

**Redistricting criteria** From: **National Conference of State Legislatures** website, April 2019  
<https://www.ncsl.org/research/redistricting/redistricting-criteria.aspx>

The U.S. Constitution requires that **all [congressional] districts be as nearly equal in population as practicable**, which essentially means exactly equal. For state legislative districts, the Equal Protection Clause of the 14<sup>th</sup> Amendment to the U.S. Constitution requires that districts be **substantially equal**. Some say that 10 percent deviation in population from one district to the next is a safe standard. Others use 5% as the goal.

These **traditional districting principles (or criteria)** have been adopted by many states:

- **Compactness:** Having the minimum distance between all the parts of a constituency (a circle, square or a hexagon is the most compact district).
- **Contiguity:** All parts of a district being connected at some point with the rest of the district.
- **Preservation of counties and other political subdivisions:** This refers to not crossing county, city, or town, boundaries when drawing districts.
- **Preservation of communities of interest:** Geographical areas, such as neighborhoods of a city or regions of a state, where the residents have common political [or civic] interests that do not necessarily coincide with the boundaries of a political subdivision, such as a city or county.
- **Preservation of cores of prior districts:** This refers to maintaining districts as previously drawn, to the extent possible. This leads to continuity of representation.
- **Avoiding pairing incumbents:** This refers to avoiding districts that would create contests between incumbents.

These **emerging criteria** have been considered and adopted in a few states since 2000:

- **Prohibition on favoring or disfavoring an incumbent, candidate or party.** The prohibition in a given state may be broader, covering any person or group, or it may be limited to intentionally or unduly favoring a person or group.
- **Prohibition on using partisan data:** Line drawers, whether they be commissioners, nonpartisan staff, or legislators, are prohibited from using incumbent residences, election results, party registration, or other socio-economic data as an input when redrawing districts.
- **Competitiveness:** Districts having relatively even partisan balance, making competition between the two major parties more intense. This criterion typically seeks to avoid the creation of “safe” districts for a particular party.

**NH Constitution** amended in 2006 states: *"when the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats, the town or ward shall have its own district of one or more representative seats."*

When the NH House plan was challenged in court in 2012, the **NH Supreme Court** ruled unanimously that the House plan did not violate the constitution. *"The legislature had a choice to make: adhere to the 10 percent rule and give fewer towns, wards and places their own districts or exceed the 10 percent rule and give more towns, wards and places their own districts. This is a policy decision reserved to the Legislature," the Justices wrote. [the court grudgingly stated that districts could have been smaller.]*