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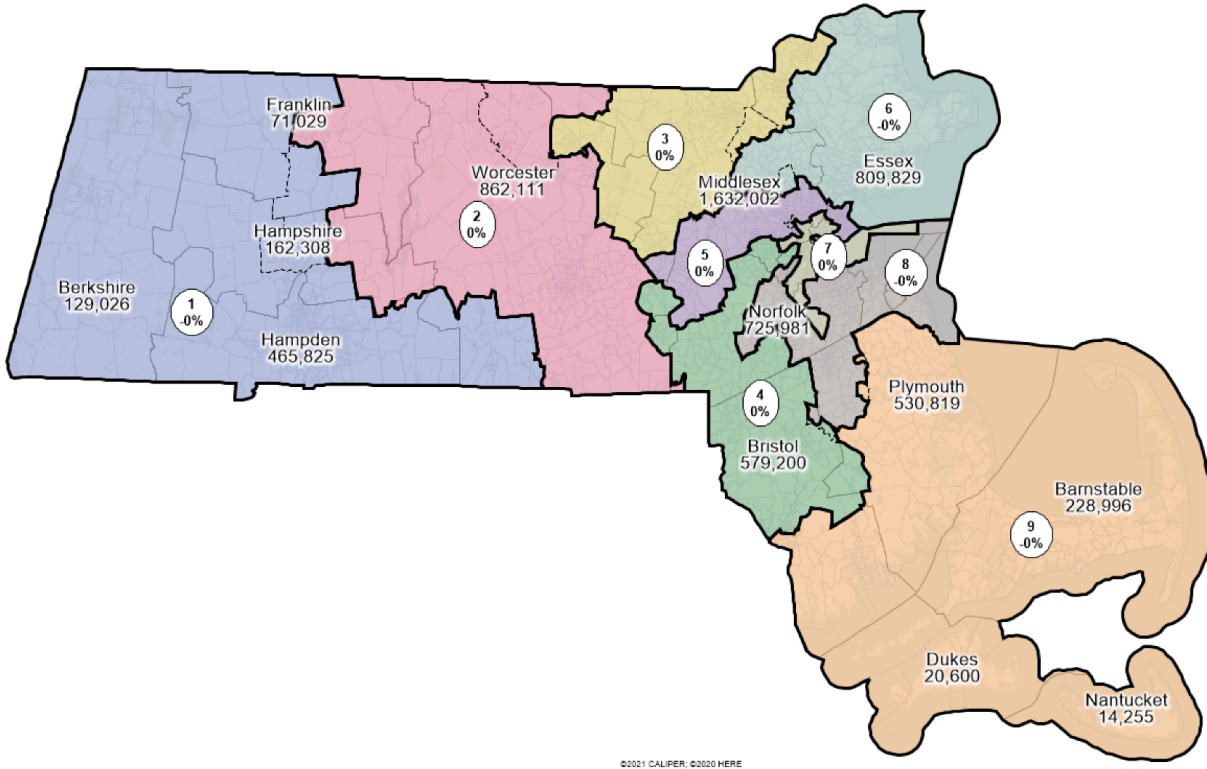Professor Persily, Fall 2021
January 17, 2022

Massachusetts

Least Change Plan[1]

I.   Introduction

This least change plan of Massachusetts was intended to resemble the preexisting map as

much as possible. Accordingly, there is minimal deviation between the original and the proposed

lines. Due to a decline in population in western Massachusetts, the shifts from preexisting lines

are more pronounced in that area. As in the good government map of Massachusetts, these

proposed districts achieve perfect population equality and are in compliance with federal and

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[1] Dotted lines indicate previous district boundaries.

state law.

II. Evaluation of Relevant Criteria

A. Demographic Considerations

As the boundaries from the original map have been retained for the most part, the racial demographics and political data across all districts in the proposed plan are extremely similar to their current values under the preexisting plan. District 9, for instance, has a white CVAP of 92.1%, a Black CVAP of 3.0%, and a Hispanic CVAP of 3.6% under the preexisting lines. Under this least change plan, these values remain the same. Additionally, 59.0% of voters in the preexisting map's District 9 voted Democrat in the 2020 Presidential election, while 41.0% voted Republican. Under the proposed plan, 58.9% of District 9's voters will have voted Democrat, while 41.1% will have voted Republican–a very slight change.

