

CACR 4 - AS INTRODUCED

2021 SESSION

21-0126
06/04

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **4**

RELATING TO: redistricting.

PROVIDING THAT: an independent redistricting commission shall be established to draw boundaries for state and federal offices.

SPONSORS: Rep. Schuett, Merr. 20; Rep. Porter, Hills. 1

COMMITTEE: Election Law

ANALYSIS

This constitutional amendment concurrent resolution establishes an independent redistricting commission to draw the boundaries for state, county, and federal elections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: redistricting.

PROVIDING THAT: an independent redistricting commission shall be established to draw boundaries for state and federal offices.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the second part of the constitution be amended by inserting after article 8 the
2 following new article:

3 [Art.] 8-a. [Independent Redistricting Commission.] An Independent Redistricting Commission
4 whose function is to draw election district boundaries for all state, county, and federal elections in
5 New Hampshire is essential to ensure a robust democratic process.

6 II. That article 9 of the second part of the constitution be amended to read as follows:

7 [Art.] 9. [Representatives Elected Every Second Year; Apportionment of Representatives.]
8 There shall be in the Legislature of this State a House of Representatives, biennially elected and
9 founded on principles of equality, and representation therein shall be as equal as circumstances will
10 admit. The whole number of representatives to be chosen from the towns, wards, places, and
11 representative districts thereof established hereunder, shall be not less than three hundred seventy-
12 five or more than four hundred. As soon as possible after the convening of the next regular session
13 of the Legislature, [~~and at the session in 1971,~~] and every ten years thereafter, the [~~legislature~~]
14 ***Independent Redistricting Commission*** shall make an apportionment of representatives
15 according to the last general census of the inhabitants of the State taken by authority of the United
16 States or of this State ***for submission to and approval by the Legislature***. In making such
17 apportionment, no town, ward or place shall be divided nor the boundaries thereof altered.

18 III. That article 11 of the second part of the constitution be amended to read as follows:

19 [Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or
20 ward, according to the last federal census, is within a reasonable deviation from the ideal population
21 for one or more representative seats, the town or ward shall have its own district of one or more
22 representative seats. The apportionment shall not deny any other town or ward membership in one
23 non-floterial representative district. When any town, ward, or unincorporated place has fewer than
24 the number of inhabitants necessary to entitle it to one representative, the [~~legislature~~]
25 ***Independent Redistricting Commission plan submitted to and approved by the Legislature***
26 shall form those towns, wards, or unincorporated places into representative districts which contain a
27 sufficient number of inhabitants to entitle each district so formed to one or more representatives for

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1 the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated
2 places shall be preserved and contiguous. The excess number of inhabitants of a district may be
3 added to the excess number of inhabitants of other districts to form at-large or flatorial districts
4 conforming to acceptable deviations. The ~~[legislature shall form the]~~ representative districts **shall**
5 **be formed** at the regular session following every decennial federal census.

6 IV. That article 26 of the second part of the constitution be amended to read as follows:

7 [Art.] 26. [Senatorial Districts, How Constituted.] And that the State may be equally
8 represented in the Senate, the **Independent Redistricting Commission plan submitted to and**
9 **approved by the** Legislature shall divide the State into single member districts, as nearly equal as
10 may be in population, each consisting of contiguous towns, city wards and unincorporated places,
11 without dividing any town, city ward or unincorporated place. The legislature shall form the single
12 member districts at its next session after approval of this article by the voters of the state and
13 thereafter at the regular session following each decennial federal census.

14 V. That article 65 of the second part of the constitution be amended to read as follows:

15 [Art.] 65. [Councilor Districts Provided for.] The **Independent Redistricting Commission**
16 **shall submit to the** legislature, ~~[may, if the public good shall hereafter require it, divide]~~ **for**
17 **approval, a plan dividing** the state into five districts, as nearly equal as may be, governing
18 themselves by the number of population, each district to elect a councilor: And, in case of such
19 division, the manner of the choice shall be conformable to the present mode of election in counties.

20 VI. That the above amendment proposed to the constitution be submitted to the qualified
21 voters of the state at the state general election to be held in November, 2022.

