

Committee Report

REGULAR CALENDAR

March 5, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Election Law to
which was referred HB 428,**

**AN ACT relative to the procedures for apportioning
electoral districts. Having considered the same, report
the same with the following resolution: RESOLVED,
that it is INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 428
Title:	relative to the procedures for apportioning electoral districts.
Date:	March 5, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Provisions of our State Constitution and laws provide for the responsibility to perform the reapportionment of electoral districts after the decennial census, commonly referred to as redistricting. This bill proposes specific procedures for the process relating to maps, public hearings and the preliminary and final plans. This session our NH House has already established a legislative committee that is comprised of 8 Republicans and 7 Democrats. The Special Committee on Redistricting is very evenly staffed and tasked with following all requirements under the NH Constitution and US Constitution. This committee will utilize all pertinent data from the US Census to determine any electoral district changes that may be required due to population demographic changes. The majority believes that legislation to dictate a committee process is inappropriate. For example, this bill provides for things such as a who should testify and what information they should provide, what time of day hearings should be held, technology requirements, and what reports should exist and contain. Such requirements create problems with free speech. For example, what if the identified individuals don't want to testify or don't want to address the issues specified? It is also unclear as to what impact this would have on the schedule, especially in light of the announced delay of data to US States by the US Census Bureau. Further, the majority would like to point out that many of the procedures in this proposed legislation would likely be implemented in some fashion.

Vote 11-9.

Rep. Peter Torosian
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 428, relative to the procedures for apportioning electoral districts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Torosian for the **Majority** of Election Law. Provisions of our State Constitution and laws provide for the responsibility to perform the reapportionment of electoral districts after the decennial census, commonly referred to as redistricting. This bill proposes specific procedures for the process relating to maps, public hearings and the preliminary and final plans. This session our NH House has already established a legislative committee that is comprised of 8 Republicans and 7 Democrats. The Special Committee on Redistricting is very evenly staffed and tasked with following all requirements under the NH Constitution and US Constitution. This committee will utilize all pertinent data from the US Census to determine any electoral district changes that may be required due to population demographic changes. The majority believes that legislation to dictate a committee process is inappropriate. For example, this bill provides for things such as a who should testify and what information they should provide, what time of day hearings should be held, technology requirements, and what reports should exist and contain. Such requirements create problems with free speech. For example, what if the identified individuals don't want to testify or don't want to address the issues specified? It is also unclear as to what impact this would have on the schedule, especially in light of the announced delay of data to US States by the US Census Bureau. Further, the majority would like to point out that many of the procedures in this proposed legislation would likely be implemented in some fashion. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 5, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Election Law to
which was referred HB 428,**

**AN ACT relative to the procedures for apportioning
electoral districts. Having considered the same, and
being unable to agree with the Majority, report with the
recommendation that the bill OUGHT TO PASS.**

Rep. Gerald Ward

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 428
Title:	relative to the procedures for apportioning electoral districts.
Date:	March 5, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill calls for a high degree of openness, transparency, and public interaction in the process of apportioning electoral districts. By requiring the legislative committee charged with establishing districts to perform several specific steps following a careful time line, the bill ensures that the public will be made aware of the process and will have manifold opportunities to testify and react to any proposals set forth by the committee. The bill retains the legislature's determinative role in the process, while requiring that redistricting be conducted in the fair and just manner that our citizens expect and deserve.

Rep. Gerald Ward
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 428, relative to the procedures for apportioning electoral districts. **OUGHT TO PASS.**

Rep. Gerald Ward for the **Minority** of Election Law. This bill calls for a high degree of openness, transparency, and public interaction in the process of apportioning electoral districts. By requiring the legislative committee charged with establishing districts to perform several specific steps following a careful time line, the bill ensures that the public will be made aware of the process and will have manifold opportunities to testify and react to any proposals set forth by the committee. The bill retains the legislature's determinative role in the process, while requiring that redistricting be conducted in the fair and just manner that our citizens expect and deserve.

Original: House Clerk

Cc: Committee Bill File

Rep Peter Torosian

1. HB-428: ITL Vote 11/9 On Regular Calendar.

Provisions of our State Constitution and laws provide for the responsibility to perform the reapportionment of electoral districts after the decennial census, commonly referred to as redistricting. This bill proposes specific procedures for the process as to maps, public hearings and the preliminary and final plans. This session our NH House has already established a legislative committee that is comprised of 8 republicans and 7 democrats. This special committee on redistricting is very evenly staffed and tasked with following all NH Constitution & US Constitutional requirements. This committee will utilize all pertinent data from the US Census to determine any electoral district changes that may be required due to population demographic changes.

The majority believes that legislation to dictate a committee process is inappropriate. For example this bill provides for things such as a who should testify and what information they should provide, what time of day hearings should be held, technology requirements, and what reports should exist and contain. Such requirements create problems with free speech. For example what if the individuals specified don't want to testify or do but not on what is specified. It is also unclear as to what impact it would have on the schedule which is difficult especially in light of the announced delay of data to US States by the US Census Bureau. Further, the majority would like to point out that many of the procedures in this proposed legislation would likely be implemented in some fashion. Accordingly the majority of the committee finds HB-428 inexpedient to legislate.

Archived: Thursday, April 22, 2021 11:18:25 AM
From: [Gerry Ward](#)
Sent: Wednesday, March 17, 2021 4:04:32 PM
To: [Miriam Simmons](#)
Cc: [David Cote](#)
Subject: Minority Report HB 428
Response requested: No
Importance: Normal

Greetings:

Herewith a short report re HB 428, as edited and approved by David Cote.

HB 428 Minority Report

Rep. Gerald W.R. Ward

March 17, 2021

This bill calls for a high degree of openness, transparency, and public interaction in the process of apportioning electoral districts. By requiring the legislative committee charged with establishing districts to perform several specific steps following a careful timeline, the bill ensures that the public will be made aware of the process and will have manifold opportunities to testify and react to any proposals set forth by the committee. The bill retains the legislature's determinative role in the process, while requiring that redistricting be conducted in the fair and just manner that our citizens expect and deserve.

Let me know if you have questions. Many thanks.

