HOUSE DOCKET, NO. 2546 FILED ON: 1/17/2013

HOUSE . . . . . No. 597

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act establishing an independent redistricting commission and criteria for redistricting for congressional districts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*
Donald F. Humason, Jr.	*4th Hampden*
Paul K. Frost	*7th Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Kimberly N. Ferguson	*1st Worcester*
Todd M. Smola	*1st Hampden*
Matthew A. Beaton	*11th Worcester*
Daniel B. Winslow	*9th Norfolk*

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HOUSE . . . . . No. 597

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 597) of Bradley H. Jones, Jr. and others establishing an independent redistricting commission and criteria for redistricting for Congressional districts. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1975* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act establishing an independent redistricting commission and criteria for redistricting for congressional districts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws, as appearing in the 2010 Official Edition, are hereby amended by inserting after chapter 57, the following new chapter:--

Chapter 57A. Section 1. Any redistricting commission established pursuant to Article 101 of the Constitution shall have the additional duty of redrawing congressional districts as provided by this chapter. If said commission has not been established, it shall be established in the manner prescribed by this chapter.

SECTION 2. The federal census shall be the basis for determining congressional districts for the ten year period beginning with the first Wednesday of the third January following the commencement of the taking of said census.

SECTION 3. In the year after each census is commenced, and only in that year, an independent redistricting commission, herein referred to as the commission, shall be convened and shall divide the commonwealth into the number of congressional districts as required by federal law and any other districts as otherwise provided by law. All districts shall be drawn of contiguous territory, shall be equal in population to the extent required by law, and shall comply with federal constitutional and statutory requirements. No district shall be drawn for the purpose or with the effect of diluting the voting strength of a group based on race, ethnicity or language

17 minority status, or for the purpose of augmenting or diluting the voting strength of a political
18 party, or any individual. In drawing district lines, the commission shall not consider residential
19 address, party affiliation, or partisan voting history of any individual or groups of individuals,
20 except to the extent necessary to avoid dilution of voting strength based on race, ethnicity or
21 language minority status. In addition, to the maximum extent possible, district boundaries shall
22 be drawn so as to: (1) maintain the unity of well-defined municipal neighborhoods; (2) observe
23 municipal boundaries; and (3) promote geographic compactness of districts. If it is not possible
24 to draw district boundaries that fully comply with these criteria while also complying with the
25 mandatory requirements set forth herein, then they shall be drawn to optimize the criteria in the
26 order of priority set forth hereinabove. The commission shall also consider communities of
27 interest in determining which cities, towns, or neighborhoods thereof to aggregate into a single
28 district and if all other criteria are met.

29 SECTION 4. (a) The commission shall consist of seven member commissioners. On or
30 before January 15 of the year following the commencement of the federal census , the following
31 offices shall each appoint one member of the commission: the governor of the commonwealth,
32 who shall appoint a dean or professor of law or political science or government at an institution
33 of higher learning in the commonwealth; the attorney general of the commonwealth, who shall
34 appoint a retired justice who resides in the commonwealth; and the secretary of the
35 commonwealth, who shall appoint an expert in civil rights law who is a resident of the
36 commonwealth.

37 (b) By the same date, the house speaker, the house minority leader, the senate president,
38 and the senate minority leader shall each nominate three individuals. The appointees chosen by
39 the governor, attorney general, and secretary of the commonwealth shall then select one of the
40 three nominees named by each said official.

41 (c) If nominations or appointments are not made by January 15 of such year, the office
42 responsible for making the appointment or nominations shall forfeit its rights under this section
43 and the remaining direct appointees shall then make an appointment to fill the vacancy.

