked with presenting information, who had to deal with the frustration and anger of the hundred or more people who turned out and were not shown any draft maps nor able to get answers, because the House maps had not yet been made public. The public had no way to give input without draft maps!

In 2011 the House redistricting plan was created behind closed doors by key Republicans. None of the dozens of plans submitted by the public and organizations were ever considered, according to Rep. David Pierce at the time.<sup>[1]</sup> The Democrats and even most of the Republicans on the committee were not included in these discussions and had to answer “I don’t know” when the public asked questions. Three representatives who no longer are in the House were identified as being among the architects of the final plan, according to NHPR articles at the time: Steve Vaillancourt, Spec Bowers, and Seth Cohn.<sup>[1]</sup>

By mid-December of 2011 they released their maps, months after the public had expected information and input and just days before the public hearing on the plan was to be held. <sup>[NHVoter, Jan. 2012]</sup>

What happened next was even more confusing. On Dec. 20, 2011, the Special Committee on Redistricting voted 12-5 to adopt the House Republican Leadership Plan for new districts. They also tried to pass an order that the plan be implemented by the Secretary of State without going to Governor John Lynch. <sup>[2—Foster’s Daily Democrat, Dec. 22, 2011]</sup>

The bill went to the full House on Jan. 18, 2012, where it was approved 205-68. An alternative Democrat plan was soundly defeated, despite arguments that 50 towns that qualified for their own representatives were not allotted one. <sup>[2—Concord Patch, Jan. 18, 2012]</sup>

But it was not smooth sailing for the Republican leadership, who had to contend with protests from Manchester Republican reps and some others who said they would sustain the expected Governor’s veto of the plan. <sup>[2—Union Leader, Feb. 19, 2012]</sup>

When the bill finally got to the Senate in March, four Republicans broke rank and voted with the Democrats against the plan. <sup>[2—NH Insider, March 9, 2012]</sup>

The plan for Senate districts faced controversy too, with charges by Sen. Sylvia Larsen that “...the plan was designed in backrooms with clear partisan motivation to promote a future of Republican domination in the State House.”<sup>[2—Nashua Telegraph, Jan. 6, 2012]</sup>

The Senate plan was passed along party lines by a vote of 19-4 on February 1, 2012. It included changes to 18 of the 24 Senate districts. The bill advanced to the House where it passed by a vote of 253-91 on March 7 <sup>[2—Boston.com]</sup>

Eventually Governor Lynch approved the Senate districts but vetoed the House districts. I won’t go into the tricky maneuvers of trying to override that veto, but it worked, and that led to the lawsuit by the cities of Manchester, Concord, Laconia and other groups.

Finally, on June 19 of 2012 (which must have delayed filings for state primaries), the NH Supreme Court ruled that the House plan was constitutional, while admitting that it could have created smaller districts. The grudging court ruling is cited in the appendix. <sup>[3] [4]</sup>

The redistricting mess in 2001 is its own story, which I won’t go into here except to remind you that it involved a gubernatorial veto that could not be overridden. The NH Supreme Court eventually hired a company to draw districts that were so bad they had to be redone two years later. And that led to a CACR passing in 2006 requiring that towns large enough to have their own representative must indeed be allotted their own rep (a constitutional requirement that was ignored by legislators in 2011 in number of towns.)

I've attached two other references for you. In a Clark University publication [5] Dante Scala describes the congressional redistricting process in 2011-12, explaining it was heavily manipulated by the two Congressmen in power. The Governor finally signed that plan on April 23, 2012, rather late in the usual scheme of things.

The other reference is to a publication by professors at William and Mary Law School, in which they rate states for transparency in redistricting. [6] Not surprisingly, except that it wasn't 0%, they rate NH in the 2010 cycle at 25% for transparency, point out that NH accepted no plans from the public, and rate NH as 0% for holding open meetings on the plans (presumably because the legislators in charge of those meetings had no plans to present.)

