

LEGISLATIVE COMMITTEE MINUTES

SB80

Bill as
Introduced

SB 80-FN-A - AS INTRODUCED

2021 SESSION

21-0910
11/05

SENATE BILL **80-FN-A**

AN ACT establishing an independent advisory commission on redistricting.

SPONSORS: Sen. Sherman, Dist 24; Sen. Kahn, Dist 10; Rep. M. Smith, Straf. 6; Sen. D'Allesandro, Dist 20; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Rep. Wolf, Merr. 5

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill establishes an independent advisory commission on redistricting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT establishing an independent advisory commission on redistricting.

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

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

3 CHAPTER 662-B

4 INDEPENDENT ADVISORY COMMISSION ON REDISTRICTING

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

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

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

11 III. Conduct its business with integrity and fairness.

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

16 662-B:3 Appointment of Commissioners.

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

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

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

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

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

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

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

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

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

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

12 (c) The 10 commissioners so selected shall together select 5 commissioners from the
13 applicants who are not members of the majority party in the house or the largest minority party in
14 the house. The 10 commissioners may not initiate communications or reply to communications
15 about the selection process of the remaining 5 commissioners with outside persons attempting to
16 influence commissioners or commission action.

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

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

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

28 662-B:4 Commission Meetings.

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

30 II. All meetings of the commission shall be open to the public. The commission shall
31 publicly post notice of its meetings on the commission website and other appropriate outlets at least
32 7 days prior to such meetings. All records of the commission, including all communications to or
33 from the commission regarding the work of the commission, shall be made available for public
34 inspection.

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

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

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

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

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

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

19 662-B:5 Developing Redistricting Maps.

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

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

30 (1) Advertising the availability of the proposed maps in daily newspapers in the
31 state.

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

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

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

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

4 IV. No later than December 20 of any year ending in one, the commission shall submit final
5 advisory plans for New Hampshire county commission, house, senate, executive council, and
6 congressional districts to the senate president, speaker of the house of representatives, and senate
7 and house minority leaders for their consideration and action pursuant to pertinent sections of the
8 New Hampshire Constitution, including part II, articles 9, 11, and 26.

9 662-B:6 Redistricting Criteria.

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

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

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

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

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

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

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

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

32 662-B:7 Compensation. Members of the commission shall receive mileage reimbursement at the
33 federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

34 662-B:8 Financial Independence.

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

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

6 662-B:9 Secretary of State to Provide Support. The secretary of state shall provide such
7 administrative and staff support as is necessary for the commission to perform its duties.

8 2 Effective Date. This act shall take effect upon its passage.

**SB 80-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing an independent advisory commission on redistricting.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	Indeterminable Increase	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill creates an independent redistricting commission to convene no later than July 1, 2021, and every 10 years thereafter. The Secretary of State would identify the pool of eligible individuals to serve as commissioners, notify such eligible persons and invite them to apply, and use advertisements and media to publicize the search for eligible members. From all eligible applications received, 10 applicants shall be nominated and chosen by majority and minority leadership of the General Court, and the 10 commission members shall then select 5 additional commissioners from the applicant pool. The Secretary of State shall provide administrative and staff support to the commission.

The bill includes an appropriation for the fiscal year ending June 30, 2021 to fund expenses of the commission from general funds and directs the governor to include funding in future budget proposals for each subsequent biennium preceding the decennial census. Such future funding shall be sufficient to meet the estimated expenses of the commission, including funding for a statewide outreach program to solicit broad public participation and adequate office space for the operation of the commission.

The Department of State indicates it would incur costs related to advertising, notifications, creating the candidate pool, and receiving and vetting applications of potential commissioners.

Previously the department estimated it would budget \$10,000 to advertise in daily newspapers for qualified persons to apply to the commission to be considered for appointment. The department does not know how many individuals may apply to be a commissioner, therefore the amount of related additional expense to process and vet such applications is indeterminable. The administrative and staff support needed in support of the commission is also unknown at this time and any associated cost is also indeterminable. However the department previously estimated it would need a full time employee while the commission is meeting regularly. The cost for a full time administrative assistant labor grade 19 for 10 months is estimated to be \$57,000. There would be an indeterminable cost associated with the Secretary of State hosting and maintaining a website for displaying redistricting proposals.

The Legislative Branch assumes additional costs associated with independent commission mileage reimbursement would be addressed through appropriations to the Secretary of State's Office. Expenses of the leadership of the General Court in choosing 10 members of the commission and legislative chamber review and vote on the final advisory plan submitted by the commission would be minimal and could be absorbed without additional legislative funding.

The Department of Justice indicated there may be an unknown number of cases referred to the Attorney General for criminal prosecution when the commission makes a finding of substantial neglect of duty or gross misconduct by a commission member. This may result in an unknown number of investigations and/or prosecutions by the Department and require additional resources, therefore the resulting fiscal impact is indeterminable.

The Judicial Branch expects any fiscal impacts to be minimal. The creation of a new public body subject to RSA 91-A may lead to possible complaints of non-compliance. A new crime related to commissioner's duties would be rarely, if ever prosecuted. The Branch estimates less than \$10,000 of additional expense in the first year related to updating forms, databases and the e-filing system and notification of and training for judges and staff.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class B Misdemeanor	\$55	\$55

Class A Misdemeanor	\$78	\$78
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

AGENCIES CONTACTED:

Departments of State, Justice and Corrections, Legislative and Judicial Branches, Judicial Council and New Hampshire Association of Counties

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 20, 2021

HEARINGS

Thursday	01/28/2021	
(Day)	(Date)	
Election Law and Municipal Affairs	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 52	relative to city charter provisions for tax caps.	
9:15 a.m. SB 53	enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.	
9:45 a.m. SB 80-FN-A	establishing an independent advisory commission on redistricting.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92138850239>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 92138850239# or 16465588656, 92138850239#
4. Webinar ID: **921 3885 0239**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 52

Sen. Avard

Sen. Giuda

Rep. Pauer

Rep. Homola

SB 53

Sen. Watters

Sen. Perkins Kwoka

Sen. Prentiss

Sen. Sherman

Rep. Mangipudi

Rep. Southworth

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Sen. Sherman

Sen. Kahn

Rep. M. Smith

Sen. D'Allesandro

Sen. Rosenwald

Sen. Perkins Kwoka

Sen. Soucy

Sen. Watters

Sen. Whitley

Rep. Wolf

Tricia Melillo 271-3077

James P. Gray
Chairman

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

SB 80-FN-A, establishing an independent advisory commission on redistricting.

