

SENATE NO. 453

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 Massachusetts General Laws are hereby amended by inserting after chapter 57
2 the following new chapter:--

3 Chapter 57A. Procedure for Congressional Redistricting.

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

8 Section 2. The federal census shall be the basis for determining U.S House districts for the
9 ten-year period beginning with the first Wednesday of the third January following the
10 commencement of the taking of said census.

11 Section 3. In the year after each census is commenced, and only in that year, an
12 Independent Redistricting Commission (“Commission”) shall be convened and shall divide the
13 Commonwealth into the number of congressional districts as required by federal law and any other
14 districts as otherwise provided by law. All districts shall be drawn of contiguous territory, shall be
15 equal in population to the extent required by law, and shall comply with federal constitutional and
16 statutory requirements. No district shall be drawn for the purpose or with the effect of diluting the
17 voting strength of a group based on race, ethnicity or language minority status, or for the purpose of
18 augmenting or diluting the voting strength of a political party, or any individual. In drawing district

19 lines, the Commission shall not consider residential address, party affiliation, or partisan voting
20 history of any individual or groups of individuals, except to the extent necessary to avoid dilution of
21 voting strength based on race, ethnicity or language minority status. In addition, to the maximum
22 extent possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined
23 municipal neighborhoods; (2) observe municipal boundaries; and (3) promote geographic
24 compactness of districts. If it is not possible to draw district boundaries that fully comply with
25 these criteria while also complying with the mandatory requirements set forth herein, then they shall
26 be drawn to optimize the criteria in the order of priority set forth hereinabove. The Commission
27 shall also consider communities of interest in determining which cities, towns, or neighborhoods
28 thereof to aggregate into a single district and if all other criteria are met.

29 Section 4. 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 shall
32 appoint a dean or professor of law or political science or government at an institution of higher
33 learning in the Commonwealth; the Attorney General of the Commonwealth, who shall appoint a
34 retired justice who resides in the Commonwealth; and the Secretary of the Commonwealth, who
35 shall appoint an expert in civil rights law who is a resident of the Commonwealth.

36 By the same date, the House Speaker, the House Minority Leader, the Senate President, and
37 the Senate Minority Leader shall each nominate three individuals. The appointees chosen by the
38 Governor, Attorney General, and Secretary of the Commonwealth shall then select one of the three
39 nominees named by each said official.

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

43 Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age
44 diversity of the Commonwealth to the maximum extent feasible and shall be selected on the basis of
45 civic involvement and knowledge of redistricting policy, civil rights, political science,
46 demographics or statistics, election expertise, voting rights, community organizing, or law. No
47 person nominated or appointed to the Commission, in the five years preceding such nomination or
48 appointment, shall have held Congressional, state legislative or statewide elective office, or shall
49 have served as mayor or city councillor of a city in the Commonwealth, governor's councillor, or
50 shall have been elected to a state or federal party committee; or shall be a current employee, agent
51 or family member of any of the above; or, in the two years preceding such nomination or
52 appointment, shall have been a legislative agent. The Commissioners shall agree: (1) not to stand
53 for election to Congress, except to the extent as otherwise prohibited by law, the General Court, or
54 the Governor's Council, until districts are redrawn following the next census; (2) to apply the
55 provisions of this article in an honest, independent, and impartial fashion; and (3) to act at all times
56 so as to uphold public confidence in the integrity of the redistricting process.

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

60 Section 6. The Commission shall hire staff and may retain experts to assist it in the
61 performance of its duties. The Commission shall establish rules governing its operation and
62 procedures. Commissioners may receive compensation for actual time spent on Commission duties

63 and shall be reimbursed for reasonable and necessary expenses. The budget of the Commonwealth
64 shall provide adequate funding for the operation of the Commission.

65 Section 7. A member of the Commission or an appointing authority may petition the
66 Supreme Judicial Court to remove a commissioner on the grounds of neglect, misconduct, or
67 inability to perform the duties of a commissioner. A vacancy so created shall be filled by the office
68 which appointed the removed commissioner or by the nomination and selection process set forth in
69 Section 4, as applicable.

70 Section 8. All meetings of the Commission shall be open to the public, consistent with the
71 laws of the Commonwealth concerning open meetings. All documents produced by or for the
72 Commission shall be public. The Commission shall hold public hearings in at least five
73 geographically disbursed counties. The public shall be afforded the opportunity to submit proposed
74 maps for consideration by the Commission and the Commission shall make map-making software
75 available for public use. The Commission shall take all steps necessary to ensure that the public
76 can exercise its right to review and comment on proposed district maps before they are approved
77 and shall publish all preliminary and final plans in publicly accessible forums that are free of charge
78 and that ensure wide public distribution. Proposed districts shall be presented in both graphic and
79 narrative form.

80 Section 9. Within one hundred and twenty days of the completion of the decennial census,
81 the Commission shall prepare and publish for public comment a preliminary plan for congressional
82 districts. The public shall have a three-week period to comment on the preliminary district plan.
83 The Commission may revise the preliminary district plan in response to public comment and shall
84 submit the revised plan to the General Court, which shall vote on the revised plan. If the plan is
85 rejected, then the Commission shall prepare, publish, revise, and submit a second-round preliminary

86 district plan in the same manner as the first. Following the period for public comment, the
87 Commission shall submit the revised plan to the General Court for a vote. If the General Court
88 votes to reject the second-round plan, then the Commission shall prepare, publish, revise, and
89 submit a third-round preliminary district plan, in the same manner as the first. If the General Court
90 rejects the third-round plan, then the Commission shall prepare, publish, and revise a fourth-round
91 plan in the same manner. The plan, so revised, shall become law without submission to or approval
92 by the General Court.

93 With respect to each plan the Commission submits to the General Court for a vote, the vote
94 must be taken within two weeks of submission. No amendments to the plan as submitted may be
95 made. If the plan is approved by a majority of the members of the House and Senate present and
96 voting or if no vote is taken within the two-week period, then the plan as submitted shall become
97 law.

98 Section 10. Original jurisdiction is hereby vested in the Supreme Judicial Court upon the
99 petition of any voter of the Commonwealth for judicial relief relative to the establishment of the
100 congressional districts. The General Court may by law limit the time within which judicial
101 proceedings may be instituted to challenge any redistricting map.