UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT O'SHEA, CHAIRMAN OF THE WARD 6 DEMOCRATIC COMMITTEE, et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 1:22-cv-12048-PBS
BOSTON CITY COUNCIL,	)	
Defendants.	)	

DEFENDANT BOSTON CITY COUNCIL'S OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65(a), the Defendant, the Boston City Council (the "Council"), submits this opposition to the application for preliminary injunction filed by the Plaintiffs, Robert O'Shea, Rita Dixon, Shirley Shillingford, Maureen Feeney, Phyllis Corbitt, the South Boston Citizens Association, Martin F. McDonough American Legion Post, St. Vincent's Lower End Neighborhood Association, and Old Colony Tenant Association ("Plaintiffs"). Plaintiffs' challenge to Boston's recent redistricting process is little more than a proxy for Plaintiffs' dissatisfaction with a set of relatively limited changes to Boston's City Council districts.

Plaintiffs' application suffers from a host of fundamental defects. To begin with, Plaintiffs seek relief that would be impossible for this Court to grant: the Council is not a proper party here, where the challenge is to a duly enacted ordinance. Plaintiffs' injunction request is therefore moot. As acknowledged in Plaintiffs' pleadings, the Council voted on November 2, 2022 to approve the current redistricting plan (the "2022 Plan"). In addition, none of the

Plaintiffs have established standing or irreparable harm; indeed, a number of them do not live in the districts they are challenging.

But even on the merits, Plaintiffs have not established any likelihood of success. They have asserted claims under section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301 ("VRA"), the federal Equal Protection Clause, U.S. Const., amend. 14 ("Equal Protection"), and the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25 ("OML"). All are flawed. Judicial review of districting legislation "represents a serious intrusion on the most vital of local functions." *Miller v. Johnson*, 515 U.S. 900, 915 (1995). In assessing the sufficiency of a challenge to a districting plan, courts "must be sensitive to the complex interplay of forces that enter a legislature's redistricting calculus." *Id*. at 915-16. And the good faith of the redistricting body—here, the Council—"must be presumed." *Id*. at 915. In other words, the burden for plaintiffs challenging districting plans is high. The Plaintiffs in this case have not come close to meeting that burden. They fail even to allege the most basic elements of their claims, and certainly do not provide the Court with the record or statistical evidence necessary to support them.

Finally, Plaintiffs' requested order here would harm, not promote, the public interest. An injunction based on a virtually nonexistent evidentiary showing would only lead to voter frustration and confusion, and would unnecessarily undermine the public's trust and understanding of the redistricting process. Therefore, Plaintiffs' request for preliminary relief should be denied.

FACTS

This case concerns Boston's 2022 Plan, a redistricting plan enacted in November 2022 following an informed and carefully prescribed legal process codified in the Boston City Charter

("Charter"). St. 1982, c. 605, § 3, as amended by St. 1986, c. 343, § 1 (Charter § 18). When Boston's 2020 Census revealed that Boston's population had increased by 9.4% since the 2010 Census, the City Council commenced a redistricting process designed to be complete at least one year before the next municipal election in the City. Bos. City Council Meeting Minutes, Aug. 4, 2022; Report of Committee on Redistricting Chair Liz Breadon ("Breadon Report") at 3, 8 (Nov. 2, 2022) (copies of which are attached as Ex. A and C to the Affidavit of Michelle Goldberg ("Goldberg Aff.")). Because growth did not occur evenly across Boston—for example, population increases in South Boston reflected 10.6% of total growth while the growth in Longwood reflected 0.9% of total growth—Council Districts had to change. Breadon Report at 3. The Council began the process of developing new district maps in 2021, and in short order, dozens of maps were submitted for consideration. *Id.* at 20. All 270 precincts in Boston had to be distributed between its 9 voting districts, each of which were required to be within 5% of 75,072 voters. *Id.* at 14.

Throughout 2022, the Council and its Committee on Redistricting held no fewer than nineteen public meetings and hearings, heard and recorded hours of testimony from both experts and residents, met with advocacy groups, and formally considered five finalist redistricting plans, including the 2022 Plan, Docket #1275. Bos. City Council Meeting Minutes, Oct. 21, 2022 (Goldberg Aff., Ex. B); Breadon Report at 19-22. The Council received and considered input from legal and statistical experts analyzing the impact of the proposed plans. Breadon Report at 12-17. The Committee on Redistricting ultimately recommended approval of Docket #1275, a plan sponsored by Councilors Breadon and Ricardo Arroyo and referred to the Committee on October 19, 2022. *Id.* at 22. In its recommendation to the full Council, the Committee made five changes to Docket #1275 reflecting public feedback. *Id.* at 26.

The 2022 Plan resulted in a maximum deviation of 3.9% among precincts, reflects contiguous and compact districts and precincts, and in total "meets population requirements and measures the opportunity for voters to elect their candidates of choice, while balancing priorities to maintain the integrity of existing neighborhoods and communities of interest where possible." Breadon Report at 1. The 2022 Plan paid particular and careful attention to the allocation of precincts between Districts 3 and 4, while addressing the significant population growth in District 2. *Id.* at 27.[1]

The Council approved the 2022 Plan, Docket #1275, on November 2, 2022. On November 7, 2022, Mayor Wu signed the 2022 Plan into law. Goldberg Aff., ¶ 5.

PROCEDURAL HISTORY

On October 25, 2022, counsel for Plaintiffs filed an OML complaint with the Attorney General asserting that three meetings concerning the redistricting process were allegedly conducted illegally without notice. First Amended Complaint ("FAC"), Ex. J. One week later, on November 2, Plaintiff Robert O'Shea,[2] along with organizational Plaintiffs South Boston Citizens Association, Martin F. McDonough American Legion Post, St. Vincent's Lower End Neighborhood Association, and Old Colony Tenant Association, filed a lawsuit in Suffolk Superior Court seeking an *ex parte* temporary restraining order or a preliminary injunction preventing the Council from voting on the 2022 Plan until after the Attorney General responded to the pending OML complaint. ECF 14 at 3-4. The Superior Court (Campo, J.) promptly denied the request for a temporary restraining order because Plaintiffs had "not demonstrated an

[1] An interactive map of the current districts, with 2020 Census data, is available at https://districtr.org/plan/146943.