Hearing Date: January 28, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill establishes an independent advisory commission on redistricting.

Sponsors:

Sen. Sherman

Sen. D'Allesandro

Sen. Soucy

Rep. Wolf

Sen. Kahn

Sen. Rosenwald

Sen. Watters

Rep. M. Smith

Sen. Perkins Kwoka

Sen. Whitley

Who supports the bill: 118 - Please See Sign In Sheet

Who opposes the bill: Karen Thoman, Jean Kimball

Summary of testimony presented in support:

Senator Soucy

- This bill had bi-partisan support in the past.
- It is an important initiative to allow involvement and transparency in the redistricting process.
- Having expertise in the buildup to deciding districts in the state is a critical part of the process.

Senator Sherman

- He served on the Select Committee, appointed by the Secretary of State, to look at how they could keep elections safe during COVID.
- That Committee put much focus on the security and safety of elections by spending weeks listening to testimony, generating a 20 page report, and putting together a bi-partisan Omnibus Bill.
- The General Election proved just how well that process worked.
- He wondered what if all that work had been done and the votes did not count.
- In NH you can see the evidence of gerrymandering in Executive Council District 2. It largely surrounds Democratic strongholds touching the border of Maine, Vermont, and Massachusetts.
- You can see the evidence in Senate District 23 which is a plus 4 Republican District.
- This past week the Chair for the NH Republican Party announced that plans are already underway for partisan gerrymandering to favor the Republican Party.
- He quoted "Because of this we control redistricting," and "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."
- Nowhere in his quote did he consider what the voters want.
- Redistricting was not designed to keep a party in power for ten years.
- It was designed to make sure that the districts reflected the change in the demographics in NH.
- It is their constitutional duty as legislators to make sure that is done with honesty, integrity, and transparency.

- Some people may say this is sour grapes because the Democrats lost the majority but that is not the case.
- This bill is the product of bipartisan work. It has passed both the House and the Senate, and unfortunately was vetoed.
- At a time when we are having our democracy questioned and the integrity of the elections questioned, it is their most sacred task to make sure that voters votes count.
- If you are a Republican in Portsmouth, or a Democrat in Salem, your vote really does not count.
- There were questions about the constitutionality of the bill, and he can say that the bill is absolutely dependent on the Legislatures actions.
- The Legislature will pick the Commission and they do not have to accept the advice of this council. That is what makes it constitutional.
- What he is bringing forward is a nonpartisan, transparent, redistricting process that will make sure that every vote in NH will have meaning.
- Senator Perkins Kwoka asked if under current law, does the public have a say in how the districts are drawn, through public hearings or similar.
 - Senator Sherman replied that he does not know the answer, but he believes the Constitution does call for this to be an open process.
- Senator Perkins Kwoka asked if what this bill does is ask the Legislature to convene a committee composed of people that are independent of this process and in addition creates some transparency by allowing public involvement.
 - Senator Sherman replied that is correct and her bill SB 90, takes it one step further and guarantees that the public will have access. There is nothing more important to our democracy than making sure that votes count, and he cannot see any argument for anything less than that. He continued that it is the public's right to know especially in the Live Free or Die state. If you live free but your districts are gerrymandered behind closed doors, that is not free.
- Senator Gray asked if on any bill that the legislature acts on, is it not the practice that the Committee would meet in open session and the public would be allowed to attend hearings and have input.
 - Senator Sherman answered that he would certainly hope that is the practice and is how it should work.

Representative Marjorie Smith

- She would like to thank those that have been on the committee to come up with the best bill.
- Four out of five NH voters support the effort to end gerrymandering.
- We hope that we would convince one voter
- The House and the Senate have both supported creating a redistricting Commission
- Article 11 of the New Hampshire Constitution, which each of them has taken an oath to protect and defend, states: "All elections are to be free, and every inhabitant of the state of 18 years and upwards shall have an equal right to vote..."
- She wondered how can an election be free and equal if district lines are specifically and systematically designing election districts for partisan purposes and a desire to preserve power.
- Every voter should have an equal opportunity to translate their votes into representation
- A system in which elected officials get to choose which voters will get the chance to vote for them is backwards.
- This bill learns from those states that have gone before, and has benefitted from responsible, cooperative work of the election law committees in both bodies.
- It demonstrates the principles of independence, balance, compromise, community based decision making.
- This is not about Democratic and Republican or liberal and conservative. It is not about left and right. It is about right and wrong.
- She quoted Former House Speaker Newt Gingrich, "We've been drawing lines for political reasons all the way back to 1812. But I think it is wrong. I think it leads to bad government".
- Ohio Governor John Lynch, "To me the biggest problem we have is in a gerrymandered environment... We need to eliminate gerrymandering. We've got to figure out a way to do it."

- President Ronald Reagan, “That’s all we’re asking for: an end to the antidemocratic and un-American practice of gerrymandering congressional districts...The fact is gerrymandering has become a national scandal.”
- The most significant change from the bill they started with has to do the selection of commissioners.
- As they supported last term, this plan involves the Speaker, House Minority Leader, Senate President and Senate Minority Leader who select most, but not all of the commissioners.
- The most important benefit of this approach to highlight, is that it clearly lays responsibility for a major portion of the appointment process to the legislature, emphasizing the role of the legislature at the start and the finish of the redistricting process
- It also lessens significantly, the role of the secretary of state
- They also clarified the role of the Supreme Court if, regrettably, the legislature cannot fulfill its obligations to the people of the state in a timely manner.
- The cost of drawing district lines is minimal. The significant costs are incurred when the work of the state is challenged in court and the state loses.
- An independent redistricting system minimizes the possibility of the court being involved.
- The federal government will not have the census numbers we need until July of 2021.
- Senator Gray asked if she could give the Committee some input as to why in HB 706, that did pass and was vetoed by the Governor, on page four where it discusses review by the legislature, that section is not in this bill.
 - Representative Smith responded that there are two different bills going through right now. This bill that Senator Sherman brought forward, tries to address every question the Governor raised in the first effort. The version in the House addresses the Governors concerns from the second effort. She added that the hope is that the House and Senate can all come together with the best possible bill.
- Senator Gray stated that his point was that part of the constitutionality of HB 706 was having the back and forth between the Legislature and it also specifying that the Legislature has the final say. He added, that is what he would like her to clarify in some form to the Committee. He does not want to have to rely on one bill passing to make another bill constitutional.
 - Representative Smith replied that she will submit a letter to the Committee.