--

Gerald W.R. Ward
State Representative
Rockingham 28 (Portsmouth Ward 4)
(603) 436-6142
ward4staterep@gmail.com

Archived: Thursday, April 22, 2021 11:18:24 AM

From: [Bgriffinlo](#)

Sent: Thursday, March 25, 2021 2:24:50 PM

To: [Miriam Simmons](#)

Cc: [Peter Torosian](#); [Bgriffinlo](#)

Subject: 491 428

Response requested: No

Importance: Normal

Attachments:

[428 and 491 Calendar.docx](#) 

Thank you Peter and Miriam

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 428

BILL TITLE: relative to the procedures for apportioning electoral districts.

DATE: March 5, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Torosian

Seconded by Rep. Hayward

Vote: 11-9

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 # HB 425

BILL TITLE: Relative procedure apportioning electoral districts

DATE: 2/5/21

LOB ROOM: 306

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. P. Troska Seconded by Rep. Peter Hayward Vote: 11:9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st 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 (1st 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 (1st 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
Rep Natalie Wells, Clerk



2021 SESSION

Election Law

 Bill #: 428 Motion: ITL AM #: _____ Exec Session Date: 3-5-21

<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.		✓	
Sandler, Catt		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
TOTAL VOTE:	11	9	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 428

BILL TITLE: relative to the procedures for apportioning electoral districts.

DATE: February 17, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 11:55 a.m.

Time Adjourned: 12:58 p.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. Wolf

Rep. Ebel

Rep. M. Smith

Rep. Gordon

Rep. Gay

TESTIMONY

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

Opened at 11:55 am/ closed at 12:28 p.m.

***Representative Dan Wolf – Merrimack 5. To establish new electoral maps. This bill is bipartisan and requires consideration. Redistricting,** it should be clear on what the process should be. This legislation would hold public hearings in each county, notice 30 days before 1st hearing. It would make the public more aware, demanding transparency. This bill still leaves the process in the hands of the legislature. **See Testimony.**

Question: Representative Barbara Griffin: I would presume public hearings for your intent to have as many members be present at the public meeting?

Answer: The ability to use electronic conference doesn't have to be in physical presence.

Question: Representative Barbara Griffin: This bill is to take effect 60 days after passage, is that your intent?

Answer: I would hope this new redistricting would follow these.

Question: Representative Peter Hayward – Should we look for a fiscal note attached with this, and should there have been a fiscal note?

Answer: If you feel it should, we can send it to OLS.

Henry Klementowicz -ACLU NH. Testifying, I am a registered lobbyist. I support this bill. It's a good bill, public transparency, public confidence with maps being drawn. NH few states strongest with public records in RSA 91A. We have a hearing on every single bill which tells NH is serious about every bill. This bill is the same in public hearings in every town/city. From the beginning to the end, we can see the whole process on how maps are drawn. We believe this is an important step, urge OTP.

Question: Rep Barbara Griffin – One requirement heard, in every county, but sponsor said remote participation. How should commissions go to every county?

Answer: The intent, county brings, testifies in committees. In light of this, it is a two-way conversation opportunity, take these words and put them into action.

John Atherton – signed up to speak, not present.

Hearing adjourned: 12:28 pm

Respectfully submitted,
Representative Natalie Wells
Committee Clerk

TESTIMONY

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

* Rep. Dan Wolf -
Henry Klementowicz
Phil Hatcher
Cynthia Walter
Susan Richman
Liz Tentarelli
Olivia Gink

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # HB 428

BILL TITLE:

DATE:

2/17/21

ROOM:

306

XX Relative to the procedures for apportioning electoral districts;

Time Public Hearing Called to Order: 11:55 pm.

Time Adjourned: 12:28 pm

(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.

* Rep. Dan Wolf -

Henry Klementowicz

Phil Hatcher

Cynthia Walter

Susan Richman

Liz Tentarelli

Olivia Bink

ELECTION LAW PUBLIC HEARING

2/17/21

Hb – 428 RELATIVE TO THE PROCEDURES FOR APPORTIONING ELECTORAL DISTRICTS

***Representative Dan Wolf** – Merrimack 5. To establish new electoral maps. This bill is bipartisan and requires consideration. Redistricting, it should be clear on what the process should be. This legislation would hold public hearings in each county, notice 30 days before 1st hearing. It would make the public more aware, demanding transparency. This bill still leaves the process in the hands of the legislature. See Testimony.

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Question: Rep Barbara Griffin – One requirement heard, in every county, but sponsor said remote participation. How should commissions go to every county?

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John Atherton – signed up to speak, not present.

Adjourned: 12:28pm

Respectfully submitted,

Representative Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB428 on 2021-02-17

Support: 209 Oppose: 5 Neutral: 0 Total to Testify: 8

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Klementowicz, Henry	henry@aclu-nh.org	A Lobbyist	ACLU-NH	Support	Yes (5m)	2
Spencer, Louise	lpskentstreet@gmail.com	A Member of the Public	Myself	Support	Yes (3m)	2
Richman, Susan	susan7richman@gmail.com	A Member of the Public	Myself	Support	Yes (3m)	2
Hatcher, Phil	phil.hatcher@gmail.com	A Member of the Public	Myself	Support	Yes (3m)	2
Walter, Cynthia	cawalter22@gmail.com	A Member of the Public	Myself	Support	Yes (3m)	2
Tentarelli, Liz	LWVnewhampshire@gmail.com	A Member of the Public	League of Women Voters NH	Support	Yes (2m)	2
Zink, Olivia	olivia@opendemocracy.me	A Lobbyist	Open Democracy Action	Support	Yes (2m)	2
Atherton, John	JMAtherton.3@gmail.com	A Member of the Public	Myself	Support	Yes (0m)	2
Jordan, Pamela	pamjordan01@hotmail.com	A Member of the Public	Myself	Support	No	2
Abruzzese, Cathleen	Catabruzzo@comcast.net	A Member of the Public	Myself	Support	No	2
Raley, Pamela	psralay@gmail.com	A Member of the Public	Myself	Support	No	2
Gibbons, Cheryl	cherylsark@gmail.com	A Member of the Public	Myself	Support	No	2
Clafin, Kyri	kyriclafin@comcast.net	A Member of the Public	Myself	Support	No	2
Garland, Ann	annhgarland@gmail.com	A Member of the Public	Myself	Support	No	2
Phillips, margery	margeryphillips@gmail.com	A Member of the Public	Myself	Support	No	2
Saul, Albert	amsaul54@gmail.com	A Member of the Public	Myself	Support	No	2
Bates, David	dbates3@yahoo.com	A Member of the Public	Myself	Support	No	2
Harris, Pamela	pampsharris@aol.com	A Member of the Public	Myself	Support	No	2
Maskwa, Donna	donna.maskwa@gmail.com	A Member of the Public	Myself	Support	No	2
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	2
thompson, julie	maple371@gmail.com	A Member of the Public	Myself	Support	No	2
Freeman, Ivor	mfakci@aol.com	A Member of the Public	Myself	Support	No	2
Garber, Marcia	mag1022m@comcast.net	A Member of the Public	Myself	Support	No	2
Whitney, Patricia	pjwhitney8@gmail.com	A Member of the Public	Myself	Support	No	2
Roy, Terry	Terry.roy@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2
Lucas, Janet	janluca1953@gmail.com	A Member of the Public	Myself	Support	No	2
ward, janet	jwardnh@comcast.net	A Member of the Public	Myself	Support	No	2
Till, Mary	maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	2
Dodge, Corinne	corinnedodge@hotmail.com	A Member of the Public	Myself	Support	No	2
Gallagher, Tim	tjgallagher13@yahoo.com	A Member of the Public	Myself	Support	No	2
Cote, Lois	lcote06@outlook.com	A Member of the Public	Myself	Support	No	2
Waterman, Raymond	prwaterman@aol.com	A Member of the Public	Myself	Support	No	2
Waterman, Patricia	prwaterman@aol.com	A Member of the Public	Myself	Support	No	2

