

**SENATE . . . . . No. 422**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Rebecca L. Rausch***

*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 bill:

An Act to ensure a complete, accurate, and equitable census count.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/21/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>1/25/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/27/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/28/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/4/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>3/5/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/5/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/13/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/9/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>7/25/2019</i>

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By Ms. Rausch, a petition (accompanied by bill, Senate, No. 422) of Rebecca L. Rausch, Carmine Lawrence Gentile, Barry R. Finegold, Maria Duaine Robinson and others for legislation to ensure a complete, accurate, and equitable census count. Election Laws.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to ensure a complete, accurate, and equitable census count.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to ensure a timely, complete, accurate, and equitable census count, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 General Laws are hereby amended by inserting after Chapter 57 the  
2 following new Chapter:-

3           Chapter 57A – Census Equity and Accuracy

4           Section 1. Definitions

5           For purposes of this chapter, the following words shall have the following meanings:

6           (a)    Census day, the day by which residents in the United States must be counted, as  
7 set forth in title 13 of the United States Code.

8           (b)    Commission, the Massachusetts Census Equity Commission.

9 (c) Persons experiencing homelessness, individuals who lack, or are perceived to  
10 lack, a fixed, regular, and adequate nighttime residence. Persons experiencing homelessness  
11 includes, but is not limited to, persons who:

12 (1) share the housing of other persons due to loss of housing, economic hardship or a  
13 similar reason;

14 (2) live in motels, hotels, trailer parks or campgrounds due to the lack of fixed,  
15 regular, and adequate nighttime residence;

16 (3) live in emergency or transitional shelters;

17 (4) are abandoned in hospitals;

18 (5) are awaiting foster care placement;

19 (6) have a primary nighttime residence that is a public or private place not designed  
20 for or ordinarily used as a regular sleeping accommodation for human beings;

21 (7) live in cars, parks, public spaces, abandoned buildings, bus or train stations or  
22 similar settings; or

23 (8) are transient and otherwise experiencing homelessness as described in this  
24 subsection.

25 (d) Undercounted communities, groups of residents of the commonwealth who are  
26 traditionally undercounted in census implementations, including but not limited to:

27 (1) communities of color;

- 28 (2) immigrants, regardless of documentation;
- 29 (3) individuals of all gender identities, gender presentations, and sexual orientations;
- 30 (4) individuals with incomes under 200% of the federal poverty line;
- 31 (5) persons experiencing homeless;
- 32 (6) individuals with disabilities;
- 33 (7) individuals who are veterans;
- 34 (8) individuals under the age of 16 years;
- 35 (9) individuals for whom English is not their first language;
- 36 (10) residents of rural communities; and
- 37 (11) residents of subsidized housing.

38 Section 2. Massachusetts Census Equity Commission

39 (a) There is hereby established, within the Office of the Secretary of State, the  
40 Massachusetts Census Equity Commission. The purpose of the commission shall be to ensure  
41 that Massachusetts censuses accurately and completely count all residents of the Commonwealth,  
42 with particular focus on undercounted communities.

43 (b) The commission shall consist of twenty-nine members, as follows:

- 44 (1) the secretary of state, or designee, who shall serve as chair;
- 45 (2) the attorney general, or designee;

- 46 (3) the Senate chair of the committee on election laws, or designee;
- 47 (4) the House chair of the committee on redistricting, or designee;
- 48 (5) the Senate minority leader, or designee;
- 49 (6) the House minority leader, or designee;
- 50 (7) a Senate member of the Black and Latino Legislative Caucus, or designee;
- 51 (8) a House member of the Asian Legislative Caucus, or designee;
- 52 (9) the commissioner of the department of elementary and secondary education  
53 (DESE), or designee;
- 54 (10) the commissioner of the office of refugees and immigrants (ORI), or designee;
- 55 (11) a member of the Boston city council, selected by majority vote of the council, or  
56 designee;
- 57 (12) a member of the Worcester city council, selected by majority vote of the council,  
58 or designee;
- 59 (13) a member of the Springfield city council, selected by majority vote of the council,  
60 or designee;
- 61 (14) a member of the Lowell city council, selected by majority vote of the council, or  
62 designee;
- 63 (15) a member of the New Bedford city council, selected by majority vote of the  
64 council, or designee;

65           (16) a member of the Barnstable town council, selected by majority vote of the  
66 council, or designee;

67           (17) a member of the Greenfield town council, selected by majority vote of the  
68 council, or designee;

69           (18) the executive director of the Massachusetts Immigrant and Refugee Advocacy  
70 Coalition (MIRA);

71           (19) a representative of the Grove Hall Safe Neighborhood Initiative;

72           (20) the executive director of the Massachusetts Coalition for the Homeless;

73           (21) four members who shall be residents of the Commonwealth and appointed by the  
74 Speaker of the House, ensuring diverse geographic, cultural, ethnic, racial, and gender  
75 representation on the commission:

76           (a) two members who represent faith communities of color in the commonwealth;

77           (b) one member who represents minority and women-owned businesses in the  
78 commonwealth; and

79           (c) one member of the Wampanoag tribe; and

80           (22) five members who shall be residents of the Commonwealth and appointed by the  
81 Senate president, ensuring diverse geographic, cultural, ethnic, racial, and gender representation  
82 on the commission:

83           (a) one member who represents youth in the commonwealth;

- 84 (b) one member who represents the elderly;
- 85 (c) one veteran;
- 86 (d) one member who represents the disabled community; and
- 87 (e) one member who represents tenants and renters.