[2] Plaintiff O'Shea is registered to vote in District 3 under the 2022 Plan. Affidavit of Sabino Piemonte ("Piemonte Aff."), ¶ 3.

irreparable risk of harm warranting" such relief. *Id.* at 19. The Court issued a short order of notice for a hearing on a preliminary injunction to take place on November 9, 2022. *Id.*

On November 7, Plaintiffs filed a motion to continue the preliminary injunction hearing to November 30, and to file an amended complaint. ECF 14 at 20-21. The Superior Court granted the motion. *Id.* at 22. On November 21, 2022, Plaintiffs filed their First Amended Complaint. ECF 1, Ex. 1. The FAC expanded the list of Plaintiffs to include four additional individuals: Rita Dixon, Shirley Shillingford, Maureen Feeney, and Phyllis Corbitt,[3] and expanded Plaintiffs' claims to include alleged violations of the VRA and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, and sought an order from the Superior Court (1) enjoining the Council from enacting the 2022 Plan; (2) finding that the 2022 Plan violates the VRA; and (3) finding that the 2022 Plan violates the Fourteenth Amendment. *See generally, id.* Plaintiffs did not add any defendants to their case, and to date have sought no relief against anyone but the Council. *See id.* Also on November 21, Plaintiffs filed their Supplemental Memorandum in support of their preliminary injunction request, seeking to enjoin the Council from enacting the 2022 Plan "approved by the Boston City Council on November 2, 2022." ECF 14 at 117-125, Plaintiffs' Supplemental Memorandum in Support of Application for Preliminary Injunction Pursuant to Mass. R. Civ. P. 65(b) ("Supp. Memo.") at 9. On December 2, 2022, the Council removed the case to Federal court on the basis of federal question subject matter jurisdiction. ECF 1 (citing 28 U.S.C. § 1441(a)).

[3] Under the 2022 Plan, Plaintiff Dixon is registered to vote in District 5; Plaintiff Shillingford is registered to vote in District 8; Plaintiff Feeney is registered to vote in District 4; and Plaintiff Corbitt is registered to vote in District 3. Piemonte Aff., ¶ 3.

ARGUMENT

Preliminary injunctive relief is "an extraordinary remedy never awarded as of right," *Wash. Tr. Advisors, Inc. v. Arnold*, -- F. Supp. 3d --, 2022 WL 17630520, at *4 (D. Mass. Dec. 13, 2022) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008)). A preliminary injunction may only issue if the plaintiff establishes "(1) a substantial likelihood of success on the merits, (2) a significant risk of irreparable harm if the injunction is withheld, (3) a favorable balance of hardships, and (4) a fit (or lack of friction) between the injunction and the public interest." *NuVasive, Inc. v. Day*, 954 F.3d 439, 443 (1st Cir. 2020) (quotation omitted). The last two "factors 'merge when the Government is the opposing party.'" *Mass. Fair Hous. Ctr. v. U.S. Dept. of Hous. & Urban Dev.*, 496 F. Supp. 3d 600, 611 (D. Mass. 2020) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

A. This Court Cannot Grant Plaintiffs the Relief they Request.

Before even considering the standard components of a preliminary injunction motion, there is a more fundamental bar to the relief Plaintiffs seek: they chose the wrong defendant.

Plaintiffs ask the Court to "[i]ssue a preliminary injunction preventing the Defendant, the Boston City Council, from enacting the Redistricting Plan (Docket #1275) approved by the Boston City Council on November 2, 2022." FAC ¶ 154; Supp. Mem. at 9. There are at least four insurmountable procedural and jurisdictional defects with this request.

First, the Council is not a municipal corporation with the power to sue and be sued: it "is not a legal entity subject to suit." *Latino Political Action Comm., Inc. v. City of Bos.*, 581 F. Supp. 478, 484 (D. Mass. 1984) (citing *Zegouros v. City Council of Springfield*, 381 Mass. 424 (1980)). Nor is suing the Council the same as suing the City of Boston. *Id.*

Second, the Council and its members enjoy absolute immunity from suit for its legislative acts, including the passage of districting legislation. *Id.* at 481-84 ("[I]n adopting an ordinance implementing the allegedly unlawful revised district plan, the City Council members acted solely within the sphere of legitimate legislative activity," and therefore were entitled to absolute legislative immunity from VRA and equal protection claims.); *Cushing v. Packard*, 30 F.4th 27, 42 (1st Cir. 2022) ("[A] legislative body may itself assert legislative immunity.").

Third, the case is moot. There is no Council action to enjoin. A "case is moot if the requested relief would be . . . impracticable in light of the change in circumstances." *In re Pub. Serv. Co. of N.H.*, 963 F.2d 469, 473 (1992). As Plaintiffs acknowledge, the Council approved the 2022 Plan months ago. FAC ¶ 154. Five days after the Council approved the 2022 Plan, Mayor Wu signed it into law, at which time the plan was "in force." St. 1951, c. 376, § 1.17D (Charter § 17D). It is now an ordinance of the City of Boston. No further action by the Council will—or could—"enact" the 2022 Plan.

Fourth and finally, even if there were some ongoing legislative process, courts are loath to interfere with that process. *Assoc'd Gen. Contractors of Am. v. City of Columbus*, 172 F.3d 411, 415-16 (6th Cir. 1999) (collecting cases) (courts should not interfere with the legislative discretion of a municipal body).

B. Plaintiffs Have No Likelihood of Success on the Merits of Any of Their Claims.

Even if Plaintiffs could overcome these fundamental pleading errors, they would not be entitled to injunctive relief because they have failed to establish a likelihood of success on any of their various claims. Likelihood of success is "the 'main bearing wall' of the preliminary injunction framework." *Wash. Tr. Advisors, Inc.*, 2022 WL 17630520, at *4 (quoting *Corp.*

Techs., Inc. v. Harnett, 731 F.3d 6, 10 (1st Cir. 2013)). Without its support, Plaintiffs' VRA, Equal Protection, and OML claims must all fall.

1. Plaintiffs Have Failed to Establish a Vote Dilution Claim.

Plaintiffs have not established a VRA claim, which they have apparently premised on alleged voter dilution in District 4. *See* Supp. Memo. at 4-5. To begin with, the only named plaintiff who currently resides and votes in District 4 is Maureen Feeney, Piemonte Aff., ¶ 3, who is not alleged to be a member of any group whose votes are purportedly being diluted in District 4. Plaintiffs have not established that any of the associational plaintiffs have members who reside and vote in District 4. They certainly have not established the race or ethnicity of any of the associations' members. The complaint states only that their members include "residents and registered voters of the City of Boston's South Boston section." FAC ¶ 6. South Boston is contained within Districts 2 and 3 under the 2022 Plan. *Supra* n.1. This is insufficient to establish standing on Plaintiffs' VRA claim. *U.S. v. Hays*, 515 U.S. 737, 744-45 (1995).

