

By Mr. Buckley of Abington, petition of John R. Buckley for a legislative amendment to the Constitution providing for the reduction of the size of the House of Representatives to one hundred and sixty members and providing for a decennial division of the Commonwealth into Representative and Senatorial districts. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-One.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PROVIDING FOR THE REDUCTION OF THE SIZE OF THE HOUSE OF REPRESENTATIVES TO ONE HUNDRED AND SIXTY MEMBERS AND PROVIDING FOR A DECENNIAL DIVISION OF THE COMMONWEALTH INTO REPRESENTATIVE AND SENATORIAL DISTRICTS.

1 A majority of all the members elected to the Senate and  
2 House of Representatives, in joint session, hereby declares it to  
3 be expedient to alter the Constitution by the adoption of the  
4 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]:

ARTICLE OF AMENDMENT.

8  
9 ARTICLE . The senate shall consist of forty members,  
10 and the house of representatives shall consist of one hundred  
11 and sixty members, each of whom shall represent a single  
12 district created every tenth year in the manner provided in this  
13 article.

14 In the year nineteen hundred and seventy-six, and in the  
15 year nineteen hundred and eighty and every tenth year there-  
16 after, a census of the inhabitants of each city and town shall  
17 be taken, in a manner to be determined by the secretary of the  
18 commonwealth, who may for this purpose contract with any  
19 federal, state or local agency, and a special listing shall be made  
20 of the name and residence on January first of each inhabitant.  
21 Each special listing shall be the basis for determining the

22 representative and senatorial districts for the ten year period  
23 beginning with the first Wednesday in the third January follow-  
24 ing said special listing; provided that such districts as are  
25 established following the special listing in the year nineteen  
26 hundred and seventy-six shall take effect on the first Wednes-  
27 day in January in the year nineteen hundred and seventy-nine  
28 and shall remain in effect until the first Wednesday in January  
29 in the year nineteen hundred eighty-three.

30 It shall be the duty of the secretary of the commonwealth,  
31 on or before the first day of October in the year in which the  
32 special listing is made, to certify to the chief justice of the  
33 superior court, to the governor and to the general court the  
34 number of legal voters in each city and town and to each city  
35 and town the name and residence of each legal voter. There-  
36 after, no later than the first day of January of the following  
37 year, each city and town shall, if it contains more than five  
38 thousand inhabitants, divide such city into wards and precincts  
39 or such town into precincts; and no precinct so created shall  
40 contain more than five thousand inhabitants. No city or town  
41 shall be required to use the wards or precincts created under  
42 this Article for the purpose of legislative redistricting for its  
43 municipal elections. Each city and town shall, on or before  
44 January tenth in the year following the special listing, notify  
45 the secretary of the commonwealth, the chief justice of the  
46 superior court, the governor and the general court, of the  
47 boundaries of and the number of inhabitants in such wards and  
48 precincts.

49 On January fifteenth of the year following the special listing,  
50 a commission of fifteen members shall be appointed and shall  
51 proceed to make a division of the commonwealth into repre-  
52 sentative and senatorial districts subject to the provisions of  
53 this Article. Five members shall be appointed by the chief  
54 justice of the superior court, who shall name the chairman, five  
55 shall be appointed by the governor and five shall be appointed  
56 by the general court in such manner as they shall determine.  
57 The commission shall, before the fifteenth of July in the year  
58 following the special listing, divide the commonwealth into one  
59 hundred and sixty representative districts which shall be com-  
60 pact and contiguous, and each of which shall contain, as nearly

61 as may be, one one hundred and sixtieth of the inhabitants of  
62 the commonwealth; and one representative shall be elected  
63 from each district so created. The commission shall also, not  
64 later than the fifteenth of July in the year following the special  
65 listing, divide the commonwealth into forty senatorial districts  
66 which shall be compact and contiguous, and each of which  
67 shall contain, as nearly as may be, one fortieth of the inhabi-  
68 tants of the commonwealth; and one senator shall be elected  
69 from each district so created. No precinct of fewer than five  
70 thousand inhabitants shall be divided for the purpose of creat-  
71 ing a representative or senatorial district; but if any city or  
72 town shall have failed to make proper division of its inhabi-  
73 tants into precincts, the commission shall make such division.

74 The commission shall report to the secretary of the com-  
75 monwealth, the general court and to each city and town the  
76 boundaries of the representative and senatorial districts, and  
77 the number of inhabitants in each district, together with a  
78 name, number and other designation sufficient to identify each  
79 district.

80 The manner of calling and conducting the elections for the  
81 choice of representatives, senators and executive councillors  
82 shall be prescribed by law; but every representative, senator or  
83 executive councillor shall, for one year at least, immediately  
84 preceding his election, have been an inhabitant of the common-  
85 wealth, and shall be at the time of his election an inhabitant in  
86 the district for which he is chosen; and any such officer shall  
87 cease to represent said district when he shall cease to be an  
88 inhabitant of the commonwealth.

89 Original jurisdiction is hereby vested in the supreme judicial  
90 court upon the petition of any voter of the commonwealth,  
91 filed with the clerk of the supreme judicial court for the  
92 commonwealth to review the plan or any portion thereof.

93 If the supreme judicial court determines that the plan or  
94 portion thereof thus reviewed complies with this Article, it  
95 shall dismiss the petition and the plan or portion thereof shall  
96 become effective upon the date of the opinion.

97 If the supreme judicial court determines that the plan or  
98 portion thereof does not comply with this Article, the court  
99 may direct such action as may bring the plan or portion

100 thereof into compliance with this Article and may direct the  
101 secretary of the commonwealth to draft a redistricting plan or  
102 portion thereof of the representative and senatorial districts.  
103 When the supreme judicial court shall have determined that a  
104 plan or portion thereof is in compliance with this Article, they  
105 shall file it with the secretary of the commonwealth, who shall  
106 make notification as required by this Article to the general  
107 court and to each city and town of the commonwealth.

108 Nothing in this Article shall be construed to limit the right  
109 of any person to seek judicial relief at any time in respect to  
110 any alleged infringement of his franchise by a division of the  
111 commonwealth into representative or senatorial districts, or of  
112 a city into wards and precincts or of a town into precincts.

113 Articles XXI and XXII of the Articles of Amendment, as  
114 amended by Article LXXI of said Articles of Amendment, are  
115 hereby repealed.