New Hampshire has the opportunity in another bill, HB121, to join the 15 other states that use an Independent Redistricting Commission to do this important work. Voters demand an end to gerrymandering and a restoration of confidence in the election process. **Please support the principles of transparency and non-partisanship as described in CACR 4.**

\* \* \*

#### Appendix:

[1] <https://www.nhpr.org/post/redistricting-tangle-pushes-forward#stream/0>

"Redistricting Tangle Pushes Forward." NHPR, Sam Evans Brown

Dec. 16, 2011

[2] [https://ballotpedia.org/Redistricting\\_in\\_New\\_Hampshire\\_after\\_the\\_2010\\_census](https://ballotpedia.org/Redistricting_in_New_Hampshire_after_the_2010_census)

"Redistricting in New Hampshire after the 2010 census: Public Policy in New Hampshire"

[3] <https://www.nhpr.org/post/nh-supreme-court-upholds-house-redistricting-plan#stream/0>

"NH Supreme Court Upholds House Redistricting Plan"

NH Public Radio, Sam Evans Brown

June 19, 2012

The State Supreme Court has put an end to the long debate over the redistricting of New Hampshire's House of Representatives. It unanimously upheld a redistricting plan championed by House Republican Leadership.

Governor Lynch vetoed the redistricting plan, saying it ran afoul of a 2006 amendment to the state's constitution. When the legislature passed the plan over the veto, the cities of Manchester, Concord, Laconia, and other groups brought suit.

They argue Republican leaders could have created more districts, if they had allowed for slightly more variation in population per district. But the court, citing federal case law, say the plan is up to constitutional snuff.

In its ruling the court notes that redistricting plans are presumed constitutional, until found otherwise on "inescapable grounds." And while an argument might be made that the plan could have created more, small districts, the court writes it can't fault the legislature for giving primary consideration to the federal "one person/one vote" principal, saying "the Supreme Court has held that population equality must be the predominant factor in redistricting plans."

[4] NH Supreme Court ruling June 19, 2012.

<https://www.courts.state.nh.us/supreme/opinions/2012/2012061redistricting.pdf>

[5] <https://commons.clarku.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1025&context=mosakowskiinstitute>  
Dante Scala, chapter titled “New Hampshire’s Congressional Redistricting”

[6] <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3753&context=wmlr>  
*Redistricting Transparency* by Rebecca Green, William & Mary Law School, co-director Election Law Program.

**Archived:** Monday, April 12, 2021 9:37:57 AM  
**From:** [Corinne Dodge](#)  
**Sent:** Wednesday, February 10, 2021 10:03:19 AM  
**To:** [~House Election Law Committee](#)  
**Subject:** CACR-4 Written testimony  
**Importance:** Normal

---

Gerrymandering has a history of being practiced by both political parties and is a temptation to whichever party is in power during the redistricting process. With the new redistricting process about to begin, gerrymandering has become a growing concern with voters in NH. As a NH voter, I am asking you to put the needs of your constituents before that of your political party by supporting CACR-4 to establish an independent redistricting commission to draw boundaries for state, county, and federal elections. Thank you for your time.  
Corinne Dodge, Derry NH

Sent from [Mail](#) for Windows 10

**Archived:** Monday, April 12, 2021 9:37:57 AM  
**From:** Alvin  
**Sent:** Wednesday, February 10, 2021 4:43:20 PM  
**To:** ~House Election Law Committee  
**Subject:** [CAUTION: SUSPECT SENDER] CACR 4  
**Importance:** Normal

---

*From:* Alvin See  
Loudon NH 03307  
[absee@4Liberty.net](mailto:absee@4Liberty.net)

CACR-4 is a constitutional amendment to require an Independent Redistricting Commission. At this time, a constitutional amendment will take too long to pass to affect this decade's redistricting. I would like to recommend to the Election Law Committee that this bill be voted ITL. Perhaps, in about eight years, the Legislature of that time may want to reconsider this issue.