Moreover, while plaintiffs correctly and appropriately recite the three threshold conditions for a VRA claim, established in *Thornburg v. Gingles*, 478 U.S. 30 (1986), they do nothing to satisfy them. Under *Gingles*, Plaintiffs must establish: (1) that they are part of a minority group that is "sufficiently large and geographically compact to constitute a majority" in some reasonably configured legislative district; (2) that the plaintiff minority group is "politically cohesive"; and (3) "that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate." *Gingles*, 478 U.S. at 50-51. Failure to satisfy any one of these conditions is fatal to a VRA claim. *Cooper v. Harris*, 581 U.S. 285, 306 (2017) ("unless *each* of the three *Gingles* prerequisites is established, 'there neither has been a wrong nor can be a remedy'" (emphasis in original, quoting *Growe v. Emison*, 507 U.S. 25, 41 (1993))).

Plaintiffs begin to address only the first condition, that Black voters make up a sufficiently large and compact group to establish a majority in District 4.[4] Supp. Mem. at 4. This is incontrovertible: Black voters have consistently made up a majority in District 4. *See* Dr. L. Handley, An Analysis of Voting Patterns by Race and an Assessment of Minority Voters' Opportunities to Elect Candidates in Recent Boston Municipal Elections (Draft 2.0) at 18, Table 5 ("Handley Report") (Goldberg Aff., Ex. D)[5]. Under the 2022 Plan, Black voters in District 4 make up 52.1% of the district's voting age population, compared to a virtually identical 52.6% under the 2012 plan.[6] *Id.*

This established Black majority in District 4 is fatal to plaintiffs' VRA claim. Assuming Black voters are cohesive—the second *Gingles* condition, which plaintiffs have also failed to establish, FAC ¶ 162—their candidate of choice to represent the district will almost assuredly win. That is borne out by the analysis of Dr. Handley. Handley Report at 9. In all the Council elections she reviewed in District 4, the candidate of choice for Black voters won. *Id.* The recompiled bellwether election results she analyzed for the proposed 2022 Plan indicated that the proposed District 4 would continue to provide Black voters with the opportunity to elect the candidate of their choice. *Id.* at 18. Plaintiffs have done nothing to demonstrate that this analysis was wrong.

For the same reason, plaintiffs cannot establish the third *Gingles* condition: that a white "majority" votes to defeat the Black voters' candidate of choice. Under the 2022 Plan, white

[4] Plaintiffs do not, however, establish that they are "part of" that group in District 4, as required by *Gingles*.

[5] Although a draft, this is the report that was available to Boston Mayor Michelle Wu, before she signed the ordinance establishing the 2022 Plan. Goldberg Aff,. ¶ 6. Moreover, Dr. Handley provided similar testimony to the Council at a meeting on October 25, 2022. *Id.*, ¶ 6 & Ex. E.

[6] This modest decrease in Black voter population in District 4 is less sharp than the decrease in the Black population in Boston as a whole, which the 2020 Census estimated declined by 6.4%. Breadon Report at 4.

voters make up only 14.5% of District 4. They could not block a cohesive Black majority's candidate of choice even if they wanted to do so. They do not. The City's analyst found that white and Hispanic voters in District 4 often voted cohesively with the Black majority, Handley Report at 9, 12-13, and plaintiffs themselves plead that there is "no racial polarization of voting blocs" in District 4, FAC ¶ 162. Without racially polarized voting, there is no voter dilution claim. *Cooper*, 581 U.S. at 306; *Voinovich v. Quilter*, 507 U.S. 146, 158 (1993) (without "significant white bloc voting it cannot be said that the ability of minority voters to elect their chosen representatives is inferior to that of white voters" (quoting *Gingles*, 478 U.S. at 49 n.15)).

Plaintiffs' VRA claim appears to rely exclusively on the very slight dip in the Black voter population in District 4, and the very slight bump in white voter population. Supp. Mem. at 4-5. They proceed by assumption: any decrease in District 4's Black population will necessarily dilute the Black vote. But section 2 requires more than that. *Johnson v. DeGrandy*, 512 U.S. 997, 1017 (1994) ("Failure to maximize cannot be the measure of [Section 2]."). Plaintiffs have not demonstrated that this very minor demographic shift would make any difference in the Black majority's ability to elect the candidate of its choice in District 4, and their bare assumption otherwise flies in the face of Dr. Handley's finding that the slight demographic shift will make no electoral difference at all. Handley Report at 17. Accordingly, their VRA claim fails. *See, e.g.*, *Cooper*, 581 U.S. at 305-06 (existence of effective crossover voting negated Section 2 liability); *Johnson*, 512 U.S. at 1017; *Latino Political Action Comm., Inc. v. City of Bos.*, 784 F.2d 409, 412 (1st Cir. 1986) (Breyer, J.) (rejecting claim that voter dilution is "minimization, cancellation or submergence of minority voting strength *below what might otherwise have been*") (emphasis in original); *Meza v. Galvin*, 322 F. Supp. 2d 52, 69 (D. Mass. 2004) (plaintiffs

failed to "demonstrate the level of ethnically-polarized . . . voting preferences needed for plaintiffs to satisfy the third *Gingles* precondition").

2. Plaintiffs Have Failed to Establish an Equal Protection Claim.

Plaintiffs' Equal Protection claim is similarly flawed. Once again, they fail to satisfy even basic, threshold requirements for the claim, including standing. Perhaps more critically, they also provide no record or statistical evidence to support their stark allegation that the Council's primary goal in enacting the 2022 Plan was "to engage in 'racial balancing' of various districts." Supp. Mem. at 6 (providing no attribution for this quote). Again, without evidence to support this remarkable claim—combined with their other, fundamental errors—Plaintiffs are not entitled to preliminary relief.

i. Plaintiffs Lack Standing to Assert An Equal Protection Claim.

As a preliminary matter, a racial gerrymandering claim under the Equal Protection Clause "applies to the boundaries of individual districts." *Ala. Legislative Black Caucus v. Ala.*, 575 U.S. 254, 262 (2015) (citations omitted). It does not apply to an entire redistricting plan "as an undifferentiated 'whole.'" *Id*. Instead, it is district-specific, because the harms underlying a racial gerrymandering claim are "personal." *Id*. at 263. "They include being 'personally . . . subjected to [a] racial classification.'" *Id*. (alteration in original) (quoting *Bush v. Vera*, 517 U.S. 952, 957 (1996)). Such personal harms "directly threaten a voter who lives in the *district* attacked. But they do not so keenly threaten a voter who lives elsewhere in the [city]." *Id*. (emphasis in original). Indeed, "the latter voter normally lacks standing to pursue a racial gerrymandering claim." *Id*. (citing *U.S. v. Hays*, 515 U.S. 737, 744-45 (1995)); *see also Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018) (quoting *Hays*, 515 U.S. at 745) ("A plaintiff who complains of gerrymandering, but who does not live in a gerrymandered district 'assert[s] only a generalized grievance against governmental conduct of which he or she does not approve.'").

