

**Remarks of Yurij Rudensky, Redistricting Counsel,
Brennan Center for Justice
at New York University School of Law
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The Brennan Center for Justice appreciates the opportunity to testify in support of House Bill 1665, which would create an advisory commission that would draw maps subject to the General Court's approval and establish clear guidelines for redistricting in New Hampshire.¹

The Brennan Center is a non-partisan law and policy institute that works to improve our nation's systems of democracy and justice. Redistricting reform has long been an integral part of this mission. Over the years, we have partnered with Republican and Democratic lawmakers and grassroots advocates to promote independent, community driven, and transparent redistricting.

This is not the first time this committee has considered an advisory commission model for redistricting for New Hampshire. This is also not our first time appearing in support. A previous bill substantially similar to HB 1665 passed the New Hampshire General Court with broad bipartisan support in 2019. That passage came for good reason—this is a smart, common-sense bill that will restore the public's faith in government. We urge the committee to pass HB 1665.

When it comes to redistricting, there is no one-size-fits-all approach. The Brennan Center has studied what has, and has not, worked across the 50 states and developed a set of core principles that has proven to be effective in drawing fair maps: independence, compromise, adherence to clear mapdrawing criteria, public accountability, and transparency.

Since the Brennan Center last appeared before this committee, we have produced a guide to designing redistricting commissions and model language to put these values into action.² The purpose was to give lawmakers a blueprint for effective redistricting reform.

¹ The views expressed in this testimony are made on behalf of the Brennan Center for Justice and not New York University School of Law.

² Yurij Rudensky and Annie Lo, *A Better Way to Draw Districts*, Brennan Center for Justice, 2019, <https://www.brennancenter.org/our-work/policy-solutions/better-way-draw-districts>.

HB 1665 is wholly consistent with our recommendations and promotes key redistricting values:

1. *Independence.* Redistricting should have a buffer from the political system that removes the temptation to use the process to advantage certain incumbents or parties. HB 1665 will create an advisory commission composed of citizens—not lawmakers—and will draw maps that the legislature will then have the chance to approve or reject. This effectively insulates redistricting from the political arena while leaving room for elected officials to maintain a role and be a check in redistricting.
2. *Inclusivity and compromise.* Redistricting should include the perspectives of a broad range of stakeholders. HB 1665 will create a 15-member commission that requires geographic and political diversity. With equal numbers of Republican, Democratic, and unaffiliated commissioners representing all sections of the state, no one party or set of interests will be able to hijack the redistricting process.
3. *Clear guidelines.* Redistricting should follow clear rules that clearly spell out acceptable outcomes. HB 1665 will establish prioritized criteria to guide mapdrawing and remove opportunities for abuse. Simply put, commissioners will not be able to impose their own priorities. Instead, they will be required by law to satisfy both the federal and New Hampshire constitutions, keep towns together, and draw compact boundaries. They will also be required to give due consideration to the common cultural ties and policy needs that bond Granite Staters into distinct communities of interest.
4. *Community involvement and transparency.* Redistricting should happen in public view so people know how decisions affecting representation are made. HB 1665 will provide the public with ample opportunity to weigh in on the commission’s work. Hearings will be held around the state so that people can define their communities of interest and give commissioners feedback. Strong disclosure and transparency rules will give the public and lawmakers alike the confidence that no one has rigged the process.

These provisions work. Commission-based redistricting has been implemented in a growing number of states. Where they have been on a ballot, reforms have passed by wide bipartisan margins in both Republican and Democratic leaning areas.³ Other states—including Pennsylvania, Virginia, Arkansas, Oregon, and Oklahoma—are also considering making the switch to a commission model. HB 1665 is part of a growing nation-wide bipartisan movement to put the people first. The proposed New Hampshire

³ Peter Miller and Brianna Cea, “Everybody Loves Redistricting Reform,” Brennan Center for Justice, <https://www.brennancenter.org/our-work/analysis-opinion/everybody-loves-redistricting-reform>.

commission is most similar to those already in place in Iowa, Vermont, and Maine.⁴ We studied the structure of these, and other, commissions and interviewed relevant stakeholders. HB 1665 builds on proven successes and can serve as a model for other states.

This research gives us confidence in recommending HB 1665. If passed, the proposal would bring about significant positive changes. The public should see drastic improvements in transparency and accountability and should feel more connected to representatives, improving confidence in government. Elected officials, likewise, should see more compact and cohesive districts that make it easier to campaign, connect with constituents, and legislate according to their needs. But the benefits go beyond improvements in politics.

HB 1665 advances a process that will produce better outcomes. A study by an economist at Lafayette College showed that commissions increase the number of competitive elections.⁵ A separate analysis found that commission-drawn maps hold up better in court than those drawn by legislators.⁶

For these reasons, the Brennan Center enthusiastically supports HB 1665. We commend the vision and dedication of the bipartisan stakeholders who understand the critical role that redistricting plays in maintaining a healthy democracy and have worked on effective, common-sense solutions that would end gerrymandering in New Hampshire.

⁴ “Who Draws the Maps? Legislative and Congressional Redistricting,” Brennan Center for Justice, updated January 30, 2019, <https://www.brennancenter.org/analysis/who-draws-maps-states-redrawing-congressional-and-state-district-lines>.

⁵ James de Vault, “Independent Redistricting Commissions and Electoral Competition in the US House of Representatives,” *Open Journal of Political Science* 9 (2019): 1-16, <https://doi.org/10.4236/ojps.2019.91001>.

⁶ “Politicians Lose More Gerrymandering Cases: Courts,” Common Cause, updated April 25, 2019, <https://www.commoncause.org/democracy-wire/politicians-lose-more-gerrymandering-cases-courts/>.