

SENATE No. 00324

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 .

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

First Essex and Middlesex

Richard T. Moore

Worcester and Norfolk

SENATE No. 00324

By Mr. Tarr, petition (accompanied by bill, Senate, No. 324) of Moore and Tarr for legislation to establish an independent redistricting commission [Joint Committee on Election Laws].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing an independent redistricting commission .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 An independent redistricting commission, herein referred to as the commission, shall be
2 convened and shall divide the commonwealth into congressional districts, 160 representative
3 districts, 40 senatorial districts, and eight councilor districts. The federal census shall be the basis
4 for determining congressional districts for the ten year period beginning with the first
5 Wednesday of the third January following the commencement of the taking of said census. All
6 districts shall comprise contiguous territory, shall be equal in population to the extent required by
7 law, and shall comply with federal constitutional and statutory requirements. No district shall be
8 drawn for the purpose or with the effect of diluting the voting strength of any group based on
9 race, ethnicity or language minority status, or for the purpose of augmenting or diluting the
10 voting strength of a political party, or any individual. In drawing district lines, the commission
11 shall not consider residential address, party affiliation, or partisan voting history of any
12 individual or groups of individuals, except to the extent necessary to avoid dilution of voting

13 strength based on race, ethnicity or language minority status. In addition, to the maximum extent
14 possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined
15 municipal neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts
16 that follow representative district boundaries; (4) establish councilor districts that follow
17 representative district boundaries and (5) promote geographic compactness of districts. If it is
18 not possible to draw district boundaries that fully comply with these criteria while also
19 complying with the mandatory requirements set forth herein, then districts shall be drawn to
20 optimize the criteria in the order of priority set forth hereinabove. The commission shall also
21 consider communities of interest in determining which cities, towns, or neighborhoods thereof to
22 aggregate into a single district.

23 Within 30 days of the passage of this act, the following offices shall each appoint one
24 member of the commission: the governor of the commonwealth, who shall appoint a dean or
25 professor of law or political science or government at an institution of higher learning in the
26 commonwealth; the attorney general of the commonwealth, who shall appoint a retired justice
27 who resides in the commonwealth; and the secretary of the commonwealth, who shall appoint an
28 expert in civil rights law who is a resident of the commonwealth.

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

33 If nominations or appointments are not made within 30 days of the passage of this act, the office
34 responsible for making the appointment or nominations shall forfeit its rights under this section

35 and the remaining direct appointees shall then make an appointment to fill the vacancy within 7
36 days. Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age
37 diversity of the commonwealth to the maximum extent feasible and shall be selected on the basis
38 of civic involvement and knowledge of redistricting policy, civil rights, political science,
39 demographics or statistics, election expertise, voting rights, community organizing, or law. No
40 person nominated or appointed to the commission, in the five years preceding such nomination
41 or appointment, shall have held Congressional, state legislative or statewide elective office, or
42 shall have served as mayor or city councilor of a city in the commonwealth, governor's
43 councilor, or shall have been elected to a state or federal party committee; or shall be a current
44 employee, agent or family member of any of the above; or, in the two years preceding such
45 nomination or appointment, shall have been a legislative agent. The commissioners shall agree:
46 (1) not to stand for election to the general court, congress, or the governor's council until districts
47 are redrawn following the next census; (2) to apply the provisions of this article in an honest,
48 independent, and impartial fashion; and (3) to act at all times so as to uphold public confidence
49 in the integrity of the redistricting process.

50 The commission shall be convened no later than 60 days following the passage of this
51 act. The commission shall disband only upon final adoption and exhaustion of judicial review of
52 challenges to representative, councilor, and senatorial districts.

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

58 A member of the commission or an appointing authority may petition the supreme
59 judicial court to remove a commissioner on the grounds of neglect, misconduct, or inability to
60 perform the duties of a commissioner. A vacancy so created shall be filled by the office which
61 appointed the removed commissioner or by the nomination and selection process set forth in
62 section 6, as applicable.

63 All meetings of the commission shall be open to the public, consistent with the laws of
64 the commonwealth concerning open meetings as of the date of the adoption of this Article. All
65 documents produced by or for the commission shall be public. The commission shall hold public
66 hearings in at least five geographically disbursed counties. The public shall be afforded the
67 opportunity to submit proposed maps for consideration by the commission and the commission
68 shall make map-making software available for public use. The commission shall take all steps
69 necessary to ensure that the public can exercise its right to review and comment on proposed
70 district maps before they are approved and shall publish all preliminary and final plans in
71 publicly accessible forums that are free of charge and that ensure wide public distribution.
72 Proposed districts shall be presented in both graphic and narrative form.

73 No later than April 20, 2011, the commission shall prepare and publish for public
74 comment a preliminary plan for representative, councilor, and senatorial districts. The public
75 shall have a three-week period to comment on the preliminary district plan. The commission
76 may revise the preliminary district plan in response to public comment and shall, no later than
77 May 11, 2011, submit the revised plan to the special joint committee on redistricting, as created
78 by order of the general court, as adopted by the senate on January 29, 2009 and adopted by the
79 house on March 5, 2009, which shall vote on the revised plan. If the plan is rejected by either
80 the committee or the general court, the commission shall prepare, publish, revise, and submit a

81 second-round preliminary district plan in the same manner as the first within 30 days of the
82 rejection of the initial plan. Following the three-week period for public comment, the
83 commission may revise the preliminary district plan in response to public comment and shall
84 submit the revised plan to the joint committee for a vote no later than July 29, 2011.

85 With respect to each plan the commission submits to the joint committee for a vote, the
86 vote must be taken within two weeks of submission. No amendments to the plan as submitted
87 may be made. If the plan is approved by a majority of the joint committee present and voting, or
88 if no vote is taken within the two-week period, it shall be submitted to the general court for a
89 vote. With respect to each plan the joint committee submits to the general court for a vote, the
90 vote must be taken within two weeks of submission. No amendments to the plan as submitted
91 may be made. If the plan is approved by a majority of the members of the house of
92 representatives and the senate present and voting or if no vote is taken within the two-week
93 period, then the plan as submitted shall become law.

94 Original jurisdiction is hereby vested in the supreme judicial court upon the petition of
95 any voter of the commonwealth for judicial relief relative to the establishment of the
96 congressional districts. The general court may by law limit the time within which judicial
97 proceedings may be instituted to challenge any redistricting map.”