Here, Plaintiffs seem to be attacking the 2022 Plan as a whole. *See, e.g.*, FAC ¶ 171 (referring to alleged "racial balancing" across "various districts"). This is impermissible. *Ala. Legislative Black Caucus*, 575 U.S. at 262; *Hays*, 515 U.S. at 745. Moreover, at least two named Plaintiffs live in districts—Districts 5 and 8—that are not the focus of the Plaintiffs' concerns. *See* Supp. Mem. at 6 (claiming that the 2022 Plan "eviscerates the neighborhoods in Districts 2, 3 and 4"); Piemonte Aff., ¶ 3. Thus, they plainly lack standing. Plaintiffs, of course, have the burden to establish standing. *See, e.g.*, *Gill*, 138 S. Ct. at 1929. But their undifferentiated claims fall significantly short of that burden.

ii. Plaintiffs' Equal Protection Claim Lacks Evidentiary Support.

If Plaintiffs have failed to establish even their standing to bring an equal protection claim, they certainly have not established the merits. Equal protection plaintiffs must prove "that race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." *See Miller*, 515 U.S. at 916. The Council's decisions were driven by the requirements of federal law, including one person, one vote guarantees and the VRA, and the traditional, race-neutral considerations that typically inform the redistricting process. To argue otherwise, Plaintiffs string together a series of unsupported allegations concerning certain Councilors' alleged statements of discriminatory intent, and a handful of precinct-level districting decisions Plaintiffs claim were improper and not the result of the usual push and pull of the districting process. Supp. Memo. at 4-7. This evidence does not demonstrate that the Council's decision-making was predominately motivated by race.

iii. Courts Approach Equal Protection Claims With "Extraordinary Caution."

In the complex decision-making required by redistricting—particularly given VRA demands—local legislatures will "almost always be aware of racial demographics." *Miller*, 515

U.S. at 916. But from that awareness, "it does not follow that race predominates in the redistricting process." *Id*. (citing *Shaw v. Reno*, 509 U.S. 630, 646 (1993)); *see Personnel Admin. of Mass. v. Feeney*, 442 U.S. 256, 279 (1979) (discriminatory purpose "implies more than intent as volition or intent as awareness of consequences," it implies that the decision-maker "selected or reaffirmed a particular course of action at least in part 'because of,' not merely 'in spite of' its adverse effects"). Indeed, the "distinction between being aware of racial considerations and being motivated by them may be difficult to make." *Miller*, 515 U.S. at 916. "This evidentiary difficulty, together with the sensitive nature of redistricting and the presumption of good faith that must be accorded legislative enactments, requires courts to exercise extraordinary caution in adjudicating claims that a [city] has drawn district lines on the basis of race." *Id*.

This "extraordinary caution" results in a high burden for plaintiffs seeking to make a racial gerrymandering claim. Plaintiffs must show "either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the *predominant factor* motivating the legislature's decision to place a *significant number* of voters within or without a *particular district*." *Id*. (emphasis added). To make this showing, Plaintiffs must prove that the Council "subordinated traditional race-neutral districting principles, including but not limited to compactness, contiguity, respect for political subdivisions or communities defined by actual shared interests, to racial considerations." *Id*.

Here, Plaintiffs have attempted to follow both paths in support of their Equal Protection claim. That is, they have argued both that the Council's stated purpose in adopting the 2022 Plan was discriminatory and that the contours of the 2022 Plan provide circumstantial evidence of discriminatory intent. Supp. Mem. at 6-7. But Plaintiffs have not provided adequate proof to

show a likelihood of success on the merits. Instead, the facts—even at this preliminary stage—demonstrate that the Council appropriately considered race in District 4 and elsewhere to ensure VRA compliance, and that other, racially neutral and competing considerations were the Council's primary motivators. Therefore, the Council's decision-making was proper.

iv. Plaintiffs Have No Direct Evidence of Discriminatory Intent.

Throughout their papers, Plaintiffs repeatedly assert that the Council attempted to achieve "racial balancing" in the 2022 Plan. *See* FAC ¶¶ 164, 171; Supp. Mem. at 1, 6, 7. But they do not explain the basis for this statement. The closest they come is in the affidavit of Councilor Erin Murphy. *See* FAC, Ex. R. Councilor Murphy's affidavit does not use the "racial balancing" language, but does assert that "the stated goal of the approved map is to make District 4 less black and District 3 less white." *Id.* at ¶ 11. Councilor Murphy attributes this "goal" to Councilor Breadon's "expressed fear that the majority black population of District 4 could invite accusations of 'packing' which is the term used to describe the practice of drawing district lines so that minority voters are compressed into a small number of districts when the could effectively control more." *Id.* at ¶ 12; *see also id.* at ¶ 21 (asserting without elaboration that Councilor Arroyo "was quoted as saying that District 3 was 'too white'"). Thus, according to Councilor Murphy, the 2022 Plan swapped "majority [B]lack districts in District 3 in order to make District 4 less black and District 3 less white." *Id.* at ¶ 13.

But Councilor Murphy does not describe anything nefarious. Of course, the Council was concerned about race in District 4: it was an established and effective majority Black opportunity district. Therefore, the Council had to ensure that the new district lines avoided any claim of diluting the Black vote or otherwise violating the VRA. *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 425 (2006) (districting body violates Section 2 if its districting plan provides "less opportunity" for racial minorities "to elect representatives of their choice"). Race

was a necessary part of the Council's discussion. *See, e.g.*, *Cooper*, 137 S. Ct. at 1464 (redistricting bodies have "breathing room" to adopt reasonable VRA compliance measures even if they may prove "in perfect hindsight, not to be necessary") (citing *Bethune-Hill*, 137 S. Ct. at 802). Moreover, Councilors had to be free to voice their VRA-related concerns with their fellow Councilors, their experts, and the public. Otherwise, they would not have been effectively representing their constituents, nor would they have been afforded an opportunity to better understand the complicated legal and statistical underpinnings of redistricting. *See, e.g.*, Breadon Report at 25-26 (noting Council's discussions with legal and statistical experts). Indeed, perhaps the best evidence that race was a necessary consideration in the Council's redistricting debate is Plaintiffs' own VRA claim. Given the demographics of District 4 and its history as an effective, majority Black opportunity district, a thorough understanding of any VRA-related impact of redistricting changes was necessary and prudent to forestall claims just like the one asserted by Plaintiffs. *See, e.g.*, *Cooper*, 137 S. Ct. at 1464.[7]

v. Plaintiffs Have No Circumstantial Evidence of Discriminatory Intent.

