

**HOUSE . . . . . No. 589**

**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      |
| F. Jay Barrows          | 1st Bristol       |
| Paul K. Frost           | 7th Worcester     |
| Susan Williams Gifford  | 2nd Plymouth      |
| Bradford R. Hill        | 4th Essex         |
| Jeffrey Davis Perry     | 5th Barnstable    |
| Richard J. Ross         | 9th Norfolk       |
| Todd M. Smola           | 1st Hampden       |
| Robert S. Hargraves     | 1st Middlesex     |

[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,  
2 by 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.

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

10 SECTION 3. In the year after each census is commenced, and only in that year, an independent  
11 redistricting commission, herein referred to the commission, shall be convened and shall divide

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

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

35 commonwealth, who shall appoint an expert in civil rights law who is a resident of the  
36 commonwealth.

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

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

44 (d) Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age  
45 diversity of the commonwealth to the maximum extent feasible and shall be selected on the basis  
46 of civic involvement and knowledge of redistricting policy, civil rights, political science,  
47 demographics or statistics, election expertise, voting rights, community organizing, or law. No  
48 person nominated or appointed to the commission, in the five years preceding such nomination  
49 or appointment, shall have held Congressional, state legislative or statewide elective office, or  
50 shall have served as mayor or city councilor of a city in the commonwealth, governor's  
51 councilor, or shall have been elected to a state or federal party committee; or shall be a current  
52 employee, agent or family member of any of the above; or, in the two years preceding such  
53 nomination or appointment, shall have been a legislative agent. The commissioners shall agree:  
54 (1) not to stand for election to congress, except to the extent as otherwise prohibited by law, the  
55 general court, or the governor's council, until districts are redrawn following the next census; (2)

56 to apply the provisions of this article in an honest, independent, and impartial fashion; and (3) to  
57 act at all times so as to uphold public confidence in the integrity of the redistricting process.

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

61 SECTION 6. The commission shall hire staff and may retain experts to assist it in the  
62 performance of its duties. The commission shall establish rules governing its operation and  
63 procedures. Commissioners may receive compensation for actual time spent on commission  
64 duties and shall be reimbursed for reasonable and necessary expenses. The budget of the  
65 commonwealth shall provide adequate funding for the operation of the commission.

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

71 SECTION 8. All meetings of the commission shall be open to the public, consistent with the  
72 laws of the commonwealth concerning open meetings. All documents produced by or for the  
73 commission shall be public. The commission shall hold public hearings in at least five  
74 geographically disbursed counties. The public shall be afforded the opportunity to submit  
75 proposed maps for consideration by the commission and the commission shall make map-making  
76 software available for public use. The commission shall take all steps necessary to ensure that  
77 the public can exercise its right to review and comment on proposed district maps before they are

78 approved and shall publish all preliminary and final plans in publicly accessible forums that are  
79 free of charge and that ensure wide public distribution. Proposed districts shall be presented in  
80 both graphic and narrative form.

81 SECTION 9. (a) Within 120 days of the completion of the decennial census, the commission  
82 shall prepare and publish for public comment a preliminary plan for congressional districts. The  
83 public shall have a three-week period to comment on the preliminary district plan. The  
84 commission may revise the preliminary district plan in response to public comment and shall  
85 submit the revised plan to the general court, which shall vote on the revised plan. If the plan is  
86 rejected, then the commission shall prepare, publish, revise, and submit a second-round  
87 preliminary district plan in the same manner as the first. Following the period for public  
88 comment, the commission shall submit the revised plan to the general court for a vote. If the  
89 general court votes to reject the second-round plan, then the commission shall prepare, publish,  
90 revise, and submit a third-round preliminary district plan, in the same manner as the first. If the  
91 general court rejects the third-round plan, then the commission shall prepare, publish, and revise  
92 a fourth-round plan in the same manner. The plan, so revised, shall become law without  
93 submission to or approval by the general court.

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

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