SENATE DOCKET, NO. 1022 FILED ON: 1/17/2013

# SENATE . . . . . No. 11

The Commonwealth of Massachusetts

PRESENTED BY:

***James B. Eldridge***

*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:

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *James B. Eldridge* | *Middlesex and Worcester* |

SENATE DOCKET, NO. 1022 FILED ON: 1/17/2013

# SENATE . . . . . No. 11

By Mr. Eldridge, a petition (accompanied by proposal, Senate, No. 11) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *11* OF 2011-2012.]

## The Commonwealth of Massachusetts

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

SECTION 1. Article CI of the Articles of Amendment to the Constitution of the Commonwealth is hereby annulled, and the following is adopted in place thereof:-

Article CI

The House of Representatives shall consist of one hundred and sixty members, each of whom shall be elected from one representative district. Every representative shall have been an inhabitant of the district for which he or she is chosen for at least one year at least immediately preceding his or her election and shall cease to represent such district when he or she shall cease to be an inhabitant of the Commonwealth, provided, however, that for the first redistricting following the adoption of this article, the General Court may suspend the residency requirement of this section.

SECTION 2. The Senate shall consist of forty members, each of whom shall be elected from one senatorial district. Every senator shall have been an inhabitant of the Commonwealth for at least five years immediately preceding his or her election and shall be an inhabitant of the district for which he or she has been selected at the time of his or her election and shall cease to represent such senatorial district when he or she shall cease to be an inhabitant of the Commonwealth.

SECTION 3. The manner of calling and conducting the elections for the choice of representatives, senators, and councillors, and of ascertaining their election, shall be prescribed by law.

SECTION 4. The federal census shall be the basis for determining the representative, senatorial, and governor's council 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 5. 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 congressional districts, 160 representative districts, 40 senatorial districts, and eight councilor districts. 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. All districts shall comprise 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 any group based on race, ethnicity or language minority status, or for the purpose of augmenting or diluting the voting strength of a political party, or any individual. In drawing district lines, the commission shall not consider residential address, party affiliation, or partisan voting history of any individual or groups of individuals, except to the extent necessary to avoid dilution of voting strength based on race, ethnicity or language minority status. In addition, to the maximum extent possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined municipal neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts that follow representative district boundaries; (4) establish councilor districts that follow representative district boundaries and (5) promote geographic compactness of districts. If it is not possible to draw district boundaries that fully comply with these criteria while also complying with the mandatory requirements set forth herein, then districts shall be drawn to optimize the criteria in the order of priority set forth hereinabove. The commission shall also consider communities of interest in determining which cities, towns, or neighborhoods thereof to aggregate into a single district.

Within 30 days of the passage of this act, the following offices shall each appoint one member of the commission: the governor of the commonwealth, who shall appoint a dean or professor of law or political science or government at an institution of higher learning in the

commonwealth; the attorney general of the commonwealth, who shall appoint a retired justice who resides in the commonwealth; and the secretary of the commonwealth, who shall appoint an expert in civil rights law who is a resident of the commonwealth.

By the same date, the house speaker, the house minority leader, the senate president, and the senate minority leader shall each nominate three individuals. The appointees chosen by the governor, attorney general, and secretary of the commonwealth shall then select one of the three nominees named by each said official within 7 days of their nomination.

If nominations or appointments are not made within 30 days of the passage of this act, the office responsible for making the appointment or nominations shall forfeit its rights under this section and the remaining direct appointees shall then make an appointment to fill the vacancy within 7 days. Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age diversity of the commonwealth to the maximum extent feasible and shall be selected on the basis of civic involvement and knowledge of redistricting policy, civil rights, political science, demographics or statistics, election expertise, voting rights, community organizing, or law. No person nominated or appointed to the commission, in the five years preceding such nomination or appointment, shall have held Congressional, state legislative or statewide elective office, or shall have served as mayor or city councilor of a city in the commonwealth, governor's councilor, or shall have been elected to a state or federal party committee; or shall be a current employee, agent or family member of any of the above; or, in the two years preceding such nomination or appointment, shall have been a legislative agent. The commissioners shall agree: (1) not to stand for election to the general court, congress, or the governor's council until districts are redrawn following the next census; (2) to apply the provisions of this article in an honest, independent, and impartial fashion; and (3) to act at all times so as to uphold public confidence in the integrity of the redistricting process.

The commission shall be convened no later than 60 days following the passage of this act. The commission shall disband only upon final adoption and exhaustion of judicial review of challenges to representative, councilor, and senatorial districts.

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

A member of the commission or an appointing authority may petition the supreme judicial court to remove a commissioner on the grounds of neglect, misconduct, or inability to perform the duties of a commissioner. A vacancy so created shall be filled by the office which appointed the removed commissioner or by the nomination and selection process set forth in section 6, as applicable.

86 All meetings of the commission shall be open to the public, consistent with the laws of
87 the commonwealth concerning open meetings as of the date of the adoption of this Article. All
88 documents produced by or for the commission shall be public. The commission shall hold public
89 hearings in at least five geographically disbursed counties. The public shall be afforded the
90 opportunity to submit proposed maps for consideration by the commission and the commission
91 shall make map-making software available for public use. The commission shall take all steps
92 necessary to ensure that the public can exercise its right to review and comment on proposed
93 district maps before they are approved and shall publish all preliminary and final plans in
94 publicly accessible forums that are free of charge and that ensure wide public distribution.
95 Proposed districts shall be presented in both graphic and narrative form.

96 No later than April 20, 2013, the commission shall prepare and publish for public
97 comment a preliminary plan for representative, councilor, and senatorial districts. The public
98 shall have a three-week period to comment on the preliminary district plan. The commission may
99 revise the preliminary district plan in response to public comment and shall, no later than May
100 11, 2013, submit the revised plan to the special joint committee on redistricting, as created by
101 order of the general court, as adopted by the senate on January 29, 2009 and adopted by the
102 house on March 5, 2009, which shall vote on the revised plan. If the plan is rejected by either the
103 committee or the general court, the commission shall prepare, publish, revise, and submit a
104 second-round preliminary district plan in the same manner as the first within 30 days of the
105 rejection of the initial plan. Following the three-week period for public comment, the
106 commission may revise the preliminary district plan in response to public comment and shall
107 submit the revised plan to the joint committee for a vote no later than July 29, 2013.

108 With respect to each plan the commission submits to the joint committee for a vote, the
109 vote must be taken within two weeks of submission. No amendments to the plan as submitted
110 may be made. If the plan is approved by a majority of the joint committee present and voting, or
111 if no vote is taken within the two-week period, it shall be submitted to the general court for a
112 vote. With respect to each plan the joint committee submits to the general court for a vote, the
113 vote must be taken within two weeks of submission. No amendments to the plan as submitted
114 may be made. If the plan is approved by a majority of the members of the house of
115 representatives and the senate present and voting or if no vote is taken within the two-week
116 period, then the plan as submitted shall become law.

117 Original jurisdiction is hereby vested in the supreme judicial court upon the petition of
118 any voter of the commonwealth for judicial relief relative to the establishment of the
119 congressional districts. The general court may by law limit the time within which judicial
120 proceedings may be instituted to challenge any redistricting map.