

SENATE No. 422

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>

SENATE No. 422

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.

The Commonwealth of Massachusetts

**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.