Ropp, Elizabeth	arunareiki@gmail.com	A Member of the Public	Myself	Support	No	2
Draper, Barry	bgd@metrocast.net	A Member of the Public	Myself	Support	No	2
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	2
Kelley, Mary	midgekelly1@gmail.com	A Member of the Public	Myself	Support	No	2
Johnson, Sara	nhchicagocubfan@gmail.com	A Member of the Public	Myself	Support	No	2
Baber, Bill	wsbaber@gmail.com	A Member of the Public	Myself	Support	No	2
Baber, Kristine	kmbaber@gmail.com	A Member of the Public	Myself	Support	No	2
Feder, Marsha	marshafeder@gmail.com	A Member of the Public	Myself	Support	No	2
evankow, abby	abbyaustin89@gmail.com	A Member of the Public	Myself	Support	No	2
Thompson, Laura	nicnmom@hotmail.com	A Member of the Public	Myself	Support	No	2
Wells, Lee	leewells.locustfarm@gmail.com	A Member of the Public	Myself	Support	No	2
hatch, sally	sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	2
Lamb, Ashley	campioa@gmail.com	A Member of the Public	Myself	Support	No	2
Wilke, Mary	wilke.mary@gmail.com	A Member of the Public	Myself	Support	No	2
Clark, Lynn	rubylynn862@gmail.com	A Member of the Public	Myself	Support	No	2
Ingram, April	aandk@tds.net	A Member of the Public	Myself	Support	No	2
Perencevich, Ruth	rperence@comcast.net	A Member of the Public	Myself	Support	No	2
Damon, Claudia	cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	2
Neville, Betsey	betsey2003@tds.net	A Member of the Public	Myself	Support	No	2
blakeney, gordon	rbplease@aol.com	A Member of the Public	Myself	Support	No	2
Garen, June	jzanesgaren@gmail.com	A Member of the Public	Myself	Support	No	2
Hennessey, Martha	Martha.hennessey@gmail.com	A Member of the Public	Myself	Support	No	2
Podlipny, Ann	apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	2
Lincoln, Mary	mary.lincoln52@gmail.com	A Member of the Public	Myself	Support	No	2
Lightfoot, Jean	JnLightfoot@comcast.net	A Member of the Public	Myself	Support	No	2
Cotton, Bev	bevcott@gmail.com	A Member of the Public	Myself	Support	No	2
Straiton, Marie	m.straiton@comcast.net	A Member of the Public	Myself	Support	No	2
Torpey, Jeanne	jtorp51@comcast.net	A Member of the Public	Myself	Support	No	2
Leavitt, Deborah	daleavitt77@comcast.net	A Member of the Public	Myself	Support	No	2
Coles, Barbara	barbara1143@gmail.com	A Member of the Public	Myself	Support	No	2
Flockhart, Eileen	hartflock@comcast.net	A Member of the Public	Myself as a former Representative	Support	No	2
Ellermann, Maureen	ellermannf@aol.com	A Member of the Public	Myself	Support	No	2
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Support	No	2
Krohn, Suzanne	suzanne.c.krohn@gmail.com	A Member of the Public	Myself	Support	No	2
Wolf, Daniel	dan@hodan.com	An Elected Official	Myself	Support	No	2
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	2
Krohn, Matthew	makrohn@gmail.com	A Member of the Public	Myself	Support	No	2
Brown, Claire	clairehonorebrown@gmail.com	A Member of the Public	Myself	Support	No	2
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	2
Anderson, Keryn	kerynlanderson@gmail.com	A Member of the Public	Myself	Support	No	2
Hinebauch, Mel	melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	2

