Amended Docket #1098

Order of Councilor Liz Breadon

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

I. *Decorum.* Councilors will adhere to Rule 38 of the City Council Rules relative to conduct during debate and deliberation, and refer to present or proposed 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. The Committee will livestream and record redistricting working sessions. Ample outreach to communities and access to redistricting tools to allow meaningful participation is also essential.

III. *Legal Review.* Prior to presentation before the Council for adoption, a proposed redistricting plan should be reviewed by outside counsel to ensure compliance under the Voting Rights Act of 1965 to prohibit the denial of equal access to the political process on account of race, color, or membership in a language minority group;

IV. *Consideration of Proposals.* Review of proposed redistricting plans should:

A. Ensure the proposed ordinance properly allocates all 275 voting precincts of the City;

B. Present data for each of the six tables in the 2020 Census Redistricting Data (Public Law 94-171) Summary File;

C. Be compared to 2020 Census data for the "baseline" districts reconciling split precincts, as discussed at the Committee on Redistricting working session on September 20, 2022;

D. Be compared to 2010 Census data for the "baseline" districts reconciling split precincts, as discussed at the Committee on Redistricting working session on September 20, 2022.

In City Council: September 28, 2022