

# HOUSE . . . . . No. 661

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By Representative Jones of North Reading and Senator Tisei, joint petition of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state house of representatives, senate, and councilor districts. Election Laws.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Bradley H. Jones, Jr.	Robert S. Hargraves
Richard R. Tisei	Robert L. Hedlund
Paul J. P. Loscocco	Bradford Hill
Bruce E. Tarr	Donald F. Humason, Jr.
Mary S. Rogeness	Michael R. Knapik
George N. Peterson, Jr.	Jeffrey Davis Perry
John A. Lepper	Elizabeth A. Poirier
Viriato Manuel deMacedo	Karyn E. Polito
Lewis G. Evangelidis	Richard J. Ross
F. Jay Barrows	Todd M. Smola
Scott P. Brown	Daniel K. Webster
Paul K. Frost	James B. Eldridge
Susan Williams Gifford	

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In the Year Two Thousand and Seven.

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PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION AND CRITERIA FOR REDISTRICTING FOR STATE HOUSE OF REPRESENTATIVES, SENATE, AND COUNCILOR DISTRICTS.

1 A majority of all the members elected to the Senate and House of  
2 Representatives, in joint session, hereby declares it to be expedient  
3 to alter the Constitution by the adoption of the following Article of  
4 Amendment, to the end that it may become a part of the Constitution  
5 [if similarly agreed to in a joint session of the next General Court  
6 and approved by the people at the state election next following]:

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**ARTICLE OF AMENDMENT.**

8 Article CI of the Articles of Amendment to the Constitution of the  
9 Commonwealth is hereby annulled, and the following is adopted in  
10 place thereof:

11 Article CI

1 SECTION 1. The house of representatives shall consist of 160  
2 members, each of whom shall be elected from one representative  
3 district. Every representative shall have been an inhabitant of the  
4 district for which he is chosen for at least one year at least immedi-  
5 ately preceding his election and shall cease to represent such district  
6 when he shall ceases to be an inhabitant of the commonwealth; pro-  
7 vided, however, that for the first redistricting following the adoption  
8 of this article, the general court may suspend the residency require-  
9 ment of this section.

1 SECTION 2. The senate shall consist of 40 members, each of  
2 whom shall be elected from one senatorial district. Every senator  
3 shall have been an inhabitant of the commonwealth for at least five  
4 years immediately preceding his election and shall be an inhabitant  
5 of the district for which he has been selected at the time of his elec-  
6 tion and shall cease to represent such senatorial district when he  
7 ceases to be an inhabitant of the commonwealth.

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

1 SECTION 4. The federal census shall be the basis for determining  
2 the representative, senatorial, and governor's council districts for the  
3 ten year period beginning with the first Wednesday of the third Jan-  
4 uary following the commencement of the taking of said census.

1 SECTION 5. In the year after each census is commenced, and  
2 only in that year, an independent redistricting commission, herein  
3 referred to as the commission, shall be convened and shall divide the  
4 commonwealth into 160 representative districts, 40 senatorial dis-  
5 tricts, and eight councilor districts. All districts shall comprise con-

6 tiguous territory, shall be equal in population to the extent required  
7 by law, and shall comply with federal constitutional and statutory  
8 requirements. No district shall be drawn for the purpose or with the  
9 effect of diluting the voting strength of any group based on race, eth-  
10 nicity or language minority status, or for the purpose of augmenting  
11 or diluting the voting strength of a political party, or any individual.  
12 In drawing district lines, the commission shall not consider residen-  
13 tial address, party affiliation, or partisan voting history of any indi-  
14 vidual or groups of individuals, except to the extent necessary to  
15 avoid dilution of voting strength based on race, ethnicity or language  
16 minority status. In addition, to the maximum extent possible, district  
17 boundaries shall be drawn so as to: (1) maintain the unity of well-  
18 defined municipal neighborhoods; (2) observe municipal bound-  
19 aries; (3) establish senatorial districts that follow representative  
20 district boundaries; (4) establish councilor districts that follow repre-  
21 sentative district boundaries and (5) promote geographic compact-  
22 ness of districts. If it is not possible to draw district boundaries that  
23 fully comply with these criteria while also complying with the  
24 mandatory requirements set forth herein, then districts shall be  
25 drawn to optimize the criteria in the order of priority set forth herein-  
26 above. The commission shall also consider communities of interest  
27 in determining which cities, towns, or neighborhoods thereof to  
28 aggregate into a single district.

1 SECTION 6. The commission shall consist of seven member  
2 commissioners. On or before January 15 of the year following the  
3 commencement of the federal census, the following offices shall  
4 each appoint one member of the commission: the governor of the  
5 commonwealth, who shall appoint a dean or professor of law or  
6 political science or government at an institution of higher learning in  
7 the commonwealth; the attorney general of the commonwealth, who  
8 shall appoint a retired justice who resides in the commonwealth; and  
9 the secretary of the commonwealth, who shall appoint an expert in  
10 civil rights law who is a resident of the commonwealth.