Selig, Loren	zltselig@gmail.com	A Member of the Public	Myself	Support	No	2
Hackmann, Kent	hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	2
DesMarais, Edith	desmarpe@metrocast.net	A Member of the Public	Myself	Support	No	2
Rettew, Annie	abrettew@gmail.com	A Member of the Public	Myself	Support	No	2
Destefano, Kim	Kimberly.destefano17@gmail.com	A Member of the Public	Myself	Support	No	2
Rodriguez, Julia	juliar1122@gmail.com	A Member of the Public	Myself	Support	No	2
Taylor, Gale	galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	2
Cook, Richard	r_cook@mcttelecom.com	A Member of the Public	Myself	Support	No	2
Nardino, Marie	mdnardino@gmail.com	A Member of the Public	Myself	Support	No	2
Wessel, David	dkwessel@gmail.com	A Member of the Public	Myself	Support	No	2
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	2
Letellier, Kathleen	Kathleenleyellier@gmail.com	A Member of the Public	Myself	Support	No	2
Fargo, Kristina	Kristina.Fargo@leg.state.nh.us	An Elected Official	Myself	Support	No	2
Mattlage, Linda	l.mattlage@gmail.com	A Member of the Public	Myself	Support	No	2
Insolia, Janet	jinsolia@comcast.net	A Member of the Public	Myself	Support	No	2
Ingold, Bret	bretingold@gmail.com	A Member of the Public	Myself	Support	No	2
Falk, Cheri	Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	2
Smart, Rick	Richardsmart@comcast.net	A Member of the Public	Myself	Support	No	2
Hinkel, Robert	r.hinkel@gmail.com	A Member of the Public	Myself	Support	No	2
Anastasia, Patricia	patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	2
McLaughlin, Barbara	brbmclaughlin42@gmail.com	A Member of the Public	Myself	Support	No	2
Carter, Lilian	lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	2
Mitchell, Karen	kmitchell5@myfairpoint.net	A Member of the Public	Myself	Support	No	2
Coon, Kate	kate2coon@gmail.com	A Member of the Public	Myself	Support	No	2
Huggins, Dallas	dallas.a.huggins@gmail.com	A Member of the Public	Myself	Support	No	2
Reed, Barbara	moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	2
Woods, Renia	woods.gary@comcast.net	A Member of the Public	Myself	Support	No	2
Keeler, Margaret	peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	2
Raspiller, Cindy	raspicl@hotmail.com	A Member of the Public	Myself	Support	No	2
Swan, Kristin	swan.kristin@gmail.com	A Member of the Public	Myself	Support	No	2
Spinney, Shaun	shaunspin95@gmail.com	A Member of the Public	Myself	Support	No	2
Phillips, Betsey	bphill36@gmail.com	A Member of the Public	Myself	Support	No	2
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Richman, Susan &	susan7richman@gmail.com	A Member of the Public	Myself	Support	No	2
Baldasaro, Rep Al	mbaldasaro@comcast.net	An Elected Official	Myself	Oppose	No	2

Jones, Gisela	gisela1142@gmail.com	A Member of the Public	Myself	Support	No	2
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Gordon, Laurie	Lmgord23@gmail.com	A Member of the Public	Myself	Support	No	2
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Whittington, Jeanne	jawhittington3@gmail.com	A Member of the Public	Myself	Support	No	2
Schissel, Mary	schissell@comcast.net	A Member of the Public	Myself	Support	No	2
Roman, Valerie	Vroman@aol.com	A Member of the Public	Myself	Support	No	2
St Germain, Diane	diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	2

Testimony

HB 428 Bill introduction, Rep Dan Wolf House Election Law committee, Wed., Feb. 17, 11:30 am

Of all that the legislature will do in this session, one of the most important, is to establish new electoral district maps following the 2020 census results.

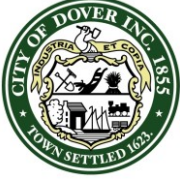
This bill, which has bi-partisan support, requires that the committee appointed to consider redistricting shall have an open and transparent process with specific defined goals and objectives and criteria. These shall be such that it is clear to all what the process shall be.

HB428 specifies the redistricting process be made accessible to the public in several ways. First, it requires the committee to define its priorities and intentions for map drawing. The committee shall solicit input from local and county election officials to assist it in its work. Upon releasing a preliminary plan, this legislation requires a public hearing in each county, with at least 20 days notice of such hearing.

Any preliminary plan shall be released to the public at least 30 days before the first hearing. It further requires map drafts be posted on a public-access website.

On page two, this bill also states that the final report shall include a summary of all public input, all draft plans, and data considered and used by the committee. And it must state the plan's adherence to its criteria for drawing districts. Any final plan, including maps, must be noticed at least 7 days prior to holding any hearing.

The public has become far more aware of the importance of redistricting in the past ten years. As the legislature gets ready to do its work to draw new maps, voters of both parties and undeclared voters are demanding transparency and fairness. This bill still leaves the process in the hands of the legislature. By making the process transparent and welcoming of public input, the voters of all parties will have greater confidence in the fairness of the final plan. I hope we can continue have your bi-partisan support for this transparency bill.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2021.02.10 – 022**
Resolution Re: Calling Upon Redistricting Authorities for Nonpartisan and Fair Decennial Redistricting

- WHEREAS: The United States Decennial Census will be completed in 2021; and
- WHEREAS: The New Hampshire General Court is obligated to redraw the maps of political districts within the State for State and Federal elected positions; and
- WHEREAS: The City of Dover is obligated to redistrict the voting wards for elected positions within the City of Dover; and
- WHEREAS: The New Hampshire General Court conducted the 2010 census redistricting in a way that many viewed as lacking in transparency; and
- WHEREAS: Some members of the public reported an inability to view the proposed redistricting maps at public hearings in 2010; and
- WHEREAS: Some members of the public viewed the 2010 proposed redistricting maps as being created to benefit one political party over another.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

Redistricting should be fair, nonpartisan, and ensure effective representation.

Voting maps should never be gerrymandered or manipulated so as to favor a political party or candidate.

Input from communities of interest should be considered when redistricting.

The process of redistricting should be transparent and open to public input at all stages.

AND, BE IT FURTHER RESOLVED THAT:

The City of Dover calls upon its elected state legislators and officials to uphold these fair redistricting principles when creating state redistricting maps. The City of Dover shall also adhere to these fair redistricting principles when creating city redistricting maps.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier

Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2021.02.10 – 022**
Resolution Re: Calling Upon Redistricting Authorities for Nonpartisan and Fair Decennial Redistricting

DOCUMENT HISTORY:

First Reading Date: 02/10/2021	Public Hearing Date: N/A
Approved Date: 02/10/2021	Effective Date: 02/10/2021

DOCUMENT ACTIONS:

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor O'Connor.
Roll Call Vote: 8/1; Passed. Councilor Cullen was opposed.

VOTING RECORD		
Date of Vote: 02/10/2021	YES	NO
Mayor Robert Carrier	X	
Councilor Michelle Muffett-Lipinski, Ward 1	X	
Councilor Dennis Ciotti, Ward 2	X	
Councilor Deborah Thibodeaux, Ward 3	X	
Councilor Marcia Gasses, Ward 4	X	
Councilor Dennis Shanahan, Ward 5	X	
Councilor Fergus Cullen, Ward 6		X
Councilor John O'Connor, At Large	X	
Councilor Lindsey Williams, At Large	X	
Total Votes:	8	1
Resolution does pass.		

RESOLUTION BACKGROUND MATERIAL:

[Article I, Section C1-2\(B\)](#) of the City of Dover’s Charter provides: “Ward boundaries shall divide the City of Dover into six wards of as equal population as is practicable. . . .”

