

SB 314 – AS INTRODUCED

2014 SESSION

14-2738
03/05

SENATE BILL **314**

AN ACT establishing an independent legislative redistricting commission.

SPONSORS: Sen. Pierce, Dist 5; Sen. Gilmour, Dist 12; Sen. Fuller Clark, Dist 21; Sen. Kelly, Dist 10; Sen. Lasky, Dist 13; Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Rep. G. Richardson, Merr 10

COMMITTEE: Rules, Enrolled Bills and Internal Affairs

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 VI. “Secretary of state’s web page” means a dedicated portion of the secretary of state’s
26 public Internet site.

27 662-B:2 Redistricting Commission.

28 I. Not later than January 31 of each year ending in one, a redistricting commission shall be
29 established as provided in this section.

30 II. The commission shall consist of:

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1 (a) Two members appointed by the governor, one member from each of the 2 political
2 parties whose candidates received the most votes cast for governor in the prior year's general
3 election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 662-B:4 Redistricting Standards.

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

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

37 (a) Addresses of incumbent legislators.

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1 (b) Political affiliations of registered voters.

2 (c) Previous election results.

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

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

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

15 662-B:5 Timetable for Preparation of Plan.

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

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

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

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

15 662-B:6 Transparency of Redistricting Process.

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

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

24 (1) Precinct-level data containing voter registration and election returns;

25 (2) Census tract-level data on voter registration and election returns;

26 (3) Detailed maps reflecting the data provided in subparagraphs (b)(1) and (2);

27 (4) Any interactive software used by the commission to enable the design of
28 representative, senatorial, and congressional districts that meet criteria established by RSA 662-B:4;
29 and

30 (5) Information on creating and submitting a proposed plan developed pursuant to
31 subparagraph (4) or by other means to the commission.

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

35 II.(a) Within 60 days after the U.S. Census Bureau provides the state with selected
36 decennial data tabulations pursuant to P.L. 94-171, the commission shall solicit public input in
37 developing the state's redistricting plans for representative, senatorial, and congressional districts

1 by: publicizing and holding hearings in representative geographic regions of the state at which
2 members of the public may provide comments; and establishing a procedure through which members
3 of the public can provide comments through the secretary of state’s web page and other methods.
4 The commission shall forward to the secretary of state and the secretary of state shall post the
5 minutes of its meetings of each public hearing as well as any written comments received from the
6 public within 48 hours of receipt of the minutes and comments.

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

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

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

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

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

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

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

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

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

35 (c) If, in response to public comment or for any other reason, the commission amends its
36 plan or drafts a new plan, the commission shall again provide public notice and solicit public

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1 comment regarding the amended or new plan pursuant to subparagraphs (a) and (b), unless so doing
2 would cause the commission to violate a deadline established by state law.

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

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

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

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

19 2 Effective Date. This act shall take effect 60 days after its passage.