Exhibit 17

STATE HOUSE

Sununu's redistricting proposal for congressional districts raises concerns for some

BY: **AMANDA GOKEE** - MARCH 28, 2022 5:44 AM

Under Gov. Chris Sununu's congressional redistricting proposal, the 1st District would become approximately 1 percent more Republican than it is now. (Courtesy)

This article was updated at 11:42 a.m. on March 28, 2022, to reflect that Executive Council District 3 is shifting .64 percent more Republican and District 4 is shifting .46 percent more Republican under a Republican-proposal passed by the Senate last week.

Last week, Gov. Chris Sununu released a map with his idea of how the state's two congressional districts should look for the next 10 years – a more competitive proposal than the Republican-backed version he has repeatedly vowed to veto.

The governor's proposal would bring Democratic strongholds on the Seacoast back into the 1st Congressional District, making both districts more competitive. (Screenshot)

And while advocates for fair maps agree Sununu's map would create a more even playing field for politicians regardless of party, they point to a different problem: the uneven distribution of the state's population between the two districts, which could lead to a lawsuit. And they are concerned about how local maps divvying up Executive Council and legislative seats will impact state politics and local elections, as lawmakers continue fighting over what those voting districts will look like for the next decade.

"I think that this proposal is a lot better than the Republican proposal. I do believe that there are better maps out there, though," said Dave Andrews about Sununu's congressional map. Andrews is a data analyst for the Redistricting Data Hub, a nonpartisan organization that hosts redistricting data for free.

Sununu's map moves Democrat strongholds in the Seacoast such as Dover, Durham, and Portsmouth into the 1st Congressional District, making both districts more competitive compared to the Republican-backed map. Currently, both districts are competitive, with the 1st District leaning slightly Republican with towns like Candia and Alton and the 2nd District leaning slightly Democratic.

Under Sununu's proposal, the 1st District would become approximately 1 percent more Republican than it is now and the 2nd District would become 1 percent more Democratic, according to Andrews' analysis.

The Republican proposal, in contrast, would make the 1st District about 7 percent more Republican, he said.

"This is clearly a compromise," he said.

The problem is that the population differs from one district to the other by 1,431 people, a very high number, Andrews said, in light of federal requirements that congressional districts be as close as possible. It would be easy to close this gap by swapping Loudon and Epsom, which would bring the difference down to 53 without changing the partisan makeup of the districts, Andrews said. He doesn't think that difference would be overturned in court but that 1,431 could be.

Redistricting is a complex and drawn-out process with a lot at stake, as it determines voting districts, and a fair redistricting process is especially important at a time when trust in elections and democratic institutions is at a decades low.

"The integrity of our election has been questioned, and I think when we play games or rig lines, it's hard for people to have faith in the democratic process," said Olivia Zink, the executive director of Open Democracy Action, a nonpartisan nonprofit that advocates for fair elections.

While much of the focus has been placed on the congressional map, it is just one of five maps the Legislature is tasked with redrawing. And lawmakers are under a deadline. Candidates have to file their intent to run for office by June – so lawmakers need to establish what those districts are before then.

This is the Republican-backed proposal for congressional districts, where the 1st District leans Republican and the 2nd District leans Democratic. (Screenshot)

The current congressional districts are considered competitive. (Source: Dave's Redistricting App)

Senate approves GOP-backed Executive Council map

Last Thursday, the Senate advanced the Republican-backed map for the Executive Council, which includes an amendment publicly announced only one day before it was passed. The biggest changes are to Districts 1 and 2, which are currently held by Councilor Joe Kenney, a Union Republican, and Councilor Cinde Warmington, a Concord Democrat, respectively.

The public should have had an opportunity to comment on the maps, Zink said. "These are the districts for the next 10 years, and shame on the Senate for not allowing public hearing on those," she said.

The Executive Council does not get the attention given to the House and Senate, but its decisions are consequential. Councilors approve the governor's nominees, including those for the courts, and all contracts over $10,000 and above. It recently voted down family planning contracts for low-income residents.

The existing Executive Council District 2 has been widely cited as an example of gerrymandering. Critics refer to it as a dragon or a snake because it spans from New Hampshire's border with Vermont – collecting Democratic-leaning towns and cities across the entire width of the state including Keene, Concord, and Dover – to the Seacoast.

Initially, the Republican-controlled redistricting committee proposed leaving the Executive Council districts unchanged.

The Senate passed this version of the Executive Council map on Thursday. The map will now head to the House.

Sen. James Gray, a Rochester Republican, said his proposed changes would fix that concern.

"It removes the tail that went across the middle of the state all the way to the state coast," Gray told other lawmakers during the Senate session.

That proposal seemed to satisfy the governor. "One of the biggest criticisms of the current Executive Council map is that it had that weird snake and discontinuity of towns. It looks like they're really taking care of a lot of that," he said at a press event on Wednesday.

Democratic senators disagree and said the new proposal is worse than the original. "Instead of eliminating the gerrymandered District 2, this amendment doubles the number of gerrymandered districts," said Sen. Rebecca Perkins-Kwoka, a Portsmouth Democrat.

Andrews agreed. He found that District 2 became 3.2 percent more Democratic, picking up Democrats in the Hanover area, while most of the other districts became more Republican. District 5, he found, stayed roughly the same in terms of partisan lean. District 1, he found, would shift 2.3 percent more Republican; District 3 would shift .64 percent more Republican; and District 4, .46 percent more Republican.

After a Democratic counterproposal was defeated along party lines, the Senate passed Gray's amendment in a voice vote. They will now make their way to the House, where there will be a public hearing.

The House will also vote on whether to override Sununu's veto of the congressional district map, which would require a two-thirds majority.

House and county commissioner maps become law

Last week, Sununu signed the Republican-backed maps for House districts, and the county commissioner maps also became law earlier in March.

But those maps may also face a fight. "I would expect legal challenges on all of the maps that are being proposed," Zink said.

One main stumbling block for the House map, according to both Zink and Andrews: towns with enough people to merit their own representative didn't receive one.

This is the current map of the state's five Executive Council districts. All but District 2 are held by Republicans. (Screenshot)

Andrews said 14 towns that should have gotten a dedicated representative did not. "I would not be surprised if it's challenged in court and actually overturned in court," he said.

The 14 towns are Barrington, Bow, Canaan, Chesterfield, Dover, Hanover, Hinsdale, Hooksett, Milton, New Ipswich, Newton, Plaistow, Rochester, and Wilton.

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