Part II, Article 9 of the State Constitution provides: “There shall be in the legislature of this state a house of representatives, biennially elected and founded on principles of equality, and representation therein shall be as equal as circumstances will admit. . . .”

Part II, Article 26 of the State Constitution provides: “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”

The New Hampshire Supreme Court has observed that “[t]he ‘overriding objective’ [of apportionment] . . . ‘must be substantial equality of population among the various [legislative] districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.’” *City of Manchester v. Secretary of State*, 163 N.H. 689, 699 (2012) (quoting *Reynolds v. Sims*, 377 U.S. 533 (1964)).

Document Created by: Legal	R-2021.02.10 Request for Nonpartisan and Fair Decennial Redistricting by State of New Hampshire
Document Posted on: February 11, 2021	Page 2 of 2



4 Park St Room 200
Concord, NH 03301

www.LWVNH.org

February 17, 2021

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

From: Liz Tentarelli, president, League of Women Voters NH LWVNewHampshire@gmail.com

Re: **HB 428**, increasing transparency in the redistricting process

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 observed and studied redistricting in New Hampshire since 2001, and we have testified a number of times since then. We are here today to urge you to **support HB 428**.

This bill calls upon the legislature to affirm its respect for the public's right to know and the public's vested interest in the upcoming redistricting process:

To conduct an open and transparent process by holding public meetings, enabling full public consideration of and comment on the plans for district lines,

To post maps and plans on a website so that municipal officials and the public can study them remotely, no matter how Covid affects us in the fall, and

To report fully on the way in which the criteria were applied to the final plan.

I believe that members of this committee do believe in government transparency. This bill asks you to affirm that goal in the redistricting process.

But how to make transparency happen, in light of previous failures of a legislative committee charged with redistricting to do so, is the issue.

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, 2011, 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.^[1] 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 serve in the House, were identified as being the chief architects of the final plan, according to NHPR articles at the time: Steve Vaillancourt, Spec Bowers, and Seth Cohn.^[1]

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

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. ^[2—Foster’s Daily Democrat, Dec. 22, 2011] That order failed.

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. ^[2—Concord Patch, Jan. 18, 2012]

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. ^[2—Union Leader, Feb. 19, 2012]

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

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.”^[2—Nashua Telegraph, Jan. 6, 2012]

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, 2012. ^[2—Boston.com]

Eventually Governor Lynch approved the Senate districts plan but vetoed the House plan. I won’t go into the tricky maneuvers of trying to override that veto, but it worked, and passage of the plan 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. ^{[3] [4]}

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. There was significant lack of transparency and public input in that process. 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 I'm surprised 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.)

This committee can help voters rebuild their confidence in the election process by restoring transparency to the redistricting process. **Please vote OTP on HB 428.**

* * *

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

“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?](https://commons.clarku.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1025&context=mosakowskiinstitute)

[referer=&httpsredir=1&article=1025&context=mosakowskiinstitute](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/](https://scholarship.law.wm.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3753&context=wmlr)
[&httpsredir=1&article=3753&context=wmlr](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 9:49:14 AM
From: [Claudia Damon](#)
Sent: Sunday, February 14, 2021 9:24:59 PM
To: [~House Election Law Committee](#)
Subject: HB 428 ought to pass says NH voter, for the record
Importance: Normal

Dear Committee Members,

Please vote "ought to pass" on HB 428. Voters have a right to see/know how voting districts are created. This bill provides for that transparency.

Claudia Damon
Concord, NH

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Margery Phillips](#)
Sent: Monday, February 15, 2021 11:21:22 AM
To: ~House Election Law Committee
Subject: HB428 Ought To Pass
Importance: Normal


Dear Honorable Members of the House Election Law Committee,

I urge you to support HB428 relative to the procedures for apportioning electoral districts. We all know that an overwhelming majority of Americans, including the good people of New Hampshire favor fair and impartial methods of apportioning electoral districts. This bill gives you the opportunity to honor and support that desire by ensuring that redistricting happens in a transparent, public manner. Voters should be able to observe the the drawing of the maps.

Please support transparent redistricting by supporting HB428 and voting **ought to pass**.

Thank you for your careful deliberation.

Margery Phillips
2 Granger Circle
Hanover, NH 03755
(603) 277-2991

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Phil Hatcher](#)
Sent: Tuesday, February 16, 2021 10:38:21 AM
To: [~House Election Law Committee](#)
Subject: testimony for HB 428
Importance: Normal
Attachments:
[R-2021.02.10 Request for Nonpartisan and Fair Decennial Redistricting by State of New Hampshire.pdf](#) 

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

I urge you to vote Ought To Pass on HB 428.

Attached is a copy of the resolution passed by the Dover City Council on Wednesday February 10 that calls for the decennial redistricting process to be "transparent and open to public input at all stages." I believe this matches the intent of HB 428 and is one piece of evidence for the broad support throughout the state for this bipartisan bill.

However one councilor, Fergus Cullen, did vote against the resolution. Prior to the vote he made this statement:

I don't disagree with the sentiment of the resolution but I am going to vote against it.

I just think the council really needs to be careful about getting drawn into other people's fights.

I think we should especially steer clear of partisan, political fights that take place in Concord.

I think we should stay in our lane, be focused on providing quality services to Dover residents at a price taxpayers can afford and resist feeling the need to comment on matters that are peripheral to that purpose.

Even he agrees with the sentiment of the resolution, but thinks that the council should steer clear of a partisan, political fight. And maybe he is right about the council staying out of a partisan fight. But, it makes you wonder: why is there a partisan fight about calling for open and transparent redistricting? Doesn't everyone love their Mom and like to eat apple pie? And doesn't everyone love a vibrant democracy in which all citizens feel like their vote matters?

Please support HB 428. Providing for an open and transparent redistricting process is one small step we can take to begin to rebuild people's faith in their government.

Thank you.

Phil Hatcher
Dover

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Chrisinda Lynch](#)
Sent: Tuesday, February 16, 2021 10:53:11 AM
To: [~House Election Law Committee](#)
Subject: HB 428
Importance: Normal

Dear Representatives,

I urge you to vote in support of the passage of this bill.

Redistricting affects every voter in NH. It is critical that the process be transparent to all of us. This legislation would not change who controls redistricting, but simply allow our citizens to see how it is being done.

