Bill as Introduced

CACR 7 – AS INTRODUCED

2003 SESSION

03-0666
06/10

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **7**

RELATING TO: state representative and state senate districts.

PROVIDING THAT: there shall be 36 senate districts and 4 house districts within each senate district.

SPONSORS: Rep. J. Pratt, Ches 24

COMMITTEE: Election Law

ANALYSIS

This constitutional amendment concurrent resolution establishes 36 senate districts with 4 house districts in each senate district. Each district shall elect one member of the senate or house respectively.

It also repeals provisions of the constitution relative to census adjustments for non-residents; small town representation by districts; dividing towns, wards or places; and relative to compensation of the legislature.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CACR 7 - AS INTRODUCED

03-0666
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: state representative and state senate districts.

PROVIDING THAT: there shall be 36 senate districts and 4 house districts within each senate district.

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

I. That article 9-a of the second part of the constitution be repealed.

II. That article 11 of the second part of the constitution be repealed.

III. That article 11-a of the second part of the constitution be repealed.

IV. That article 15 of the second part of the constitution be repealed.

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

[Art.] 9th. [Representatives Elected Every Second Year; Apportionment of Representatives.] There shall be in the legislature of this state a house of representatives, biennially elected and founded on principles of equality, and representation therein shall be as equal as circumstances will admit. [~~The whole number of representatives to be chosen from the towns, wards, places, and representative districts thereof established hereunder, shall be not less than 375 or more than 400. As soon as possible after the convening of the next regular session of the legislature, and at the session in 1971,~~] ***There shall be 4 house districts within each state senate district, each of which shall have a population which deviates by not more than 5 percent from the population of any of the other house districts within the same senate district. Each house district shall elect one representative. Beginning at the session in 2011*** and every 10 years thereafter, the legislature shall make an apportionment of representatives according to the last general census of the inhabitants of the state taken by authority of the United States or of this state. [~~In making such apportionment, no town, ward or place shall be divided nor the boundaries thereof altered.~~]

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

[Art.] 14th. [Representatives, How Elected, Qualification of.] Every member of the house of representatives shall be chosen by ballot; and, for 2 years, at least, next preceding [~~his~~] ***that member's*** election shall have been [~~an inhabitant~~] ***a resident*** of [~~the town, ward, place, or district he may be chosen to represent and shall cease to represent such town, ward, place, or district immediately on his ceasing to be qualified as aforesaid~~] ***the district the member seeks to represent, and that member shall cease to represent the district immediately on ceasing to be a resident of the district***.

VII. That article 25 of the second part of the constitution be amended to read as follows:

[Art.] 25th [Senate, How Constituted.] The senate shall consist of [~~twenty-four~~] ***36*** members.

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

[Art.] 26th. [Senatorial Districts, How Constituted.] [~~And that the state may be equally represented in the senate, the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place.~~] ***And that the state may be equally represented in the senate, the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns. Towns or cities which have a population less than that of a senate district shall not be divided.*** The legislature shall form the single-member districts at its next session after approval of this article by the voters of the state and thereafter at the regular session following each decennial federal census.

IX. That article 26-a of the second part of the constitution be repealed.

X. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2004.

XI. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2004 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2003 session of the general court shall be approved.

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

"To provide that there shall be 36 senate districts and 4 house districts within each senate district, each district to elect one member to the senate or house of representatives respectively and to repeal the provision relative to compensation of the legislature, are you in favor of repealing articles 9-a, 11, 11-a, 15, and 26-a of the second part of the Constitution; and amending articles 9, 14, 25, and 26 of the second part of the constitution to read as follows:

[Art.] 9th. [Representatives Elected Every Second Year; Apportionment of Representatives.] There shall be in the legislature of this state a house of representatives, biennially elected and founded on principles of equality, and representation therein shall be as equal as circumstances will admit. There shall be 4 house districts within each state senate district, each of which shall have a population which deviates by not more than 5 percent from the population of any of the other house districts within the same senate district. Each house district shall elect one representative. Beginning at the session in 2011 and every 10 years thereafter, the legislature shall make an apportionment of representatives according to the last general census of the inhabitants of the state taken by authority of the United States or of this state.

[Art.] 14th. [Representatives, How Elected, Qualification of.] Every member of the house of representatives shall be chosen by ballot; and, for 2 years, at least, next preceding that member's election shall have been a resident of the district the member seeks to represent, and that member shall cease to represent the district immediately on ceasing to be a resident of the district.