Senator Perkins Kwoka

- At this time, more than ever, they are feeling a commitment to democracy and a need to protect civil institutions.
- This is an issue that matters not to just one party or the other but to voters across the state.
- They are living at a time where as civil servants they are afraid to return to the state house due to the violence shown towards some officials.
- She believes they need to do whatever it takes to restore voters faith in our democracy and confidence in the fairness of our elections.
- NH takes politics and civic democracy too seriously to allow this process to be anything other than the most fair and robust that it can.

Senator Melanie Levesque

- This commission will advise the legislature on drawing legislative districts in New Hampshire.
- NH is a state that experiences extreme fluctuations in government moving from Democrat to Republican majorities often.
- Laws are put in place during one session, and the next session they are repealed.
- When legislators cannot come together and compromise, the government does not work for the people.
- Eric Holder, former Attorney General under President Obama, described the scenario where the extremes from both sides compete for legislative seats.
- If a legislator votes with the opposite party, for example, to pass a budget, they are primaried out for someone who is more extreme.

- This has happened in NH and across the Country. We have lost good legislators, who lose their seat due to working with the opposite party.
- The end result is that the citizens do not see a government that works, they see one that is broken.
- According to Common Cause, when legislators draw districts, regardless of the party, there may be a temptation or even a purposeful decision to draw districts that give them an unfair advantage.
- In states where politicians are in charge of redistricting, 36% of the maps are struck down as illegal or drawn by courts for failure to approve the districts.
- District maps are often drawn in secret by the incumbent party or the party in power.
- An independent commission will consist of Democrats, Republicans, and undeclared citizens.
- It removes the temptation to gerrymander districts and forces each party to listen, advocate, and work together, to do what is best for the voters, not the politicians.
- Twenty one states have some version of an independent redistricting commission.
- NH has proposed commissions twice and each time they were vetoed by the Governor.
- This year there are two bills and amendments being proposed.
- This bill is asking for integrity, transparency, and fairness when drawing the district maps.

Bob Perry

- He has spoken on each bill that has been brought before the legislature in support of what this bill is proposing, fair maps.
- Executive Council District 2 is clearly gerrymandered because of its shape alone.
- It includes the very democratic leaning municipalities to the east of the state and travels westward to a thin block of towns acting as a pathway to connect with the heavy democratic leaning municipalities in the second Congressional District.
- This district was packed in the last redistricting in order to allow for the majority to create districts elsewhere to their advantage.
- The only Democrat on the Executive Council after the November elections is in gerrymandered District 2.
- All of this is legal, but it should not be.
- Most recently the high court refused to make it illegal and continue to allow the states devaluation of the voters influence.
- He urges that the interest of all voters be prime taking into consideration the 2006 amendment to the NH constitution, which established that towns with the requisite population get their own state representative.
- Additionally, he urges that maps in the public interest be adopted.

Olivia Zink – Open Democracy

- Voters should be picking politicians, not politicians picking voters.
- Referring to the quote by GOP Party Chair, Steve Stepanek, party leaders should not be guaranteeing seats in Congress.
- She believes that legislators should not be accountable to party leadership, they should be accountable to voters.
- Daniel Webster said, “The people's government, made for the people, made by the people and answerable to the people.”
- Ten years ago, the public was given twenty four hours' notice to comment on the district maps that were drawn.
- Partisan gerrymandering perpetrated by bad actors from ANY party is bad for the towns, which may not get someone who advocates for its interests.
- It is bad for the voters, because their vote does not matter as much in a rigged district; and bad for the state, because the voters lose faith in the honesty of their government.
- SB 80 is an independent redistricting advisory commission. The bipartisan committee makes a recommendation, and the NH House and Senate approve the final maps, ensuring that the process meets the NH Constitution's mandate.

- Fair maps and an independent redistricting process enforces a two-way conversation between voters and their elected official.
- Recent cycles of redistricting in New Hampshire have resulted in distorted and partisan skewed districts.

Louise Spencer – Co-Founder, Kent Street Coalition

- She will fight for what she believes in, but it should be a fair fight.
- Good competition usually brings people to compromise and the best path forward.
- This bill is the best path towards fairness in our elections.
- When she is out knocking on doors, she hears all the time, voting does not matter, and no one cares.
- They hear cries to “throw the bums out”, “drain the swamp”, “enact term limits”, which all express the frustration of citizens who believe their vote does not count.
- Too often, they are right. The election is already determined before a single vote is cast.
- In the U.S. House only 60 seats are considered competitive. The others have been drawn to favor one party or the other.
- This means that in 86% of U.S. House Districts the results have already been decided by the time the November election comes around.
- In many instances gerrymandering is the culprit, and it is a problem in both parties.
- Elections are supposed to be a check on too much power and not an endorsement of it.
- Maps have been drawn up to protect everyone except the voter.
- In New Hampshire we should ensure transparency, fairness, and the robust exchange of ideas.
- The best way to do that is to have independent redistricting with SB 80.

Liz Tentarelli – NH League of Women Voters

- Her organization has been advocating for fair redistricting in New Hampshire since 2004.
- She has sent the committee detailed testimony of what happened in 2011. It includes the Supreme Court’s ruling and shows the lack of transparency and the frustration that the public felt.
- In SB 80 on page 2, lines 8-11, it calls for an open and transparent process to draw the redistricting according to criteria, and to conduct business with integrity and fairness.
- She believes that all on the committee agree with those principals as a way to run our government.
- On page 4, lines 4-8, it does not go into as much detail as the last redistricting bill, but it now states that everything gets turned over to the Legislature.
- One of the complaints from some people, including the Governor, two years ago, was that the bill was unconstitutional.
- That is why they are trying to make it very clear in this bill that it is constitutional.
- NH has a number of Commissions that study issues of concern to the public and then report to the Legislature.
- The Legislators do not have time to study every issue and that is why they appoint Commissions, who then turn over the information gathered to the Legislature for a vote.
- This Independent Advisory Redistricting Commission does the same thing.
- It will ensure that no one is acting in self-interest but ultimately it is the Legislature that will vote to approve the maps.
- This will help build the trust of the voters, who will have confidence in fair elections.

