

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 passage of the accompanying bill:

An Act establishing an independent redistricting commission and criteria for redistricting for congressional districts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
Viriato Manuel deMacedo	1st Plymouth
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 662 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION AND CRITERIA FOR REDISTRICTING FOR CONGRESSIONAL 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 General Laws, as appearing in the 2006 Official Edition, are hereby amended, by
2 inserting after chapter 57, the following new chapter:--

3 Chapter 57A. Section 1. Any redistricting commission established pursuant to Article
4 101 of the Constitution shall have the additional duty of redrawing congressional districts as
5 provided by this chapter. If said commission has not been established, it shall be established in
6 the manner prescribed by this chapter.

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8 SECTION 2. The federal census shall be the basis for determining congressional districts for the
9 ten year period beginning with the first Wednesday of the third January following the
10 commencement of the taking of said census.

11

12 SECTION 3. In the year after each census is commenced, and only in that year, an independent
13 redistricting commission, herein referred to the commission, shall be convened and shall divide
14 the commonwealth into the number of congressional districts as required by federal law and
15 any other districts as otherwise provided by law. All districts shall be drawn of contiguous
16 territory, shall be equal in population to the extent required by law, and shall comply with
17 federal constitutional and statutory requirements. No district shall be drawn for the purpose or
18 with the effect of diluting the voting strength of a group based on race, ethnicity or language
19 minority status, or for the purpose of augmenting or diluting the voting strength of a political
20 party, or any individual. In drawing district lines, the commission shall not consider residential
21 address, party affiliation, or partisan voting history of any individual or groups of individuals,
22 except to the extent necessary to avoid dilution of voting strength based on race, ethnicity or
23 language minority status. In addition, to the maximum extent possible, district boundaries shall
24 be drawn so as to: (1) maintain the unity of well-defined municipal neighborhoods; (2) observe
25 municipal boundaries; and (3) promote geographic compactness of districts. If it is not possible
26 to draw district boundaries that fully comply with these criteria while also complying with the
27 mandatory requirements set forth herein, then they shall be drawn to optimize the criteria in
28 the order of priority set forth hereinabove. The commission shall also consider communities of
29 interest in determining which cities, towns, or neighborhoods thereof to aggregate into a single
30 district and if all other criteria are met.

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32 SECTION 4. (a) The commission shall consist of seven member commissioners. On or before
33 January 15 of the year following the commencement of the federal census, the following offices
34 shall each appoint one member of the commission: the governor of the commonwealth, who
35 shall appoint a dean or professor of law or political science or government at an institution of
36 higher learning in the commonwealth; the attorney general of the commonwealth, who shall
37 appoint a retired justice who resides in the commonwealth; and the secretary of the
38 commonwealth, who shall appoint an expert in civil rights law who is a resident of the
39 commonwealth.

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41 (b) By the same date, the house speaker, the house minority leader, the senate president, and
42 the senate minority leader shall each nominate three individuals. The appointees chosen by
43 the governor, attorney general, and secretary of the commonwealth shall then select one of the
44 three nominees named by each said official.

45

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

49

50 (d) Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age
51 diversity of the commonwealth to the maximum extent feasible and shall be selected on the

52 basis of civic involvement and knowledge of redistricting policy, civil rights, political science,
53 demographics or statistics, election expertise, voting rights, community organizing, or law. No
54 person nominated or appointed to the commission, in the five years preceding such nomination
55 or appointment, shall have held Congressional, state legislative or statewide elective office, or
56 shall have served as mayor or city councilor of a city in the commonwealth, governor's
57 councilor, or shall have been elected to a state or federal party committee; or shall be a current
58 employee, agent or family member of any of the above; or, in the two years preceding such
59 nomination or appointment, shall have been a legislative agent. The commissioners shall
60 agree: (1) not to stand for election to congress, except to the extent as otherwise prohibited by
61 law, the general court, or the governor's council, until districts are redrawn following the next
62 census; (2) to apply the provisions of this article in an honest, independent, and impartial
63 fashion; and (3) to act at all times so as to uphold public confidence in the integrity of the
64 redistricting process.

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66 SECTION 5. The commission shall be convened no later than February 15 of the year following
67 the commencement of the decennial census. The commission shall disband only upon final
68 adoption and exhaustion of judicial review of challenges to congressional districts.

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70 SECTION 6. The commission shall hire staff and may retain experts to assist it in the
71 performance of its duties. The commission shall establish rules governing its operation and
72 procedures. Commissioners may receive compensation for actual time spent on commission

73 duties and shall be reimbursed for reasonable and necessary expenses. The budget of the
74 commonwealth shall provide adequate funding for the operation of the commission.

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76 SECTION 7. A member of the commission or an appointing authority may petition the supreme
77 judicial court to remove a commissioner on the grounds of neglect, misconduct, or inability to
78 perform the duties of a commissioner. A vacancy so created shall be filled by the office which
79 appointed the removed commissioner or by the nomination and selection process set forth in
80 section 4, as applicable.

81

82 SECTION 8. All meetings of the commission shall be open to the public, consistent with the laws
83 of the commonwealth concerning open meetings. All documents produced by or for the
84 commission shall be public. The commission shall hold public hearings in at least five
85 geographically disbursed counties. The public shall be afforded the opportunity to submit
86 proposed maps for consideration by the commission and the commission shall make map-
87 making software available for public use. The commission shall take all steps necessary to
88 ensure that the public can exercise its right to review and comment on proposed district maps
89 before they are approved and shall publish all preliminary and final plans in publicly accessible
90 forums that are free of charge and that ensure wide public distribution. Proposed districts shall
91 be presented in both graphic and narrative form.

92

93 SECTION 9. (a) Within 120 days of the completion of the decennial census, the commission shall
94 prepare and publish for public comment a preliminary plan for congressional districts. The
95 public shall have a three-week period to comment on the preliminary district plan. The
96 commission may revise the preliminary district plan in response to public comment and shall
97 submit the revised plan to the general court, which shall vote on the revised plan. If the plan is
98 rejected, then the commission shall prepare, publish, revise, and submit a second-round
99 preliminary district plan in the same manner as the first. Following the period for public
100 comment, the commission shall submit the revised plan to the general court for a vote. If the
101 general court votes to reject the second-round plan, then the commission shall prepare,
102 publish, revise, and submit a third-round preliminary district plan, in the same manner as the
103 first. If the general court rejects the third-round plan, then the commission shall prepare,
104 publish, and revise a fourth-round plan in the same manner. The plan, so revised, shall become
105 law without submission to or approval by the general court.

106

107 (b) With respect to each plan the commission submits to the general court for a vote, the vote
108 must be taken within two weeks of submission. No amendments to the plan as submitted may
109 be made. If the plan is approved by a majority of the members of the house of representatives
110 and senate present and voting or if no vote is taken within the two-week period, then the plan
111 as submitted shall become law.

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113 SECTION 10. Original jurisdiction is hereby vested in the supreme judicial court upon the
114 petition of any voter of the commonwealth for judicial relief relative to the establishment of
115 the congressional districts. The general court may by law limit the time within which judicial
116 proceedings may be instituted to challenge any redistricting map.

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