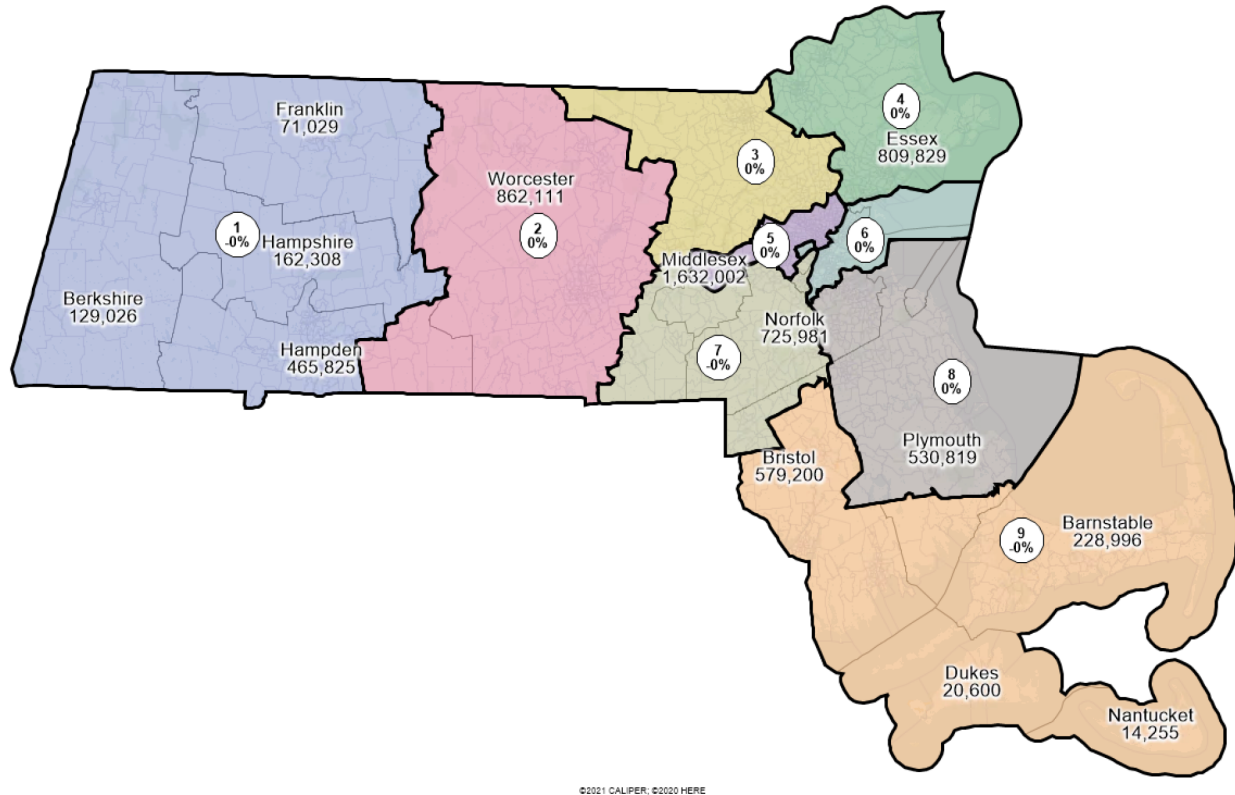


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New Jersey, Massachusetts, Iowa, and Kansas Reports  
Draw Congress: Stanford Redistricting Project  
Professor Persily, Fall 2021  
January 17, 2022

## Massachusetts

### *Good Government Plan*



### I. Introduction

This good government map of Massachusetts was primarily motivated by the goal of keeping political subdivisions—such as counties, cities, and towns—together. There are only eight instances of county splits, and in all but one of those instances, the county is split among just two districts. Regarding cities and towns, 241 remain intact, leaving only seven divided. The districts under this plan also achieve perfect population equality, are as compact where possible, and otherwise comply with federal and state law.