11 By the same date, the house speaker, the house minority leader,  
12 the senate president, and the senate minority leader shall each nomi-  
13 nate three individuals. The appointees chosen by the governor,  
14 attorney general, and secretary of the commonwealth shall then  
15 select one of the three nominees named by each said official.

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

21 Nominations and appointments shall reflect the geographic,  
22 racial, ethnic, gender, and age diversity of the commonwealth to the  
23 maximum extent feasible and shall be selected on the basis of civic  
24 involvement and knowledge of redistricting policy, civil rights, polit-  
25 ical science, demographics or statistics, election expertise, voting  
26 rights, community organizing, or law. No person nominated or  
27 appointed to the commission, in the five years preceding such nomi-  
28 nation or appointment, shall have held Congressional, state legisla-  
29 tive or statewide elective office, or shall have served as mayor or  
30 city councilor of a city in the commonwealth, governor's councilor,  
31 or shall have been elected to a state or federal party committee; or  
32 shall be a current employee, agent or family member of any of the  
33 above; or, in the two years preceding such nomination or appoint-  
34 ment, shall have been a legislative agent. The commissioners shall  
35 agree: (1) not to stand for election to the general court, congress, or  
36 the governor's council until districts are redrawn following the next  
37 census; (2) to apply the provisions of this article in an honest, inde-  
38 pendent, and impartial fashion; and (3) to act at all times so as to  
39 uphold public confidence in the integrity of the redistricting process.

1 SECTION 7. The commission shall be convened no later than  
2 February 15 of the year following the commencement of the decen-  
3 nial census. The commission shall disband only upon final adoption  
4 and exhaustion of judicial review of challenges to representative,  
5 councilor, and senatorial districts.

1 SECTION 8. The commission shall hire staff and may retain  
2 experts to assist it in the performance of its duties. The commission  
3 shall establish rules governing its operation and procedures. Com-  
4 missioners may receive compensation for actual time spent on com-  
5 mission duties and shall be reimbursed for reasonable and necessary  
6 expenses. The budget of the commonwealth shall provide adequate  
7 funding for the operation of the commission.

1 SECTION 9. A member of the commission or an appointing  
2 authority may petition the supreme judicial court to remove a com-  
3 missioner on the grounds of neglect, misconduct, or inability to per-  
4 form the duties of a commissioner. A vacancy so created shall be  
5 filled by the office which appointed the removed commissioner or  
6 by the nomination and selection process set forth in section 6, as  
7 applicable.

1 SECTION 10. All meetings of the commission shall be open to  
2 the public, consistent with the laws of the commonwealth con-  
3 cerning open meetings as of the date of the adoption of this Article.  
4 All documents produced by or for the commission shall be public.  
5 The commission shall hold public hearings in at least five geograph-  
6 ically disbursed counties. The public shall be afforded the opportu-  
7 nity to submit proposed maps for consideration by the commission  
8 and the commission shall make map-making software available for  
9 public use. The commission shall take all steps necessary to ensure  
10 that the public can exercise its right to review and comment on pro-  
11 posed district maps before they are approved and shall publish all  
12 preliminary and final plans in publicly accessible forums that are  
13 free of charge and that ensure wide public distribution. Proposed  
14 districts shall be presented in both graphic and narrative form.

1 SECTION 11. Within 120 days of the completion of the decennial  
2 census, the commission shall prepare and publish for public com-  
3 ment a preliminary plan for representative, councilor, and senatorial  
4 districts. The public shall have a three-week period to comment on  
5 the preliminary district plan. The commission may revise the pre-  
6 liminary district plan in response to public comment and shall  
7 submit the revised plan to the general court, which shall vote on the  
8 revised plan. If the plan is rejected, the commission shall prepare,  
9 publish, revise, and submit a second-round preliminary district plan  
10 in the same manner as the first. Following the period for public com-  
11 ment, the commission shall submit the revised plan to the general  
12 court for a vote. If the general court votes to reject the second-round  
13 plan, the commission shall prepare, publish, revise, and submit a  
14 third-round preliminary district plan, in the same manner as the first.  
15 If the general court rejects the third-round plan, then the commission  
16 shall prepare, publish, and revise a fourth-round plan in the same

17 manner. The plan, so revised, shall become law without submission  
18 to or approval by the general court.

19 With respect to each plan the commission submits to the general  
20 court for a vote, the vote must be taken within two weeks of submis-  
21 sion. No amendments to the plan as submitted may be made. If the  
22 plan is approved by a majority of the members of the house of repre-  
23 sentatives and the senate present and voting or if no vote is taken  
24 within the two-week period, then the plan as submitted shall become  
25 law.

1 SECTION 12. Original jurisdiction is hereby vested in the  
2 supreme judicial court upon the petition of any voter of the com-  
3 monwealth for judicial relief relative to the establishment of the rep-  
4 resentative, councilor, and senatorial districts. The general court  
5 may by law limit the time within which judicial proceedings may be  
6 instituted to challenge any redistricting map.