

Amendment to SB 8

1 Amend the bill by replacing all after section 1 with the following:

2
3 2 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter
4 662-A the following new chapter:

5 CHAPTER 662-B

6 INDEPENDENT REDISTRICTING COMMISSION

7 662-B:1 Independent Redistricting Commission.

8 I. There is hereby established an independent redistricting commission which shall be
9 charged with establishing all election district boundaries for all state and federal elections in New
10 Hampshire. This commission is established so that henceforth elections shall reflect to the greatest
11 extent possible the wishes of the voters of New Hampshire by eliminating partisan distortions of
12 electoral districts.

13 II. The commission shall consist of 15 members of the public.

14 III. No person shall be eligible to serve as a member of the commission if, at any point
15 during the 4 years prior to submitting an application for appointment to the commission, the
16 person:

17 (a) Has been a candidate for, or elected to, any federal, state, or county elective public
18 office.

19 (b) Served as an officer or employee of, or consultant to, a major political party or a
20 campaign committee of a candidate for federal, state, county, or municipal elective public office.

21 (c) Served as an elected or appointed member of the state committee of a political party.

22 (d) Has been registered as a paid lobbyist in New Hampshire.

23 (e) Has contributed 75 percent or more of the individual campaign contribution limit
24 allowable under the Federal Election Campaign Act, or any successor law that replaces the Federal
25 Election Campaign Act, to any one federal candidate.

26 IV. No person shall be eligible to serve as a commission member if he or she is a staff
27 member, consultant to, under a contract with, or a person with an immediate family relationship
28 with the governor, secretary of state, any member of the legislature, or any member of the United
29 States Congress. As used in this section, a member of a person's immediate family is one with
30 whom the person has a bona fide relationship established through blood or legal relation, including
31 parents, children, siblings, and in-laws.

32 V.(a) By joining the commission, a member waives his or her right to hold any state elective

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1 public office or to hold any appointed state or local public office for a period of 4 years from the date
2 of appointment to the commission.

3 (b) A member of the commission shall not be eligible, for a period of 2 years from the
4 appointment, to serve as an officer or employee of, or as a consultant to, the New Hampshire
5 general court, or any individual legislator in the state or in the United States Congress, or to
6 register as a governmental affairs agent in this state.

7 662-B:2 Appointment of Commissioners.

8 I. The secretary of state shall create an application designed to determine the eligibility of
9 potential commissioners and circulate the application to the public. These efforts shall include, but
10 not be limited to:

11 (a) Advertising the application period and criteria in all daily newspapers in the state
12 for one month.

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

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

16 II.(a) A person who is interested in serving as a member of the commission may submit an
17 application to the secretary of state no later than September 1 of each year ending in the number
18 zero. In addition to conflict of interest eligibility, the secretary of state shall screen applicants for
19 persons who are compromise oriented, are able to be impartial, and have an appreciation for New
20 Hampshire's diverse demographics and geography. From all timely and eligible applications
21 received, the secretary of state shall choose 45 applicants who have demonstrated their eligibility no
22 later than the first Wednesday after the first Tuesday of December of each year ending in the
23 number zero.

24 (b) The 45 persons so selected shall proportionally represent the 5 current executive
25 council districts. In addition to fair geographic representation, the secretary of state shall, to the
26 extent practicable, achieve racial, ethnic, and gender diversity within the applicant pool, reflective
27 of the state's diversity.

28 (c) The 45 persons so selected shall be divided into 3 pools: 15 members who are
29 members of the largest political party in the state; 15 members who are members of the next largest
30 political party in the state; and 15 persons who are not members of either the largest or next largest
31 political party in the state.

32 (d) The majority and minority leaders in each house of the general court shall review
33 the 45 potential members for a period of up to 3 weeks and may each strike 2 applicants, up to a
34 maximum of 8 total strikes by the 4 legislative leaders in total.

35 (e) From the potential members remaining, and no later than January 31 of each year
36 ending in one, the secretary of state shall appoint at random 3 members who are members of the
37 largest political party in the state, 3 members who are members of the next largest political party in

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1 the state, and 3 persons who are not members of either the largest or next largest political party in
2 the state. These 9 members shall then appoint the final 6 members from those persons remaining
3 in the pool. Of the final 6 members, 2 members shall be members of the largest political party in
4 the state, 2 members shall be members of the next largest political party in the state, and 2 persons
5 shall not be members of either the largest or next largest political party in the state.