## II. Evaluation of Relevant Criteria

### A. Demographic Considerations

The previous congressional map of Massachusetts contained a majority-minority district that was, unfortunately, eliminated in furtherance of the goal of preserving county lines. This district (formerly District 7) cut across three counties, without fully containing any single county. This map's District 6, which includes much of the area contained in the preexisting District 7, cuts across only two counties and envelops nearly all of Suffolk County. While the district's CVAP is no longer majority-minority, the district—with a non-Hispanic white population of 43.5%—is majority-minority when the total population is counted.

### B. Geographic Considerations

This making of this map was guided by the idea that districts should be contiguous and as compact as possible. Compared to the districts in the preexisting plan, the proposed districts are more compact, on average, under all eight of the compactness tests performed: Reock, Schwartzberg, Alternate Schwartzberg, Polsby-Popper, Population Polygon, Area/Convex Hull, Population Circle, and Ehrenberg. Moreover, all districts are contiguous and there are no unassigned areas.

A more detailed breakdown of compactness can be found in the appendix.

### C. Political Subdivisions

Of the 14 counties in Massachusetts, six are fully contained within one district under this plan. Seven of the eight split counties are split among just two districts, with only one county split among three districts. Middlesex County, Massachusetts' most populous county, was divided between three districts in the process of ensuring perfect population equality and compactness.

This marks an improvement upon the preexisting plan, where only four counties were contained within a single district, and of the 10 split counties, three were split among three districts, one was split among four, and two were split among five.

#### D. Communities of Interest

Of Massachusetts' 248 cities and towns, 241 are contained within one district in this plan. All seven of the divided cities and towns were split in two, creating 14 splits in total. These divisions were necessary to ensure that the districts would achieve perfect population equality.

Again, as the preexisting plan left 237 cities and towns undivided and split up 11, this is an improvement.

#### E. Partisan Considerations

Currently, all of Massachusetts' nine congressional districts have elected Democrats. According to the PlanScore Assessment<sup>1</sup> of this proposed good government plan, eight districts will remain reliably Democratic, with one district leaning Democratic. With Democrats poised to win a higher percentage of seats than their percentage of votes, this map appears to favor Democrats. This effect may have been an unintended consequence of avoiding county division and drawing compact districts.

### III. Legal Compliance

#### A. One Person, One Vote

In 1964, the Supreme Court applied the principle of “one person, one vote” in *Wesberry v. Sanders*, holding that Article I, Section 2 of the United States Constitution commands that “one [person]’s vote in a congressional election is to be worth as much as another’s” to the extent practicable.<sup>2</sup> In 1983, the Court further clarified in *Karcher v. Daggett* that, while precise

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<sup>1</sup> <https://planscore.campaignlegal.org/plan.html?20211123T044330.879186494Z>.

<sup>2</sup> *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).

mathematical equality may be impossible, even insignificant deviations in population between districts are unacceptable when avoidable and unjustified.<sup>3</sup> In *Karcher*, the Court rejected the state of New Jersey's argument that a population deviation of 0.7% between districts should be excused as *de minimis*.<sup>4</sup>

This plan complies with the "one person, one vote" requirement. As each district is home to 781,102 people (plus or minus one person), the plan achieves essential perfect population equality.

#### B. Voting Rights Act

Section 2 of the Voting Rights Act disallows congressional maps that deny minority voters an equal opportunity to "participate in the political process and to elect representatives of their choice."<sup>5</sup> Under *Thornburg v. Gingles*, challenges to district lines on the basis of this provision must first pass a three-part test to prevail. First, the minority group must "demonstrate that it is sufficiently large and geographically compact to constitute a majority" in a district in the state; second, the minority group "must be able to show that it is politically cohesive"; third, the minority group "must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it ... usually to defeat the minority's preferred candidate".<sup>6</sup>

The largest minority groups in Massachusetts are its Black and Hispanic populations. Both groups are likely too small in population and too geographically dispersed to create the need for a majority-Black or majority-Hispanic district under Section 2 of the Voting Rights Act. Indeed, the preexisting plan contained neither, instead settling for the creation of a majority-minority district in what was once District 7.