Lacking direct evidence of discriminatory intent, Plaintiffs must provide the Court with circumstantial evidence that race was the Council's predominant motivation in drawing specific districts in the 2022 Plan. *Miller*, 515 U.S. at 916. They have not.

Generally, an equal protection claim would include evidence of a district so odd-looking that race can be the only explanation for its contours. *See, e.g.*, *Bethune-Hill*, 580 U.S. at 188 (district shape "may be persuasive circumstantial evidence that race for its own sake, and not

[7] Even if Councilor Breadon's concern about potential "packing" in District 4 was somehow inappropriate—which it assuredly was not in the context of the Council's larger VRA discussion—comments by individual legislators do not infect the entire body. *See, e.g.*, *U.S. v. O'Brien*, 391 U.S. 367, 384 (1968) ("[w]hat motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it"); *cf. Brnovich v. Democratic Nat'l Comm.*, -- U.S. --, 141 S. Ct. 221 (2021) (rejecting "cat's paw" theory of attributing racial animus of one legislator to entire legislative body). The same is true for Councilor Arroyo's alleged comments.

other districting principles, was the legislature's dominant and controlling rationale"). Not so here. The districts in the 2022 Plan are contiguous and compact, just as they should be when a local legislature follows traditional districting principles. *See, e.g.*, Breadon Report at 21, 25-26 (noting that all submitted plans were contiguous and compact). Plaintiffs do not claim otherwise, nor can they. The district boundaries in *all* the proposed plans—including those submitted by Councilors Murphy, Flynn, Baker, and Flaherty, which Plaintiffs apparently support—"are more alike than they are different." Breadon Report at 25; Supp. Mem. at 7.

Instead, Plaintiffs point to a handful of precinct swaps in Districts 2, 3 and 4, claiming that those districting decisions "destroy" certain neighborhoods or communities of interest. Supp. Mem. at 6-7. However, the swapping of these precincts in the 2022 Plan did not significantly change the districts' demographics. *See Bethune-Hill*, 580 U.S. at 192 (equal protection claim judged on "design of the district as a whole"); Handley Report at 17, 18, Table 5 ("[t]here is very little difference in the demographic composition of the districts"). The swaps resulted from the "complex interplay" of competing, neutral principles that districting bodies must weigh, and which courts are loath to disturb.[8] *Miller*, 515 U.S. at 916.

As in every redistricting exercise, the Council had to meet the federal requirement of one person, one vote. *See* FAC, Ex. O at 1 (listing population equality first among "required"

[8] Plaintiffs also assert that certain alleged procedural shortcomings marred the redistricting process. Supp. Mem. at 3-4. But courts have been reluctant to ascribe a discriminatory purpose based only on alleged procedural irregularities, especially if those alleged irregularities appear to have affected all constituents, regardless of race. *See, e.g.*, *Abbott*, 138 S. Ct. at 2328-29 ("brevity of the legislative process" does not "give rise to an inference of bad faith—and certainly not an inference that is strong enough to overcome the presumption of legislative good faith"); *Martinez v. Bush*, 234 F. Supp. 2d 1275, 1279 (S.D. Fla. 2002) (per curiam) (3-judge panel) (concluding that plaintiffs failed to "present sufficient evidence to show that defendants were motivated by discrimination against blacks or Hispanics in deciding what redistricting software or allocation method to use, where to hold public hearings, when to hold public hearings, what type of notice to provide, or whether to consider input from Florida citizens and Democratic legislators in drawing the redistricting plans"); *Black Political Task Force v. Galvin*, 300 F. Supp. 2d 291, 313 (2004) ("policy of not listening to community representatives in private, focused meetings appears to have been applied without regard to race").

redistricting criteria); *Reynolds v. Sims*, 377 U.S. 533, 579 (1964) (requiring "substantial equality of population" among local districts). After the 2020 Census, the ideal population for each district was 75,071. FAC, Ex. O at 1. By that measure, District 2 was overpopulated by 13,482 residents (18% variance), while Districts 3 and 4 were underpopulated, by 6,510 residents (8.6%), and 3,260 residents (4.3%), respectively. Breadon Report at 8. Because the Council was constitutionally obligated to achieve equal populations within these three districts, some change from the status quo was inevitable.

And given that change was inevitable, it was the Council's job to weigh the "complex interplay" of competing districting, political and other factors; something courts have not disturbed lightly. *Miller*, 515 U.S. at 916; *see* Breadon Report at 23-25 (noting various precinct shifts suggested by different Councilors). Plaintiffs claim that changes the Council settled on could only have been motivated by race. But that does not square with the existing evidence.

Plaintiffs first assert that race-based decision-making can be inferred from district changes to certain neighborhoods. They claim the 2022 Plan violates the Charter's instruction that districts be "drawn with a view toward preserving the integrity of existing neighborhoods." *See* Bos. Charter § 18; Supp. Mem. at 6-7. But the Council did consider neighborhoods as it drew the 2022 Plan, *see, e.g.*, Breadon Report at 24, and the Charter does not define "existing neighborhoods" or provide criteria for when a plan is "drawn with a view" to preserving them. Moreover, perfectly preserving traditional neighborhood boundary lines is *impossible*, given federal equal population requirements. *See, e.g.*, U.S. Const., art. VI, clause 2 (Supremacy Clause). Thus, some change to how precincts in South Boston, Dorchester and Mattapan are allocated among Districts 2, 3, and 4 is not evidence of race-based decision-making.

Plaintiffs' next line of attack is based on alleged harm to communities of interest in Districts 2, 3 and 4. Supp. Mem. at 6-7. However, there is no federal, state or local requirement to preserve communities of interest, *id*., or any clear way to even define one. Plaintiffs' post-hoc "recitations" of such purported communities will not suffice. *Miller*, 515 U.S. 919. What is certain is that the Council's weighing of various competing factors was always going to disappoint some neighborhoods and communities. For every self-identified community that successfully advocated for certain district boundaries in the 2020 Plan, another would inevitably fail to achieve their preference. Far from being evidence of racially motivated map drawing, the precinct-swapping cited by Plaintiffs simply exemplifies the kind of political push and pull so common in redistricting. *See* FAC ¶ 118 (asserting that 2022 Plan "dilutes a moderate vote").