Thank you for your consideration,
Chrisinda Lynch
Concord, NH

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Henry Klementowicz](#)
Sent: Tuesday, February 16, 2021 12:51:45 PM
To: ~House Election Law Committee
Cc: [Jeanne Hruska](#)
Subject: HB 428 Testimony
Importance: Normal
Attachments:
hb 428 house testimony.pdf ;

Dear members of the House Election Law Committee,

Attached please find my testimony in support of HB 428 on behalf of ACLU-NH.

Best,

Henry

Henry Klementowicz

Pronouns: he, his

Staff Attorney


American Civil Liberties Union of New Hampshire

18 Low Avenue, Concord, NH 03301

603-333-2201 | henry@aclu-nh.org

aclu-nh.org  



Archived: Monday, April 12, 2021 9:49:14 AM
From: [Barbara Griffin](#)
Sent: Tuesday, February 16, 2021 2:25:27 PM
To: ~House Election Law Committee
Subject: Fw: Testimony of Rep. Dan Wolf HB428
Response requested: Yes
Importance: Normal
Attachments:
[HB428 redistricting transparency bill intro - final.doc](#) 

From: Dan Wolf <Dan.Wolf@leg.state.nh.us>
Sent: Tuesday, February 16, 2021 1:12 PM
To: Barbara Griffin <Barbara.Griffin@leg.state.nh.us>
Subject: Testimony of Rep. Dan Wolf HB428

Chairman Griffin,

Attached, please find a copy of my testimony introducing HB428. I am available to answer any questions before the hearing, and I look forward to participating in tomorrow's hearing.

Dan

Dan Wolf
State Representative
Merrimack District 5
Newbury/New London

Archived: Monday, April 12, 2021 9:49:14 AM

From: [cynthia walter](#)

Sent: Tuesday, February 16, 2021 2:54:51 PM

To: ~House Election Law Committee

Subject: [CAUTION: SUSPECT SENDER] HB428 testimony- revision suggested

Importance: Normal

2-16-21

Dear Members of the NH House Committee on Election Law,

Regarding HB428 "New Chapter; Procedures for Apportioning Electoral Districts"

I support this bill, assuming we cannot have a better plan, that is, establish an independent commission for redistricting.

HB 428 provides numerous ways the public can provide input into redistricting, but it contains a major flaw.

As a scientist that uses statistics, I noted serious problems in Section IV, as follows:

- a. Important terms are too vague, e.g., "local demographics and communities of interest."
- b. There is no requirement to get a fair distribution & number of testimonies across the state.
- c. It places a huge burden on election officials to define terms and analyze census data.
- d. It allows some election officials to emphasize some features and ignore others.
- e. There is no required public record of officials' testimonies after the solicitation.

"IV. Any legislative committee appointed to consider redistricting shall solicit testimony from county and municipal election officials on local demographics and communities of interest within 90 days of being established. Such a committee may hold public hearings to solicit such information.

662-B:2 Public Input and Community Participation."

I suggest the wording below makes election official testimony efforts more transparent and useful for the committee.

IV. Any legislative committee appointed to consider redistricting shall obtain publicly available responses from at least two county election officials for each county, two municipal election officials from each large* municipality and one municipal election official from each smaller* municipality in the form of a standardized questionnaire. The questionnaire will be designed to have election officials provide comment on evidence shown in their localized census data regarding demographics that have changed and new communities of interest using the same standardized, defined categories.

*I suggest the committee ask an expert to specify a population size for large vs. small.

Revised Section IV has several benefits:

1. Each questionnaire will illustrate localized demographic data in easy to understand tables and/or graphs. This information will be specific for that county and for cities larger than a given size.
2. Available software can readily provide standardized demographic information using only Census Bureau data from the basic census form, The American Community Survey and American Housing Survey.
3. Responses to each questionnaire can be straightforward, with sections regarding defined categories such as income, home ownership, primary language, education,

family size, race or ethnic origin, and the portion of households that omitted questions.

4. Election officials, who are simply volunteers, do not have to struggle to obtain their own data.
5. Everyone sees the same data - election officials, the public and the committee.
6. Testimonies of election officials will be public.

I strongly encourage you to revise section IV. and approve the revised bill.

Regards,

Cynthia Walter, Ph.D.

22 West Concord St.

Dover, NH 03820

cawalter22@gmail.com and alternate email - walter.atherton@gmail.com

Sent from [Mail](#) for Windows 10

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Mary Till](#)
Sent: Tuesday, February 16, 2021 3:31:59 PM
To: [~House Election Law Committee](#)
Subject: HB428 Procedure for Redistricting
Importance: Normal

Dear Election Law Committee Member,

HB 428, at its core, is about fair and equitable drawing of voting district boundaries.

There is much consternation and angst about the lack of cooperation and highly partisan nature of our federal and state legislatures. I submit that one of the main reasons for this partisanship is that when districts are gerrymandered to create a safe democratic or republican seat, we destroy any incentive to work across the aisle. Why? Because it is only the intraparty (primary election) vote that will determine the candidate's future prospects. She/he does not need nor need to care about the votes and opinions of those from the opposite party.

If we want to quell partisan behavior then we must draw districts that are competitive in the general election. That will force candidates to seek both democratic and republican support for their candidacy. That is how to stop highly partisan behavior in our federal and state legislatures.

I urge you to vote Ought To Pass on this bi-partisan bill.

Thank you for your careful consideration.

Mary Till
Derry, NH

Archived: Monday, April 12, 2021 9:49:14 AM
From: Susan Richman
Sent: Tuesday, February 16, 2021 8:25:08 PM
To: ~House Election Law Committee
Importance: Normal

Dear Chairperson Griffin and members of the House Election Law Committee,

Thank you for considering my testimony in support of House Bill 428.

Governor Sununu repeatedly insists that NH doesn't have a history of gerrymandering. That is simply not true. The NH Constitution Part II Art 11 states "when the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats, the town or ward shall have its own district of one or more representative seats, and in forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous."

At our last redistricting in 2011, every municipality with a population of 3,290 or more was entitled to its own exclusive representative. But 62 out of the 152 towns and wards in NH that qualified for their own representative were denied their own seat in the House –that is 40.8% of NH's towns and wards – more than one-third -- were gerrymandered, cheated, disenfranchised of their full voice.


And further, that last redistricting did break up cities, towns & ward to create representative districts without contiguous borders. So, despite what Gov. Sununu says, it is not true that our state does not gerrymander.