6 III. In the event of substantial neglect of duty, gross misconduct in office, or inability to
7 discharge the duties of office, a member of the commission may, after being served written notice
8 and given an opportunity for a response, be removed by a vote of 11 members of the commission. A
9 finding of substantial neglect of duty or gross misconduct in office may result in referral to the New
10 Hampshire attorney general for criminal prosecution.

11 IV. Vacancies on the commission shall be filled in the same manner as initial appointments.

12 V. The terms of all commissioners shall be 10 years. A member may be re-appointed upon
13 the expiration of his or her term. The members shall elect annually a chairperson from among the
14 members. In the event of substantial neglect of duty, gross misconduct in office, or inability to
15 discharge the duties of office, a member of the commission may be removed by a 2/3 vote of the
16 commission. The commission may look at previous applicants or re-open the application process in
17 order to fill a vacancy.

18 VI. No redistricting commission member shall make a contribution, as defined in RSA
19 664:2, to any candidate for office or political committee for the time they serve on the commission.

20 VII. Each commissioner shall be paid \$200 a day, or \$100 per half-day, plus mileage at the
21 state employee rate while engaged in her or his official duties. These rates shall be adjusted
22 annually to account for inflation or deflation based on the consumer price index. The chairperson or
23 his or her designee shall receive his or her reasonable expenses while traveling out of state in the
24 performance of her or his duties.

25 662-B:3 Commission Meetings.

26 I. The commission shall act in public meetings by the affirmative vote of at least 9
27 members, including at least 2 members who are members of each of the 2 largest political parties in
28 the state and 2 who are not members of either the largest or next largest political party in the state.

29 II. All meetings of the commission shall be open to the public. The commission shall
30 publicly post notice of its meetings on the commission website and other appropriate outlets at least
31 7 days prior to such meetings. All records of the commission, including all communications to or
32 from the commission regarding the work of the commission, shall be made available for public
33 inspection.

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

36 IV. The commission shall create a website that shall provide, at a minimum, a description
37 of the role of the commission in the redistricting process, timely information to the public about the

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1 time, place, and purpose of each meeting of the commission, a portal for the submission of proposed
2 maps, all preliminary maps, all data used to create maps, all reports analyzing the maps, and all
3 other disclosures.

4 V. The commission shall provide a meaningful opportunity for all persons to participate in
5 the public meetings, including, but not limited to, issuing notices in multiple languages and
6 ensuring that translation and sign language services are available at all hearings at the
7 commission's expense or through partnership with outside organizations. Meetings shall be held
8 only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

9 VI. Commission meetings shall be adequately advertised and planned so as to encourage
10 attendance and participation across the state. This includes scheduling meetings outside of regular
11 work hours and using technology that allows for real-time, virtual participation and feedback.

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

15 VIII. Commissioners and staff may not communicate with outside persons attempting to
16 influence commissioners or commission action outside of public meetings. To the extent that
17 commissioners and staff receive such communications, the identity of the person or group and the
18 subject of the communication shall be publicly disclosed on the commission website.

19 662-B:4 Commission Duties.

20 I. The commission shall establish districts for state representatives, state senators,
21 executive councilors, and United States senators and representatives using the following criteria:

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

24 (b) Districts shall form single boundaries and shall not be bisected or otherwise divided
25 by other districts.

26 (c) Districts shall respect the integrity of communities of interest to the extent
27 practicable. A community of interest is defined as an area with recognized similarities of interests,
28 including but not limited to, economic, social, cultural, geographic, or historic identities.
29 Communities of interest shall not include common relationships with political parties or political
30 candidates.

31 (d) Districts shall respect the geographic integrity of political boundaries to the extent
32 practicable without violating the requirements of any of the preceding subparagraphs.

33 (e) Districts shall provide racial minorities and language minorities with an equal
34 opportunity to participate in the political process and shall not diminish their ability to elect
35 candidates of choice whether alone or in coalition with others.

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

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1 II. The commission shall solicit redistricting plans and suggestions from the people of New
2 Hampshire. The commission shall be authorized to purchase redistricting software that shall be
3 made available to the public and legislators within 10 business days of the commission receiving it.

4 III. The commission shall create a commission website that shall provide, at a minimum, a
5 description of the role of the commission in the redistricting process, timely information to the
6 public about the time, place, and purpose of each commission meeting, a portal for the submission of
7 proposed maps, all preliminary maps, all data used to create maps, all reports analyzing the maps,
8 and all other disclosures.