As a specific note to this bill, on line 13 of page one. The strikeout of the phrase with "1971" leaves the sentence calling for the commission to occur with the next session of the legislature and every ten years thereafter. But this constitutional amendment if passed in November of 2022 (as per page 2, line 21) would then require that the Independent Redistricting Commission to meet in 2023 and future years ending in 3. This needs to be reworded to call for redistricting in years ending in 1.

Thank you,  
Alvin See

Sent from [Mail](#) for Windows 10

**Archived:** Monday, April 12, 2021 9:37:57 AM  
**From:** [Mike & Janet Ward](#)  
**Sent:** Thursday, February 11, 2021 11:32:44 AM  
**To:** [~House Election Law Committee](#)  
**Subject:** NH House Remote Testify: 9:30 am - CACR4 in House Election Law  
**Importance:** Normal

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To the members of the NH House Election Law Committee:

I am writing in support of CACR4, a bill that would establish an independent redistricting commission.

All of you are well aware of the insidious partisan practice of gerrymandering. The voice of voters is silenced by this practice, and the general voting public is beginning to understand and to appreciate the damage this practice has done and threatens to continue to do to our democracy.

CACR4 offers a practical, effective and constitutionally appropriate solution to this unfair and damaging practice. It recommends that a balanced and knowledgeable group of NH citizens be appointed to offer a strictly non-partisan and transparent recommendation on redistricting to the NH Legislature. The Legislature can then perform their constitutional duty in reviewing and acting upon this recommendation in an open forum where NH voters can observe the procedure.


No smoke-filled rooms filled with partisan manipulation. No district lines drawn to suit partisan objectives. Rather, a plan designed using factual data that considers district lines which offer the best opportunity to have the interests of the voters represented fairly.

The voters of New Hampshire know what gerrymandering means. They are watching your work with more care and concern than ever before. Support CACR4 because it is the right, the fair and the morally just thing to do.

Thank you.

Janet Ward  
Contoocook  
(746-4991)



**Archived:** Monday, April 12, 2021 9:37:57 AM  
**From:** [Phil Hatcher](#)  
**Sent:** Thursday, February 11, 2021 11:39:58 AM  
**To:** [~House Election Law Committee](#)  
**Subject:** written testimony in favor of CACR 4  
**Importance:** Normal  
**Attachments:**  
[CACR 4 testimony.pdf](#) 

---

Attached in my written testimony in favor of approving CACR 4.

Thank you.

Phil Hatcher  
Dover, NH

**Archived:** Monday, April 12, 2021 9:37:57 AM

**From:** [Liz Tentarelli](#)

**Sent:** Thursday, February 11, 2021 3:04:47 PM

**To:** [~House Election Law Committee](#)

**Subject:** CACR4 testimony 2-12-21

**Importance:** Normal

**Attachments:** [testimony CACR 4 redist 2-12-21.pdf](#) ;

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A pdf is attached with testimony from Liz Tentarelli representing the League of Women Voters NH re CACR 4. Thank you for reading. It includes numerous links to news articles from 2011.

**Archived:** Monday, April 12, 2021 9:37:57 AM  
**From:** [Dianne Schuett](#)  
**Sent:** Thursday, February 11, 2021 6:42:37 PM  
**To:** [~House Election Law Committee](#)  
**Cc:** [Miriam Simmons](#)  
**Subject:** Prime Sponsor Testimony on CACR 4  
**Importance:** Normal

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Madame Chair and Members of Election Law:

The text of this Constitutional Amendment is identical to CACR 9, which came before the House last session after being retained from the 2019 session. The Election Law committee, as it existed then, held several bipartisan subcommittee work sessions on that bill and after reaching compromises to satisfy members on both sides, produced the CACR that you have before you today. I hope that all of us agree that redistricting can affect our chances at being gerrymandered against depending on who does the redistricting. This CACR does not go into the details of creating a nonbiased redistricting commission, but would simply put into the constitution the will of the people that one should be created, leaving the details to be placed into statute. The idea being that if the commission needs tweaking after being created, that would be more easily changed in statute. This committee has before it HB 121, which proposes a method for creating such a commission and how it would function. At the hearing on HB 121, a legislator who opposed that bill cited the lack of constitutional authority as his reason for opposing that bill, because it names the legislature as the sole source for redistricting. That is one of the reasons I bring this CACR forward, to have the constitution enable the statute. But in the final analysis, this would allow the voters of New Hampshire to decide if this would be the fairest way to accomplish redistricting. That is my main objective – to give the people the right to weigh in on this subject.

I have also presented for your consideration a small amendment suggested by a constituent which just rewords the opening clause.

I thank you for your consideration,

Rep. Dianne Schuett, Merr. 20

**Archived:** Monday, April 12, 2021 9:37:57 AM  
**From:** [Laura Aronson](#)  
**Sent:** Thursday, February 11, 2021 11:10:58 PM  
**To:** [~House Election Law Committee](#)  
**Subject:** Support independent redistricting  
**Importance:** Normal

---

Dear Committee member,

I support CACR 4. "This constitutional amendment concurrent resolution establishes an independent redistricting commission to draw the boundaries for state, county, and federal elections."

Laura Aronson  
37 Evergreen Way, Manchester, NH 03102

**Archived:** Monday, April 12, 2021 9:37:57 AM

**From:** [Joe Magruder](#)

**Sent:** Thursday, February 11, 2021 9:33:41 PM

**To:** [~House Election Law Committee](#)

**Subject:** Passing CACR4 would reinforce NH's claim to the earliest presidential primary

**Importance:** Normal

---

Increasingly, voters understand gerrymandering and see it for what it is: cheating. Please vote OTP on CACR4.

Joe Magruder  
Concord  
(603) 731-9232

**Archived:** Monday, April 12, 2021 9:37:57 AM

**From:** [Olivia Zink](#)

**Sent:** Friday, February 12, 2021 9:22:51 AM

**To:** [~House Election Law Committee](#)

**Subject:** Testimony in support of CACR 4

**Importance:** Normal

**Attachments:**

[2021 CACR4.pdf](#) 

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February 12, 2021

The Honorable Barbara Griffin, Chairwoman  
Election Law  
Legislative Office Building,  
Concord, NH 03301

TESTIMONY in SUPPORT of CACR 4

Good Morning Chair and Members of Election Law Committee,

For the record, my name is Olivia Zink, Executive Director of Open Democracy Action, a non-partisan, non-profit, pro-voter organization with over 35,000 members. Open Democracy Action's mission is fixing our democracy, specifically campaign finance reform, redistricting and honest elections in New Hampshire.

I am here to speak for CACR 4, the constitutional amendment concurrent resolution to establish FAIR redistricting to draw the boundaries for state and federal elections. Voters need to pick politicians. Politicians should not be picking voters. Our redistricting process was mostly fair until 2001, but in the last two decades, New Hampshire diluted the power of the average voter, packing clusters of Democrats and Republicans when drawing the maps to create "safe" adjoining districts.

On Nov 7, 2006, NH voters passed a CACR to enable towns with sufficient populations to have their own representative districts and permit the use of floterial districts. Ten years ago, legislators ignored the Constitution and the voters' wishes to have their own districts. 62 towns our of 152 were denied. Voters supported this 240,767 to 100,688.

At the NH GOP convention in January 2021, current GOP Chair Steve Stepanek was quoted by [WMUR's](#) as saying: "Because of this we control redistricting," he said. "I can stand here today and guarantee you that we will send a conservative Republican to Washington, D.C. as a Congress person in 2022."

