

## CHAPTER 662

### ELECTIVE DISTRICTS

#### CHAPTER 662-A

##### DIVISION OF STATE REPRESENTATIVE DISTRICTS OF TOWNS

**662-A:1 Purpose and Intent.** It is the purpose of this chapter to implement the provisions of part 2, article 11-a of the New Hampshire constitution, regarding division of representative districts into 2 or more representative districts. To that end, the general court hereby provides a mechanism whereby a town established as a multi-member representative district may divide into 2 or more districts for the purpose of electing representatives to the general court.

**662-A:2 Scope of Authorization.** Any incorporated town comprising a single state representative district under RSA 662:5 shall be entitled to exercise the powers recognized by article 11-a, part second, of the New Hampshire constitution, and implemented through this chapter, to create a redistricting commission to present to its voters a referendum to request that the legislature divide the town into 2 or more districts for the purpose of electing representatives to the general court. If a town to be divided into districts under this chapter is included in a floterial district and also has a non-floterial district solely made up of representatives from the town, the provisions of this chapter shall only apply to the non-floterial district.

**662-A:3 Placement of Article on Ballot.** I.(a) The board of selectmen, or the voters of the town by the procedure established in RSA 39:3 may place an article on the warrant for annual town meeting at which town officers are elected, concerning the establishment of a redistricting commission. Such question shall be voted on by official ballot.

(b) In a town with a town council, the town council, or the voters by petition submitted to the council signed by 25 or more registered voters or 2 percent of the registered voters of the town, whichever is less may place a question on the official ballot for any regular municipal election for the election of town officers, concerning the establishment of a redistricting commission.

II. The wording of the question shall be: "Shall the town establish a redistricting commission to divide the town into 2 or more districts for the purpose of electing representatives to the general court?"

III. Repealed Chapter 307, Laws of 1998.

**662-A:4 Redistricting Commission; Membership.** I. The redistricting commission shall consist of 5 members, all of whom shall be registered voters of the town appointed by the governing body of the town, as defined in RSA 672:6.

II. The town clerk shall within 7 days after the appointment of the commission members, notify those appointed to the commission of the date, time and place of the organizational meeting of the commission. Such date, time and place shall be fixed by the clerk and 7 days' notice of the organizational meeting shall be given. The commission shall organize by electing from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the town clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the town. Members shall serve without compensation.

III. The commission may adopt rules governing the conduct of its meetings and proceedings. A town shall provide its redistricting commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials, and employees during ordinary working hours. A town may from time to time appropriate additional funds to the commission.

IV. The commission shall proceed to determine how to divide the town into representative districts. Any such division shall be based on population figures determined at the latest federal decennial census. Any proposal for division recommended by the commission shall provide for equality of representation in accordance with the principle of one-person, one-vote.

V. (a) Within 14 days after its organizational meeting, the redistricting commission shall hold a public meeting for the purpose of receiving information, views, comments, and other pertinent material relative to its functions.

(b) Within 90 days after its appointment, the commission shall prepare a preliminary report including the text of the proposal for new districts which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable. The preliminary report shall be submitted to the secretary of state for approval pursuant to RSA 662-A:5

(c) Within 225 days after its appointment, the commission shall submit to the town officers its final report, which shall include the full text and explanations of the redistricting proposal and such comments as the commission deems desirable.

(d) All public hearings before the commission shall be held within the town at such times and places as may be specified in a notice published at least 7 days prior to the hearing in a newspaper having general circulation in the town. Hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the town officers shall order the redistricting proposal to be submitted to the voters at the next regular town election pursuant to RSA 662-A:6.

VII. Upon the submission of the final report, the commission shall be dissolved.

**662-A:5 Approval and Review.** I. Within 10 days of the filing of a preliminary report relative to any redistricting proposal, the town clerk shall file certified copies of the report with the secretary of state. Within 30 days of the receipt of the preliminary report, the secretary of state shall review the redistricting proposal to insure that it is consistent with the principle of one-person, one-vote using the most recent decennial census figures for the town and to insure that no provision of the redistricting of the town is in conflict with the constitution or laws of this state or the United States.