9 IV. The commission shall provide a meaningful opportunity for all persons to participate in
10 the public meetings, including, but not limited to, issuing notices in no fewer than 3 languages most
11 prevalent in New Hampshire as determined by the census and ensuring that translation services
12 are available at all hearings at the commission's expense or through partnership with outside
13 organizations. The commission shall hold at least one meeting in each county.

14 V. Commission meetings shall be adequately advertised and planned so as to encourage
15 attendance and participation across the state. This includes scheduling meetings outside of regular
16 work hours and using technology that allows for real-time, virtual participation and feedback.

17 VI. The commission may hire up to 3 staff in the 2 years preceding the census and
18 redistricting process for a term not to exceed 3 years and may, if it so chooses, share staff with
19 either the attorney general's office or the office of the secretary of state. Staffing salaries shall be in
20 accordance with salary levels set by the joint committee on legislative facilities.

21 VII. Commissioners and staff shall not communicate with any outside persons attempting
22 to influence commissioners or commission action outside of public meetings. To the extent that
23 commissioners and staff receive such communications, the identity of the person or group and the
24 subject of the communication shall be publicly disclosed on the commission website.

25 662-B:5 Adopting a Plan.

26 I. The commission shall act to release proposed maps and shall display the proposed maps
27 for a minimum of 14 days for public comment in a manner designed to achieve the widest public
28 access reasonably possible before establishing a final plan.

29 II. No later than December 31 of any year ending in one, the commission shall act to
30 approve final plans for New Hampshire house, senate, executive council, and congressional
31 districts. Upon approval, the commission shall submit the final plan to the senate president,
32 speaker of the house of representatives, and senate and house minority leaders.

33 III. The commission shall issue with all proposed and final maps written evaluations that
34 measure the maps against external metrics. These metrics shall cover all criteria set forth in RSA
35 662-B:4, including the impact of the maps on the ability of minority communities to elect candidates
36 of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to
37 which the maps preserve or divide communities of interest.

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1 IV.(a) It is the intent of this chapter that the general court shall conduct a roll-call vote on
2 the plan in either the house of representatives or the senate expeditiously under a procedure or rule
3 permitting no amendments except those of a purely corrective nature. It is further the intent of this
4 chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously
5 be brought to a vote in the second house under a similar provision or rule.

6 (b) If a chamber of the legislature fails to pass the plan, it shall issue a written
7 explanation specifying how the final plan fails the criteria listed in RSA 662-B:4 or any other
8 binding federal or state law. The commission shall then amend the final plans to the extent
9 necessary to satisfy the criteria in RSA 662-B:4 or other legal requirements and resubmit it to the
10 legislature for a subsequent up or down floor vote.

11 (c) This process shall repeat until the legislature passes final plans for the New
12 Hampshire house and senate.

13 662-B:6 Failure of Commission or Legislature to Reach Consensus. If the commission fails to
14 approve and file redistricting plans by December 31 in the odd year following a decennial census, or
15 the legislature fails to adopt and file the plan by February 15 of the even year following a federal
16 decennial census, the New Hampshire supreme court shall appoint by March 1 in the even year
17 following a decennial census a special master to create the relevant maps in accordance with the
18 redistricting criteria and requirements set forth in RSA 662-B:6. The court shall make the special
19 master's plans public and schedule a hearing where interested parties may present testimony and
20 other evidence regarding the plans' compliance with redistricting criteria. The supreme court shall
21 adopt the master's proposed plan no later than April 1 of the even year following the decennial
22 census and certify the results to the secretary of state.

23 662-B:7 Judicial Review.

24 I. The New Hampshire supreme court has original and exclusive jurisdiction in all
25 proceedings in which a final plan is challenged or is claimed not to have taken timely effect.

26 II. Any registered voter in this state may file a petition, within 45 days after adoption of the
27 final plan on the grounds that the plan violates any federal or state law.

28 III. The New Hampshire supreme court shall give priority to ruling on any matter related
29 to redistricting presented to the court. If the court determines that the final plan violates any
30 federal or state law, the court shall fashion the relief that it deems appropriate, including, but not
31 limited to, appointment of a special master to draw or modify a plan in accordance with RSA 662-
32 B:6.

33 3 Severability. If any provision of this act or the application thereof to any person or
34 circumstance is held invalid, the invalidity does not affect other provisions or applications of the act
35 which can be given effect without the invalid provision or application, and to this end the provisions
36 of this act are severable.

37 4 Effective Date. This act shall take effect 60 days after its passage.