Senator Gray commented regarding the remarks made by the GOP Chair.

He stated that the Senators on this committee, both Republican and Democrat have taken an oath to uphold the Constitution. There is no one from the party that is pressuring him to do anything. No matter who is in charge of the redistricting process they will follow the procedures that are in RSA 91:A.

There will be caucuses on both sides, but the public proceedings will happen. He will work to make sure that there is adequate notice to the public if he is on the Committee.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: February 4, 2021

Speakers

Election Law and Municipal Affairs Committee Testify List

Bill SB80 1/28/2021

Support: 118 Oppose: 2 Neutral: 0 Total to Testify: 8

Name	Title	Representing	Position	Testifying
Levesque, Hon. Melanie	A Member of the Public	Myself	Support	Yes
Newton, Jay	A Member of the Public	Myself	Support	Yes
Tentarelli, Liz	A Member of the Public	League of Women Voters NH	Support	Yes
smith, marjorie	An Elected Official	Myself	Support	Yes
Kahn, Jay	An Elected Official	District 10 Open Democracy	Support	Yes
Zink, Olivia	A Lobbyist An Elected	Action	Support	Yes
Sherman, Senator Tom	Official	SD 25	Support	Yes
Perry, Bob	A Member of the Public	Myself	Support	Yes
Lindpaintner, Lyn	A Member of the Public	Myself	Support	No
Hawkins, Brian	A Lobbyist	NEA-NH	Support	No
Ackerson, Judith	A Member of the Public	Myself	Support	No
Ackerson, Kenneth	A Member of the Public	Myself	Support	No
Yacopucci, William	A Member of the Public	Myself	Support	No
mcclure, melissa	A Member of the Public	Myself	Support	No
Draper, Liza	A Member of the Public	Myself	Support	No
jakubowski, dennis	A Member of the Public	Myself	Support	No
Woods, Renia	A Member of the Public	Myself	Support	No
Bagshaw, Joseph	A Member of the Public	Myself	Support	No

Kent, Hackmann	A Member of the Public	Myself	Support	No
Lyon, Jennifer	A Member of the Public	Myself	Support	No
Olson, Scott	A Member of the Public	Myself	Support	No
Ellermann, Maureen	A Member of the Public	Myself	Support	No
IMURA, MICHAEL	A Member of the Public	Myself	Support	No
Rettew, Annie	A Member of the Public	Myself	Support	No
Corell, Elizabeth	A Member of the Public	Myself	Support	No
Platt, Elizabeth-Anne	A Member of the Public	Myself	Support	No
Emus, Joanne	A Member of the Public	Myself	Support	No
Waterman, Raymond	A Member of the Public	Myself	Support	No
Waterman, Patricia	A Member of the Public	Myself	Support	No
Hepburn, Steven	A Member of the Public	Myself	Support	No
Horrigan, Timothy	An Elected Official	Strafford 6	Support	No
Anderson, Eric	A Member of the Public	Myself	Support	No
Fenner-Lukaitis, Elizabeth	A Member of the Public	Myself	Support	No
Swenson, Jo	A Member of the Public	Myself	Support	No
duval, thomas	A Member of the Public	Myself	Support	No
Phillips, margery	A Member of the Public	Myself	Support	No
Hackmann, Kent	A Member of the Public	Myself	Support	No
Hatem, Susan	A Member of the Public	Myself	Support	No
Murray, Martin	A Member of the Public	Myself	Support	No
Cleary, Rebecca	A Member of the Public	Myself	Support	No

Anderson, Keryn	A Member of the Public	Myself	Support	No
Goyette, Celia	A Member of the Public	Myself	Support	No
Ray, Robert	A Member of the Public	Myself	Support	No
Kessler, Kenneth	A Member of the Public	Myself	Support	No
LaMarque, Nora	A Member of the Public	Myself	Support	No
Goyette, Richard	A Member of the Public	Myself	Support	No
Mitchell, Karen	A Member of the Public	Myself	Support	No
Kinneavy, Patrick	A Member of the Public	Myself	Support	No
LaCourse, Nicholas	A Member of the Public	Myself	Support	No
O'Hagin, Jamie	A Member of the Public	Myself	Support	No
Marino, Doug	A Member of the Public	Myself	Support	No
Garen, June	A Member of the Public	Myself	Support	No
Demaine, Lisa	A Member of the Public	Myself	Support	No
Rejwan-Day, Inbal	A Member of the Public	Myself	Support	No
Hinebauch, Mel	A Member of the Public	Myself	Support	No
Richman, Susan	A Member of the Public	Myself	Support	No
Tanner, Sarah	A Member of the Public	Myself	Support	No
christo, mary	A Member of the Public	Myself	Support	No
roy, bernard	A Member of the Public	Myself	Support	No
Minard, Alden	A Member of the Public	Myself	Support	No
Kuebler, Margot	A Member of the Public	Myself	Support	No
Willing, Maura	A Member of the Public	Myself	Support	No

Liebowitz, Susan	A Member of the Public	Myself	Support	No
Mattlage, Linda	A Member of the Public	Myself	Support	No
Klevens, Cynthia	A Member of the Public	Myself	Support	No
Cohen, Leah	A Member of the Public	Myself	Support	No
Altschiller, Debra	An Elected Official	Stratham, Rockingham 19	Support	No
Snyder, Kristina	A Member of the Public	Myself	Support	No
Nastasi, Sue	A Member of the Public	Myself	Support	No
MURRAY, MEGAN	An Elected Official	Hillsborough District 22	Support	No
Torpey, Jeanne	A Member of the Public	Myself	Support	No
Prentiss, Senator Sue	An Elected Official	myself	Support	No
van der Bijl, Dana	A Member of the Public	Myself	Support	No
Anderson, Sara	A Member of the Public	Myself	Support	No
Kilmister, Carol	A Member of the Public	Myself	Support	No
Thompson, Julia	A Member of the Public	Myself	Support	No
Wege, Grant	A Member of the Public	Myself	Support	No
Walker, Isaac	A Member of the Public	Myself	Support	No
Watkins, Margaret	A Member of the Public	Myself	Support	No
Jarnis, Deborah	A Member of the Public	Myself	Support	No
Hendry, Joreen	A Member of the Public	Myself	Support	No
Johnston, Cordell	A Lobbyist	NH Municipal Association	Support	No
Clafin, Kyri	A Member of the Public	Myself	Support	No
Bracy, Sue	A Member of the Public	Myself	Support	No