22 VII. That the selectmen of all towns, cities, wards and places in the state are directed to
23 insert in their warrants for the said 2022 election an article to the following effect: To decide
24 whether the amendments of the constitution proposed by the 2021 session of the general court shall
25 be approved.

26 VIII. That the wording of the question put to the qualified voters shall be:

27 “Are you in favor of amending the second part of the Constitution by inserting after article 8 a new
28 article 8-a, and by amending articles 9, 11, 26, and 65 to read as follows:

29 [Art.] 8-a. [Independent Redistricting Commission.] An Independent Redistricting Commission
30 whose function is to draw election district boundaries for all state, county, and federal elections in
31 New Hampshire is essential to ensure a robust democratic process.

32 [Art.] 9. [Representatives Elected Every Second Year; Apportionment of Representatives.]
33 There shall be in the Legislature of this State a House of Representatives, biennially elected and
34 founded on principles of equality, and representation therein shall be as equal as circumstances will
35 admit. The whole number of representatives to be chosen from the towns, wards, places, and
36 representative districts thereof established hereunder, shall be not less than three hundred seventy-
37 five or more than four hundred. As soon as possible after the convening of the next regular session

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1 of the Legislature, and every ten years thereafter, the Independent Redistricting Commission shall
2 make an apportionment of representatives according to the last general census of the inhabitants of
3 the State taken by authority of the United States or of this State for submission to and approval by
4 the Legislature. In making such apportionment, no town, ward or place shall be divided nor the
5 boundaries thereof altered.

6 [Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or
7 ward, according to the last federal census, is within a reasonable deviation from the ideal population
8 for one or more representative seats, the town or ward shall have its own district of one or more
9 representative seats. The apportionment shall not deny any other town or ward membership in one
10 non-floterial representative district. When any town, ward, or unincorporated place has fewer than
11 the number of inhabitants necessary to entitle it to one representative, the Independent
12 Redistricting Commission plan submitted to and approved by the Legislature shall form those towns,
13 wards, or unincorporated places into representative districts which contain a sufficient number of
14 inhabitants to entitle each district so formed to one or more representatives for the entire district.
15 In forming the districts, the boundaries of towns, wards, and unincorporated places shall be
16 preserved and contiguous. The excess number of inhabitants of a district may be added to the excess
17 number of inhabitants of other districts to form at-large or floterial districts conforming to
18 acceptable deviations. The representative districts shall be formed at the regular session following
19 every decennial federal census.

20 [Art.] 26. [Senatorial Districts, How Constituted.] And that the State may be equally
21 represented in the Senate, the Independent Redistricting Commission plan submitted to and
22 approved by the Legislature shall divide the State into single member districts, as nearly equal as
23 may be in population, each consisting of contiguous towns, city wards and unincorporated places,
24 without dividing any town, city ward or unincorporated place. The legislature shall form the single
25 member districts at its next session after approval of this article by the voters of the state and
26 thereafter at the regular session following each decennial federal census.

27 [Art.] 65. [Councilor Districts Provided for.] The Independent Redistricting Commission shall
28 submit to the legislature, for approval, a plan dividing the state into five districts, as nearly equal as
29 may be, governing themselves by the number of population, each district to elect a councilor: And, in
30 case of such division, the manner of the choice shall be conformable to the present mode of election in
31 counties."

32 IX. That the secretary of state shall print the question to be submitted on a separate ballot
33 or on the same ballot with other constitutional questions. The ballot containing the question shall
34 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in
35 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
36 be the same as the regular official ballot except that the words "Questions Relating to Constitutional
37 Amendments proposed by the 2021 General Court" shall be printed in bold type at the top of the

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1 ballot.

2 X. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
3 becomes effective when the governor proclaims its adoption.

4 XI. Voters' Guide.

5 AT THE PRESENT TIME, the state legislature revises the district boundaries for
6 state representatives, state senators, executive councilors, county commissioners, and members of
7 the United States Congress from New Hampshire every ten years according to the last United States
8 census or state census.

9 IF THE AMENDMENT IS ADOPTED, election district boundaries for all state,
10 county, and federal elections in the state shall be established by an independent redistricting
11 commission with the approval of the legislature.