Factually, Plaintiffs focus their equal protection claim on two changes at the margins of District 3's borders. First, they complain about the Council's choice to move a public housing development, the Anne Lynch Homes at Old Colony, from District 2 to the edge of District 3. FAC, Ex. P ¶¶ 5-22. Specifically, Plaintiffs assert that moving the Anne Lynch Homes while leaving nearby public housing, the West Broadway Development, in District 2 dilutes residents' political power. *Id*. Plaintiffs, however, do not explain how moving one housing development from the overpopulated District 2 to the adjoining, underpopulated District 3 evidences race-based redistricting; how this choice affects District 3 as a whole, as opposed to the few blocks containing the housing development, *see Bethune-Hill*, 580 U.S. at 191; or why, legally, the preferences of those few blocks should prevail over all other considerations. Indeed, Plaintiffs do not cite a single case with a similar legal premise. Supp. Mem. at 6-7.[9]

[9] For example, Councilor Murphy submitted a proposed map (Docket #1215)—supported by Councilors Flynn and Baker—which removed precincts 7-5 and 7-6 from District 2 and placed them in District 3. FAC, Ex. D. Plaintiffs, supported by the affidavits of those three Councilors, now contend that this precinct move evidences the Council's discriminatory intent. FAC, Ex. P at ¶¶ 7-26.

Plaintiffs' second area of focus is the border between Districts 3 and 4. FAC, Ex. Q ¶¶ 5-18. Specifically, Plaintiffs complain about the move of three precincts from District 3 to District 4. *Id*. These precincts make up what are colloquially known as the Cedar Grove and Neponset neighborhoods. *Id*. Plaintiffs, of course, made these same precincts the subject of their VRA claim, contending that movement of the majority white precincts at the southern edge of District 3 somehow diluted the vote of the majority Black population in District 4. Supp. Memo. at 4-5. Plaintiffs' VRA claim undermines their Equal Protection argument. Because the Equal Protection Clause "restricts consideration of race and the VRA demands consideration of race," courts have long assumed that "compliance with the VRA may justify the consideration of race in a way that would not otherwise be allowed." *Abbott*, 138 S. Ct. at 2315. Thus, the Council had to analyze the effect these three precincts would have on the established, effective majority Black voting population in District 4. The Council did that analysis and determined that the move made no difference whatsoever to the effectiveness of the District 4 opportunity district. Breadon Report at 17; Handley Report at 17. Plaintiffs cannot demand a race-based analysis of the precinct-swapping in Districts 3 and 4 in one section of their complaint, and condemn it in another. *See, e.g.*, *Abbott*, 138 S. Ct. at 2315 ("At the same time that the Equal Protection Clause restricts the consideration of race in the districting process, compliance with the [VRA] pulls in the opposite direction: It often insists that districts be created precisely because of race."); *Ala. Legislative Black Caucus*, 575 U.S. at 278 ("The law cannot lay a trap for an unwary legislature, condemning its redistricting plan as either (1) unconstitutional racial gerrymandering should the legislature place a few too many minority voters in a district or (2) retrogressive . . . should the legislature place a few too few.").

Moreover, as stated above, the slight change in District 4's demographics as a result of the precinct swap makes *no difference* in its electoral effectiveness. *Supra* at 10-11; Handley Report at 17. The same is true in District 3. *See* Handley Report at 18, Table 5. Under the 2012 Plan, District 3 was 41.5% white, 18.2% Black, 14.1% Hispanic and 16.9% Asian. *Id*. Under the 2022 Plan, District 3 became 41.9% white, 17.4% Black, 14.4% Hispanic and 17.2% Asian. There is no significant difference between those numbers, *see* Handley Report at 17, and Plaintiffs have produced no evidence (nor could they) that they will make any electoral difference whatsoever. *See also Bethune-Hill*, 580 U.S. at 187 (equal protection plaintiff must show legislature "place[d] a *significant number* of voters within or without a particular district") (emphasis added) (quoting *Miller*, 515 U.S. at 916). If the changes were marginal in both districts and make no difference in how the districts will vote, it is quite a leap to infer that racial considerations were the primary motivation behind these moderate changes—a leap too far to overturn the presumption of good faith accorded to districting bodies like the Council. *See Abbott*, 138 S. Ct. at 2324 (districting body's good faith "must be presumed"); *Miller*, 515 U.S. at 916 (same).

3. The Alleged OML Violations, Even if True, Would Not Support an Injunction.

In their most far-flung and indirect effort to set aside the duly approved redistricting ordinance, the Plaintiffs seek to leverage weak claims under the Massachusetts OML to support their request for a preliminary injunction. This is supported by neither the facts nor the law.

The OML requires that all deliberations among a quorum of members of a public body be held in public and that notice of such a meeting be posted at least 48 hours in advance. *See* G.L. c. 30A, §§ 18-25. A "deliberation" is "an oral or written communication," and a quorum is a simply majority of the members of the public body. *Id.* at § 18. Here, the City Council is a 13-

member public body, FAC ¶ 7, and therefore meetings among at least 7 members at which deliberation occurs are subject to the OML.

Plaintiffs allege that meetings on October 10, 18, and 19, 2022 concerning the redistricting process were not properly noticed under the OML.[10] FAC ¶ 38. These claims are unsubstantiated and insufficiently pled. Moreover, even assuming the Council improperly noticed or conducted one of these meetings, such violations do not merit the "extraordinary" grant of a preliminary injunction in this case. The challenged meetings are addressed in turn.

October 10, 2022: Plaintiffs allege that seven unidentified Council members "met at the Bruce C. Bolling Municipal Building to discuss the topic of Legislative Redistricting in the City of Boston without giving notice." FAC ¶ 21.[11] The event was organized by community organizations, and the councilors in attendance did not speak at the event except to introduce themselves to the audience. Goldberg Aff., Ex. F. There was no "deliberation" because the councilors did not communicate; no "meeting" because there was no deliberation; no need to notice the gathering; and no OML violation. *See* G.L. c. 30A, §§ 18, 20(b).

October 18, 2022: Plaintiffs allege that five unidentified Council members "were present at City Hall Plaza to meet and discuss the topic of Legislative Redistricting in the City of Boston without giving notice." FAC ¶ 23. On that date, a press conference was scheduled by parties

[10] Plaintiffs' Supplemental Memo also obliquely asserts OML violations arising out of the City Council's alleged failures (1) to publicize a copy of the final proposed map until less than 48 hours before the City Council's November 2, 2022 vote and (2) to provide "access to language minority residents." Supp. Mem. at 3. As to the first: the Attorney General has repeatedly held that "[t]he Open Meeting Law does not require that a public body attach supporting documents to a meeting notice nor that it publicly post a 'meeting packet' that contains such documents." *E.g.*, *Nancy Glowa, Esq.*, Op. No. OML 2022-19, 2022 WL 432043, at *1 (Feb. 8, 2022). As to the second: providing interpretation services is a practice the Council seeks to deliver. Plaintiffs cite no authority making interpretation a requirement of the OML.

