

HOUSE No. 662

By Representative Jones of North Reading and Senator Tisei, joint petition of Bradley H. Jones, Jr., and others establishing an independent redistricting commission and criteria for redistricting for congressional districts. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

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

In the Year Two Thousand and Seven.

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 The General Laws, as appearing in the 2004 Official Edition are
2 hereby amended by inserting after chapter 57 the following new
3 chapter:—

4 **CHAPTER 57A.**

5 Section 1. Any redistricting commission established pursuant to
6 Article 101 of the Constitution shall have the additional duty of
7 redrawing congressional districts as provided by this chapter. If said
8 commission has not been established, it shall be established in the
9 manner prescribed by this chapter.

10 Section 2. The federal census shall be the basis for determining
11 congressional districts for the ten year period beginning with the
12 first Wednesday of the third January following the commencement
13 of the taking of said census.

14 Section 3. In the year after each census is commenced, and only
15 in that year, an independent redistricting commission, herein referred
16 to the commission, shall be convened and shall divide the common-
17 wealth into the number of congressional districts as required by fed-
18 eral law and any other districts as otherwise provided by law. All
19 districts shall be drawn of contiguous territory, shall be equal in pop-
20 ulation to the extent required by law, and shall comply with federal
21 constitutional and statutory requirements. No district shall be drawn
22 for the purpose or with the effect of diluting the voting strength of a
23 group based on race, ethnicity or language minority status, or for the
24 purpose of augmenting or diluting the voting strength of a political
25 party, or any individual. In drawing district lines, the commission
26 shall not consider residential address, party affiliation, or partisan
27 voting history of any individual or groups of individuals, except to
28 the extent necessary to avoid dilution of voting strength based on
29 race, ethnicity or language minority status. In addition, to the max-
30 imum extent possible, district boundaries shall be drawn so as to: (1)
31 maintain the unity of well-defined municipal neighborhoods; (2)
32 observe municipal boundaries; and (3) promote geographic compact-
33 ness of districts. If it is not possible to draw district boundaries that
34 fully comply with these criteria while also complying with the
35 mandatory requirements set forth herein, then they shall be drawn to
36 optimize the criteria in the order of priority set forth hereinabove.
37 The commission shall also consider communities of interest in deter-
38 mining which cities, towns, or neighborhoods thereof to aggregate
39 into a single district and if all other criteria are met.

40 Section 4. The commission shall consist of seven member com-
41 missioners. On or before January 15 of the year following the com-
42 mencement of the federal census, the following offices shall each
43 appoint one member of the commission: the governor of the com-
44 monwealth, who shall appoint a dean or professor of law or political
45 science or government at an institution of higher learning in the
46 commonwealth; the attorney general of the commonwealth, who
47 shall appoint a retired justice who resides in the commonwealth; and

48 the secretary of the commonwealth, who shall appoint an expert in
49 civil rights law who is a resident of the commonwealth.

50 By the same date, the house speaker, the house minority leader,
51 the senate president, and the senate minority leader shall each nomi-
52 nate three individuals. The appointees chosen by the governor,
53 attorney general, and secretary of the commonwealth shall then
54 select one of the three nominees named by each said official.

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

60 Nominations and appointments shall reflect the geographic,
61 racial, ethnic, gender, and age diversity of the commonwealth to the
62 maximum extent feasible and shall be selected on the basis of civic
63 involvement and knowledge of redistricting policy, civil rights, polit-
64 ical science, demographics or statistics, election expertise, voting
65 rights, community organizing, or law. No person nominated or
66 appointed to the commission, in the five years preceding such nomi-
67 nation or appointment, shall have held Congressional, state legisla-
68 tive or statewide elective office, or shall have served as mayor or
69 city councilor of a city in the commonwealth, governor's councilor,
70 or shall have been elected to a state or federal party committee; or
71 shall be a current employee, agent or family member of any of the
72 above; or, in the two years preceding such nomination or appoint-
73 ment, shall have been a legislative agent. The commissioners shall
74 agree: (1) not to stand for election to congress, except to the extent
75 as otherwise prohibited by law, the general court, or the governor's
76 council, until districts are redrawn following the next census; (2) to
77 apply the provisions of this article in an honest, independent, and
78 impartial fashion; and (3) to act at all times so as to uphold public
79 confidence in the integrity of the redistricting process.

80 Section 5. The commission shall be convened no later than Feb-
81 ruary 15 of the year following the commencement of the decennial
82 census. The commission shall disband only upon final adoption and
83 exhaustion of judicial review of challenges to congressional districts.

84 Section 6. The commission shall hire staff and may retain experts
85 to assist it in the performance of its duties. The commission shall
86 establish rules governing its operation and procedures. Commis-

87 sioners may receive compensation for actual time spent on commis-
88 sion duties and shall be reimbursed for reasonable and necessary
89 expenses. The budget of the commonwealth shall provide adequate
90 funding for the operation of the commission.

91 Section 7. A member of the commission or an appointing
92 authority may petition the supreme judicial court to remove a com-
93 missioner on the grounds of neglect, misconduct, or inability to per-
94 form the duties of a commissioner. A vacancy so created shall be
95 filled by the office which appointed the removed commissioner or
96 by the nomination and selection process set forth in section 4, as
97 applicable.

98 Section 8. All meetings of the commission shall be open to the
99 public, consistent with the laws of the commonwealth concerning
100 open meetings. All documents produced by or for the commission
101 shall be public. The commission shall hold public hearings in at least
102 five geographically disbursed counties. The public shall be afforded
103 the opportunity to submit proposed maps for consideration by the
104 commission and the commission shall make map-making software
105 available for public use. The commission shall take all steps neces-
106 sary to ensure that the public can exercise its right to review and
107 comment on proposed district maps before they are approved and
108 shall publish all preliminary and final plans in publicly accessible
109 forums that are free of charge and that ensure wide public distribu-
110 tion. Proposed districts shall be presented in both graphic and narra-
111 tive form.

112 Section 9. Within 120 days of the completion of the decennial
113 census, the commission shall prepare and publish for public com-
114 ment a preliminary plan for congressional districts. The public shall
115 have a three-week period to comment on the preliminary district
116 plan. The commission may revise the preliminary district plan in
117 response to public comment and shall submit the revised plan to the
118 general court, which shall vote on the revised plan. If the plan is
119 rejected, then the commission shall prepare, publish, revise, and
120 submit a second-round preliminary district plan in the same manner
121 as the first. Following the period for public comment, the commis-
122 sion shall submit the revised plan to the general court for a vote. If
123 the general court votes to reject the second-round plan, then the
124 commission shall prepare, publish, revise, and submit a third-round
125 preliminary district plan, in the same manner as the first. If the

126 general court rejects the third-round plan, then the commission shall
127 prepare, publish, and revise a fourth-round plan in the same manner.
128 The plan, so revised, shall become law without submission to or
129 approval by the general court.

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

136 Section 10. Original jurisdiction is hereby vested in the supreme
137 judicial court upon the petition of any voter of the commonwealth
138 for judicial relief relative to the establishment of the congressional
139 districts. The general court may by law limit the time within which
140 judicial proceedings may be instituted to challenge any redistricting
141 map.