Party leaders should not be guaranteeing seats in Congress, and be suggesting gerrymandering as a way to do it. This committee, the special committee for redistricting, and the legislature should not be accountable to party leadership. The legislature is accountable to the VOTERS, and I would say this if Democratic Leaders made this statement too. Daniel Webster said, it's "The people's government, made for the people, made by the people and answerable to the people."

Partisan gerrymandering perpetrated by bad actors from ANY party is bad for the towns, which may not get someone who advocates for its interests; bad for the voters, because their vote doesn't matter as much in a rigged district; and bad for the state, because the voters lose faith in the honesty and integrity of their government.

As a result, New Hampshire's Executive Council District 2 has been reconfigured into a massive, sprawling district snaking from one end of the state to the other, and representing everything from the sparsely rural woodlands of extreme southwest New Hampshire, to the densely-populated urban center of Portsmouth.

As you know, the Governor vetoed the HB 706 Independent Redistricting Commission, and said in [his veto statement](#), "We should all be proud that issues of gerrymandering are extremely rare in New Hampshire. Our current redistricting process is fair and representative of the people of our State." With all respect for the Governor's statement, I think any rational person can look at the way we drew the Executive Council and understand that partisan packing and cracking happened.

New Hampshire's fairly unique usage of multi-member and flatorial districts creates other redistricting complications. Many House and Senate districts are gerrymandered. These changes, implemented in 2010-2012, resulted in skewing election results in the 2016 election. Two separate studies by the Associated Press and New Hampshire Public Radio showed that the party which did the redistricting, and was in the majority at the time of the 2016 election, picked up seats as a result. The AP analysis shows that 22 additional House seats were gained. As happened in 2011, that kind of manipulation can take place behind closed doors, without scrutiny by the minority party or the voters, and in a purple state like New Hampshire, the next swing of the pendulum might mean your party might suffer next time.

According to the House Journal, 10 years ago, HB 592 (24-hour notice to the people to provide public comment on the plan presented, a refusal to provide further time for public comment, domination of district by large towns, creating unnecessary and virtually irreconcilable conflicts of interests for representatives, among others)..

The redistricting process should be independent, transparent, and ensure that all communities in NH are fairly represented. Fair maps and an independent redistricting process enforces a two-way conversation between voters and their elected official.

New Hampshire has a proud tradition of true civic participation with our citizen legislature. Independent redistricting continues to show New Hampshire's commitment to ensuring that every voter has a chance to participate in a fair electoral process.

Recent cycles of redistricting in New Hampshire have resulted in distorted and partisan skewed districts. Gerrymandering schemes at the state-wide level have disenfranchised many local communities and diminished the competitiveness of legislative elections. Ahead of the 2020 census, please side with the voters for honesty and fairness by voting CACR 4 OTP.

Respectfully,

--

Olivia Zink

Executive Director, [Open Democracy](#)

4 Park St, Suite 301, Concord, NH 03301

603-715-8197 or cell: 603-661-8621

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February 12, 2021

The Honorable Barbara Griffin, Chairwoman  
Election Law  
Legislative Office Building,  
Concord, NH 03301

TESTIMONY in SUPPORT of CACR 4

Good Morning Chair and Members of Election Law Committee,

For the record, my name is Olivia Zink, Executive Director of Open Democracy Action, a non-partisan, non-profit, pro-voter organization with over 35,000 members. Open Democracy Action's mission is fixing our democracy, specifically campaign finance reform, redistricting and honest elections in New Hampshire.

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At the NH GOP convention in January 2021, current GOP Chair Steve Stepanek was quoted by **WMUR's** as saying: "Because of this we control redistricting," he said. "I can stand here today and guarantee you that we will send a conservative Republican to Washington, D.C. as a Congress person in 2022."