44 (d) Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and
45 age diversity of the commonwealth to the maximum extent feasible and shall be selected on the
46 basis of civic involvement and knowledge of redistricting policy, civil rights, political science,
47 demographics or statistics, election expertise, voting rights, community organizing, or law. No
48 person nominated or appointed to the commission, in the five years preceding such nomination
49 or appointment, shall have held Congressional, state legislative or statewide elective office, or
50 shall have served as mayor or city councilor of a city in the commonwealth, governor's
51 councilor, or shall have been elected to a state or federal party committee; or shall be a current
52 employee, agent or family member of any of the above; or, in the two years preceding such
53 nomination or appointment, shall have been a legislative agent. The commissioners shall agree:
54 (1) not to stand for election to congress, except to the extent as otherwise prohibited by law, the

55 general court, or the governor's council, until districts are redrawn following the next census; (2)
56 to apply the provisions of this article in an honest, independent, and impartial fashion; and (3) to
57 act at all times so as to uphold public confidence in the integrity of the redistricting process.

58 SECTION 5. The commission shall be convened no later than February 15 of the year
59 following the commencement of the decennial census. The commission shall disband only upon
60 final adoption and exhaustion of judicial review of challenges to congressional districts.

61 SECTION 6. The commission shall hire staff and may retain experts to assist it in the
62 performance of its duties. The commission shall establish rules governing its operation and
63 procedures. Commissioners may receive compensation for actual time spent on commission
64 duties and shall be reimbursed for reasonable and necessary expenses. The budget of the
65 commonwealth shall provide adequate funding for the operation of the commission.

66 SECTION 7. A member of the commission or an appointing authority may petition the
67 supreme judicial court to remove a commissioner on the grounds of neglect, misconduct, or
68 inability to perform the duties of a commissioner. A vacancy so created shall be filled by the
69 office which appointed the removed commissioner or by the nomination and selection process
70 set forth in section 4, as applicable.

71 SECTION 8. All meetings of the commission shall be open to the public, consistent with
72 the laws of the commonwealth concerning open meetings. All documents produced by or for the
73 commission shall be public. The commission shall hold public hearings in at least five
74 geographically disbursed counties. The public shall be afforded the opportunity to submit
75 proposed maps for consideration by the commission and the commission shall make map-making
76 software available for public use. The commission shall take all steps necessary to ensure that the
77 public can exercise its right to review and comment on proposed district maps before they are
78 approved and shall publish all preliminary and final plans in publicly accessible forums that are
79 free of charge and that ensure wide public distribution. Proposed districts shall be presented in
80 both graphic and narrative form.

81 SECTION 9. (a) Within 120 days of the completion of the decennial census, the
82 commission shall prepare and publish for public comment a preliminary plan for congressional
83 districts. The public shall have a three-week period to comment on the preliminary district plan.
84 The commission may revise the preliminary district plan in response to public comment and shall
85 submit the revised plan to the general court, which shall vote on the revised plan. If the plan is
86 rejected, then the commission shall prepare, publish, revise, and submit a second-round
87 preliminary district plan in the same manner as the first. Following the period for public
88 comment, the commission shall submit the revised plan to the general court for a vote. If the
89 general court votes to reject the second-round plan, then the commission shall prepare, publish,
90 revise, and submit a third-round preliminary district plan, in the same manner as the first. If the
91 general court rejects the third-round plan, then the commission shall prepare, publish, and revise

92 a fourth-round plan in the same manner. The plan, so revised, shall become law without
93 submission to or approval by the general court.

94 (b) With respect to each plan the commission submits to the general court for a vote, the
95 vote must be taken within two weeks of submission. No amendments to the plan as submitted
96 may be made. If the plan is approved by a majority of the members of the house of
97 representatives and senate present and voting or if no vote is taken within the two-week period,
98 then the plan as submitted shall become law.

99 SECTION 10. Original jurisdiction is hereby vested in the supreme judicial court upon
100 the petition of any voter of the commonwealth for judicial relief relative to the establishment of
101 the congressional districts. The general court may by law limit the time within which judicial
102 proceedings may be instituted to challenge any redistricting map.