

SENATE No. 13

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:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No. 13

By Mr. Eldridge, a petition (accompanied by proposal for constitutional amendment, Senate, No. 13) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 11 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 one hundred and sixty members, each of
5 whom shall be elected from one representative district. Every representative shall have been an
6 inhabitant of the district for which he or she is chosen for at least one year immediately

7 preceding his or her election and shall cease to represent such district when he or she shall cease
8 to be an inhabitant of the Commonwealth, provided, however, that for the first redistricting
9 following the adoption of this article, the General Court may suspend the residency requirement
10 of this section.

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

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

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

23 SECTION 5. In the year after each census is commenced, and only in that year, an
24 independent redistricting commission, herein referred to as the commission, shall be convened
25 and shall divide the commonwealth into congressional districts, 160 representative districts, 40
26 senatorial districts, and eight councilor districts. The federal census shall be the basis for
27 determining congressional districts for the ten year period beginning with the first Wednesday of
28 the third January following the commencement of the taking of said census. All districts shall

29 comprise contiguous territory, shall be equal in population to the extent required by law, and
30 shall comply with federal constitutional and statutory requirements. No district shall be drawn
31 for the purpose or with the effect of diluting the voting strength of any group based on race,
32 ethnicity or language minority status, or for the purpose of augmenting or diluting the voting
33 strength of a political party, or any individual. In drawing district lines, the commission shall not
34 consider residential address, party affiliation, or partisan voting history of any individual or
35 groups of individuals, except to the extent necessary to avoid dilution of voting strength based on
36 race, ethnicity or language minority status. In addition, to the maximum extent possible, district
37 boundaries shall be drawn so as to: (1) maintain the unity of well-defined municipal
38 neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts that follow
39 representative district boundaries; (4) establish councilor districts that follow representative
40 district boundaries; and (5) promote geographic compactness of districts. If it is not possible to
41 draw district boundaries that fully comply with these criteria while also complying with the
42 mandatory requirements set forth herein, then districts shall be drawn to optimize the criteria in
43 the order of priority set forth above. The commission shall also consider communities of interest
44 in determining which cities, towns, or neighborhoods thereof to aggregate into a single district.

45 Within 30 days of the adoption of this Article, the following offices shall each appoint
46 one member of the commission: the governor of the commonwealth, who shall appoint a dean or
47 professor of law or political science or government at an institution of higher learning in the
48 commonwealth; the attorney general of the commonwealth, who shall appoint a retired justice
49 who resides in the commonwealth; and the secretary of the commonwealth, who shall appoint an
50 expert in civil rights law who is a resident of the commonwealth.

51 By the same date, the house speaker, the house minority leader, the senate president, and
52 the senate minority leader shall each nominate three individuals. The appointees chosen by the
53 governor, attorney general, and secretary of the commonwealth shall then select one of the three
54 nominees named by each said official within 7 days of their nomination.

55 If nominations or appointments are not made within 30 days of the adoption of this
56 Article, the office responsible for making the appointment or nominations shall forfeit its rights
57 under this section and the remaining commissioners shall then make an appointment to fill the
58 vacancy within 7 days. Nominations and appointments shall reflect the geographic, racial, ethnic,
59 gender, and age diversity of the commonwealth to the maximum extent feasible and shall be
60 selected on the basis of civic involvement and knowledge of redistricting policy, civil rights,
61 political science, demographics or statistics, election expertise, voting rights, community
62 organizing, or law. No person nominated or appointed to the commission, in the five years
63 preceding such nomination or appointment, shall have held Congressional, state legislative or
64 statewide elective office, or shall have served as mayor or city councilor of a city in the
65 commonwealth, governor's councilor, or shall have been elected to a state or federal party
66 committee, or shall be a current employee, agent or family member of any of the above, or, in the
67 two years preceding such nomination or appointment, shall have been a legislative agent. The
68 commissioners shall agree: (1) not to stand for election to the general court, congress, or the
69 governor's council until districts are redrawn following the next census; (2) to apply the
70 provisions of this article in an honest, independent, and impartial fashion; and (3) to act at all
71 times so as to uphold public confidence in the integrity of the redistricting process.

72 The commission shall be convened no later than 60 days following the adoption of this
73 Article. The commission shall disband only upon final adoption and exhaustion of judicial
74 review of challenges to representative, councilor, and senatorial districts.

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

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

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

93 publicly accessible forums that are free of charge and that ensure wide public distribution.
94 Proposed districts shall be presented in both graphic and narrative form.

95 No later than April 20, 2021, the commission shall prepare and publish for public
96 comment a preliminary plan for representative, councilor, and senatorial districts. The public
97 shall have a three-week period to comment on the preliminary district plan. The commission may
98 revise the preliminary district plan in response to public comment and shall, no later than May
99 11, 2021, submit the revised plan to the special joint committee on redistricting, as created by
100 order of the general court, as adopted by the senate on January 29, 2009 and adopted by the
101 house on March 5, 2009, which shall vote on the revised plan. If the plan is rejected by either the
102 committee or the general court, the commission shall prepare, publish, revise, and submit a
103 second-round preliminary district plan in the same manner as the first within 30 days of the
104 rejection of the initial plan. Following the three-week period for public comment, the
105 commission may revise the preliminary district plan in response to public comment and shall
106 submit the revised plan to the joint committee for a vote no later than July 29, 2021.

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

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