II. If the secretary of state approves the preliminary report, the redistricting proposal shall be presented to the voters pursuant to RSA 662-A:6 or RSA 662-A:7.

III. If the secretary of state does not approve, the redistricting proposal shall not be placed on the ballot for voter approval. The secretary of state shall specify objections in writing to the commission within the period of time allowed for review and shall offer recommendations for changes in the redistricting proposal which would correct any inconsistencies in the proposal. Failure to specify objections to a redistricting proposal under this section shall constitute approval by the secretary of state.

IV. The commission may seek judicial review of a disapproval of the proposal by secretary of state in superior court to determine the lawfulness of the decision of the secretary of state. The clerk of the court shall schedule a hearing on any such appeal within 10 days of the filing of the petition.

**662-A:6 Submission of Redistricting to Voters.** I. Following approval of the commission's proposal, the secretary of state shall submit proposed districts to the voters of the town at the next town election. The wording of the question shall be: "Do you favor dividing the town into representative districts for the purpose of electing representatives to the general court as recommended by the redistricting commission?"

II. The selectmen or town council shall cause the final report of the commission to be printed in the town report, shall make copies available in the clerk's office, and shall post the report in the same manner that proposed ordinances are posted.

III. If a majority of the voters voting on the question answer in the affirmative, the secretary of state shall cause a bill to divide the town into representative districts to be submitted to the general court at the next legislative session. Upon passage of the bill and the signing of the bill into law, the town shall be deemed divided into the approved districts for the next succeeding election of representatives to the general court and all subsequent elections until the completion of the next decennial census and reapportionment of the general court. If legislation adopting the town's proposed districts is not enacted by the general court in the next succeeding session of the general court, no further action or approval by the town is required for future introduction of legislation adopting the districts approved by the town pursuant to this chapter.

IV. If a majority of the voters voting on the question do not answer in the affirmative, the town shall continue as a multi-member district for the purposes of electing representatives to the general court and reapportionment of the general court.

**662-A:7 Amendment of Districts.** I. A town which has been divided into districts pursuant to this chapter may amend its representative districts created pursuant to this chapter only by following the procedures in this chapter.

II. The question proposed to voters shall be: "Shall the town establish a redistricting commission for the purpose of amending the representative districts previously adopted by the town and enacted by the legislature?"

III. If the redistricting commission proposes to amend the representative districts previously adopted by the town and enacted by the legislature, the question submitted to voters shall be: "Shall the proposal of the redistricting commission to amend the representative districts of the town for the purpose of electing representatives to the general court be adopted?"

**662-A:8 Rescission of Divided Districts.** I. A town which has been divided into districts pursuant to this chapter may rescind its decision and return to a single-member district.

II. The article proposing rescission shall be placed on the ballot in accordance with the provisions of RSA 662-A:3, I.

III. The wording of the question shall be: "Do you favor rescinding the representative districts previously adopted by the town and enacted by the legislature?"

IV. If a majority of voters voting on the question answer in the affirmative, the secretary of state shall cause a bill to return the town to a single, multi- member district to be submitted to the general court, at the next legislative session. Upon passage of the bill and signing of the bill into law, the town shall be deemed to be returned to a single, multi-member district for the next succeeding election of representatives to the general court and all subsequent elections until the completion of the next decennial census and reapportionment of the general court. If legislation returning the town to a single, multi-member district is not enacted by the general court in the next succeeding session of the general court, no further action or approval by the town is required for future introduction of legislation adopting the change approved by the town pursuant to this chapter.

**662-A:9 Prevailing Vote.** If a question to amend the representative districts created pursuant to this chapter appears on the same ballot as a question to rescind the division of a town into representative districts, and if a majority of the voters voting on each question vote in the affirmative on each question, then the question that receives the plurality of votes shall prevail.