It is not enough to rely on the good faith of you, our legislators. The temptation to draw redistricting lines that will protect your position and benefit your party must be overwhelming. Don't ask the fox to watch the henhouse, unless you plan to keep a careful watch on the fox.

Here is a true story: in that last redistricting of 2011, the maps were drawn in secret, the software being used remains secret to this day, and the public did not see those maps until the day before they were voted on. Members of the legislature made their requisite visits to every county, to discuss the redistricting – but they had no maps. What a bogus process.

HB 428 would not deprive the legislature of its responsibility to draw new maps – it simply provides communities with their right to view the maps, and provide their input. You, our representatives, are responsible to ensure the people you represent that they will have fair and equal representation. Transparency is not a threat, when the work is done fairly. HB 428 would give us government we could trust and believe in.

Thank you again for your service to the people of the state,
Susan Richman
16 Cowell Drive
Durham, NH 03824

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Olivia Zink](#)
Sent: Wednesday, February 17, 2021 11:00:26 AM
To: ~[House Election Law Committee](#)
Subject: Testimony in support of HB 428
Importance: Normal
Attachments:
[2021 HB 428 - Testimony by Olivia Zink 2021-02-17.pdf](#) 

February 17, 2021

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

TESTIMONY in SUPPORT of HB 428

Good Morning Chairwoman Griffin 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 to HB 428. On Feb.12, the U.S. Census Bureau announced the [timeline](#) for releasing the redistricting data to the states by September 30, 2021. The National Conference on State Legislatures magazine article, [5 Ways to Handle Census Delays and Redistricting Deadlines](#), briefly discusses potential routes states could take about this—none of these are easy or court-proof.

HB 428 takes some great first steps in the process. Page 2 lines 11-13 *“Prior to drawing any maps, any legislative committee appointed to consider redistricting shall publish a report which shall detail such committee's general priorities and intentions for balancing map drawing requirements.”*

With the delay in the census, the committee will have time to publish this criteria. I hope they select common sense criteria like:

- Districts shall comply with the NH Constitution, the United States Constitution, the Voting Rights Act of 1965, and all applicable federal laws.
- Districts shall be drawn on the basis of inhabitants;
- Districts shall be geographically contiguous;
- Districts shall provide racial and language minorities with an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice, whether alone or in coalition with others;
- Districts shall respect the integrity of communities of interest to the extent practicable; and
- Districts shall not split precincts and shall respect the geographic integrity of political subdivision boundaries to the extent that preceding criteria have been satisfied.

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 flatorial districts. Ten years ago, legislators ignored the Constitution and the voters’ wishes to have their own districts. 62 towns out of 152 were denied. Voters supported this 240,767 to 100,688.

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.

This is a bi-partisan bill calling for fairness in the process. Comments from the Governor and members of the legislature, and the actions of this committee, would indicate that the system is already fair, nonpartisan and transparent. This is your opportunity to take those words and put a fair, nonpartisan and transparent process into writing and into law.

Ahead of the 2020 census, please side with the voters for honesty and fairness by voting HB 428 OTP.

Respectfully,

--

Olivia Zink
Executive Director, [Open Democracy](#)
4 Park St, Suite 301, Concord, NH 03301
603-715-8197 or cell: 603-661-8621
[Facebook](#) | [Twitter](#)

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Kristin Swan](#)
Sent: Monday, March 1, 2021 10:09:05 AM
To: [~House Election Law Committee](#)
Subject: Please pass HB 428
Importance: Normal

Dear Election Law Committee Members,

I'm writing, briefly, to urge you to support HB 428 to ensure that New Hampshire's legislative redistricting is as transparent as possible. As Ward 1 Moderator in Lebanon, I know firsthand how vital it is that our voters be confident in the fairness of our electoral system. That begins with making the redistricting process public and straightforward, making sure voters know that their votes count equally.

Many thanks,

Kristin Swan
21 Crafts Ave.
West Lebanon, NH 03784
tel. 203.464.3667
[Pronouns:](#) she, her, hers

Archived: Monday, April 12, 2021 9:49:14 AM
From: [Kathy Cahill](#)
Sent: Monday, March 1, 2021 2:24:25 PM
To: [~House Election Law Committee](#)
Subject: HB 428
Importance: Normal

please find this bill OTP . We need fairly drawn voting districts.

Thank you

Kathy Cahill

12 Holt

Concord

Archived: Monday, April 12, 2021 9:49:14 AM

From: [Barbara Glassman](#)

Sent: Wednesday, March 3, 2021 4:42:12 AM

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

Subject: In support of HB 428, An act relative to the procedures for apportioning electoral districts

Importance: Normal

March 3, 2021

To the Honorable Members of the House Election Law Committee:

I write in support of HB 428, An act relative to the procedures for apportioning electoral districts.

It's safe to say that there has never been a time when public confidence-building is more needed than now, especially when deliberations will be so consequential. Please do all in your power to maximize transparency and fairness by recommending passage of this bill.

Thank you very much for your attention.

Sincerely,

Barbara Glassman

50 Barrington Ave., Unit 504

Nashua, NH 03062-4224

barbara.glassman@gmail.com

215-378-5356



February 17, 2021

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

TESTIMONY in SUPPORT of HB 428

Good Morning Chairwoman Griffin 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 to HB 428. On Feb. 12, the U.S. Census Bureau announced the [timeline](#)¹ for releasing the redistricting data to the states by September 30, 2021. The National Conference on State Legislatures magazine article, [5 Ways to Handle Census Delays and Redistricting Deadlines](#)², briefly discusses potential routes states could take about this—none of these are easy or court-proof.

HB 428 takes some great first steps in the process. Page 2 lines 11-13 *“Prior to drawing any maps, any legislative committee appointed to consider redistricting shall publish a report which shall detail such committee's general priorities and intentions for balancing map drawing requirements.”*

With the delay in the census, the committee will have time to publish this criteria. I hope they select common sense criteria like:

- Districts shall comply with the NH Constitution, the United States Constitution, the Voting Rights Act of 1965, and all applicable federal laws.
- Districts shall be drawn on the basis of inhabitants;
- Districts shall be geographically contiguous;
- Districts shall provide racial and language minorities with an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice, whether alone or in coalition with others;
- Districts shall respect the integrity of communities of interest to the extent practicable; and
- Districts shall not split precincts and shall respect the geographic integrity of political subdivision boundaries to the extent that preceding criteria have been satisfied.

