

HB 579 – AS INTRODUCED

2013 SESSION

13-0369
03/09

HOUSE BILL **579**

AN ACT establishing an independent legislative redistricting commission.

SPONSORS: Rep. P. Sullivan, Hills 10; Rep. Horrigan, Straf 6; Rep. Knowles, Hills 37;
Rep. Berch, Ches 1; Rep. Phillips, Ches 5

COMMITTEE: Election Law

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing an independent legislative redistricting commission.

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

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

3 CHAPTER 662-B

4 INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

5 662-B:1 Definitions. As used in this chapter:

6 I. “Commission” means the independent legislative redistricting commission established
7 pursuant to this chapter.

8 II. “Partisan public office” means:

9 (a) An elective or appointive office in the executive or legislative branch or in an
10 independent establishment of the federal government.

11 (b) An elective office in the executive or legislative branch of the government of this
12 state, or an office of the government of this state which is filled by appointment of executive or
13 legislative authority.

14 (c) An office of a county, municipality, or other political subdivision of this state which is
15 filled by an election process involving nomination and election of candidates on a partisan basis.

16 III. “Plan” means a plan for legislative reapportionment drawn up pursuant to the
17 requirements of this chapter.

18 IV. “Political party office” means an elective office in the national or state organization of a
19 party, as defined by RSA 652:11.

20 V. “Relative” means an individual who is related to the person in question as father, mother,
21 son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather,
22 grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-
23 law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half
24 sister.

25 662-B:2 Redistricting Commission.

26 I. Not later than February 15 of each year ending in one, a redistricting commission shall be
27 established as provided in this section. The commission’s only functions shall be those prescribed by
28 RSA 662-B:3.

29 II. The commission shall consist of:

30 (a) Two members appointed by the governor.

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

HB 579 – AS INTRODUCED
- Page 2 -

- 1 (c) One member appointed by the speaker of the house of representatives.
- 2 (d) One member appointed by the minority leader of the house of representatives.
- 3 (e) One member appointed by the president of the senate.
- 4 (f) One member appointed by the minority leader of the senate.

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

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

- 8 (a) Is not an eligible voter of the state at the time of selection.
- 9 (b) Holds partisan public office or political party office.
- 10 (c) Is a relative of or is employed by a member of the general court or of the
11 United States Congress, or is employed directly by the general court or by the United States
12 Congress.
- 13 (d) Has not resided in the state for at least 5 years.

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

16 VI. Members shall reimbursed for necessary expenses incurred in carrying out their duties
17 under this chapter.

18 662-B:3 Duties of Commission.

19 I. The commission shall develop a plan for the apportionment of representative and
20 senatorial districts based on the most recent decennial census. The plan shall conform to the
21 requirements of part II, articles 9, 11, 11-a, 26, and 26-a of the New Hampshire constitution. The
22 commission shall forward the plan to the speaker of the house of representatives and the president of
23 the senate, and shall include proposals for legislation necessary to effectuate the plan.

24 II. Upon delivery of the plan pursuant to paragraph I, the commission shall make available
25 to the public:

- 26 (a) Copies of the plan.
- 27 (b) Maps illustrating the plan.
- 28 (c) A statement of the population of each district included in the plan, and the relative
29 deviation of each district population from the ideal district population.

30 662-B:4 Redistricting Standards.

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

35 II. No district shall be drawn for the purpose of favoring a political party, incumbent
36 legislator, or other person or group. No district shall be drawn for the purpose of augmenting or

HB 579 – AS INTRODUCED
- Page 3 -

1 diluting the voting strength of a language or racial minority group. In establishing districts, no use
2 shall be made of any of the following data:

3 (a) Addresses of incumbent legislators.

4 (b) Political affiliations of registered voters.

5 (c) Previous election results.

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

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

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

19 662-B:5 Timetable for Preparation of Plan.

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

28 II. If the plan fails to be approved by a constitutional majority in either the house of
29 representatives or the senate, the clerk of the house of representatives or the senate, as the case may
30 be, shall at once transmit to the commission reasons why the plan was not approved. The
31 commission shall then prepare a second plan in accordance with RSA 662-B:4, and taking into
32 account the reasons cited by the house of representatives or senate for its failure to approve the plan
33 insofar as it is possible to do so within the requirements of RSA 662-B:4. The second plan shall be
34 delivered to the speaker of the house of representatives and the president of the senate not later
35 than May 1 of the year ending in one, or 21 days after the date of the vote by which the house of
36 representatives or the senate fails to approve the plan submitted under paragraph I, whichever date
37 is later. It is the intent of this chapter that, if a second plan is necessary, it shall be brought to a

HB 579 – AS INTRODUCED
- Page 4 -

1 vote not less than 7 days after the plan is made available to the members of the general court, in the
2 same manner as prescribed for the plan under paragraph I.

3 III. If the second plan submitted by the commission fails to be approved by a constitutional
4 majority in either the house of representatives or the senate, the same procedure as prescribed by
5 paragraph II shall be followed. If a third plan is required, it shall be delivered to the speaker of the
6 house of representatives and the president of the senate not later than June 1 of the year ending in
7 one, or 21 days after the date of the vote by which the house of representatives or the senate fails to
8 approve the second plan submitted under paragraph II, whichever date is later. It is the intent of
9 this chapter that, if it is necessary to submit a plan under this paragraph, the plan be brought to a
10 vote within the same time period after its delivery to the speaker of the house of representatives and
11 the president of the senate as is prescribed for the plan submitted under paragraph II, but shall be
12 subject to amendment in the same manner as other bills.

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

17 2 Effective Date. This act shall take effect 60 days after its passage.