[11] Plaintiffs also allege that four unidentified members of the Boston City Council Redistricting Committee were present at this meeting. FAC ¶ 21. Aside from these alleged OML violations, Plaintiffs' FAC contains no other allegations about the Redistricting Committee and seeks relief only against the Council as a whole. The Council's arguments about the alleged OML violations are equally applicable to the Redistricting Committee, and thus this brief does not address the two groups of councilors separately.

other than the Council; at that press conference, four councilors participated in the presentation and two more were in attendance. Goldberg Aff., Ex. F. Even if the presentation could have arguably constituted a deliberation (a point on which Plaintiffs present no evidence), it would not have been a deliberation among a quorum of the Council. G.L. c. 30A, § 18.

October 19, 2022: Plaintiffs allege that seven unidentified Council members "met at the Condon School in South Boston, MA to discuss the topic of Legislative Redistricting in the City of Boston without giving notice." FAC ¶ 24. The Council acknowledges that seven of its members attended a community event on that date, and discussed redistricting and some proposed maps filed with the Council. Goldberg Aff., Ex. F. The meeting was organized by Council President Edward Flynn and South Boston elected officials from other political bodies, *see* Goldberg Aff., ¶ 10 & Ex. L, and when organized, it was not expected that a quorum of Council members would attend. *Id.*, Ex. F. The lack of official notice for the meeting was inadvertent based on the expectation that a quorum would not be present, not intentional. Furthermore, the meeting was heavily advertised on social media by community organizations and residents. *Id.* Even if the discussion that took place on that date could be considered deliberation (which, again, is not proved by Plaintiffs' pleadings), the violation must be viewed in the context of the Council's adherence to and respect for the OML during the nearly eighteen months of deliberations over redistricting, including the multiple subsequent duly noticed meetings leading up to and including the final vote.

OML violations can be cured by "independent deliberative action" as a properly-noticed public meeting on the same subject matter. *Pearson v. Bd. of Selectmen of Longmeadow*, 49 Mass. App. Ct. 119, 125 (2000). Following the October 19 meeting, the Council held five publicly noticed meetings, hearings, and working sessions regarding legislative redistricting

before voting to adopt the 2022 Plan. Goldberg Aff., ¶¶ 8-9 & Exs. G-K. Meetings were held on October 20 (public testimony), October 21 (City Council Committee on Redistricting Working Session), October 24 (same), October 24 (City Council Committee on Redistricting Hearing), and October 25 (City Council Committee on Redistricting Working Session). *Id.* ¶ 8 & Exs. F, G-K. At each of these meetings, Council members discussed and debated legislative redistricting sufficient to constitute "independent deliberative action" on the subject matter that was challenged by Plaintiffs' OML complaint. Finally, the Council as a whole deliberated and voted at duly noticed open meeting on November 2. *Id.*, ¶ 9. These six meetings cured any potential OML violation. *City of Revere v. Mass. Gaming Comm'n*, No. 14-CV-3253, 2019 WL 4017027 (Mass. Super. Ct. July 12, 2019) (any violations at certain meetings would have been cured where subsequent six-day-long public hearing explored every aspect of topics considered at contested meetings); *see also Benevolent & Protective Order of Elks, Lodge No. 65 v. City Council of Lawrence*, 403 Mass. 563, 566 (1988) (properly noticed public meetings "cured any violation which may have occurred when the president privately conversed about the project with other City Council members"); *Pearson*, 49 Mass. App. Ct. at 125 (violation cured by "independent deliberative action" taken at properly noticed public meeting).

Under these circumstances, Plaintiffs have not carried their burden of proving any OML violation, much less any that have not been substantially mitigated by "extensive public deliberation" before and after the alleged violation. *See City of Revere*, 2019 WL 4017027, at *2, 5 (where public body was in "broad compliance" with OML and made final decision by six-day public hearing, "handful" of potential violations over multiple years did not provide grounds to overturn decision). Even a documented OML violation would not support a decision on the merits imposing the extraordinary remedy sought here by the Plaintiffs. The statutory remedies

for an OML violation which has not been cured by subsequent public deliberation, set forth in G.L. c. 30A, §§ 23(c) and (f), range from an order directing future compliance, attendance at OML training, to invalidation of agency action. It is within the "sound judicial discretion" of the Court as to what remedy to impose for an uncured violation, *Bartell v. Wellesley Hous. Auth.*, 28 Mass. App. Ct. 306, 310 (1990), but to award the most extreme remedy here "would be an abuse of discretion," *City of Revere*, 2019 WL 4017027, at *4. Plaintiffs will not succeed in showing that any meeting violated the OML, that any violation remained uncured, or that the remedy they seek is appropriate.

C. None of the Named Plaintiffs Will Be Harmed by the Current Redistricting Plan.

Plaintiffs' "generalized grievances" are insufficient to establish irreparable harm.[12] *See Gill*, 138 S. Ct. at 1931 (no legal injury, and therefore no standing, for plaintiffs interested in "collective representation" and "overall composition and policymaking"). Plaintiffs claim that they will suffer irreparable harm absent a preliminary injunction because of their "concern[]" about the 2022 Plan "and its effect on the integrity of existing communities, as well as the negative effect it will have on the political power and cohesiveness of its most vulnerable residents." Supp. Mem. at 8. They then argue that a deprivation of their constitutional rights constitutes irreparable harm. But as established above, there is no constitutional violation in the 2022 Plan, much less any that is traceable to the Plaintiffs themselves. The Complaint does not allege that any individual (much less any Plaintiff, or any group of which a Plaintiff is a member) has suffered harm as a result of the 2022 Plan. *Gill*, 138 S. Ct. at 1931.

[12] Stated a different way, though "[a]n abridgement or dilution of the right to vote constitutes irreparable harm," *Montano v. Suffolk Cty. Legislature*, 268 F. Supp. 2d 243, 260 (E.D.N.Y. 2003), Plaintiffs have neither alleged nor proved that they, or anybody else's, right to vote has been abridged or diluted through the 2022 Plan.

D. An Injunction Will Significantly Harm the Public Interest.

The injunction Plaintiffs seek would not actually accomplish anything: the 2022 Plan has been signed into law. The more extreme remedy, an injunction invalidating the 2022 Plan, would harm the public. First, preserving the status quo means reinstating the 2012 maps, which are manifestly malapportioned—resulting in demonstrable, unconstitutional vote dilution. The 26.6% variance between Districts 2 and 3 exceeds even the 23.6% variance this court concluded in 1983 not only violated one-person, one-vote, but was "greater than any variance previously tolerated anywhere in the country by the Supreme Court of the United States." *Latino Political Action Comm., Inc. v. City of Bos.*, 568 F. Supp. 1012, 1019 (D. Mass. 1983), *stay denied*, 716 F.2d 68 (1983). Second, it would frustrate the public's understanding of and reliance on lawful Council actions, and could confuse the public as to the role of the Council and the status of the challenged districts. *League of United Latin Am. Citizens v. Abbott*, -- F. Supp. 3d --, 2022 WL 1410729, at *31 (W.D. Tex. May 4, 2022) (voting injunctions may cause "voter confusion and consequent incentive to remain away from the polls," and "may unduly burden election officials, inflicting massive costs and risking mistakes or disenfranchisement").