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<sup>3</sup> *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).

<sup>4</sup> *Id.* at 732.

<sup>5</sup> 52 U.S.C. §10301(b) (1982).

<sup>6</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

### C. *Shaw v. Reno*

Although Section 2 of the Voting Rights Act requires that states draw districts that provide minority groups a chance to elect their own candidates where feasible, the Supreme Court has also made it clear that districts drawn with race as the predominant factor must be evaluated with skepticism. In *Shaw vs. Reno*, the Court held that plaintiffs can be granted relief under the Equal Protection Clause when challenging a plan that is “so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification.”<sup>7</sup> Two years later, the Court further developed this idea, holding in *Miller v. Johnson* that strict scrutiny is triggered when the predominant factor motivating the drawing of district lines was race.<sup>8</sup> Also in *Miller*, the Court determined that bizarrely-shaped districts may indicate that race was in fact the predominant factor.<sup>9</sup>

As I was unable to create a majority-Black or majority-Hispanic district, there should be no potential for a *Shaw* claim. Furthermore, these proposed districts are generally more regular in shape than their counterparts from the previous map, which went unchallenged, so there is little reason to believe a *Shaw* claim would arise here.

### D. Massachusetts State Law

Massachusetts state law provides additional requirements for state legislative districts when it comes to compactness, contiguity, and keeping municipalities intact, but places no additional requirements on congressional districts extending beyond federal law.

## IV. Comparison to the Approved Plan

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<sup>7</sup> *Shaw v. Reno*, 509 U.S. 630, 642 (1993).

<sup>8</sup> *Miller v. Johnson*, 515 U.S. 900, 920 (1995).

<sup>9</sup> *Id.* at 913.

The congressional map<sup>10</sup> actually approved by the Massachusetts State Legislature and awaiting approval by its governor much more closely resembles the preexisting plan from the 2010 cycle. There are some shifts in district lines to account for a decline in population in the western portion of the state, as well as other changes in population, but the updated districts largely adhere to old lines. Accordingly, the approved districts break up counties, cities, and towns more often than and are less compact than the ones in this good government plan.

## V. Conclusion

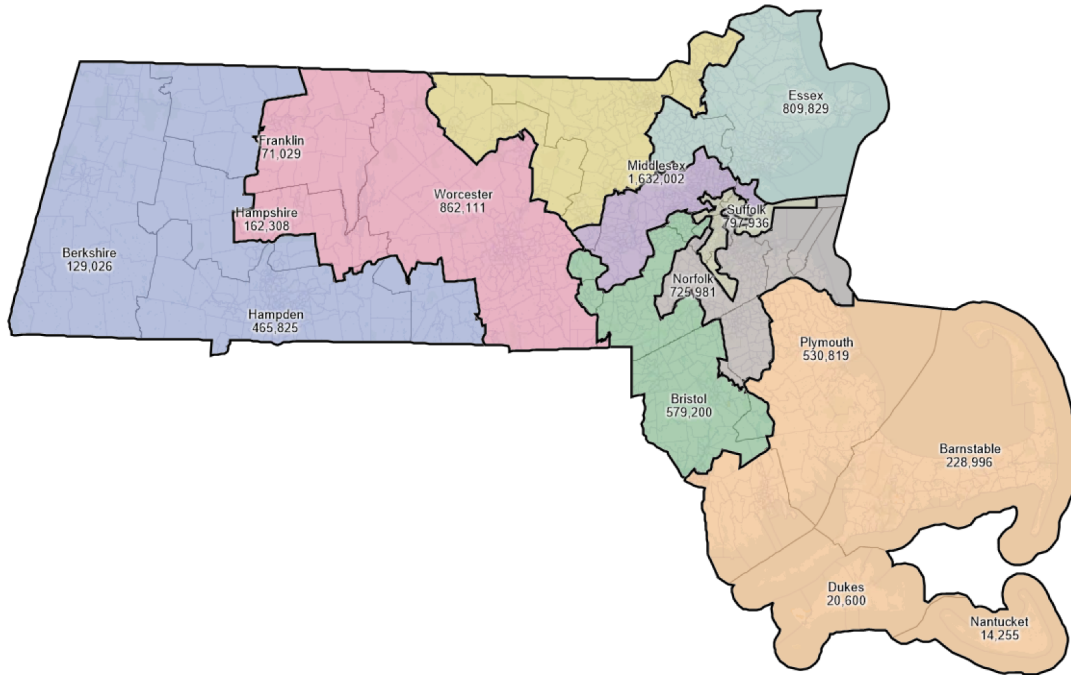
This is a successful good government plan containing relatively compact districts that respect county, city, and town lines, and are nearly equal in population. The map is also legally defensible, with no districts that would obviously be struck down by legal challenges.