B. Geographic Considerations

This map prioritizes keeping with preexisting lines, with some straying to ensure perfect population equality. The proposed districts therefore largely resemble the preexisting ones, with the most significant changes occurring in the western portion of the state, where there was a more pronounced change in population than in the eastern districts. Achieving a greater degree of compactness was a minor, secondary goal–the average compactness scores for districts under this plan are the same or greater under all of the performed tests, the one exception being the Population Circle test. Finally, all districts are contiguous and the map contains no unassigned areas.

C. Political Subdivisions

Of Massachusetts' 14 counties, four are enclosed in a single district under this plan. Four of the 10 split counties are split among two districts, three are split among three, one is split

among four, one is split among five, and one is split among six. These numbers are nearly identical to those of the preexisting plan's, where four counties were contained within a single district, and of the 10 counties that were split, four were split among two districts, three were split among three, one was split among four, and two were split among five.

D. Communities of Interest

Of the 248 cities and towns in Massachusetts, 236 are undivided in this map. All of the 12 split cities and towns were split in two, leaving a total of 24 splits of cities and towns overall. This is, again, almost exactly the same as the preexisting plan, where 237 cities and towns were left intact, with all of the 11 divided cities and towns split in two.

E. Partisan Considerations

According to the PlanScore Assessment[2] of this new plan, all districts will be reliably Democratic. With Democrats poised to win 95% of the seats with 62% of the votes, this map appears to heavily favor Democrats. This element of the plan is similar to the preexisting one, under which Democrats won elections for all nine of Massachusetts' seats.

 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.[3] In 1983, the Court further clarified in *Karcher v. Daggett* that, while precise mathematical equality may be impossible, even insignificant deviations in population between districts are unacceptable when avoidable and unjustified.[4] In *Karcher*, the Court rejected the

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[2] Available at https://planscore.campaignlegal.org/plan.html?20211123T042732.190063778Z.
[3] *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).
[4] *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).

state of New Jersey's argument that a population deviation of 0.7% between districts should be excused as *de minimis*.[5]

This plan complies with the "one person, one vote" requirement. With each district containing 781,102 people (plus or minus one person), there is 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."[6] 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".[7]

Massachusetts' Black and Hispanic populations are probably not large or geographically condensed enough that Section 2 of the Voting Rights Act would require a majority-Black or majority-Hispanic district. Given this plan's similarities to the preexisting one, which avoided legal challenges, it is unlikely that the lack of such districts would be found to violate Section 2.

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

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[5] *Id.* at 732.
[6] 52 U.S.C. §10301(b) (1982).
[7] *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

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."[8] 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.[9] Also in *Miller*, the Court determined that bizarrely-shaped districts may

indicate that race was in fact the predominant factor.[10]

Without a majority-Black or majority-Hispanic district, there is no reason to fear a *Shaw*

claim.

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

This plan closely resembles the congressional map[11] that was actually approved by the

Massachusetts State Legislature. Both seemed to be motivated, at least in part, by the goal of

minimizing deviation from the preexisting district lines.

V.   Conclusion

This map was motivated by the goal of forming districts that achieve perfect population

equality without deviating much from preexisting lines. The resulting plan greatly resembles the