88 Section 3. Census outreach programs

89 (a) The commission shall develop and implement census outreach programs to (a)  
90 increase awareness of the census, focusing efforts in undercounted communities, (b) educate  
91 residents of the commonwealth about the importance of an accurate census count, (c) alleviate  
92 concerns about perceived repercussions for participating in the census count, and (d) engage  
93 undercounted communities in the census counting process.

94 (b) The census outreach programs shall take into account barriers to proper counting  
95 of all residents of the commonwealth.

96 (c) The census outreach programs shall include communications to residents of the  
97 commonwealth through school-based programs, partnerships with non-profit and community-  
98 based programs, and a multi-lingual, multi-media, multi-platform campaign.

99 (d) For purposes of implementing the census outreach programs, the commission:

100 (1) may create and appoint working groups as it deems appropriate; and

101 (2) shall solicit participation from relevant experts and practitioners as necessary to  
102 achieve the goals set forth in subsection (a) of this section.

103           Section 4. Administrative support

104           The commission shall be coordinated through the office of the secretary of state which  
105 shall provide administrative support to the commission and coordinate with state agencies and  
106 constitutional officers, as well as units of local government, to identify effective methods of  
107 outreach and to provide resources to ensure that outreach programs are successful and all  
108 residents are counted.

109           Section 5. Commission service; staff

110           (a)    Members of the commission shall serve four-year terms, provided that no term  
111 shall terminate within the 24-month period prior to a census day or the 6-month period  
112 subsequent to a census day.

113           (b)    Members of the commission shall receive no compensation for their services but  
114 may be reimbursed for expenses incurred in the course of their service on the commission.

115           (c)    The commission may employ a director and assistant director upon a simple  
116 majority vote of the full membership of the commission. The director and assistant director may  
117 be compensated from moneys appropriated or available for that purpose.

118           Section 6. Vacancies

119           Vacancies the commission shall be filled in like manner as the original appointment.

120           Section 7. Commission meetings

121           (a)    During the 24-month period prior to a census day, the commission shall meet at  
122 least monthly, or more frequently at the call of the chair or by majority vote of the members.



123 (b) At all times other than the period set forth in subsection (a) of this section, the  
124 commission shall meet at least quarterly, or more frequently at the call of the chair or by majority  
125 vote of the members.

126 (c) To the extent practicable, the commission shall rotate meeting locations  
127 throughout every region of the commonwealth.

## 128 Section 8. Expenditures

129 The secretary of the commonwealth shall use all reasonable efforts to secure federal  
130 funding for implementation of the census outreach programs. At least forty percent of the funds  
131 spent implementing the census outreach programs must be spent on undercounted communities.

## 132 Section 9. Reports

133 (a) By June 1 in the odd-numbered year immediately preceding a census day, the  
134 commission shall file with the governor, the secretary of the commonwealth, the attorney  
135 general, and the general court joint committees on election laws and redistricting, an interim  
136 report containing: (1) its proposed census outreach programs to encourage full participation and  
137 avoid an undercount in the upcoming decennial census; and (2) any recommendations for  
138 regulatory or legislative action necessary to ensure an accurate count of all Massachusetts  
139 residents in the upcoming decennial census.

140 (b) The general court joint committees on election laws and redistricting may,  
141 separately or collectively, issue to the commission suggestions for improvements to the proposed  
142 census outreach programs contained in the interim report. The committees may, separately or  
143 collectively, hold public hearings in advance of preparing and issuing said suggestions. Any

144 suggestions must be issued to the commission by November 1 in the odd-numbered year  
145 immediately preceding a census day.

146 (c) By December 10 in the odd-numbered year immediately preceding a census day,  
147 the committee shall file with the governor, the secretary of the commonwealth, the attorney  
148 general, and the general court joint committees on election laws and redistricting, a final report  
149 containing the census outreach programs to be implemented throughout the commonwealth.

150 (d) By February 1 in the odd-numbered year immediately subsequent to a census day,  
151 the committee shall file with the governor, the secretary of the commonwealth, the attorney  
152 general, and the general court joint committees on election laws and redistricting, a post-  
153 implementation report containing: (1) a detailed accounting of the census outreach programs  
154 implemented for the immediately prior decennial census; (2) an assessment of the perceived  
155 levels of success of the components of the census outreach programs; (3) recommendations for  
156 improvements in the next census outreach programs, including in the commission's discretion  
157 appropriate recommended legislative or regulatory action; and (4) other notable outcomes of the  
158 commission's work.

159 (e) The commission may update its post-implementation report as appropriate, in its  
160 discretion, until December 31 in the second odd-numbered year subsequent to a census day.