## VI. Appendix

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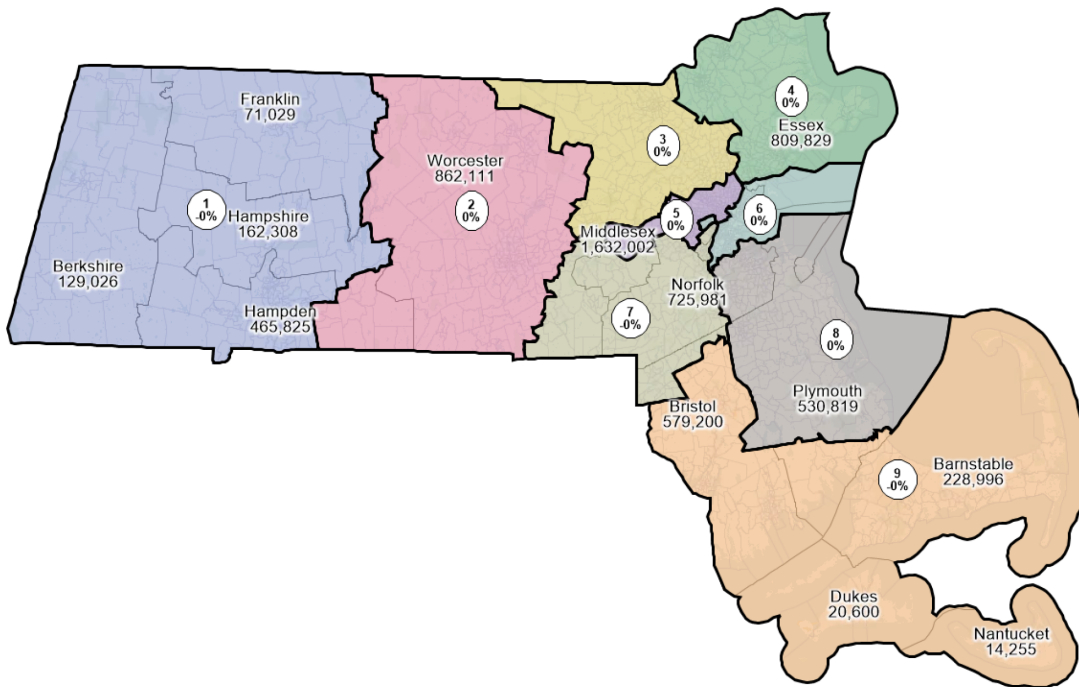
<sup>10</sup> Available at [https://redistricting.lls.edu/wp-content/uploads/ma\\_2020\\_congress\\_2021-11-05\\_2031-06-30.pdf](https://redistricting.lls.edu/wp-content/uploads/ma_2020_congress_2021-11-05_2031-06-30.pdf).

