

By Mr. Quinn of Boston, petition of Robert H. Quinn for a legislative amendment to the Constitution establishing Representative, Senatorial and Councillor districts on the basis of voting age population. Constitutional Law.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION ESTABLISHING REPRESENTATIVE, SENATORIAL AND EXECUTIVE COUNCILLOR DISTRICTS ON THE BASIS OF VOTING AGE POPULATION.

1 A majority of all the members elected to the Senate and  
2 House of Representatives, in joint session, hereby declares it  
3 to be expedient to alter the Constitution by the adoption of  
4 the following Article of Amendment, to the end that it may  
5 become a part of the Constitution [if similarly agreed to in a  
6 joint session of the next General Court and approved by the  
7 people at the state election next following]:

8 ARTICLE OF AMENDMENT.

9 ART. . . . . *Section 1.* In the year nineteen hundred  
10 and seventy-one and every tenth year thereafter, the secre-  
11 tary of the commonwealth shall report to the general court,  
12 in such form as it may by law require, the adjusted  
13 population of the commonwealth as determined by him on  
14 the basis of the most recent federal decennial census, said  
15 report to specify the adjusted population of each city ward,  
16 each precinct of every town divided into precincts, and each  
17 town not so divided, as of the time when said federal  
18 decennial census shall be made; provided, however, that if for  
19 any reason no such federal census shall be conducted, or if the  
20 results thereof are deemed unsatisfactory by the general court  
21 for use as herein provided, the secretary of the common-  
22 wealth shall conduct a state census for the purpose of  
23 obtaining the above-required adjusted population counts.

24 Said "adjusted population" shall consist of the population  
25 of the commonwealth, city ward, town precinct, or town, as  
26 the case may be, excluding the following: (a) resident aliens,  
27 (b) inmates of jails and prisons, (c) persons under the age of  
28 twenty-one years, and (d) persons not legally domiciled in  
29 the commonwealth, city, or town, as the case may be.

30 The secretary of the commonwealth shall file his report of  
31 adjusted population hereunder with the clerk of the house of  
32 representatives on or before the first Wednesday of the  
33 second January following said federal decennial census. The  
34 aforesaid report of adjusted population shall be the basis of  
35 establishing executive councillor, senatorial, and representa-  
36 tive districts, for the ten-year period beginning not later than  
37 the first Wednesday of the fifth January following said  
38 federal decennial census.

39 *Section 2.* The house of representatives, in the general  
40 court, shall consist of two hundred and forty members. For  
41 the purpose of electing said members, the general court shall,  
42 by statute, divide the commonwealth into two hundred and  
43 forty representative districts, each of which shall consist of  
44 contiguous territory and each of which shall contain, as  
45 nearly as may be, one two hundred and fortieth of the total  
46 adjusted population of the Commonwealth, as reported by  
47 the secretary of the commonwealth pursuant to section one of  
48 this article. No such representative district shall vary more  
49 than ten per cent above or ten per cent below such norm of  
50 one two hundred and fortieth. Each representative district  
51 shall be the basis for electing but one member of the house of  
52 representatives aforesaid.

53 *Section 3.* The senate, in the general court, shall consist of  
54 forty senators. For the purpose of electing said senators, the  
55 general court shall, by statute, divide the commonwealth into  
56 forty senatorial districts, each of which shall consist of  
57 contiguous territory and each of which shall contain, as  
58 nearly as may be, one fortieth of the total adjusted popula-  
59 tion of the commonwealth, as reported by the secretary of the  
60 commonwealth pursuant to section one of this article. No  
61 such senatorial district shall vary more than ten per cent  
62 above or ten per cent below such norm of one fortieth. Each

63 senatorial district shall be the basis for electing but one  
64 senator.

65 *Section 4.* For the purpose of electing the eight executive  
66 councillors who are chosen to represent districts, the general  
67 court shall, by statute, divide the commonwealth into eight  
68 councillor districts, each of which shall consist of five con-  
69 tiguous senatorial districts as established pursuant to section  
70 three of this article. Each councillor district shall be the basis  
71 for electing but one executive councillor.

72 *Section 5.* In establishing any district for the election of an  
73 executive councillor, senator, or member of the house of  
74 representatives, the general court shall not divide any city  
75 ward, town precinct, or town which is not divided into  
76 precincts. All divisions of the commonwealth into such  
77 districts shall be consistent with the requirements of the  
78 Constitution of the United States of America.

79 *Section 6.* Every executive councillor, senator, and member  
80 of the house of representatives, shall have been an inhabitant  
81 of the district for which he is chosen, for at least one year  
82 immediately preceding his election. He shall cease to repre-  
83 sent such district when he shall cease to be an inhabitant of  
84 the commonwealth.

85 *Section 7.* If the general court shall fail to divide the  
86 commonwealth into new executive councillor, senatorial, or  
87 representative districts within the time specified by this  
88 article, such division shall be made promptly by a commission  
89 consisting of the governor (who shall be chairman), the  
90 president of the senate, the leader of the principal minority  
91 party of the senate, the speaker of the house of representa-  
92 tives, and the leader of the principal minority party of the  
93 house of representatives.

94 *Section 8.* The general court may, by statute consistent  
95 with federal constitutional requirements, limit the time  
96 within which judicial proceedings may be instituted calling  
97 into question any division of the commonwealth into districts  
98 under this article.

99 *Section 9.* In the year immediately preceding each federal  
100 decennial census, the city council of every city, and the  
101 selectmen of every town of eight thousand or more inhabi-

102 tants, shall divide the territory of said city or town, in  
103 conformity with general laws, into the number of wards or  
104 precincts required by law, so that such wards or precincts  
105 shall, as nearly as may be, be equal in their adjusted  
106 populations as defined in section one of this article. Original  
107 jurisdiction is hereby vested in the supreme judicial court  
108 upon petition of the secretary of the commonwealth or of any  
109 qualified elector of the city or town, to direct the city council  
110 or selectmen aforesaid to perform their duties hereunder, or  
111 to appoint a commission to make an appropriate division of  
112 such city or town into wards or precincts if the city council or  
113 selectmen persist in their failure to comply with this sec-  
114 tion.

115 *Section 10.* Articles XXI and XXII of the articles of  
116 amendment to this constitution, as amended by article LXXI  
117 of said articles of amendment, are hereby repealed.