



## CITY OF BOSTON IN CITY COUNCIL

### ORDER FOR THE ADOPTION OF CITY COUNCIL REDISTRICTING PRINCIPLES

- WHEREAS*, At the 1981 municipal election, residents of the City of Boston voted 41,973 to 34,623 in favor of a binding referendum changing the structure of the Boston City Council from being elected entirely at-large to adding district representation; *and*
- WHEREAS*, The Massachusetts Legislature enacted chapter 605 of the Acts of 1982, providing for the election of a City Council consisting of nine members elected from equally populous districts and four members elected at-large, specifying the process by which the final City Council to be elected entirely at-large was to draw the inaugural district lines; *and*
- WHEREAS*, Boston's first electoral district map passed by the City Council, 7 to 2, and approved by the Mayor (chapter 6 of the Ordinances of 1982) was challenged by a lawsuit from a coalition of the Latino Political Action Committee, Caucus Latino de Poliza Social de Massachusetts, Inc., the Black Political Task Force, and the Boston Peoples Organization; *and*
- WHEREAS*, Drawn on the basis of the 1975 state census, the districts were invalidated in *Latino Political Action v. City of Boston*, 568 F. Supp. 1012 (D. Mass. 1983) when 1980 federal census data revealed a constitutionally impermissible population variance of 23.6 percent violating the "one person, one vote" standard, a ruling upheld on appeal, 716 F.2d 68 (1st Cir. 1983); *and*
- WHEREAS*, U.S. Supreme Court Justice William J. Brennan, Jr. in August 1983 ruled that the delay caused by having to redraw districts for the November 1983 municipal election did not warrant approval of the Massachusetts Attorney General's application for stay, *Bellotti v. Latino Political Action*, 463 U.S. 1319 (1983), prompting passage of a home rule petition for Boston's one-time emergency election procedures in chapter 357 of the Acts of 1983; *and*
- WHEREAS*, A second map that unanimously passed the Council with Mayoral approval (chapter 25 of the Ordinances of 1983) was again challenged by the coalition, with the addition of the Asian Political Caucus, alleging unlawful dilution of minority voting power and infringing on the rights of minority candidates; however, the Court ruled that the Council was absolutely immune from suit in exercising their legislative duties, *Latino Political Action v. City of Boston*, 581 F. Supp. 478 (D. Mass. 1984) and the map was later upheld 609 F. Supp. 739 (D. Mass. 1985) and affirmed, 784 F.2d 409 (1st Cir. 1986); *and*
- WHEREAS*, The City Council again redrew electoral districts in 1987, 1993, and 2002 amid the backdrop of further redistricting litigation for equal representation of Boston's Black voters at the state and federal levels, *Black Political Task Force v. Connolly*, 679 F. Supp. 109 (D. Mass. 1988), *Black Political Task Force v. Connolly*, F. Supp. Civ., Nos. 91-12750-H, 91-12751-H (D. Mass. 1992), *Black Political Task Force v. Galvin*, 300 F. Supp. 2d 291 (D. Mass. 2004); *and*
- WHEREAS*, Historic context led the Massachusetts Legislature's Special Joint Committee on Redistricting and the Boston City Council's Committee on Census and Redistricting to facilitate 2011-2012 redistricting processes by intentionally prioritizing meaningful engagement of residents from marginalized communities and neighborhoods historically split across district lines, with ample time to scrutinize proposals at dozens of public hearings and committee meetings spanning more than one year, and, despite these efforts, the Mayor twice disapproved the Council's maps due to inequitable racial imbalance; *NOW, THEREFORE BE IT*

*ORDERED:* That the Boston City Council adopt the following principles to guide and inform procedures led by its Committee on Redistricting for crafting legally defensible City Council electoral districts for the City of Boston, pursuant to chapter 605 of the Acts of 1982, as amended by chapter 343 of the Acts of 1986:

2022 Redistricting Principles (Draft – August 31, 2022)

- I. *Conduct.* Councilors will adhere to Rule 38 of the City Council Rules relative to conduct during debate and deliberation, and refer to present or proposed electoral districts by the assigned district number or neighborhood name(s), refraining from using the name of any incumbent City Councilor;
- II. *Public Participation.* To enhance and expand civic participation while strengthening public confidence in elections and governance, transparency in redistricting is essential. Deliberation among Councilors as decision-makers, or with legal and mapping consultants, must remain restricted to public Committee hearings, working sessions, and meetings duly noticed pursuant to the Open Meeting Law, with opportunities for the public to provide testimony, where appropriate. Ample outreach to communities and access to redistricting tools to allow meaningful participation is also essential.
- III. *Legal Standards.* To craft a legally defensible redistricting plan, Councilors must consider pertinent constitutional and statutory provisions, such as the Voting Rights Act and City Charter provisions, as well as redistricting case law, including those involving the City of Boston;
- IV. *Use of Existing Precincts.* Notwithstanding any imperfections of geographic boundaries due to decadeslong deferral of citywide reprecincting, proposed electoral districts must be composed of existing precincts, as most recently adopted by the Board of Election Commissioners;
- V. *Guidelines.* Proposed maps should be drawn to ensure population equality and avoidance of excessive deviation, have compact and contiguous boundaries, avoid over-concentration of protected groups, preserve communities of interest, provide voters of protected groups opportunities to achieve proportionality by electing their candidates of choice, and prohibit favoring of incumbent residency.
- VI. *Presentation of Proposals.* Submissions of nine (9) proposed districts should consist of the following:
  - A. Written descriptions in the form of an ordinance listing wards and precincts;
  - B. A corresponding map illustrating proposed districts, produced using Esri Redistricting software in coordination with City Council Central Staff and City of Boston GIS staff;
  - C. Corresponding tables presenting the following demographic statistics for each district:
    1. Total population deviation by district *and* the plan's overall deviation range;
    2. Total population disaggregated by race, *and* each racial group's population as a percentage of each district's total population;
    3. Aggregate racial minority (total non-White) population, *and* minority population as a percentage of each district's total population;
    4. Total Voting Age Population (VAP), or Citizen Voting Age Population (CVAP), disaggregated by race, *and* each racial group's VAP or CVAP as a percentage of each district's total VAP or CVAP, for purposes of evaluating potential voter strength;
  - D. If possible, present total population change from 2010 to 2020 Census, *and* future population projections based on generally accepted statistical methods; and
  - E. If possible, present total housing unit change from 2010 to 2020 Census, *and* future housing unit estimates based on approved and permitted residential unit development pipeline; and
- VII. *Deadline for Action.* Electoral districts must be drawn with approval of the Mayor by no later than November 7, 2022. Councilors may file proposed ordinances for the City Council meetings of September 14, September 21, September 28, or October 5, aiming for passage by October 19, and, in the event of disapproval, leave October 26 and/or November 2 for revision.