### Comparison to Preexisting Plan:



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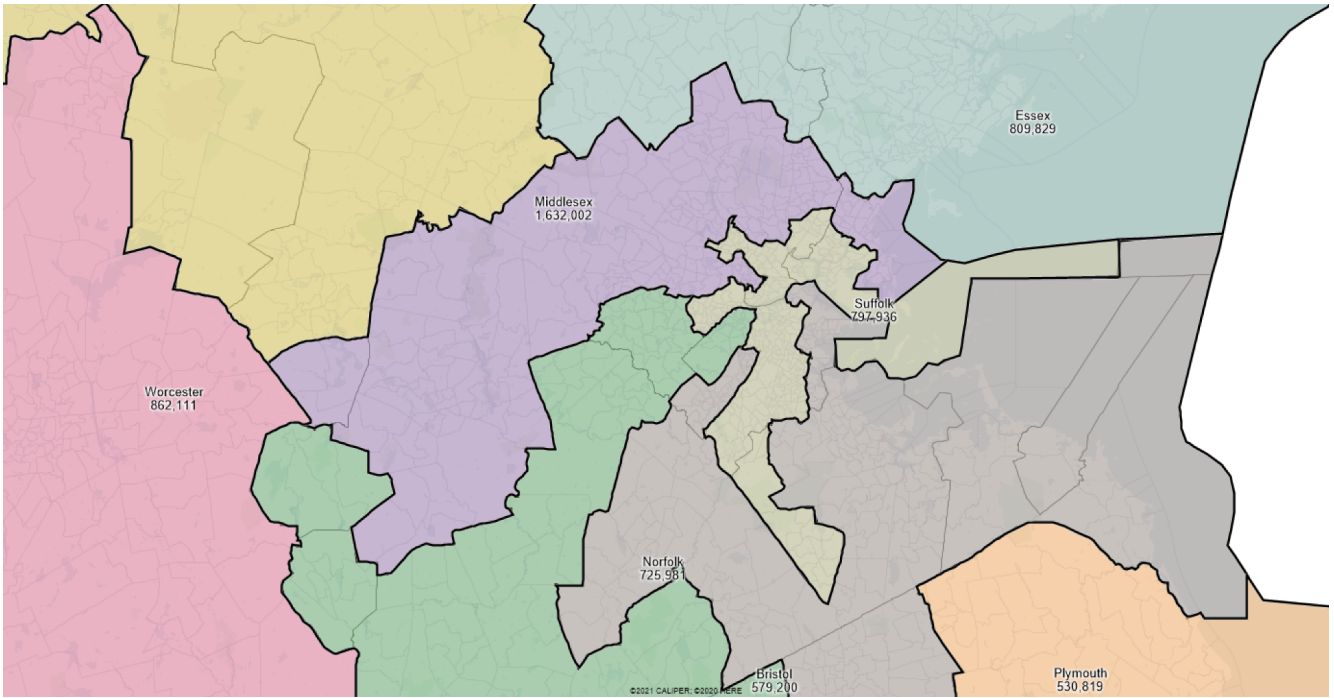
Preexisting