[Art.] 25th [Senate, How Constituted.] The senate shall consist of 36 members.

[Art.] 26th. [Senatorial Districts, How Constituted.] And that the state may be equally represented in the senate, the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns. Towns or cities which have a population less than that of a senate district shall not be divided. The legislature shall form the single-member districts at its next session after approval of this article by the voters of the state and thereafter at the regular session following each decennial federal census.

XIII. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2003 General Court" shall be printed in bold type at the top of the ballot.

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

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON CACR7

BILL TITLE: relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district.

DATE: January 22, 2003

LOB ROOM: 308 **Time Public Hearing Called to Order:** 11:42am

Time Adjourned: 12:23pm

(please circle if present)

Committee Members: Reps. Stritch, Dickinson, Flanagan, Reeves, Kennedy, Drisko, Dinane, Whalley, Vaillancourt, Luebkert, Flayhan, Cady, Derby, Dorsett, Infantine, Clemons, Buckley, D. Cote, Konys, Splaine and Weed.

Bill Sponsors: Rep. J. Pratt

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Pratt, prime sponsor, spoke in support of this bill. He stated that he feels that the Senate is too small and that the House is too large and that the pay is outrageous. He stated that sometimes one is testifying to one or two senators and even a tape recorder. He suggested choosing 356 members because the Chambers could easily fit one more row of tables. With regards to the House he stated that in some cases, there are not enough file cabinets, no phones, no desks and that the pay is the laughing stock of the country. He stated that he feels that this House is unconstitutionally proportioned. He further stated that when the court did the redistricting, they replaced one disaster with another. He feels that this bill is more modern.

Rep. Clemons asked Rep. Pratt if he thought that this legislature is going to vote themselves out of office. Rep. Pratt responded by stating that he thought so after talking with some of the Republicans.

Rep. Buckley noted that this CACR is really just for the general public to vote on it and hold the discussion. Rep. Pratt responded in the affirmative.

Rep. Kennedy asked Rep. Pratt if he would just consider having this piece of legislation deal with having the 36 senators. Rep. Pratt stated that he liked the whole CACR.

Rep. Derby asked if there was any law that supported the one person-one vote, one person-one district idea. Rep. Pratt responded in the affirmative – Reynolds vs. Sims. Rep. Derby stated that those cases never stated that multi-districts are wrong. Rep. Pratt stated that other than the common sense, the thought of one person representing 18,000 another representing 13,000 and someone else representing 6,000 in the same legislature is wrong.

Rep Weed asked Rep. Pratt if his idea was to take away the citizen's legislature and make it a professional one. Rep. Pratt responded that he felt that the modern day legislature needs to be brought forward.

Rep. Allen spoke in support of this bill. He stated that he strongly supports this bill. He feels that it would be best. He stated that he went door-to-door and won with the most votes. He feels that if the people adopted this CACR, it would be better than what we have now. He feels that the districts would be more local.

Rep. Dickinson asked about the general pay. Rep. Pratt stated that he did not know.

Respectfully submitted,



Kimberley O M Dionne, Clerk

Testimony

Howard L.Wilson
POBox 91
Andover,NH 03216
603-735-5427
stoneanarch@tds.net

Election Law Committee
308 LOB Jan. 22, 2003 11:30AM

Re: CACR 7

Rep. Pratt,proposes 4 real changes to the operation of NH's governing "body":

A) Expanding the size of the NH Senate,to make it more accountable to its voting base,and more equitable,as a discussion group,where arguments referent possible law are endowed.

I fully approve.

B) Reducing the size of the NH House from its current number (400),down to 144,thus taking the NH House,from the 3 rd largest,in the English-speaking world,to being on a par,with most of the other state's in the Union. Real representation,goes out the window. And,if this should be embedded in the NH Constitution,embedding the incumbent protection policies of the ONE party system,in STONE.

I oppose this.

C)Eliminating the districting parameters,with the slop factor of +/- 5 %.And,eliminating the percieved need to divide towns and cities,to accommodate population by location shifts as opposed to boundaries shifts.

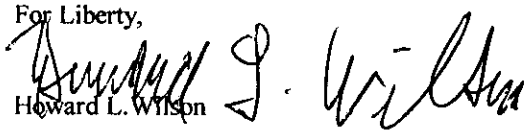
I oppose this.