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<sup>1</sup> [http://www.opendemocracynh.com/redistricting/DavidPierce20120338\\_quantbriefonquestionsbandc.pdf](http://www.opendemocracynh.com/redistricting/DavidPierce20120338_quantbriefonquestionsbandc.pdf)

<sup>2</sup> <https://archive.org/stream/manualforgeneral60newh#page/334/mode/2up>

Party leaders should not be guaranteeing seats in Congress, and be suggesting gerrymandering as a way to do it. This committee, the special committee for redistricting, and the legislature should not be accountable to party leadership. The legislature is accountable to the VOTERS, and I would say this if Democratic Leaders made this statement too. Daniel Webster said, it's "The people's government, made for the people, made by the people and answerable to the people."

Partisan gerrymandering perpetrated by bad actors from ANY party is bad for the towns, which may not get someone who advocates for its interests; bad for the voters, because their vote doesn't matter as much in a rigged district; and bad for the state, because the voters lose faith in the honesty and integrity of their government.

As a result, New Hampshire's Executive Council District 2 has been reconfigured into a massive, sprawling district snaking from one end of the state to the other, and representing everything from the sparsely rural woodlands of extreme southwest New Hampshire, to the densely-populated urban center of Portsmouth.

As you know, the Governor vetoed the HB 706 Independent Redistricting Commission, and said in [his veto statement](#), "We should all be proud that issues of gerrymandering are extremely rare in New Hampshire. Our current redistricting process is fair and representative of the people of our State." With all respect for the Governor's statement, I think any rational person can look at the way we drew the Executive Council and understand that partisan packing and cracking happened.

New Hampshire's fairly unique usage of multi-member and flatorial districts creates other redistricting complications. Many House and Senate districts are gerrymandered. These changes, implemented in 2010-2012, resulted in skewing election results in the 2016 election. Two separate studies by the Associated Press and New Hampshire Public Radio showed that the party which did the redistricting, and was in the majority at the time of the 2016 election, picked up seats as a result. The AP analysis shows that 22 additional House seats were gained. As happened in 2011, that kind of manipulation can take place behind closed doors, without scrutiny by the minority party or the voters, and in a purple state like New Hampshire, the next swing of the pendulum might mean your party might suffer next time.

According to the House Journal, 10 years ago, HB 592 (24-hour notice to the people to provide public comment on the plan presented, a refusal to provide further time for public comment, domination of district by large towns, creating unnecessary and virtually irreconcilable conflicts of interests for representatives, among others).<sup>3</sup>.

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<sup>3</sup> [http://www.gencourt.state.nh.us/house/caljournals/journals/2012/houjou2012\\_10.html](http://www.gencourt.state.nh.us/house/caljournals/journals/2012/houjou2012_10.html)

The redistricting process should be independent, transparent, and ensure that all communities in NH are fairly represented. Fair maps and an independent redistricting process enforces a two-way conversation between voters and their elected official.

New Hampshire has a proud tradition of true civic participation with our citizen legislature. Independent redistricting continues to show New Hampshire's commitment to ensuring that every voter has a chance to participate in a fair electoral process.

Recent cycles of redistricting in New Hampshire have resulted in distorted and partisan skewed districts. Gerrymandering schemes at the state-wide level have disenfranchised many local communities and diminished the competitiveness of legislative elections. Ahead of the 2020 census, please side with the voters for honesty and fairness by voting CACR 4 OTP.

Respectfully,



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Bill as  
Introduced

**CACR 4 - AS INTRODUCED**

2021 SESSION

21-0126  
06/04

CONSTITUTIONAL AMENDMENT  
CONCURRENT RESOLUTION **4**

RELATING TO:       redistricting.

PROVIDING THAT:   an independent redistricting commission shall be established to draw boundaries for state and federal offices.

SPONSORS:         Rep. Schuett, Merr. 20; Rep. Porter, Hills. 1

COMMITTEE:        Election Law

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ANALYSIS

This constitutional amendment concurrent resolution establishes an independent redistricting commission to draw the boundaries for state, county, and federal elections.

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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 Twenty One*

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO:           redistricting.

PROVIDING THAT:    an independent redistricting commission shall be established to draw boundaries for state and federal offices.