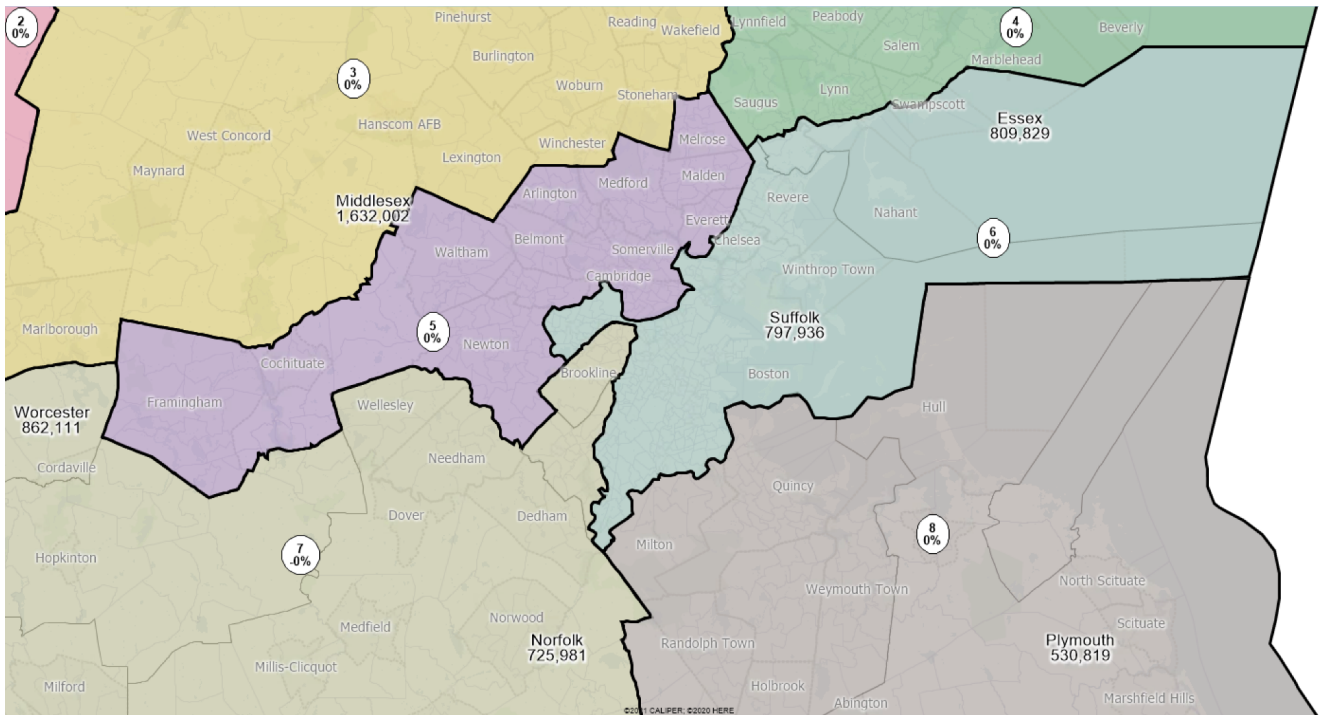
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Proposed

Close-up of Urban Areas (Preexisting):

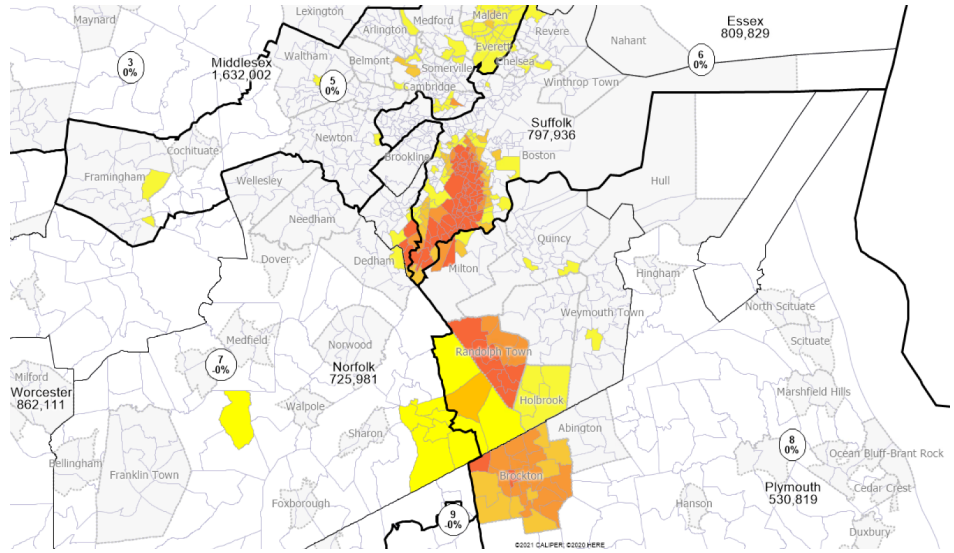


Close-up of Urban Areas (Proposed):

