

# SENATE . . . . . No. 16

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## 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 adoption of the accompanying proposal for constitutional amendment:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>4/30/2021</i>

# SENATE . . . . . No. 16

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By Mr. Eldridge, a petition (accompanied by proposal, Senate, No. 16) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 13 OF 2019-2020.]

## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

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.

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

3           Article CI

4           The House of Representatives shall consist of 160 members, each of whom shall be  
5   elected from one representative district. Every representative shall have been an inhabitant of the  
6   district for which he or she is chosen for at least 1 year immediately preceding his or her election

7 and shall cease to represent such district when he or she shall cease to be an inhabitant of the  
8 commonwealth, provided, however, that for the first redistricting following the adoption of this  
9 article, the general court may suspend the residency requirement of this section.

10 SECTION 2. The senate shall consist of 40 members, each of whom shall be elected from  
11 1 senatorial district. Every senator shall have been an inhabitant of the commonwealth for at least  
12 5 years immediately preceding his or her election and shall be an inhabitant of the district for  
13 which he or she has been selected at the time of his or her election and shall cease to represent  
14 such senatorial district when he or she shall cease to be an inhabitant of the Commonwealth.

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

18 SECTION 4. The federal census shall be the basis for determining the representative,  
19 senatorial, and governor's council districts for the 10-year period beginning with the first  
20 Wednesday of the third January following the commencement of the taking of said census.

21 SECTION 5. In the year after each census is commenced, and only in that year, an  
22 independent redistricting commission, herein referred to as the commission, shall be convened  
23 and shall divide the commonwealth into congressional districts, 160 representative districts, 40  
24 senatorial districts, and 8 councilor districts. The federal census shall be the basis for determining  
25 congressional districts for the 10-year period beginning with the first Wednesday of the third  
26 January following the commencement of the taking of said census. All districts shall comprise  
27 contiguous territory, shall be equal in population to the extent required by law, and shall comply  
28 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 above. 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 adoption of this Article, 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 adoption of this Article, the office responsible for making the appointment or nominations shall forfeit its rights under this section and the remaining commissioners 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 5 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 2 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 adoption of this Article. The commission shall disband only upon final adoption and exhaustion of judicial review of challenges to representative, councilor, and senatorial districts.

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

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

83           All meetings of the commission shall be open to the public, consistent with the laws of  
84 the commonwealth concerning open meetings as of the date of the adoption of this Article. All  
85 documents produced by or for the commission shall be public. The commission shall hold public  
86 hearings in at least 5 geographically disbursed counties. The public shall be afforded the  
87 opportunity to submit proposed maps for consideration by the commission and the commission  
88 shall make map-making software available for public use. The commission shall take all steps  
89 necessary to ensure that the public can exercise its right to review and comment on proposed  
90 district maps before they are approved and shall publish all preliminary and final plans in  
91 publicly accessible forums that are free of charge and that ensure wide public distribution.  
92 Proposed districts shall be presented in both graphic and narrative form.

93           No later than April 20, 2021, the commission shall prepare and publish for public  
94 comment a preliminary plan for representative, councilor, and senatorial districts. The public

95 shall have a three-week period to comment on the preliminary district plan. The commission may  
96 revise the preliminary district plan in response to public comment and shall, no later than May  
97 11, 2021, submit the revised plan to the special joint committee on redistricting, as created by  
98 order of the general court, as adopted by the senate on January 29, 2009 and adopted by the  
99 house on March 5, 2009, which shall vote on the revised plan. If the plan is rejected by either the  
100 committee or the general court, the commission shall prepare, publish, revise, and submit a  
101 second-round preliminary district plan in the same manner as the first within 30 days of the  
102 rejection of the initial plan. Following the 3-week period for public comment, the commission  
103 may revise the preliminary district plan in response to public comment and shall submit the  
104 revised plan to the joint committee for a vote no later than July 29, 2021.

105         The joint committee shall vote on approval of a plan within 14 days of the plan being  
106 submitted to the joint committee by the commission. The joint committee shall not amend, edit,  
107 or in any way alter the submitted plan. If the plan is approved by a majority of the joint  
108 committee present and voting or if no vote is taken within 14 days, the plan shall be submitted to  
109 the general court for a vote. With respect to each plan the joint committee submits to the general  
110 court for a vote, the vote must be taken within 14 days of submission. No amendments to the  
111 plan as submitted may be made. If the plan is approved by a majority of the members of the  
112 house of representatives and the senate present and voting or if no vote is taken within the 14 day  
113 period, the plan as submitted shall become law.

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