

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 House, Senate, and Councillor Districts.

PETITION OF:

NAME:

Alice Hanlon Peisch

DISTRICT/ADDRESS:

14th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION AND CRITERIA FOR REDISTRICTING FOR HOUSE, SENATE, AND COUNCILLOR 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 Massachusetts General Laws are hereby amended by inserting after chapter 57 the following new
2 chapter:--

3 Chapter 57A. Procedure for Redistricting

4

5 Section 1. The federal census shall be the basis for determining the representative, senatorial,
6 and governor's council districts for the ten-year period beginning with the first Wednesday of
7 the third January following the commencement of the taking of said census.

8

9 Section 2. In the year after each census is commenced, and only in that year, an Independent
10 Redistricting Commission ("Commission") shall be convened and shall divide the

11 Commonwealth into one hundred and sixty representative districts, forty senatorial districts,

12 and eight councillor districts. All districts shall comprise contiguous territory, shall be equal in
13 population to the extent required by law, and shall comply with federal constitutional and
14 statutory requirements. No district shall be drawn for the purpose or with the effect of diluting
15 the voting strength of any group based on race, ethnicity or language minority status, or for the
16 purpose of augmenting or diluting the voting strength of a political party, or for the purpose of
17 advantaging any candidate or officeholder. In drawing district lines, the Commission shall not
18 consider residential address, party affiliation, or partisan voting history of any individual or
19 groups of individuals, except to the extent necessary to avoid dilution of voting strength based
20 on race, ethnicity or language minority status. In addition, to the maximum extent possible,
21 district boundaries shall be drawn so as to: (1) maintain the unity of well-defined municipal
22 neighborhoods and communities of interest; (2) observe municipal boundaries; (3) establish
23 senatorial districts that follow representative district boundaries; (4) establish councillor
24 districts that follow representative district boundaries and (5) promote geographic
25 compactness of districts. If it is not possible to draw district boundaries that fully comply with
26 these criteria while also complying with the mandatory requirements set forth herein, then
27 they shall be drawn to optimize the criteria in the order of priority set forth hereinabove. The
28 Commission shall also consider communities of interest in determining which cities, towns, or
29 neighborhoods thereof to aggregate into a single district.

30 Section 3. The Commission shall consist of seven member commissioners. On or
31 before January 15 of the year following the commencement of the federal census, the following
32 offices shall each appoint one member of the Commission: the Governor of the
33 Commonwealth, who shall appoint a dean or professor of law or political science or

34 government at an institution of higher learning in the Commonwealth; the Attorney General of
35 the Commonwealth, who shall appoint a retired justice who resides in the Commonwealth; and
36 the Secretary of the Commonwealth, who shall appoint an expert in civil rights law who is a
37 resident of the Commonwealth and who is not enrolled in any political party.

38 By the same date, the House Speaker, the House Minority Leader, the Senate President,
39 and the Senate Minority Leader shall each nominate three individuals. The appointees chosen
40 by the Governor, Attorney General, and Secretary of the Commonwealth shall then select one
41 of the three nominees named by each said official.

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

45 Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and
46 age diversity of the Commonwealth to the maximum extent feasible and shall be selected on
47 the basis of civic involvement and knowledge of redistricting policy, civil rights, political science,
48 demographics or statistics, election expertise, voting rights, community organizing, or law. No
49 person nominated or appointed to the Commission, in the five years preceding such
50 nomination or appointment, shall have held Congressional, state legislative or statewide
51 elective office, or shall have served as mayor or city councillor of a city in the Commonwealth,
52 governor's councillor, or shall have been elected to a state or federal party committee; or shall
53 be a current employee, agent or family member of any of the above; or, in the two years
54 preceding such nomination or appointment, shall have been a legislative agent. The

55 Commissioners shall agree: (1) not to stand for election to the General Court, Congress, or the
56 Governor's Council until districts are redrawn following the next census; (2) to apply the
57 provisions of this article in an honest, independent, transparent, and impartial fashion; and (3)
58 to act at all times so as to uphold public confidence in the integrity of the redistricting process.

59 Section 4. The Commission shall be convened no later than February 15 of the year
60 following the commencement of the decennial census. The Commission shall disband only
61 upon final adoption and exhaustion of judicial review of challenges to representative,
62 councillor, and senatorial districts.

63 Section 5. The Commission shall hire staff and may retain experts to assist it in the
64 performance of its duties. The Commission shall establish rules governing its operation and
65 procedures. Commissioners may receive compensation for actual time spent on Commission
66 duties and shall be reimbursed for reasonable and necessary expenses. The budget of the
67 Commonwealth shall provide adequate funding for the operation of the Commission.

68 Section 6. A member of the Commission or an appointing authority may petition the
69 Supreme Judicial Court to remove a commissioner on the grounds of neglect, misconduct, or
70 inability to perform the duties of a commissioner. A vacancy so created shall be filled by the
71 office which appointed the removed commissioner or by the nomination and selection process
72 set forth in Section 6, as applicable.

73 Section 7. All meetings of the Commission shall be open to the public, consistent with
74 the laws of the Commonwealth concerning open meetings as of the date of the adoption of this
75 Article. All documents produced by or for the Commission shall be public. The Commission

76 shall hold public hearings in at least five geographically disbursed counties. The public shall be
77 afforded the opportunity to submit proposed maps for consideration by the Commission and
78 the Commission shall make map-making software available for public use. The Commission
79 shall take all steps necessary to ensure that the public can exercise its right to review and
80 comment on proposed district maps before they are approved and shall publish all preliminary
81 and final plans in publicly accessible forums that are free of charge and that ensure wide public
82 distribution. Proposed districts shall be presented in both graphic and narrative form.

83 Section 8. Within one hundred and twenty days of the completion of the decennial
84 census, the Commission shall prepare and publish for public comment a preliminary plan for
85 representative, councillor, and senatorial districts. The public shall have a three-week period to
86 comment on the preliminary district plan. The Commission may revise the preliminary district
87 plan in response to public comment and shall submit the revised plan to the General Court,
88 which shall vote on the revised plan. If the plan is rejected, then the Commission shall prepare,
89 publish, revise, and submit a second-round preliminary district plan in the same manner as the
90 first. Following the period for public comment, the Commission shall submit the revised plan to
91 the General Court for a vote. If the General Court votes to reject the second-round plan, then
92 the Commission shall prepare, publish, revise, and submit a third-round preliminary district
93 plan, in the same manner as the first. If the General Court rejects the third-round plan, then
94 the Commission shall prepare, publish, and revise a final fourth-round plan in the same manner.

95 With respect to each plan the Commission submits to the General Court for a vote, the
96 vote must be taken within two weeks of submission. No amendments to the first three plans as
97 submitted may be made, however, amendments may be filed with the Commission for its

98 consideration. If any plan is approved by a majority of the members of the House and Senate
99 present and voting without amendment or the fourth plan as amended is so enacted then the
100 plan as submitted shall become law.

101 Section 9. Original jurisdiction is hereby vested in the Supreme Judicial Court upon the
102 petition of any voter of the Commonwealth for judicial relief relative to the establishment of
103 the representative, councillor, and senatorial districts. .

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