



## CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY-TWO

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

**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 guide 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 protocols 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 Protocols that the City Council should consider in redrawing Council districts; *and*

**WHEREAS,** Redistricting Protocols 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,** Professor Wice confirmed in his statement, “there is currently no risk of a Voting Rights Act violation under the current Council map enacted in 2012” ; *and*

**WHEREAS,** Historic context led 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*

**WHEREAS,** The Council should offer public hearings in communities across the City, especially in those communities that will be most disrupted by precinct changes. Making sure to have a clear, transparent process with notices put out in native

languages. Sufficiently advertise the public hearings so residents are aware of the public hearings and can attend to have their voices heard. The translation must be provided for equitable access; *and*

**WHEREAS,** The Committee Chair must appropriate funds so the process of redistricting can ensure language access, legal support, facilitators, mediators, experts, and a budget to advertise the process to the residents so there is proper community engagement; *and*

**WHEREAS,** These protocols have been adopted across the country and state, and offer clarity on how Council districts should be redrawn, and should also be adopted as part of the City Council redistricting process; ***NOW, THEREFORE BE IT***

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

**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 abridgment 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 the 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 protocols. Several mathematical models have been developed to determine compactness that is 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 protocols, 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.

**Filed in Council:** November 2nd, 2022