

Tricia Melillo

From: Phil Hatcher <phil.hatcher@gmail.com>
Sent: Sunday, January 9, 2022 9:32 PM
To: Tricia Melillo
Subject: written testimony for Senate ELMA public hearing on Jan 10

Dear Chairman Gray and the other members of the Senate Election Law and Municipal Affairs Committee,

This is written testimony for the public hearing on Monday January 10, 2022 for SB 240, SB 241, SB 253 and SB 254.

I am grateful that you are accepting my testimony via email, but I am disappointed that you are not holding the public hearing in an online format that would allow me to testify to you directly, in real time. Given that the Covid pandemic is running rampant in New Hampshire right now, requiring people to come to Concord to testify seems very unwise.

I am grateful that proposed maps were released in advance of the public hearing, but I am disappointed that you did not include with the maps a description of the criteria used to build those maps. In fact, it is distressing that there was apparently no discussion in advance by the committee in public about the criteria to be used by the committee. I believe that people should understand why their electoral district boundaries were drawn the way they were, particularly if they do not agree with those boundaries. To me this is what transparency is all about. We may not agree with you, but we should understand what you were thinking when you drew a particular boundary.

This leaves the public to glean your criteria from press reports, or to simply infer the criteria from the district maps themselves. For instance, Sen. Gray was quoted in the New Hampshire Union Leader as saying his top priority was to satisfy the constitutional population deviation requirements while “rejecting changes for changes’ sake.” In addition, Sen. Gray is also quoted as saying, “I’m also pleased we were able to keep all the incumbents in their districts and not have to pit anyone against one another.”

While it is heartening that the committee made the “one-person, one-vote” population deviation requirement a top priority, it is disheartening that the committee apparently put protecting incumbents as a goal, while ignoring other possible considerations, such as compactness, respecting county boundaries, attempting to ensure competitive elections, etc.

The idea of rejecting changes for changes’ sake is also suspect if a 2010 map is terrible. Executive Council District 2 is, of course, a prime example. Sen. Ward called this district an abomination during the debate on SB 80 in the committee’s executive session on February 1, 2021. And Gov. Sununu in a March 9, 2021 NHPR interview had this to say: “Everyone could point to Executive Council district two. And I agree. That’s got to be fixed. It’s a weird one. It’s like a snake lying across the middle of the state. Very bizarre.”

But not only does the committee majority fail to call for fixing the EC District 2 snake, it introduces a snake into the Senate map, by proposing a district that runs from Hinsdale to Bedford. And, what is the need for this new snake? The majority needs to answer this question. True transparency would demand an answer.

But, without answers to questions like that, the public must surmise what the real agenda was when the maps were being drawn. With the majority proposals it seems clear that the goal was to maximize the majority party’s political advantage. Democrats are packed into a small number of districts to improve the Republican candidates’ chances in other districts.

This is perfectly legal, as the US Supreme Court has stated that redistricting is a political process. So, if this was the major criteria used, after the constitutional requirements were met, then the map designed should clearly state it. It is legal, so

why be shy?

Is it because you know that the New Hampshire public, according to many polls taken across many years, does not think that partisanship is an appropriate criteria? Because the public knows that having competitive elections, in which candidates have to compete based upon their ideas, is what is best for New Hampshire. And they also know that minority rule, which can more easily occur when districts are drawn for partisan advantage, is bad for democracy.

The public also believes that maps should be fair. Admittedly, fairness may be tough to define in this context. Is a competitive district fair? Or is there more (or less) to fairness? Let me submit to you that a practical way for the public to believe that electoral maps are fair would be if those maps had been approved with bipartisan votes.

So, I urge you to delay your committee votes on the proposed maps until you have had a work session in which you discuss the criteria to be used for the maps, and hopefully reach a consensus on those criteria. I also urge you to forge consensus maps, based upon the criteria you have discussed, which can be approved with bipartisan votes.

By doing so, you would make an important contribution to restoring trust in our battered democracy.

Thank you very much for this opportunity to provide you with my input on the difficult task of redistricting.

Phil Hatcher

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