HB 1426-FN-A - AS AMENDED BY THE HOUSE

22Feb2024... 0513h

2024 SESSION

24-2206
08/02

HOUSE BILL ***1426-FN-A***

AN ACT relative to establishing an advisory redistricting commission.

SPONSORS: Rep. Lane, Merr. 16; Rep. Wilhelm, Hills. 40; Rep. Ebel, Merr. 7; Rep. Ward, Rock. 27; Sen. Perkins Kwoka, Dist 21; Sen. Chandley, Dist 11

COMMITTEE: Election Law

ANALYSIS

This bill establishes an advisory commission on redistricting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to establishing an advisory redistricting commission.

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

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

CHAPTER 662-B

INDEPENDENT ADVISORY COMMISSION ON REDISTRICTING

662-B:1 Independent Advisory Commission on Redistricting Established. There is hereby established a New Hampshire advisory commission on redistricting ("commission"), that shall convene no later than February 1, 2031, and every 10 years thereafter, in order to:

I. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.

II. Draw district lines according to the redistricting criteria specified in this chapter.

III. Conduct its business with integrity and fairness.

662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to the commission if the person has been a resident of New Hampshire for 2 years, is eligible to register to vote in New Hampshire and if the person does not currently hold office in, is not a candidate for, and has not served in any of the following offices for the last 10 years: United States House of Representatives, United States Senate, New Hampshire senate, New Hampshire house of representatives, or executive council, or a county commission.

662-B:3 Appointment of Commissioners.

I. The secretary of state shall begin soliciting applicants for the commission no later than October 1 of each year ending in zero by making an effort to notify all eligible persons and inviting them to apply. These efforts shall include:

(a) Advertising the application period and criteria in newspapers in the state.

(b) Advertising the application period and criteria on the home page of state agency websites.

(c) Requesting media to publicize the commission's search for eligible members.

(d) Publicizing the application period and criteria in the New Hampshire house and senate calendars.

II.(a) A person who is eligible to serve as a member of the commission may submit an application to the secretary of state no later than December 1 of each year ending in the number zero. Such application shall include the following:

(1) Whether the applicant or the applicant's immediate family has, in the preceding 10 years, registered as a lobbyist, served as an officer, paid consultant, or contractor of a campaign committee, political committee, or state-level political party, or served as a staff member, paid consultant, or contractor for an elected official or candidate for public office. In this paragraph, "immediate family" means spouse, children, parents, siblings, and sibling's spouses and children.

(2) What elective offices, if any, the applicant has held in New Hampshire in the preceding 10 years.

(3) Which elections the applicant has voted in the past 10 years and if the applicant has voted in a state primary election or presidential primary election in New Hampshire in the preceding 6 years, which political party's ballots the applicant has taken.

(4) A sworn statement under oath, subject to the penalty of perjury under RSA 641:1 and in the manner prescribed under RSA 21:5, that the applicant will comply with the provisions of this chapter, including the redistricting criteria under RSA 662-B:6.

(b) The secretary of state shall convene a panel of 4 retired superior court or supreme court judges to review and narrow the pool of applicants. If a retired judge is disqualified from serving as a commissioner, the judge shall also be disqualified from serving on the panel. The panel shall not include more than 2 retired judges of the same party. The panel shall review the applicants and create a pool of no more than 60 applicants (20 republicans, 20 democrats, 20 undeclared voters). The panel shall interview the applicants and allow for public comment on applicants before creating a pool of 45 finalists that is equally divided between republicans, democrats, and independents and represents the state both geographically and demographically. Six commissioners (2 republicans, 2 democrats, and 2 undeclared voters) shall be randomly selected by the panel. The 6 commissioners so selected shall together select the remaining 3 commissioners from the remaining pool of applicants with the goal of balancing the commissioners geographically and demographically. The 6 commissioners shall randomly select applicants from the pool, with at least 4 commissioners agreeing upon each of the 3 remaining commissioners. No commissioner shall initiate communications or reply to communications about the selection process of the remaining commissioners with outside persons attempting to influence commissioners or commission action.

III. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may, after being served written notice and given an opportunity for a response, be removed by a vote of 7 members of the commission. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the New Hampshire attorney general for criminal prosecution.

IV. Vacancies on the commission shall be filled when they occur by the commission selecting, by a vote of 7 members, a new member from among the original pool of applicants of the same political party as the vacated commissioner seat still willing to serve or by seeking a replacement in the same manner as initial appointments.

V. The term of office of commission members expires 2 years after the final enactment of the redistricting plan into law.

662-B:4 Commission Meetings.

I. The commission shall act in public meetings with a quorum of 7 members.

II. All meetings of the commission shall be open to the public. The commission shall publicly post notice of its meetings on the commission website and other appropriate outlets at least 7 days prior to such meetings. All records of the commission, including all communications to or from the commission regarding the work of the commission, shall be made available for public inspection and posted to the commission's Internet website.

III. The commission shall hold at least one public meeting in each county prior to drawing any maps and at least one public meeting in each county after releasing any proposed maps.

IV. The commission shall create a website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each meeting of the commission, reports, minutes, documents submitted to it by the public, including proposed maps, and such other information that will support an open and transparent process.

V. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings, including making meetings and hearings available online and allowing for virtual public comment. All commission meeting and hearings shall be recorded and placed on the commission's website within one business day following the meeting or hearing. Meetings shall be held only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

VI. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours.

