

HOUSE No. 664

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Establishing an Independent Redistricting Commission and Criteria for Redistricting for House, Senate, and Councillor Districts..

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

1 SECTION 1. The Massachusetts General Laws are hereby amended by inserting after
2 chapter 57 the following new chapter:--

3 Chapter 57A. Procedure for Redistricting

4 Section 1. The federal census shall be the basis for determining the representative,
5 senatorial, and governor’s council districts for the ten-year period beginning with the first
6 Wednesday of the third January following the commencement of the taking of said census.

7 Section 2. In the year after each census is commenced, and only in that year, an
8 Independent Redistricting Commission (“Commission”) shall be convened and shall divide the
9 Commonwealth into one hundred and sixty representative districts, forty senatorial districts, and
10 eight councillor districts. All districts shall comprise contiguous territory, shall be equal in
11 population to the extent required by law, and shall comply with federal constitutional and
12 statutory requirements. No district shall be drawn for the purpose or with the effect of diluting
13 the voting strength of any group based on race, ethnicity or language minority status, or for the

14 purpose of augmenting or diluting the voting strength of a political party, or for the purpose of
15 advantaging any candidate or officeholder. In drawing district lines, the Commission shall not
16 consider residential address, party affiliation, or partisan voting history of any individual or
17 groups of individuals, except to the extent necessary to avoid dilution of voting strength based on
18 race, ethnicity or language minority status. In addition, to the maximum extent possible, district
19 boundaries shall be drawn so as to: (1) maintain the unity of well-defined municipal
20 neighborhoods and communities of interest; (2) observe municipal boundaries; (3) establish
21 senatorial districts that follow representative district boundaries; (4) establish councillor districts
22 that follow representative district boundaries and (5) promote geographic compactness of
23 districts. If it is not possible to draw district boundaries that fully comply with these criteria
24 while also complying with the mandatory requirements set forth herein, then they shall be drawn
25 to optimize the criteria in the order of priority set forth hereinabove. The Commission shall also
26 consider communities of interest in determining which cities, towns, or neighborhoods thereof to
27 aggregate into a single district.

28 Section 3. The Commission shall consist of seven member commissioners. On
29 or before January 15 of the year following the commencement of the federal census, the
30 following offices shall each appoint one member of the Commission: the Governor of the
31 Commonwealth, who shall appoint a dean or professor of law or political science or government
32 at an institution of higher learning in the Commonwealth; the Attorney General of the
33 Commonwealth, who shall appoint a retired justice who resides in the Commonwealth; and the
34 Secretary of the Commonwealth, who shall appoint an expert in civil rights law who is a resident
35 of the Commonwealth and who is not enrolled in any political party.

36 By the same date, the House Speaker, the House Minority Leader, the Senate President,
37 and the Senate Minority Leader shall each nominate three individuals. The appointees chosen
38 by the Governor, Attorney General, and Secretary of the Commonwealth shall then select one of
39 the three nominees named by each said official.

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

43 Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and
44 age diversity of the Commonwealth to the maximum extent feasible and shall be selected on the
45 basis of civic involvement and knowledge of redistricting policy, civil rights, political science,
46 demographics or statistics, election expertise, voting rights, community organizing, or law. No
47 person nominated or appointed to the Commission, in the five years preceding such nomination
48 or appointment, shall have held Congressional, state legislative or statewide elective office, or
49 shall have served as mayor or city councillor of a city in the Commonwealth, governor's
50 councillor, or shall have been elected to a state or federal party committee; or shall be a current
51 employee, agent or family member of any of the above; or, in the two years preceding such
52 nomination or appointment, shall have been a legislative agent. The Commissioners shall agree:
53 (1) not to stand for election to the General Court, Congress, or the Governor's Council until
54 districts are redrawn following the next census; (2) to apply the provisions of this article in an
55 honest, independent, transparent, and impartial fashion; and (3) to act at all times so as to uphold
56 public confidence in the integrity of the redistricting process.

57 Section 4. The Commission shall be convened no later than February 15 of the year
58 following the commencement of the decennial census. The Commission shall disband only upon
59 final adoption and exhaustion of judicial review of challenges to representative, councillor, and
60 senatorial districts.

61 Section 5. 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 6. 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 6, as applicable.

71 Section 7. All meetings of the Commission shall be open to the public, consistent with
72 the laws of the Commonwealth concerning open meetings as of the date of the adoption of this
73 Article. All documents produced by or for the Commission shall be public. The Commission
74 shall hold public hearings in at least five geographically disbursed counties. The public shall be
75 afforded the opportunity to submit proposed maps for consideration by the Commission and the
76 Commission shall make map-making software available for public use. The Commission shall
77 take all steps necessary to ensure that the public can exercise its right to review and comment on
78 proposed district maps before they are approved and shall publish all preliminary and final plans

79 in publicly accessible forums that are free of charge and that ensure wide public distribution.
80 Proposed districts shall be presented in both graphic and narrative form.

81 Section 8. Within one hundred and twenty days of the completion of the decennial
82 census, the Commission shall prepare and publish for public comment a preliminary plan for
83 representative, councillor, and senatorial districts. The public shall have a three-week period to
84 comment on the preliminary district plan. The Commission may revise the preliminary district
85 plan in response to public comment and shall submit the revised plan to the General Court,
86 which shall vote on the revised plan. If the plan is rejected, then the Commission shall prepare,
87 publish, revise, and submit a second-round preliminary district plan in the same manner as the
88 first. Following the period for public comment, the Commission shall submit the revised plan to
89 the General Court for a vote. If the General Court votes to reject the second-round plan, then the
90 Commission shall prepare, publish, revise, and submit a third-round preliminary district plan, in
91 the same manner as the first. If the General Court rejects the third-round plan, then the
92 Commission shall prepare, publish, and revise a final fourth-round plan in the same manner.

93 With respect to each plan the Commission submits to the General Court for a vote, the
94 vote must be taken within two weeks of submission. No amendments to the first three plans as
95 submitted may be made, however, amendments may be filed with the Commission for its
96 consideration. If any plan is approved by a majority of the members of the House and Senate
97 present and voting without amendment or the fourth plan as amended is so enacted then the plan
98 as submitted shall become law.

99 Section 9. Original jurisdiction is hereby vested in the Supreme Judicial Court upon the
100 petition of any voter of the Commonwealth for judicial relief relative to the establishment of the
101 representative, councillor, and senatorial districts. .