Connolly, Brenna	A Member of the Public	Myself	Support	No
Wolfe, Melinda	A Member of the Public	Myself	Support	No
Ottery, Linda	A Member of the Public	Myself	Support	No
Latham, Brandon	A Member of the Public	Myself	Support	No
Thoman, Karen	A Member of the Public	Myself	Oppose	No
Noonan, Paula	A Member of the Public	Myself	Support	No
Watters, Senator David	An Elected Official	Myself (SD 4)	Support	No
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself (SD 21) New Hampshire	Support	No
Pinto, Josie	A Lobbyist	Youth Movement	Support	No
Rosenwald, Cindy	An Elected Official	SD 13	Support	No
Lynch, Chrisinda	A Member of the Public	Myself	Support	No
Fordey, Nicole	A Member of the Public	Myself	Support	No
Jarnis, Robert	A Member of the Public	Myself	Support	No
Cotton, Bev	A Member of the Public	Myself	Support	No
Nardino, Marie	A Member of the Public	Myself	Support	No
Sayess, Polina	A Member of the Public	Myself	Support	No
Kinney, Gail	A Member of the Public	Myself	Support	No
Spencer, Louise	A Member of the Public	Myself	Support	No
Feder, Marsha	A Member of the Public	Myself	Support	No
Hruska, Jeanne	A Lobbyist	ACLU-NH	Support	No
Kimball, Jean	A Member of the Public	Myself	Oppose	No
Telerski, Laura	An Elected Official	Hillsborough 35	Support	No

Weisbrot, Jason	A Member of the Public	Myself	Support	No
Hatcher, Phil	A Member of the Public	Myself	Support	No
Todd Selig, Durham Town Manager	A Member of the Public	Town of Durham, NH	Support	No
Garber, Marcia	A Member of the Public	Myself	Support	No
Whitley, Becky	An Elected Official	Myself	Support	No
Long, Missy	A Member of the Public	Myself	Support	No
Smith-Lopez, Maria	A Member of the Public	Myself	Support	No
Jamback, Susan	A Member of the Public	Myself	Support	No
Wardwell, William	A Member of the Public	Myself	Support	No
Wardwell, Heather	A Member of the Public	Myself	Support	No
Gehrlein, Dale	A Member of the Public	Myself	Support	No
Aberg, Christy	A Member of the Public	Myself	Support	No
hull, cheryl	A Member of the Public	Myself	Support	No
Le, Hon. Tamara	A Member of the Public	Myself	Support	No

Testimony

Tricia Melillo

From: Douglas Marino <doug@603forward.org>
Sent: Wednesday, January 27, 2021 7:49 PM
To: Tricia Melillo
Subject: Testimony in support of HB 80-FN-A

Hi Tricia!

I hope you are doing well! Below is some written testimony in support of SB 80 for the committee to consider. Thank you so much!

Best Wishes,

Doug

HB 80-FN-A - Establishing an independent advisory redistricting commission.

603 Forward Position: Ought to Pass

Thank you Chairman Gray and members of the committee. My name is Doug Marino, I am the Advocacy and Engagement Director for 603 Forward. 603 Forward is a new advocacy organization whose aim is to educate, engage, and activate the youth of New Hampshire to take political action at the state and local level. I am writing to you today to express our organization's support for HB 80-FN-A.

Our current redistricting system allows elected officials to draw the districts and essentially choose their voters, rather than voters choosing their elected officials. HB 80-FN-A will establish an independent advisory commission which will provide recommendations to the legislature concerning how the districts should be drawn. This bill is bipartisan, it seeks to address gerrymandering regardless of which party engages in it. Regardless of your political views, we should all be able to agree that our elections must be fair. An independent commission would ensure that neither party has an unfair advantage over the other due to the manner in which the districts were divided. An independent commission will help to depoliticize the redistricting process, and will ensure that each district is drawn fairly. I hope you will support this common sense bill and give it a positive committee recommendation.

Thank you for your consideration.

Best,

Doug Marino
Advocacy and Engagement Director
603 Forward
603.686.3283
doug@603forward.org

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Doug Marino
He, Him, His
Advocacy and Engagement Director
603 Forward
603.686.3283
doug@603forward.org

Tricia Melillo

From: Katharine Daly <outlook_34D1362F861E1B1C@outlook.com>
Sent: Wednesday, January 27, 2021 10:42 AM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: SB 80

Please support SB 80 and recommend the establishment of an independent redistricting commission. With so many losing faith in our democracy, some even resorting to violence, it is time to take a stand for fairness, rather than partisanship. I believe making the redistricting process less partisan would be a good place to start.

Thank you.

Katharine Daly
188 Concord Stage Road
Dunbarton, NH 03046
Sent from Mail for Windows 10



4 Park St Room 200
Concord, NH 03301

www.LWVNH.org

January 28, 2021

To: Chair Sen. Gray and Senate Election Law Committee members

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

Re: **SB 80**, creating an **Independent Advisory Redistricting Commission**

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 2004, and has testified a number of times since then. We are here today to urge you to **support SB 80**.

This bill calls upon the legislature to affirm their support for three 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 in this chapter

- 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. The answer is the creation of an **independent advisory redistricting commission**.

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.[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 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. [1]

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. [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]

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 [2—Boston.com]

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. [3] [4]

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 right now 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 an independent advisory redistricting commission, as described in SB 80.**

* * *

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?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.

Excerpts of testimony on SB80 establishing an Independent Advisory Commission on Redistricting ,
delivered before the Senate Election Law and Municipal Affairs Committee, on January 28, 2020,
delivered by Representative Marjorie Smith

This bill is familiar to this committee, and I begin by thanking each of you for your continuing commitment to create in New Hampshire a fair and equitable election system. I value the time I spent last term with the current chair of this committee and other members of both major parties to craft a bill that reflected a concerted effort to successfully address varied concerns. Overwhelmingly, the previous NH house and the NH Senate supported such a commission. And four out of New Hampshire's voters enthusiastically support efforts to end gerrymandering in New Hampshire. In reality we are here today with the hope that at the end of a responsible, inclusive legislative process we will be successful in convincing one particular voter.