VII. The commission shall be considered a public body subject to RSA 91-A. No documents created or received by the commissioners or staff as part of official duties, including emails and text messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

VIII. Commissioners and staff may not initiate communications or reply to communications about commission business with outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff initiate, respond to, or receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

662-B:5 Developing Redistricting Maps.

I. During the map drawing process, any member of the public may submit maps or portion of maps for consideration by the commission in a portable document format suitable for archiving (PDF/A) format, or other format approved by the secretary of state. These submissions shall be

made publicly available and shall include the name of the person making the submission. Electronically submitted maps may be posted on the commission website.

II.(a) The commission shall post its proposed maps in a manner determined by the commission, provided that such display shall include posting on the commission website for a minimum of 7 days for public comment and by distribution to the news media in a manner designed to achieve the widest public access reasonably possible before establishing a final plan. Additionally, the efforts to achieve access shall include but not be limited to:

(1) Advertising the availability of the proposed maps in newspapers in the state.

(2) Advertising the availability of the proposed maps on the home page of state agency websites.

(3) Requesting media to publicize the availability of the proposed maps.

(b) When releasing a proposed map, the commission shall also release the data used to create the map, such as population data, geographic data, and election data.

III. The commission shall issue with the proposed and final maps written evaluations that measure the maps against external metrics, and shall include efficiency gap and compactness. These metrics shall cover all criteria set forth in RSA 662-B:6.

IV. No later than December 20 of any year ending in one, the commission shall submit final advisory plans for New Hampshire county commission, house, senate, executive council, and congressional districts to the senate president, speaker of the house of representatives, and senate and house minority leaders, and the chair and ranking member of the house and senate redistricting committees for their consideration and action pursuant to pertinent sections of the New Hampshire Constitution, including part II, articles 9, 11, and 26.

662-B:6 Redistricting Criteria.

I. The commission shall establish single or multi-member districts for the New Hampshire county commissions, house of representatives, and single member districts for the New Hampshire senate, executive council, and United States representative, using the following criteria as set forth in the following order of priority:

(a) Districts shall comply with the United States Constitution and all applicable federal laws. Districts shall be drawn on the basis of total population.

(b) Districts shall comply with the New Hampshire constitution and all applicable state laws.

(c) Districts shall form single boundaries and shall not be bisected or otherwise divided by other districts, and shall respect the geographic integrity of political boundaries to the extent practicable without violating the requirements of state law or any preceding subdivisions.

(d) Districts shall be drawn in compact shapes and shall avoid jagged edges and extensions.

(e) Commissioners shall consider the integrity of communities of interest to the extent practicable. For purposes of this section a community of interest is defined as an area with recognized similarities of interests, including but not limited to economic, social, cultural, geographic, racial, ethnic, or historic identities. Communities of interest shall not include common relationships with political parties or political candidates.

II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or disfavoring any political party, incumbent, or candidate for political office.

(b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any racial or language group.

662-B:7 Adoption of Redistricting Maps.

I. If the legislature does not approve a redistricting map submitted by the commission under RSA 662-B:5, IV, then the legislature shall provide specific reasons for its rejection of the map, referring to the criteria in RSA 662-B:6, and the commission shall amend the map and resubmit it to the same individuals listed in RSA 662-B:5, IV for consideration under the New Hampshire Constitution, including part II, articles 9, 11, and 26.

II. If the amended map prepared under paragraph I is not approved by the legislature, then any registered voter may file a petition with the New Hampshire supreme court to appoint a special master to create a map based upon the criteria in RSA 662-B:6, which shall be the final map. Nothing in this section shall prevent a subsequent legislature from enacting another map to replace the map of the special master, provided that such subsequent map shall be adopted pursuant to the procedures set forth in this chapter.

III. Any registered voter in New Hampshire may file a petition within 45 days after adoption of a final map on the grounds that the plan violates any federal or state law.

662-B:8 Compensation. Members of the commission shall receive a $100 annual stipend and mileage reimbursement at the federal rate for mileage incurred in connection with the duties performed pursuant to this chapter.

662-B:9 Financial Independence.

I. For the fiscal year ending June 30, 2031, the governor may draw a warrant out of sums not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

II. For each subsequent biennium preceding the decennial census, the governor shall include in the budget recommendation appropriations sufficient to meet the estimated expenses of the commission, including but not limited to adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process and adequate office space available for the operation of the commission.

662-B:10 Staffing Support. The governor shall expend funds for the commission to hire support staff which may include administrative staff and individuals or firms providing mapping and legal support.

2 Effective Date. This act shall take effect upon its passage.

LBA
24-2206
Amended 2/27/24

HB 1426-FN-A- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2024-0513h)

AN ACT relative to establishing an advisory redistricting commission.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	$0	$0	$0
Funding Source(s)	None			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] Yes

METHODOLOGY:

This bill establishes an advisory commission on redistricting that shall convene no later than February 1, 2031. Members of the advisory commission will be entitled to receive a $100 annual stipend and mileage reimbursement. The bill allows the Governor to hire any staff necessary to support and assist the commission. The bill contains an open General Fund appropriation for the fiscal year ending June 30, 2031 to fund expenses of the commission and for any staff. Therefore, any fiscal impact from this bill will not occur until FY 2031.

AGENCIES CONTACTED:

Department of State