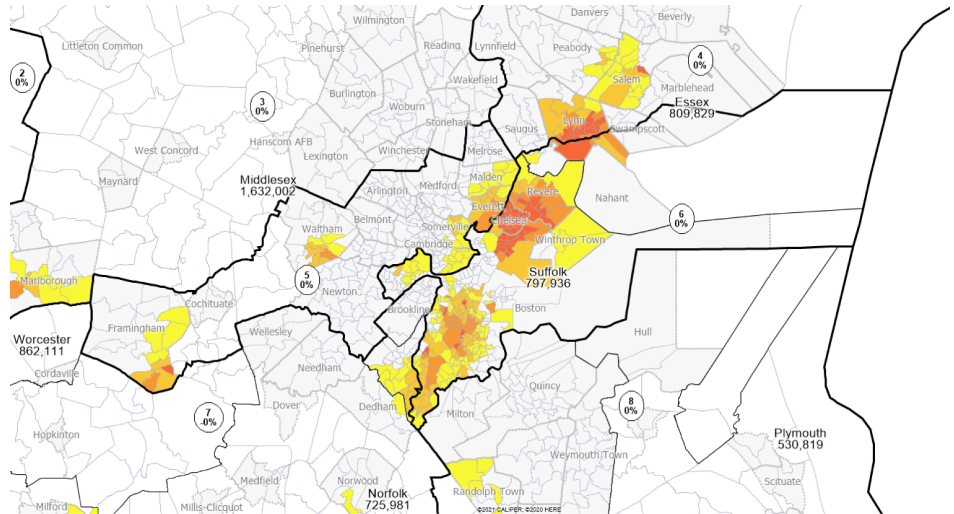




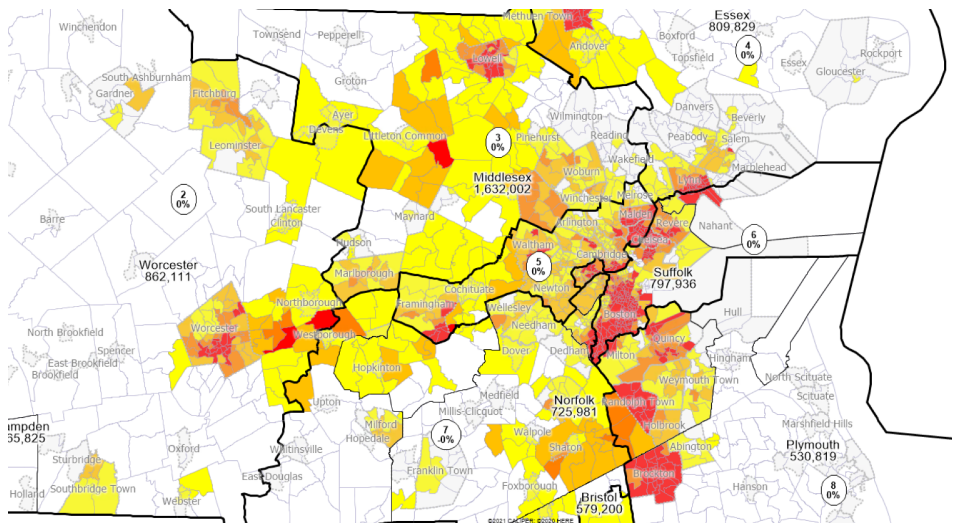
Black CVAP Map:<sup>11</sup>



Hispanic CVAP Map:



Non-white CVAP Map:



<sup>11</sup> In all color maps, yellow indicates 10-20% of the population, light orange indicates 20-30% of the population, dark orange indicates 30-40% of the population, and red indicates 40-100% of the population.