D) Eliminating the pay schedules for both the NH House & NH Senate. I will admit that $100 year,is a bit much,for anyone in government to receive,alongside mileage compensation,seemingly commensurate with Federal employees. While I fully approve of not paying even this small sum,for so much bad LAW, I fear what may be waiting,in law,as a pay schedule that is set for professionals (4 to 5 figures,per year),vs the amateur compensation schedules now on-line.

I will oppose this. I fear a larger deficit,based on professional pay,expanding the budget needs of NH .

I will agree with Rep.Pratt,that changes are needed,to make NH's Legislative processes more equitable. But,as an overal process,CACR 7 is not any part of the whole routing I would see. I would see CACR 7,found Inexpedient to Legislate.

For Liberty,



Howard L. Wilson

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on CACR 7

BILL TITLE: **relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district.**

DATE: March 05, 2003

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Derby

Seconded by Rep. Dionne

Vote: 12-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kimberley O. M. Dionne, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Cacr 7

BILL TITLE: _____

DATE: 3/5/03

LOB ROOM: 308

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Derby

Seconded by Rep. Dionne

Vote: 12-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: _____

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. ~~Kimberley O. M. Dionne~~, Clerk

~~Andrea L. Donsett~~

OFFICE OF THE HOUSE CLERK

2003 SESSION

ELECTION LAW

Bill #: CACR7 **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 3/5/03

Motion: ITL **Amendment #:** _____

MEMBER	YEAS	NAYS
Stritch. C Donald. Chairman	✓	
Dickinson. Howard C. V Chairman	✓	
Flanagan. Natalie S	✓	
Reeves. Sandra J	✓	
Kennedy. Richard E		
Drisko. Richard B		
Dionne. Kimberley O M	✓	
Whalley. Michael D	✓	
Vaillancourt. Steve	✓	
Luebkert. Bernard J	✓	
Flavhan. Marv Lou		
Cady. Harriet E		
Derby. Mark S	✓	
Dorsett. Andrew L	✓	
Infantine. William J		
Clemons. Jane A	✓	
Buckley. Raymond		✓
Cote. David E		✓
Konvs. Christine M		✓
Splaine. James R	✓	
Weed. Charles F		✓
	12	4
TOTAL VOTE:		

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Election Law**

BILL NUMBER: **CACR 7**

TITLE: relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district.

DATE: March 11, 2003 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This CACR would have reduced the size of the House to 144 and increased the size of the Senate to 36, with 4 House districts within each Senate district. While the majority agrees with the sponsor's rationale for enlarging the Senate, it believes that such an initiative should originate in the Senate. As to reducing the size of the House, the majority believes that a smaller House would weaken the citizen-nature of our House of Representatives. While the majority is mindful that the many large House districts have created a number of challenges, the solution is not to reduce the total number of members in the House.

Vote 12-4.

Rep. Mark S. Derby
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Election Law

CACR 7, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. **INEXPEDIENT TO LEGISLATE** Rep. Mark S. Derby for Election Law: This CACR would have reduced the size of the House to 144 and increased the size of the Senate to 36, with 4 House districts within each Senate district. While the majority agrees with the sponsor's rationale for enlarging the Senate, it believes that such an initiative should originate in the Senate. As to reducing the size of the House, the majority believes that a smaller House would weaken the citizen-nature of our House of Representatives. While the majority is mindful that the many large House districts have created a number of challenges, the solution is not to reduce the total number of members in the House. **Vote 12-4.**

~~MAJORITY~~ COMMITTEE REPORT

COMMITTEE: Electin Law

BILL NUMBER: ~~HB~~ CACR 7

TITLE: State representative and state senate districts

DATE: 3-5-03 CONSENT CALENDAR: YES ☐ NO ☒ 2

☐ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This CACR would have reduced the size of the House to 144 and increased the size of the Senate to 36, with 4 House districts within each senate district. ~~The majority believes that~~ while the majority ~~believes that the sponsor's interest in increasing the size of~~ agrees with the sponsor's rationale for enlarging the Senate, it believes that such an initiative should originate in the Senate. As to reducing the size of the House, the majority believes that a smaller House would weaken on the citizen-nature of our House of Representatives. ~~One rationale advanced by the sponsor~~ while the majority is mindful that the many large ~~districts~~ House House districts have created a number of ~~many~~ challenges, the solution is not to reduce the total number of members in the House.

COMMITTEE VOTE: 12-4

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. MARK S. DERBY

For the Committee 3-5-03

Rev. 07/30/99