

HB 1564-FN-A - AS INTRODUCED

2016 SESSION

16-2010

03/04

HOUSE BILL

***1564-FN-A***

AN ACT

establishing an independent redistricting commission.

SPONSORS:

Rep. Cote, Hills. 31; Rep. C. Chase, Ches. 8; Rep. Butler, Carr. 7; Rep. Berch, Ches. 1; Rep. Burton, Straf. 6; Rep. Porter, Hills. 1; Sen. Fuller Clark, Dist 21

COMMITTEE:

Election Law

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ANALYSIS

This bill establishes an independent redistricting commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing an independent redistricting commission.

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

CHAPTER 662-B

662-B:1 Independent Redistricting Commission.

I. The commission shall be authorized in the first instance to conduct the redistricting of

1 the state required by the state constitution in the year after the results of the decennial federal  
2 census. The commission shall establish a plan with electoral districts for all state and federal offices  
3 in New Hampshire. In so doing the commission shall be guided by the following precepts:

4 (a) The commission may not consider or seek to advance in any way the interests of any  
5 political party. Any individual who attempts in an ex parte communication to solicit the  
6 commission to do so shall be guilty of a misdemeanor. Any member or staff of the commission who  
7 is so solicited in an ex parte communication to act to advance the interests of a political party shall  
8 report such solicitation to the attorney general within 48 hours. Failure to do so shall constitute a  
9 misdemeanor. Nothing in this section shall operate to bar political parties or their officers or  
10 members from submitting suggestions for redistricting and testimony thereon as long as such  
11 submissions are made to the commission as a whole.

12 (b) The commission shall attempt to make the districts as compact as possible while still  
13 maintaining districts that reflect common interests and historical connections. The commission  
14 shall endeavor to make districts representative of the views of the underlying populations.

15 (c) As many districts as possible shall be wholly contained within a single town or city  
16 and each such district shall to the extent possible be single member districts.

17 II. The commission may hire such staff as is necessary to perform its functions and may if it  
18 so chooses share staff with either the attorney general's office or the office of the secretary of state.

19 III. The commission shall solicit redistricting plans and suggestions from the people of  
20 New Hampshire and shall make available public redistricting software. The commission shall  
21 maintain an Internet site on which all such plans shall be made available to the public. All  
22 communications with the commission from persons not staff, employees, members, or legal counsel  
23 of the commission shall be subject to disclosure to any member of the public under the same terms  
24 as materials discoverable under the right-to-know law.

25 IV. The commission shall hold such public hearings as it deems advisable prior to  
26 developing redistricting plans, including at least one such hearing in each executive council district.

27 662-B:3 Funding.

28 I. All entities that release paid political communications costing in the aggregate more than  
29 \$40,000 related to persons or issues involved in New Hampshire elections in the 6-month period  
30 preceding a state election that do not voluntarily provide the secretary of state with full disclosure  
31 of all such expenditures and the donations that supported them shall be subject to a fee of 20  
32 percent of the cost of said communications. Persons or entities that voluntarily provide such  
33 information regarding such donations and expenditures shall not be subject to such fees. All  
34 information received by the secretary of state from entities subject to this section shall be made  
35 available to the public on searchable databases accessible on the Internet.

36 II. Such fees shall be used to pay for the reasonable costs of the commission including staff,  
37 rent, consultants, software, and supplies.

38 III. There is established within the office of the attorney general the position of election

integrity attorney who shall advise the commission in addition to performing other regulatory and legal functions relating to the enforcement on New Hampshire election laws. This attorney shall be paid in the first instance from the fees received pursuant to paragraph I.

IV. If the fees generated are insufficient to provide for the costs of the commission, the commission shall provide to the secretary of state a request for funding of the shortfall. The secretary of state shall provide such funding as is requested by the commission.

662-B:4 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. 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 at once transmit to the commission reasons why the plan was not approved. The commission shall then prepare a second plan in accordance with RSA 662-B:2, 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:2. The second plan shall be delivered to the speaker of the house of representatives and the president of the senate not later than May 1 of the year ending in one, or 21 days after the date of the vote by which the house of representatives or the senate fails 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 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 June 1 of the year ending in one, or 21 days after the date of the vote by which the house of representatives or the senate fails 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

**HB 1564-FN-A - AS INTRODUCED**

**- Page 4 -**

1 the year ending in one, the dates set forth in this section shall be extended by a number of days  
2 equal to the number of days after February 15 of the year ending in one that the census data  
3 becomes available.

4 2 Effective Date. This act shall take effect 60 days after its passage.

## HB 1564-FN-A AS INTRODUCED

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### HB 1564-FN-A- FISCAL NOTE

AN ACT                    establishing an independent redistricting commission.

#### FISCAL IMPACT:

The Department of State, Department of Justice, and the Judicial Branch state this bill, as introduced, may increase state restricted revenue and state expenditures by an indeterminable amount in FY 2017 and each year thereafter. There will be no fiscal impact to county and local revenue and expenditures.

#### METHODOLOGY:

The Department of State states this bill establishes an independent commission charged with establishing all election district boundaries for all New Hampshire state and federal elections. This bill establishes a fee to be collected from entities that release paid political communications in excess of \$40,000 if they do not voluntarily provide disclosure of their receipts and expenditures. A fee of 20 percent of the cost of said communications shall be assessed. This bill authorizes the commission to hire staff as necessary, who are paid for with the aforementioned fees, and may if it so chooses to share staff with either the Department of Justice or the Department of State. Additionally, fee revenue may be used to pay for rent, consultants, software and supplies. If the fees generated are insufficient to provide for the commission's operating costs, the Department of State shall provide such funding as requested by the commission. The commission must maintain an internet site on which all redistricting plans and suggestions from the people of New Hampshire are made available to the public. The Department of State states it is unable to estimate what the commission's annual expenditures would be, how much fee revenue would be generated, or in the case of a shortfall, the amount of funding the Department would need to transfer to the commission.

The Department of Justice states this bill establishes, within its Department, the position of election integrity attorney, who shall advise the commission in addition to performing other regulatory and legal functions relating to the enforcement of election laws. This position shall be paid in the first instance from the fee revenue collected pursuant to this bill, as described in the preceeding paragraph. The Department is unable to estimate the cost of the new attorney position. The Department estimates it would utilize 20 percent of an existing generally funded secretary position to support the new attorney.

The Judicial Branch states if the initial four members of the commission could not reach a requisite agreement on the selection of the other three members, then the Supreme Court

**HB 1564-FN-A - AS INTRODUCED**

**- Page 2 -**

would have to appoint the three members. This duty would probably be absorbed with existing resources with no significant fiscal impact. This bill contains an unspecified misdemeanor; unspecified misdemeanors are assumed to be Class B. There is no method to determine how many charges would be brought forward as a result of this bill to determine the fiscal impact on expenditures. The table below provides the potential costs associated with the penalty included in this bill:

	FY 2017	FY 2018
<b>Judicial Branch*</b>		
Class A Misdemeanor	\$70	\$74
Class B Misdemeanor	\$50	\$53
Appeals	Varies	Varies
*It should be noted average case cost estimates for FY 2017 and FY 2018 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.		

The Legislative Branch states that commission members shall receive the same per diem amounts as allowable for members of the adult parole board. Such costs could be absorbed within the Legislative Branch's existing budget.

The Judicial Council states this bill will have no fiscal impact on its operations.