Part the first, Article 11 of the New Hampshire Constitution, which each of us has taken an oath to protect and defend, states: "All elections are to be free, and every inhabitant of the state of 18 years and upwards shall have an equal right to vote..." How can an election be free and equal if district lines are specifically and systematically designing election districts for partisan purposes and a desire to preserve power?

This bill, as you know, is designed to create a level playing field. All of us have read of statements made recently by certain members of the majority party expressing glee that redistricting will be so skewed as to guarantee the outcome of votes for the next decade. I ask you how can an election be fair and equal unless every voter has an equal opportunity to translate their votes into representation? A system in which elected officials get to choose which voters will get the chance to vote for them is backwards.

This bill learns from those states that have gone before, and has benefitted from responsible, cooperative work of the election law committees in both bodies. It demonstrates the principles of independence, balance, compromise, community based decision making.

This is not about Democratic and Republican or liberal and conservative. It is not about left and right. It is about right and wrong.

But don't take my word for it.

"We've been drawing lines for political reasons all the way back to 1812. But I think it's wrong. I think it leads to bad government". Former House Speaker Newt Gingrich.

"To me the biggest problem we have is in a gerrymandered environment... We need to eliminate gerrymandering. We've got to figure out a way to do it." Ohio Governor John Kasich

"That's all we're asking for: an end to the antidemocratic and un-American practice of gerrymandering congressional districts... The fact is gerrymandering has become a national scandal." President Ronald Reagan

The most significant change from the bill we started with several years ago has to do with the selection of the commissioners. As you supported last term, we ended up with a plan that involves the Speaker, house minority leader, President and senate minority leader who select most, but not all of the commissioners. There are a number of specific benefits of this approach. The most important one to

highlight, is that it clearly lays responsibility for a major portion of the appointment process to the legislature, emphasizing the role of the legislature at the start and the finish of the redistricting process. As a result, it also lessens significantly the role of the secretary of state.

And while we hope it will never get to that, we clarified the role of the Supreme Court if, regrettably, the legislature cannot fulfill its obligations to the people of the state in a timely manner.

We often say that it is not about the money, but it often is. In this biennium when we are facing a number of challenges, as an old Finance Committee member I must note that the experience in New Hampshire and other states is consistent and conclusive. The cost of drawing district lines is minimal. The significant costs are incurred when the work of the state is challenged in court and the state loses. The state lost in court in 2002 and 2012, and the resulting costs to the state were significant. An independent redistricting system minimizes that possibility.



January 28, 2021

The Honorable Jim Gray
Chairman, Election Law
Legislative Office Building,
Concord, NH 03301

TESTIMONY in SUPPORT of SB 80

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 want to thank this committee for all of the hard work that you have done and will do to create a fair process for redistricting. Thank you.

I am here to speak in support of SB 80, to establish an advisory redistricting commission 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.

Sunday, the NH GOP had its convention to elect new officers, the current GOP Chair Steve Stepanek was quoted by WMUR's story 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, "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 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).¹

SB 80 is an independent redistricting advisory commission. The bipartisan committee makes a recommendation, and the NH House and Senate approve the final maps, ensuring that the process meets the NH Constitution's mandate.

NH Constitution says in Part 2 Article 9 says "no town ward or place shall be divided nor the boundaries thereof altered". As it says in RSA 662-B:4 Commission Duties. I. (a) Districts shall comply with the United States and New Hampshire Constitution and all applicable federal laws.

¹ 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 SB 80 OTP.

Respectfully,

Olivia Zink,
Executive Director
Open Democracy Action
4 Park St, Suite 301
Concord, NH 03301

Tricia Melillo

From: Todd Selig <tselig@ci.durham.nh.us>
Sent: Tuesday, January 26, 2021 2:39 PM
To: Tricia Melillo
Subject: support for SB80-FN-A establishing an independent advisory commission on redistricting | town of durham, nh
Attachments: Resolution #2021-01.pdf

Dear Honorable Members of the NH Senate Election Law & Municipal Affairs Committee,

You will find attached Resolution #2021-01, approved by a unanimous vote of the Durham Town Council on January 11, 2021, in support of establishing a nonpartisan fair redistricting process for the State of New Hampshire. To this end and on behalf of the Town of Durham, I have registered on the Senate Election Law & Municipal Affairs Committee web portal expressing support for SB80-FN-A, an act establishing an independent advisory commission on redistricting.

All my best,

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

RESOLUTION #2021-01 OF DURHAM, NEW HAMPSHIRE

REQUESTING NONPARTISAN FAIR REDISTRICTING IN THE STATE OF NEW HAMPSHIRE

The Town of Durham, through its Town Council, the governing and legislative body of the community, resolves as follows:

WHEREAS, a strong democracy depends on voters choosing their elected leaders, not the other way around; and

WHEREAS, redistricting maps have historically been created inappropriately to benefit one political party over another; and

WHEREAS, the U.S. 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 New Hampshire General Court conducted the 2010 census redistricting in secret; and

WHEREAS, the redistricting process should be conducted in public, honoring principles of transparency; and

WHEREAS, the Town of Durham supports open and transparent government;

NOW, THEREFORE, BE IT RESOLVED by the Town Council, the governing and legislative body of the Town of Durham, that it urges the New Hampshire General Court to ensure:

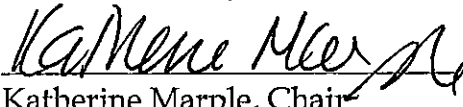
1. The process of redistricting for the State of New Hampshire shall be transparent and open to timely public disclosure and public input at all stages; and
2. Redistricting shall be designed to provide fair, nonpartisan districts that ensure effective representation; and

3. Voting maps shall not be gerrymandered to favor a political party or candidate; and
4. The Town of Durham calls upon both its own elected state legislators and all elected state legislators representing citizens across NH, to uphold these fair redistricting principles when creating state redistricting maps.

This resolution shall take effect upon its passage.