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

1           I. That the second part of the constitution be amended by inserting after article 8 the  
2 following new article:

3           [Art.] 8-a. [Independent Redistricting Commission.] An Independent Redistricting Commission  
4 whose function is to draw election district boundaries for all state, county, and federal elections in  
5 New Hampshire is essential to ensure a robust democratic process.

6           II. That article 9 of the second part of the constitution be amended to read as follows:

7           [Art.] 9. [Representatives Elected Every Second Year; Apportionment of Representatives.]  
8 There shall be in the Legislature of this State a House of Representatives, biennially elected and  
9 founded on principles of equality, and representation therein shall be as equal as circumstances will  
10 admit. The whole number of representatives to be chosen from the towns, wards, places, and  
11 representative districts thereof established hereunder, shall be not less than three hundred seventy-  
12 five or more than four hundred. As soon as possible after the convening of the next regular session  
13 of the Legislature, [~~and at the session in 1971,~~] and every ten years thereafter, the [~~legislature~~]  
14 ***Independent Redistricting Commission*** shall make an apportionment of representatives  
15 according to the last general census of the inhabitants of the State taken by authority of the United  
16 States or of this State ***for submission to and approval by the Legislature***. In making such  
17 apportionment, no town, ward or place shall be divided nor the boundaries thereof altered.

18           III. That article 11 of the second part of the constitution be amended to read as follows:

19           [Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or  
20 ward, according to the last federal census, is within a reasonable deviation from the ideal population  
21 for one or more representative seats, the town or ward shall have its own district of one or more  
22 representative seats. The apportionment shall not deny any other town or ward membership in one  
23 non-floterial representative district. When any town, ward, or unincorporated place has fewer than  
24 the number of inhabitants necessary to entitle it to one representative, the [~~legislature~~]  
25 ***Independent Redistricting Commission plan submitted to and approved by the Legislature***  
26 shall form those towns, wards, or unincorporated places into representative districts which contain a  
27 sufficient number of inhabitants to entitle each district so formed to one or more representatives for

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1 the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated  
2 places shall be preserved and contiguous. The excess number of inhabitants of a district may be  
3 added to the excess number of inhabitants of other districts to form at-large or flatorial districts  
4 conforming to acceptable deviations. The ~~[legislature shall form the]~~ representative districts **shall**  
5 **be formed** at the regular session following every decennial federal census.

6 IV. That article 26 of the second part of the constitution be amended to read as follows:

7 [Art.] 26. [Senatorial Districts, How Constituted.] And that the State may be equally  
8 represented in the Senate, the **Independent Redistricting Commission plan submitted to and**  
9 **approved by the** Legislature shall divide the State into single member districts, as nearly equal as  
10 may be in population, each consisting of contiguous towns, city wards and unincorporated places,  
11 without dividing any town, city ward or unincorporated place. The legislature shall form the single  
12 member districts at its next session after approval of this article by the voters of the state and  
13 thereafter at the regular session following each decennial federal census.

14 V. That article 65 of the second part of the constitution be amended to read as follows:

15 [Art.] 65. [Councilor Districts Provided for.] The **Independent Redistricting Commission**  
16 **shall submit to the** legislature, ~~[may, if the public good shall hereafter require it, divide]~~ **for**  
17 **approval, a plan dividing** the state into five districts, as nearly equal as may be, governing  
18 themselves by the number of population, each district to elect a councilor: And, in case of such  
19 division, the manner of the choice shall be conformable to the present mode of election in counties.

20 VI. That the above amendment proposed to the constitution be submitted to the qualified  
21 voters of the state at the state general election to be held in November, 2022.

22 VII. That the selectmen of all towns, cities, wards and places in the state are directed to  
23 insert in their warrants for the said 2022 election an article to the following effect: To decide  
24 whether the amendments of the constitution proposed by the 2021 session of the general court shall  
25 be approved.

