



Statement by Henry Klementowicz, Senior Staff Attorney, ACLU-NH
Senate Election Law and Municipal Affairs
House Bill 52
January 31, 2022

I submit this statement on behalf of the American Civil Liberties Union of New Hampshire (“ACLU-NH”)—a non-partisan, non-profit organization working to protect civil liberties throughout the state for over 50 years. I appreciate the opportunity to testify in opposition to HB 52, the proposed reapportionment of the state’s two congressional districts

This reapportionment plan is an example of the worst excesses of partisan gerrymandering. The proposed plan, according to statistical analysis from FiveThirtyEight, would turn New Hampshire’s two competitive congressional districts into one safe Democratic seat and one safe Republican seat.¹ For this reason, the *Union Leader* has opposed these maps, asking “Anybody have an eraser?”² For over one hundred years, New Hampshire’s congressional districts have largely remained the same—one district in the east, and one in the west, with shifts only to correct for population changes.³ However, this map would upend this long standing tradition and would cause 364,703 people—more than a quarter of New Hampshire residents—to end the year in a different congressional district than they began it in. The plan splits up the seacoast region and puts Durham, Rochester, and Portsmouth in the same congressional district as Keene.

So why was this done? The only explanation, as some members of the committee have acknowledged, is for partisan political gain. Respected University of New Hampshire Professor Dante Scala explained that he and his research assistant tried to create districts with more of a partisan advantage to Republicans than this proposed one. They couldn’t.⁴ Our analysis found that “In its current form, HB52 would cleave the current map into two non-competitive districts – a prospective District 1 highly favorable to Republican candidates and a District 2 heavily concentrated with Democratic votes.”⁵ Indeed, our analysis indicates HB 52 “is consistent with a canonical ‘pack-and-crack’ gerrymandering technique.” *Id.* The partisan lean of District 1 would go from R -0.3 to R +2.9, and District 2 would go from R -2.2 to R -5.2. *Id.*

Voters should pick their politicians, and not the other way around. But this map does exactly the opposite—it moves a quarter of the state into a different district and up-ends more than a hundred years of precedent to maximize partisan advantage. Redistricting is a solemn, constitutional obligation for this committee, and the voters of New Hampshire deserve better.

¹ https://projects.fivethirtyeight.com/redistricting-2022-maps/new-hampshire/house_gop_proposal/

² https://www.unionleader.com/opinion/editorials/redistrict-plan-back-to-the-drawing-board/article_4ffbcaa9-c5a8-5d8d-862f-6b08b1bff21d.html

³ <https://what-the-district.aclu.org/>

⁴ <https://twitter.com/Graniteprof/status/1456236375569747971>

⁵ https://www.aclu-nh.org/sites/default/files/field_documents/aclunh-redistrictinganalysis-cd.pdf