PASSED AND ADOPTED this 11th day of January, 2021 by a Nine (9) to (Zero 0) roll call vote of the Durham Town Council as follows:

<i>Sally Tobias</i>	<u>Yes</u>	<i>Wayne Burton</i>	<u>Yes</u>
<i>Dinny Waters</i>	<u>Yes</u>	<i>James Lawson</i>	<u>Yes</u>
<i>Al Howland</i>	<u>Yes</u>	<i>Sally Needell</i>	<u>Yes</u>
<i>Katherine Marple</i>	<u>Yes</u>	<i>Andrew Corrow</i>	<u>Yes</u>
<i>Carden Welsh</i>	<u>Yes</u>		


Katherine Marple, Chair
Durham Town Council

ATTEST:


Lorrie Pitt, Town Clerk

January 26, 2021

Re: SB 80, establishing an independent advisory commission on redistricting.

To: Mr. Chair Sen. Gray and the members of the Election Law and Municipal Affairs 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.

We can and must do better once the 2020 census is completed.

SB 80, which proposes an independent redistricting commission, is one approach to attempt to open up the process and put an end to gerrymandering. This would be a small step to start to restore trust in our government, which Lord knows we need right now. **I urge you to vote Ought To Pass on SB 80.**

I understand that some senators may oppose the commission idea. In that case I hope you will propose or support an alternative approach to encourage an open and transparent redistricting process. These are difficult times, with turbulent politics. Everyone needs to commit to work to rebuild trust in government.

Thank you.

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

HB 1665

HB is a Bipartisan Bill to Create an Independent Redistricting Commission Comprised of 15 Members:

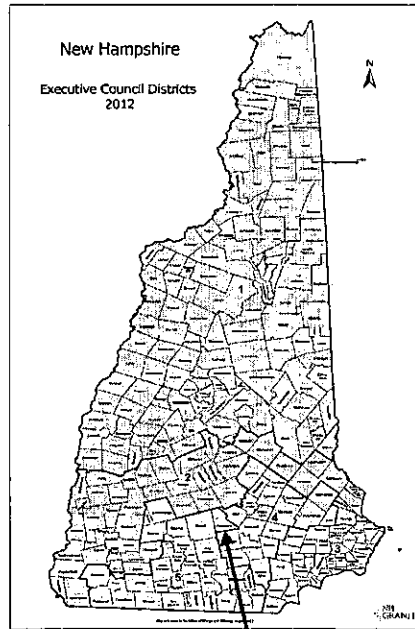
- 5 Republicans
- 5 Democrats
- 5 Unaffiliated Voters

Eligibility of Commissioners:

- Eligible to Register to Vote
- Does Not Currently Hold Office in US House Representatives, NH Senate, House, or Executive Council, or a County Commission.

Potential Commissioners Submit Applications to Secretary of State by 2/1/2021:

- Majority Party Nominates 10, Minority Party Nominates 10
- Majority Selects 5 Minority Nominees, Minority Selects 5 Majority Nominees
- 10 Selected Commissioners Select 5 Unaffiliated Applicants



DUNBARTON

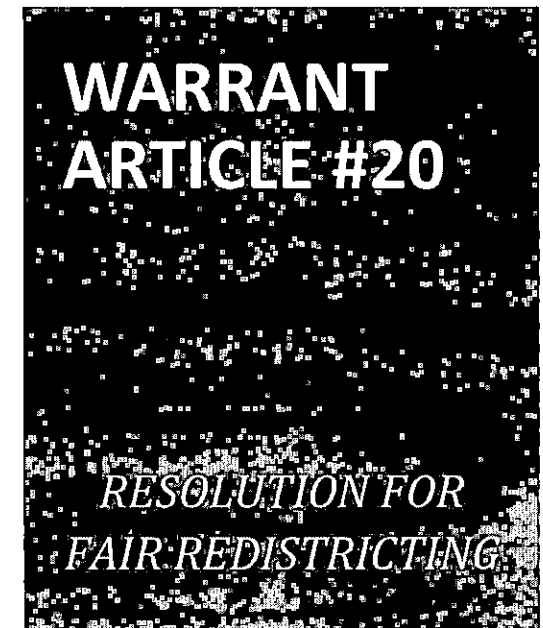
Success to be Measured by Transparency:

- Public Hearings
- Public Comment
- Disclosures of Data & Communications

70 Dunbarton Residents Signed the Petition for Fair Redistricting

Registered Republicans, Undeclareds, and Democrats signed the petition to urge the New Hampshire General Court to redraw the maps of political districts in a manner that ensures fair and effective representation of New Hampshire voters.

On March 10th, the citizens of Dunbarton have the opportunity to approve this warrant article.



What is the Objective?

To create an independent redistricting commission that draws new district maps.

What are the Goals?

Be in Compliance with US/NH Constitution & Federal/State Laws

Draw Districts on the Basis of Population

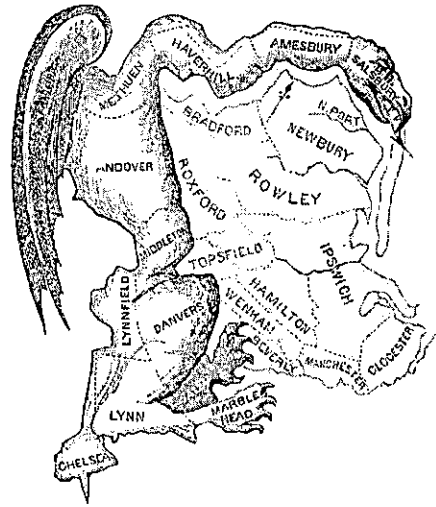
Ensure Districts Form a Single Boundary, are Compact, and have No Jagged Edges or Extensions

Consider the Integrity of Communities

Not Favor or Disfavor Any Political Party, Incumbent, or Candidate Running for Political Office

What is Gerrymandering?

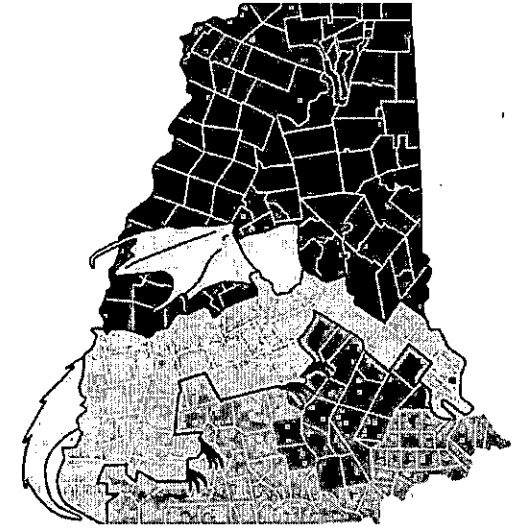
Oxford Dictionary: Manipulate the boundaries of (an electoral constituency) so as to favor one party or class.



