

**SENATE . . . . . No. 11**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***James B. Eldridge***

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*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 adoption of the accompanying proposal for constitutional amendment:

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

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*James B. Eldridge*

**SENATE . . . . . No. 11**

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By Mr. Eldridge, 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.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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Proposal for a legislative amendment to the Constitution 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.

1 SECTION 1. ARTICLE OF AMENDMENT

2 Article CI of the Articles of Amendment to the Constitution of the  
3 Commonwealth is hereby annulled, and the following is adopted in place thereof:

4 Article CI

5 The House of Representatives shall consist of one hundred and sixty members,  
6 each of whom shall be elected from one representative district. Every representative shall have  
7 been an inhabitant of the district for which he or she is chosen for at least one year at least  
8 immediately preceding his or her election and shall cease to represent such district when he or

9 she shall cease to be an inhabitant of the Commonwealth, provided, however, that for the first  
10 redistricting following the adoption of this article, the General Court may suspend the residency  
11 requirement of this section.

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

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

21 SECTION 4. The federal census shall be the basis for determining the  
22 representative, senatorial, and governor's council districts for the ten-year period beginning with  
23 the first Wednesday of the third January following the commencement of the taking of said  
24 census.

25 SECTION 5. In the year after each census is commenced, and only in that  
26 year, an independent redistricting commission, herein referred to as the commission, shall be  
27 convened and shall divide the commonwealth into congressional districts, 160 representative  
28 districts, 40 senatorial districts, and eight councilor districts. The federal census shall be the basis  
29 for determining congressional districts for the ten year period beginning with the first  
30 Wednesday of the third January following the commencement of the taking of said census. All

31 districts shall comprise contiguous territory, shall be equal in population to the extent required by  
32 law, and shall comply with federal constitutional and statutory requirements. No district shall be  
33 drawn for the purpose or with the effect of diluting the voting strength of any group based on  
34 race, ethnicity or language minority status, or for the purpose of augmenting or diluting the  
35 voting strength of a political party, or any individual. In drawing district lines, the commission  
36 shall not consider residential address, party affiliation, or partisan voting history of any  
37 individual or groups of individuals, except to the extent necessary to avoid dilution of voting  
38 strength based on race, ethnicity or language minority status. In addition, to the maximum extent  
39 possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined  
40 municipal neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts that  
41 follow representative district boundaries; (4) establish councilor districts that follow  
42 representative district boundaries and (5) promote geographic compactness of districts. If it is not  
43 possible to draw district boundaries that fully comply with these criteria while also complying  
44 with the mandatory requirements set forth herein, then districts shall be drawn to optimize the  
45 criteria in the order of priority set forth hereinabove. The commission shall also consider  
46 communities of interest in determining which cities, towns, or neighborhoods thereof to  
47 aggregate into a single district.

48           Within 30 days of the passage of this act, the following offices shall each  
49 appoint one member of the commission: the governor of the commonwealth, who shall appoint a  
50 dean or professor of law or political science or government at an institution of higher learning in  
51 the commonwealth; the attorney general of the commonwealth, who shall appoint a retired  
52 justice who resides in the commonwealth; and the secretary of the commonwealth, who shall  
53 appoint an expert in civil rights law who is a resident of the commonwealth.

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

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

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

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

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

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

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

98           No later than April 20, 2011, the commission shall prepare and publish for  
99 public comment a preliminary plan for representative, councilor, and senatorial districts. The  
100 public shall have a three-week period to comment on the preliminary district plan. The  
101 commission may revise the preliminary district plan in response to public comment and shall, no  
102 later than May 11, 2011, submit the revised plan to the special joint committee on redistricting,  
103 as created by order of the general court, as adopted by the senate on January 29, 2009 and  
104 adopted by the house on March 5, 2009, which shall vote on the revised plan. If the plan is  
105 rejected by either the committee or the general court, the commission shall prepare, publish,  
106 revise, and submit a second-round preliminary district plan in the same manner as the first within  
107 30 days of the rejection of the initial plan. Following the three-week period for public comment,  
108 the commission may revise the preliminary district plan in response to public comment and shall  
109 submit the revised plan to the joint committee for a vote no later than July 29, 2011.

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

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