

SB 107 - AS INTRODUCED

2017 SESSION

17-0489

03/09

SENATE BILL            ***107***

AN ACT                establishing an independent redistricting commission.

SPONSORS:            Sen. Lasky, Dist 13; Sen. Fuller Clark, Dist 21; Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Kahn, Dist 10; Sen. McGilvray, Dist 16; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Rep. Cote, Hills. 31

COMMITTEE:          Election Law and Internal Affairs

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ANALYSIS

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

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

*In the Year of Our Lord Two Thousand Seventeen*

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

(a) Two members appointed by the governor, one member from each of the 2 political

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1 parties whose candidates received the most votes cast for governor in the prior year's general  
2 election.

3 (b) One member appointed by the chief justice of the supreme court.

4 (c) One member appointed by the speaker of the house of representatives.

5 (d) One member appointed by the minority leader of the house of representatives.

6 (e) One member appointed by the president of the senate.

7 (f) One member appointed by the minority leader of the senate.

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

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

11 (a) Is not an eligible voter of the state at the time of selection.

12 (b) Holds partisan public office or political party office.

13 (c) Is a relative of or is employed by a member of the general court or of the  
14 United States Congress, or is employed directly by the general court or by the United States  
15 Congress.

16 (d) Has not resided in the state for at least 5 years.

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

19 VI. Members shall be reimbursed for mileage incurred in carrying out their duties under  
20 this chapter.

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

27 662-B:4 Redistricting Standards.

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

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

36 (a) Addresses of incumbent legislators.

37 (b) Political affiliations of registered voters.

38 (c) Previous election results.

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

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

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

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

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

II. If the plan fails to be approved by a constitutional majority in either the house of representatives or the senate, the clerk of the house of representatives or the senate, as the case may be, shall within 48 hours transmit to the commission the reasons why the plan was not approved, as those reasons were made manifest during the floor debate on the failed bill. The commission shall then prepare a second plan in accordance with RSA 662-B:4, and taking into account the reasons cited by the house of representatives or senate for its failure to approve the plan insofar as it is possible to do so within the requirements of RSA 662-B:4. The second plan shall be delivered to the speaker of the house of representatives and the president of the senate not later than 10 days after the date of the vote by which the house of representatives or the senate failed to approve the plan submitted under paragraph I, whichever date is later. It is the intent of this chapter that, if a second plan is necessary, it shall be brought to a vote not less than 7 days after the second plan is made available to the members of the general court, in the same manner as prescribed for the plan under paragraph I.

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

house of representatives and the president of the senate not later than 10 days after the date of the vote by which the house of representatives or the senate failed to approve the second plan submitted under paragraph II, whichever date is later. It is the intent of this chapter that, if it is necessary to submit a plan under this paragraph, the plan be brought to a vote within the same time period after its delivery to the speaker of the house of representatives and the president of the senate as is prescribed for the plan submitted under paragraph II, but shall be subject to amendment in the same manner as other bills.

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

662-B:6 Transparency of Redistricting Process.

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

(b) Within 14 days after the U.S. Census Bureau provides the state with selected decennial data tabulations pursuant to P.L. 94-171, the commission shall forward to the secretary of state and the secretary of state shall promptly post on the secretary of state's web page:

- (1) Precinct-level data containing voter registration and election returns;
- (2) Census tract-level data on voter registration and election returns;
- (3) Detailed maps reflecting the data provided in subparagraphs (b)(1) and (2);
- (4) Any interactive software used by the commission to enable the design of representative, senatorial, and congressional districts that meet criteria established by RSA 662-B:4; and
- (5) Information on creating and submitting a proposed plan developed pursuant to subparagraph (4) or by other means to the commission.

(c) The secretary of state shall take all actions necessary to ensure that the secretary of state's web page is updated continuously to provide advance notice of commission meetings and to otherwise provide timely information on the activities of the commission.

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

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1 post the minutes of its meetings of each public hearing as well as any written comments received  
2 from the public within 48 hours of receipt of the minutes and comments.

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

8 III.(a) At least 21 days prior to drawing a final redistricting plan, the commission shall  
9 forward to the secretary of state and the secretary of state shall post on the secretary of state's web  
10 page and publicize through other reasonable means the following information:

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

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

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

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

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

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

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

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

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

1           IV. Within 7 days after any redistricting plan is drawn by the commission, the commission  
2 shall forward to the secretary of state and the secretary of state shall post on the secretary of state's  
3 web page:

4           (a) A detailed report justifying the adopted plan and explaining specifically how the  
5 plan, and each district within such plan, serves the public interest. The commission shall forward  
6 to the secretary of state and the secretary of state shall publish on the secretary of state's web page  
7 any dissenting statements of any members of the commission.

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

14           2 Effective Date. This act shall take effect 60 days after its passage.