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

27 “Are you in favor of amending the second part of the Constitution by inserting after article 8 a new  
28 article 8-a, and by amending articles 9, 11, 26, and 65 to read as follows:

29 [Art.] 8-a. [Independent Redistricting Commission.] An Independent Redistricting Commission  
30 whose function is to draw election district boundaries for all state, county, and federal elections in  
31 New Hampshire is essential to ensure a robust democratic process.

32 [Art.] 9. [Representatives Elected Every Second Year; Apportionment of Representatives.]  
33 There shall be in the Legislature of this State a House of Representatives, biennially elected and  
34 founded on principles of equality, and representation therein shall be as equal as circumstances will  
35 admit. The whole number of representatives to be chosen from the towns, wards, places, and  
36 representative districts thereof established hereunder, shall be not less than three hundred seventy-  
37 five or more than four hundred. As soon as possible after the convening of the next regular session

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1 of the Legislature, and every ten years thereafter, the Independent Redistricting Commission shall  
2 make an apportionment of representatives according to the last general census of the inhabitants of  
3 the State taken by authority of the United States or of this State for submission to and approval by  
4 the Legislature. In making such apportionment, no town, ward or place shall be divided nor the  
5 boundaries thereof altered.

6 [Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or  
7 ward, according to the last federal census, is within a reasonable deviation from the ideal population  
8 for one or more representative seats, the town or ward shall have its own district of one or more  
9 representative seats. The apportionment shall not deny any other town or ward membership in one  
10 non-floterial representative district. When any town, ward, or unincorporated place has fewer than  
11 the number of inhabitants necessary to entitle it to one representative, the Independent  
12 Redistricting Commission plan submitted to and approved by the Legislature shall form those towns,  
13 wards, or unincorporated places into representative districts which contain a sufficient number of  
14 inhabitants to entitle each district so formed to one or more representatives for the entire district.  
15 In forming the districts, the boundaries of towns, wards, and unincorporated places shall be  
16 preserved and contiguous. The excess number of inhabitants of a district may be added to the excess  
17 number of inhabitants of other districts to form at-large or floterial districts conforming to  
18 acceptable deviations. The representative districts shall be formed at the regular session following  
19 every decennial federal census.

20 [Art.] 26. [Senatorial Districts, How Constituted.] And that the State may be equally  
21 represented in the Senate, the Independent Redistricting Commission plan submitted to and  
22 approved by the Legislature shall divide the State into single member districts, as nearly equal as  
23 may be in population, each consisting of contiguous towns, city wards and unincorporated places,  
24 without dividing any town, city ward or unincorporated place. The legislature shall form the single  
25 member districts at its next session after approval of this article by the voters of the state and  
26 thereafter at the regular session following each decennial federal census.

27 [Art.] 65. [Councilor Districts Provided for.] The Independent Redistricting Commission shall  
28 submit to the legislature, for approval, a plan dividing the state into five districts, as nearly equal as  
29 may be, governing themselves by the number of population, each district to elect a councilor: And, in  
30 case of such division, the manner of the choice shall be conformable to the present mode of election in  
31 counties."

32 IX. That the secretary of state shall print the question to be submitted on a separate ballot  
33 or on the same ballot with other constitutional questions. The ballot containing the question shall  
34 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in  
35 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall  
36 be the same as the regular official ballot except that the words "Questions Relating to Constitutional  
37 Amendments proposed by the 2021 General Court" shall be printed in bold type at the top of the



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1 ballot.

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

4 XI. Voters' Guide.

5 AT THE PRESENT TIME, the state legislature revises the district boundaries for  
6 state representatives, state senators, executive councilors, county commissioners, and members of  
7 the United States Congress from New Hampshire every ten years according to the last United States  
8 census or state census.

9 IF THE AMENDMENT IS ADOPTED, election district boundaries for all state,  
10 county, and federal elections in the state shall be established by an independent redistricting  
11 commission with the approval of the legislature.