

GUIDELINES AND LEGAL PRINCIPLES APPLICABLE TO  
REDISTRICTING THE HOUSE

1. The ideal size of a district based on the 2010 census is approximately one representative per 3,291 persons.
2. Federal constitutional requirements take precedence over state constitutional requirements.
  - A. Under Federal constitutional law, there is a one-person-one-vote requirement, which means districts as equally represented in terms of population as reasonably possible, so that each person's vote carries essentially the same weight.
  - B. A redistricting plan where overall statewide deviation is less than or equal to 10 percent (i.e., the difference between the district with the lowest negative deviation and the district having the highest positive deviation) is presumed to be constitutional under the federal constitutional one-person-one-vote requirement.
  - C. Additionally under this federal constitutional requirement, deviation in any "floterial" districts must be determined by use of the "component" method.
    - i. The "component" method computes deviation separately for each district in the float. The number of representatives elected within the district is added to the percentage of the "float" representative elected by that district (the population of the district divided by the population of the float), and that sum is compared to the ideal number of representatives for the population of the district.

As a practical matter, what this means is that deviation will be constitutional only where all the districts in the "floterial" are very close to the same size, or where the districts' so-called excess populations are proportionate to the difference in representation between the districts. For example, assume two adjoining towns where one meets the threshold for two representatives and the other meets the threshold for one representative. A float is constitutional if the first town is 67 percent of the float population, while the second town is 33 percent.

- D. New Hampshire must obtain preclearance of its redistricting plan from the U.S. Department of Justice under the 1965 Voting Rights Act.

3. State constitutional principles must be applied to the extent that they do not violate federal constitutional principles.
  - A. “The whole number of representatives to be chosen from the towns, wards, places, and representative districts thereof established hereunder, shall be not less than three hundred seventy-five or more than four hundred.” *Part II, Article 9*. For the purpose of the Special Committee on Redistricting's task, the number 400 shall be used.
  - B. “In making such apportionment, no town, ward or place shall be divided nor the boundaries thereof altered.” *Part II, Article 9*.
  - C. Part II, Article 11:
    - i. “In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous.”
    - ii. “When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats, the town or ward shall have its own district of one or more representative seats” unless:
      - making the town or ward its own district would result in a violation of the one-person-one-vote principle of the federal constitution; or
      - making the town or ward its own district would require the formation of disproportionately large multi-member districts, which would not effectuate the intent of the 2006 amendment to have as any small house districts as possible.
    - iii. Multi-town districts should be kept as small as compliance with federal constitutional law allows.
4. County lines shall be preserved.