



OFFERED BY COUNCILOR ED FLYNN

CITY OF BOSTON

IN CITY COUNCIL

ORDER FOR THE ADOPTION OF CITY COUNCIL REDISTRICTING CRITERIA

- WHEREAS:** On October 19th, 2022, the Boston City Council voted to adopt the amended version of Docket #1098, “Order for the Adoption of City Council Redistricting Principles”, which outlines four principles that guides the City Council’s current redistricting process; *and*
- WHEREAS:** The four principles include: decorum, public participation, legal review, and consideration of proposals. In addition, the memorandum sent by Corporation Counsel on October 11th, 2022 also included specific criteria that the City Council should consider when redrawing the Council districts; *and*
- WHEREAS:** The memorandum was prepared by Professor Jeffrey Wice, Adjunct Professor/Senior Fellow at New York Law School, who is a specialist in redistricting, and identified as a resource on the redistricting process and is contracted by Corporation Counsel; *and*
- WHEREAS:** The memorandum listed Redistricting Criteria that the City Council should consider in redrawing Council districts; *and*
- WHEREAS:** Redistricting Criteria include: population equality, minority voting rights, compactness, contiguity, and preservation of neighborhoods, communities of interest, ban on partisanship, and maintaining existing district boundaries; *and*
- WHEREAS:** These criteria have been adopted across the country and state, and offer clear guidelines on how Council districts should be redrawn, and should also be adopted as principles on the City Council redistricting process; *and*

NOW THEREFORE BE IT ORDERED:

That the Boston City Council adopt the following criteria as guidelines in redrawing City Council districts, pursuant to chapter 605 of the Acts of 1982, as amended by chapter 343 of the Acts of 1986:

2022 Redistricting Criteria

Population Equality: Council districts are required to be equally substantial in population. According to U.S. Supreme Court precedents, there is a 10% limit in the population deviation from the size of the largest to smallest district. Based upon the 2020 Census, this means that the ideal district size is 75,071 residents, allowing for a + or - 5% range. Within those ranges, any deviations from 75,071 should be based upon an effort to achieve the other legitimate governmental criteria outlined below.

Minority Voting Rights: the voting rights of minority voters must be respected when developing a new map. In general, the federal Voting Rights Act of 1965 (VRA) prohibits the imposition of any voting qualification, practice, or procedure that results in the denial or abridgement of any citizen's right to vote on account of race, color, or status as a member of a language minority group. Covered language minorities include American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage populations. Section 2 of the VRA specifically prohibits vote dilution when voters are dispersed ("cracked") among districts making them an ineffective voting block or if they are overly concentrated ("packed") in any one district creating an "excessive" majority.

The VRA requires the creation of an effective minority district where it can be demonstrated that the minority community (1) comprises at least 50% of an ideal, contiguous and reasonably compact district's voting age population; (2) minority voters vote cohesively for the same candidates; and (3) there is a significantly high level of racially polarized voting where the majority votes sufficiently as a bloc to prevent minority voters from electing their preferred candidates of choice. The 14th Amendment to the U.S. Constitution prevents racial gerrymandering, prohibiting the drawing of maps that excessively segregates voters by race in a district.

It is necessary to comply with the 14th amendment and VRA requirements by avoiding discriminatory intent and a discriminatory effect of minimizing or canceling out the voting strength of members of racial or language minority groups in the voting population. Racial voting data analysis may be used to demonstrate that minority votes are not "diluted" and that race is not used as the predominant factor to draw districts (where vote dilution is not at issue). Each district must be evaluated based on local voting patterns and population data.

Compactness: districts should have a minimum distance between all parts of a district, subject to addressing other criteria. Several mathematical models have been developed to determine compactness that are used to compare competing plans.

Contiguity: all parts of a district should be connected geographically at some point with the rest of the district. In Boston, all districts must include contiguous precincts.

Preservation of Neighborhoods: Consideration must be given to drawing districts that respect the boundaries of Boston's recognized neighborhoods.

Communities of Interest: these districts include geographical areas where residents have common demographic interests that can include socio-economic, religious, academic, business, medical, or other recognizable characteristics. Communities of interest might not follow political subdivision boundaries. Boston's City Charter prioritizes neighborhoods as required criteria, making other "communities of interest" a lesser priority in the redistricting process.

Ban on Partisanship: not favoring or disfavoring political parties, candidates, or incumbents.

Maintaining Existing District Boundaries: using current district boundaries as a determinant for making the least changes necessary.