District Composition (Preexisting):<sup>12</sup>

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('20)	%R ('20)
1	730,467	-50,635	77.3%	5.6%	15.0%	62.4%	37.6%
2	780,054	-1,048	83.2%	4.1%	7.9%	63.1%	36.9%
3	796,664	15,562	75.1%	3.0%	14.7%	64.7%	35.3%
6	777,832	-3,270	87.2%	2.9%	6.0%	63.7%	36.3%
5	794,966	13,864	79.4%	4.9%	6.5%	75.7%	24.3%
7	799,816	18,714	51.0%	23.8%	15.5%	86.5%	13.5%
4	777,137	-3,965	87.7%	3.0%	3.8%	65.7%	34.3%
8	798,458	17,356	79.3%	9.0%	4.7%	67.3%	32.7%
9	774,523	-6,579	91.2%	3.0%	3.6%	59.0%	41.0%

District Composition (Proposed):

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('20)	%R ('20)
1	781,101	-1	77.4%	5.6%	14.0%	67.3%	32.7%
2	781,103	1	82.2%	4.1%	9.5%	58.6%	41.4%
3	781,102	0	83.7%	2.6%	4.8%	65.8%	34.2%
4	781,102	0	79.5%	3.1%	14.1%	64.8%	35.2%
5	781,102	0	75.9%	6.8%	6.9%	81.3%	18.7%
6	781,102	0	55.1%	20.6%	16.1%	82.1%	17.9%
7	781,101	-1	86.6%	3.6%	4.2%	67.3%	32.7%
8	781,103	1	81.2%	9.5%	3.2%	62.0%	38.0%
9	781,101	-1	89.8%	3.6%	4.3%	58.8%	41.2%

<sup>12</sup> District 6 under the preexisting plan is called District 4 under the proposed plan, and so on; all population data is from 2019.

Measures of Compactness (Preexisting):<sup>13</sup>

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Area/ Convex Hull	Population Circle	Ehren- burg
1	0.39	1.73	1.80	0.31	0.81	0.75	0.65	0.40
2	0.40	1.84	1.92	0.27	0.75	0.77	0.40	0.34
3	0.32	2.02	2.10	0.23	0.81	0.68	0.58	0.36
6	0.58	1.44	1.61	0.38	0.60	0.81	0.31	0.50
5	0.31	2.32	2.45	0.17	0.44	0.62	0.29	0.24
7	0.21	3.45	3.64	0.08	0.57	0.38	0.45	0.11
4	0.37	2.33	2.46	0.17	0.50	0.65	0.33	0.26
8	0.39	2.54	2.69	0.14	0.56	0.60	0.31	0.19
9	0.59	1.39	1.86	0.29	0.80	0.80	0.67	0.38
Mean	0.40	2.12	2.28	0.23	0.65	0.67	0.44	0.31

Measures of Compactness (Proposed):

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Area/ Convex Hull	Population Circle	Ehren- burg
1	0.57	1.25	1.33	0.57	0.95	0.93	0.92	0.69
2	0.57	1.55	1.65	0.37	0.89	0.84	0.64	0.36
3	0.38	1.79	1.84	0.30	0.78	0.71	0.47	0.42
4	0.60	1.24	1.42	0.50	0.90	0.86	0.73	0.42
5	0.24	2.04	2.11	0.22	0.74	0.65	0.37	0.21
6	0.26	1.83	1.93	0.27	0.64	0.72	0.36	0.24
7	0.50	1.77	1.82	0.30	0.68	0.74	0.42	0.36
8	0.63	1.38	1.46	0.47	0.90	0.83	0.70	0.46
9	0.38	1.63	2.10	0.23	0.72	0.70	0.59	0.26
Mean	0.47	1.61	1.74	0.36	0.80	0.78	0.58	0.38

<sup>13</sup> Numbers closer to 1 indicate a higher degree of compactness.