¹ <https://www.census.gov/newsroom/blogs/random-samplings/2021/02/timeline-redistricting-data.html>

² <https://www.ncsl.org/research/redistricting/5-ways-to-handle-census-delays-and-redistricting-deadlines-magazine2021.aspx>

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 flatorial districts. Ten years ago, legislators ignored the Constitution and the voters’ wishes to have their own districts. 62 towns out of 152 were denied.³ Voters supported this 240,767 to 100,688.⁴

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).⁵

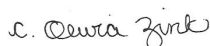
The redistricting process should be independent, transparent, and ensure that all communities in NH are fairly represented. Fair maps and an independent redistricting process enforces a two-way conversation between voters and their elected official.

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.

This is a bi-partisan bill calling for fairness in the process. Comments from the Governor and members of the legislature, and the actions of this committee, would indicate that the system is already fair, nonpartisan and transparent. This is your opportunity to take those words and put a fair, nonpartisan and transparent process into writing and into law.

Ahead of the 2020 census, please side with the voters for honesty and fairness by voting HB 428 OTP.

Respectfully,



C. Olivia Zink, Executive Director, Open Democracy Action
4 Park St, Suite 301, Concord, NH 03301
olivia@opendemocracy.me

³ http://www.opendemocracynh.com/redistricting/DavidPierce20120338_quantbriefonquestionsbandc.pdf

⁴ <https://archive.org/stream/manualforgeneral60newh#page/334/mode/2up>

⁵ http://www.gencourt.state.nh.us/house/caljournals/journals/2012/houjou2012_10.html



Statement by Henry Klementowicz, Staff Attorney, ACLU-NH
House Election Law Committee
House Bill 428
February 17, 2021

I submit this statement 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. I appreciate the opportunity to testify in support of House Bill 428 (HB 428). This bipartisan bill would ensure that the decennial redistricting process is done transparently and openly.

Every ten years following the decennial census, apportionment plans are redrawn across the country, including in New Hampshire. Ideally, independent redistricting commissions would be placed in charge of this process to ensure that districts are drawn to promote social cohesion and maintain communities of interest, rather than serving the ends of protecting incumbents from challenges or maintaining one party’s political advantage. However, if New Hampshire is not to adopt such a commission, it should enact HB 428 to ensure this process is transparent so voters can have confidence in their government.

HB 428 would mandate that committees responsible for apportioning the maps establish a website to post notices of meetings and solicit testimony from county and municipal election officials, hold a public meeting in each county, and publically release a report explaining how the plans came to be enacted.

This bipartisan bill would improve our democracy by enabling the voters to see this process that will set the political field. It will allow voters to be confident in the process and final apportionment plans, which we be drawn up in daylight rather than behind closed doors. In these unfortunately partisan times, it is a breath of fresh air to see such bipartisan legislation.

For these reasons, we respectfully urge the Committee to vote *ought to pass* on HB 428.

Bill as
Introduced

HB 428 - AS INTRODUCED

2021 SESSION

21-0572

11/04

HOUSE BILL **428**

AN ACT relative to the procedures for apportioning electoral districts.

SPONSORS: Rep. Wolf, Merr. 5; Rep. Ebel, Merr. 5; Rep. M. Smith, Straf. 6; Rep. Gordon, Graf. 9; Rep. Gay, Rock. 8

COMMITTEE: Election Law

ANALYSIS

This bill establishes procedures for apportioning electoral districts after the decennial census.

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

AN ACT relative to the procedures for apportioning electoral districts.

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

1 1 New Chapter; Procedures for Apportioning Electoral Districts. Amend RSA by inserting after
2 chapter 662-A the following new chapter:

3 CHAPTER 662-B

4 PROCEDURES FOR APPORTIONING ELECTORAL DISTRICTS

5 662-B:1 Map Drawing Preparations.

6 I. Any legislative committee appointed to consider redistricting after the decennial census
7 shall establish an Internet website which shall, at a minimum, post audio and video recordings of
8 any meeting held by such committee, provide advance notice of any public forms, post meeting
9 agendas and minutes, and solicit public comment. Such website shall be hosted by the secretary of
10 state.

11 II. Prior to drawing any maps, any legislative committee appointed to consider redistricting
12 shall publish a report which shall detail such committee's general priorities and intentions for
13 balancing map drawing requirements.

14 III. Any legislative committee appointed to consider redistricting may employ staff for
15 assistance with communications, information technology, and language access.

16 IV. Any legislative committee appointed to consider redistricting shall solicit testimony from
17 county and municipal election officials on local demographics and communities of interest within 90
18 days of being established. Such a committee may hold public hearings to solicit such information.

19 662-B:2 Public Input and Community Participation.

20 I. Upon releasing any preliminary redistricting plans, any legislative committee appointed
21 to consider redistricting shall hold at least 10 public meetings, including at least one in each county
22 of state, to gather public input on the preliminary plans.

23 II. Any legislative committee appointed to consider redistricting shall provide at least 20
24 days' notice prior to holding any public meeting pursuant to paragraph I, and shall make reasonable
25 efforts to schedule meetings outside of regular working hours in ADA-compliant venues, and to
26 provide virtual attendance opportunities.

27 III. Members of the public submitting oral or written testimony at any public meeting held
28 pursuant to this section shall disclose whether they are required to register as a lobbyist pursuant to
29 RSA 15.

30 662-B:3 Preliminary and Final Plans.

HB 428 - AS INTRODUCED

- Page 2 -

1 I. Any legislative committee appointed to consider redistricting shall release a preliminary
2 plan at least 30 days prior to holding a public hearing on such plan. Such plan shall include maps
3 that can be viewed by the public on the committee's website.

4 II. Any legislative committee appointed to consider redistricting shall release any proposed
5 final plan at least 7 days prior to holding any vote on such plan. Any final plan shall include maps
6 that can be viewed by the public on the committee's website.

7 III. Any legislative committee appointed to consider redistricting shall include in its final
8 report a summary of all public input, all draft plans and data considered and used by the committee,
9 an analysis of the plan's adherence to map drawing criteria, and any additional information used by
10 the committee during map drawing.

11 IV. If any committee member votes against adoption of a final plan, the committee report
12 described in paragraph III shall include a dissenting report explaining such decision.

13 V. Any legislative committee appointed to consider redistricting shall submit its final plan to
14 the state legislature, for final adoption pursuant to state law.

15 2 Effective Date. This act shall take effect 60 days after its passage.