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[8] *Shaw v. Reno*, 509 U.S. 630, 642 (1993).
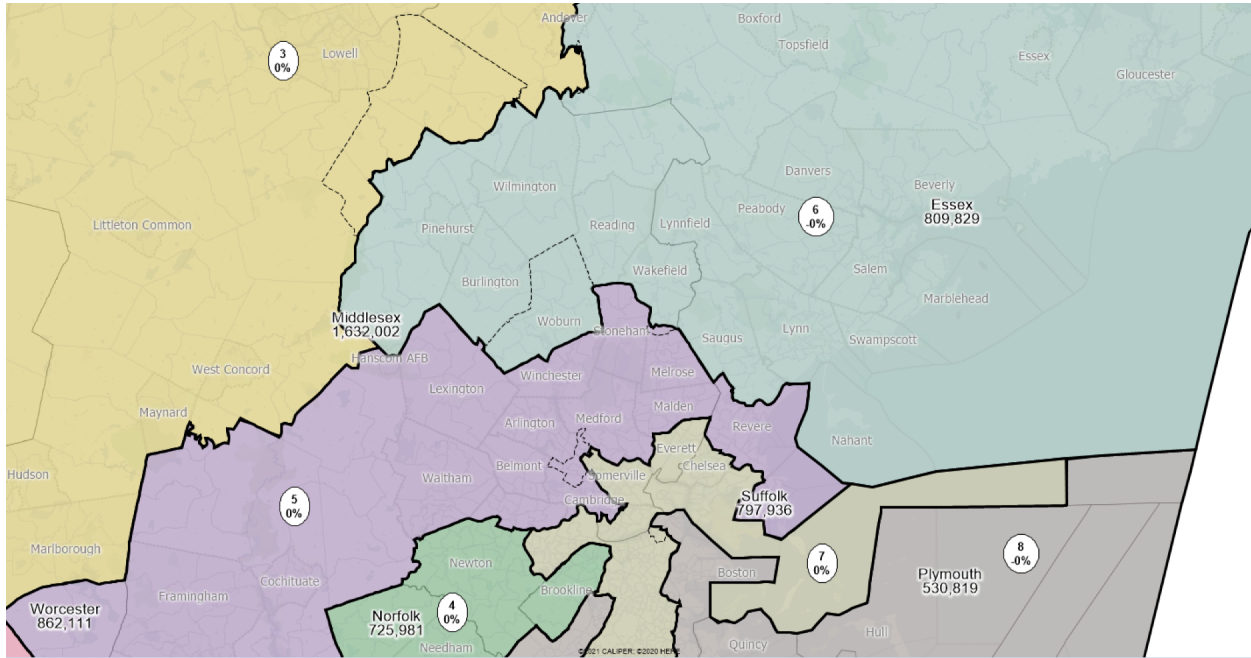[9] *Miller v. Johnson*, 515 U.S. 900, 920 (1995).
[10] *Id.* at 913.
[11] Available at https://redistricting.lls.edu/wp-content/uploads/ma_2020_congress_2021-11-05_2031-06-30.pdf.

one approved in the 2010 cycle and is legally defensible.

VI.   Appendix

Close-ups of Urban Regions:

District Composition (Preexisting):

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%
4	777,137	-3,965	87.7%	3.0%	3.8%	65.7%	34.3%
5	794,966	13,864	79.4%	4.9%	6.5%	75.7%	24.3%
6	777,832	-3,270	87.2%	2.9%	6.0%	63.7%	36.3%
7	799,816	18,714	51.0%	23.8%	15.5%	86.5%	13.5%
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	77.8%	5.4%	14.3%	64.0%	36.0%
2	781,103	1	83.4%	4.1%	7.8%	60.8%	39.2%
3	781,102	0	74.6%	3.1%	14.9%	65.0%	35.0%
4	781,103	1	87.7%	2.9%	3.8%	65.6%	34.4%
5	781,102	0	78.8%	5.2%	6.6%	77.0%	23.0%
6	781,101	-1	87.1%	2.9%	6.0%	64.1%	35.9%
7	781,103	1	50.9%	23.8%	15.7%	86.3%	13.7%
8	781,101	-1	79.0%	9.2%	4.7%	67.3%	32.7%
9	781,101	-1	91.2%	3.0%	3.6%	58.9%	41.1%

Measures of Compactness (Preexisting):[12]

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
4	0.37	2.33	2.46	0.17	0.50	0.65	0.33	0.26
5	0.31	2.32	2.45	0.17	0.44	0.62	0.29	0.24
6	0.58	1.44	1.61	0.38	0.60	0.81	0.31	0.50
7	0.21	3.45	3.64	0.08	0.57	0.38	0.45	0.11
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

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[12] Numbers closer to 1 indicate a higher degree of compactness.

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Measures of Compactness (Proposed):

District	Reock	Schwartz-berg	Alternate Schwartz-berg	Polsby-Popper	Population Polygon	Area/Convex Hull	Population Circle	Ehren-burg
1	0.42	1.64	1.71	0.34	0.86	0.80	0.69	0.59
2	0.40	1.91	1.99	0.25	0.74	0.76	0.40	0.43
3	0.35	1.90	1.98	0.25	0.84	0.73	0.37	0.49
4	0.38	2.29	2.43	0.17	0.51	0.65	0.33	0.26
5	0.30	2.27	2.39	0.17	0.44	0.61	0.29	0.25
6	0.57	1.39	1.57	0.41	0.66	0.83	0.31	0.51
7	0.21	3.31	3.50	0.08	0.58	0.39	0.45	0.11
8	0.40	2.60	2.76	0.13	0.55	0.60	0.30	0.19
9	0.59	1.42	1.89	0.28	0.81	0.80	0.68	0.38
Mean	0.40	2.08	2.25	0.23	0.67	0.69	0.42	0.36