1812 MASSACHUSETTS

What is its Origin?

Over 200 years ago, Elbridge Gerry, Founding Father, signer of the Declaration of Independence, reluctant framer of the Constitution, congressman, and diplomat, served as governor of Massachusetts and signed a bill (albeit reluctantly) in 1812 to split Essex County and create a misshapen Massachusetts district to benefit the Democratic-Republicans. Because it looked like a salamander, the people dubbed it "gerrymandering". While Gerry's party succeeded in securing the majority in the Senate, he lost the gubernatorial race in the popular vote, yet later that year he went on to become the fifth vice-president under James Monroe.



2012 NEW HAMPSHIRE

Where are we today?

200 years later, gerrymandering still exists, not only in New Hampshire's Executive Council district, but in other states as well. The 2nd district illustrated above borders Maine, Massachusetts, and Vermont. It is not compact and has jagged edges and extensions.

As of May 2019, independent redistricting commissions existed in 8 states: Alaska, Arizona, California, Colorado, Idaho, Michigan, Montana, and Washington. New Hampshire may be the next state to have an independent redistricting commission.

Tricia Melillo

From: Susan Richman <susan7richman@gmail.com>
Sent: Wednesday, January 27, 2021 10:56 PM
To: Tricia Melillo
Subject: SB 80

This letter is in Support of Senate Bill 80.

You wouldn't put the fox in charge of the henhouse, so why ask legislators to be in charge of drawing up electoral maps, with the temptation so great to skew those maps to assist their own reelection?

A nonpartisan redistricting committee would build in checks and balances, ensuring that maps come as close as possible to giving every voter equal weight. SB 80 would give us fair maps, and SB 80 would undo a collection of wrongs done in this state.

For the last two years, members of both parties and of both houses agreed to bills that would ensure nonpartisan redistricting. Why were these hugely popular bills vetoed both years by the Governor? In 2019, Governor Sununu vetoed HB 706, claiming that the legislators would "abrogate their responsibilities" if a committee were to advise them – even though legislators often seek the advice of committees, and ultimately retain the responsibility of voting on a plan. Sununu also claimed, in his 2019 veto message, that out-of-state actors were urging an independent redistricting commission to "favorably position Democrats." That defies logic – how would a nonpartisan committee favorably position either party? And why should the attempts of out-of-state actors (which certainly exist in both parties) manage to affect a carefully created nonpartisan, transparent NH committee?

Attempting to find a nonpartisan redistricting plan acceptable to the Governor, legislators asked for the conditions he required, in order to sign a redistricting bill. In 2020, HB 1665 was drawn up to meet the Governor's specifications. Again, it received bipartisan support in both houses, and again it was vetoed. The veto message in 2020 simply asserted that the legislature could be counted on to do the right thing, and legislation creating a special nonpartisan committee was unnecessary. Twice the Governor asserts that we have no gerrymandering in New Hampshire.

Unfortunately, that is not the case. In 2011, just three people secretly created the redistricting maps behind closed doors, not a nonpartisan committee. Public hearings were required, but no maps were shown, making informed public input impossible. Towns of 3,290 citizens or more didn't get their own representatives, as guaranteed by the Constitution. A small town would share representatives with a larger town, so the votes of the small town citizens had no weight – they were disenfranchised. District lines were drawn to give one party the advantage over the other. Executive Council District 2 snakes from the rural Vermont border, to urban Dover on the Maine border. These are examples of gerrymandering – cheating.

In 2017 NHPR ran a story sharing the findings of analyst David Leib. At the time, NH's population was 49% Democrat, 51% Republican. So if every vote had equal weight, our elected representatives would come fairly equally from each party. However, Republicans had 48 more representatives than Democrats – the result of skillful gerrymandering in the secretive drawing up of the 2011 maps.

Our legislature has awesome responsibilities. They need to approach their tasks dedicated to what is best for the state, not as a game of political football. Let's not create maps that end up in the courts, with great cost, delay, and rancor.

Despite the wrongs of past gerrymandering, despite the disappointing, empty arguments of the Governor against an ADVISORY nonpartisan redistricting committee, please show the people of NH that the members of the legislature can work together in a bipartisan way, to create a fair and transparent plan for giving each voter a fair and equal vote.

Thank you for your consideration.

Susan Richman
16 Cowell Drive
Durham, NH 03824
603-868-2758

Tricia Melillo

From: Susan Richman <susan7richman@gmail.com>
Sent: Thursday, January 28, 2021 1:46 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: Testimony on SB 80

Dear Chairman Gray and members of the Senate Election Law and Municipal Affairs Committee,

I was unable to attend today's hearing on SB 80, but hope you will accept my written testimony. Thank you for your consideration.

Susan Richman

This letter is in Support of Senate Bill 80.

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Sincerely,
Susan Richman
16 Cowell Drive
Durham, NH 03824
603-868-2758

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee**
EXECUTIVE SESSION RECORD
2021 Session

Bill # SB 80

Hearing date: 1-28-2021

Executive Session date: 2-1-21

Motion of: ITL Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gray -

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Monday, February 1, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 80-FN-A**

~~AN ACT~~ ~~establishing an independent advisory commission~~
~~on redistricting.~~

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-2

Senator James Gray
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB80

Docket Abbreviations

Bill Title: establishing an independent advisory commission on redistricting.*Official Docket of SB80.:*

Date	Body	Description
1/20/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
1/21/2021	S	Remote Hearing: 01/28/2021, 09:45 am; Links to join the hearing can be found in the Senate Calendar; SC 8
2/1/2021	S	Committee Report: Inexpedient to Legislate, 02/11/2021; SC 10
2/11/2021	S	Inexpedient to Legislate, RC 14Y-10N, MA === BILL KILLED === ; 02/11/2021; SJ 4

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 80

Senate Committee: ELMA

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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

Committee Action Documents: {Legislative Aides}

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

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

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

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

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

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

___ as amended by the senate ___ as amended by the house

___ final version

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

Committee Aide

0/4/21
Date

Senate Clerk's Office [Signature]