CONCLUSION

For the foregoing reasons, Plaintiffs' motion for preliminary injunctive relief should be denied.

By its attorneys,

/s/ Lon F. Povich
Lon F. Povich (BBO # 544523)
Christina S. Marshall (BBO #688348)
ANDERSON & KREIGER LLP
50 Milk Street, 21st Floor
Boston, Massachusetts 02109
(617) 621-6500
lpovich@andersonkreiger.com
cmarshall@andersonkreiger.com

Jennifer Grace Miller (BBO # 636987)
HEMENWAY & BARNES LLP
75 State Street, 16th Floor
Boston, MA 02109
(617) 557-9746
jmiller@hembar.com

Dated: January 17, 2023

Certificate of Service

I hereby certify that a true and accurate copy of this document was filed through the Electronic Case Filing system, and will be served upon the attorney of record for each party registered to receive electronic service on this 17th day of January 2023.

/s/ Christina S. Marshall
Christina S. Marshall

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT O'SHEA, CHAIRMAN OF THE WARD 6 DEMOCRATIC COMMITTEE, et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 1:22-cv-12048-PBS
BOSTON CITY COUNCIL,	)	
Defendants.	)	

AFFIDAVIT OF MICHELLE LAIBSON GOLDBERG

I, Michelle Goldberg, under oath depose and state as follows:

1. I am employed by the Boston City Council as the Staff Director for the Council. I have personal knowledge of the matters stated in this Affidavit.

2. I submit this affidavit in connection with the Boston City Council's Opposition to Plaintiff's Motion for Preliminary Injunction.

3. Attached as **Exhibits A and B** to this Affidavit are true and accurate copy of meeting minutes of the Redistricting Committee of the Boston City Council for the following dates:

   a. August 4, 2022

   b. October 21, 2022 (draft)

4. Attached as **Exhibit C** to this Affidavit is a true and accurate copy of the Report of Committee on Redistricting Chair Liz Breadon, dated November 2, 2022.

5. On November 7, 2022, Mayor Michelle Wu signed Docket #1275, Ordinance Amending City Council Electoral Districts, into law as the City Council District Map for the City of Boston.

6. Attached as **Exhibit D** to this Affidavit is a true and accurate copy of Dr. L. Handley's report titled An Analysis of Voting Patterns by Race and an Assessment of Minority Voters' Opportunities to Elect Candidates in Recent Boston Municipal Elections (Draft 2.0). This report was made available to Mayor Michelle Wu before she signed the ordinance establishing the new redistricting plan and Dr. Handley provided similar testimony to the Council at its Working Session meeting on October 25, 2022. A true and accurate copy of the draft meeting minutes from that meeting is attached as **Exhibit E** to this Affidavit.

7. The Boston City Council responded to the October 25, 2022 Open Meeting Law complaint filed by Paul Gannon via letter dated November 2, 2022. The letter was sent by Sultan Durzi, Assistant Corporation Counsel for the City of Boston. A true and accurate copy of the letter is attached as **Exhibit F** to this Affidavit.

8. After October 19, 2022, the Boston City Council held five publicly noticed meetings, hearings, and working sessions regarding legislative redistricting before voting to adopt the 2022 Plan. Attached as **Exhibits G-K** to this Affidavit are true and accurate copies of the notices for each subsequent meeting:

a. October 20, 2022 City Council Committee on Redistricting Meeting: Public Testimony;

b. October 21, 2022: City Council Committee on Redistricting Working Session;

c. October 24, 2022: City Council Committee on Redistricting Working Session;

d. October 24, 2022: City Council Committee on Redistricting Hearing;

e. October 25, 2022: City Council Committee on Redistricting Working Session;

9. The notice for the November 2, 2022 City Council meeting is available at: https://www.boston.gov/public-notices/15782291.

10. On January 13th, 2023, I accessed the online magazine Caught in Southie's article titled "Proposed City Council Redistricting Map Would Split South Boston Into 2 Districts; Emergency Meeting on Wed, 10/19, 6pm at the Condon School," written by Maureen Dahill and published on October 16, 2022, at the following address: https://caughtinsouthie.com/news-politics/proposed-city-council-redistricting-map-would-split-south-boston-into-2-districts-emergency-meeting-on-wed-10-19-6pm-at-the-condon-school/. A true and accurate copy of this article is attached as **Exhibit L** to this Affidavit.

Signed under the pains and penalties of perjury this 13th day of January 2023.

Michelle A Goldberg

Michelle Laibson Goldberg

EXHIBIT A

BOSTON CITY COUNCIL

www.boston.gov/citycouncil
city.council@boston.gov

One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

HEARING MINUTES
COMMITTEE: Redistricting
DATE: August 4, 2022
LOCATION: Ianella Chamber, Fifth Floor, Boston City Hall
TIME: ***10:58AM – 11:55AM***
SUBJECT: ***Dockets #0881, Order for a hearing to discuss the results of the 2020 census and redistricting process for the City of Boston.***

MEMBERS PRESENT:
VOTING MEMBERS: Councilors Ricardo Arroyo (Chair), Liz Breadon (Vice-Chair), Ruthzee Louijuene, Erin Murphy, Michael Flaherty, and Brian Worrell
NON VOTING MEMBERS: Councilors Ed Flynn, Frank Baker, Kenzie Bok, and Gabriela Coletta

ISSUES DISCUSSED:
The Chair convened the hearing and stated that the purpose of the hearing was to discuss the results of the 2020 census and the redistricting process for the City of Boston. The Chair allowed Councilors to provide opening statements and then introduced the panelists which included Sabino Piemonte, Head Assistant Registrar of Registered Voters for the City of Boston's Election Department, and Eneida Tavares, Commissioner of the City of Boston Election Department.

The Chair presented a slideshow providing an overview of the redistricting process. The Chair stated that the Committee held three public listening sessions highlighting each Council district. On March 24, 2022, the Committee heard community input from Districts 3, 7, and 8; on March 31, 2022, the Committee heard community input from Districts 4, 5, and 6; and on April 7, 2022, the Committee heard from the community on Districts 1, 2, and 9.

The Chair stated that redistricting is the process of drawing lines of districts from which public officials are elected and that districts are redrawn according to 2020 Census data. Districts will remain in place for ten years and should reflect changes in population and demographics. Districts are redrawn with precincts as the smallest unit. He discussed what constitutes discriminatory maps which include unequal population, violating the Voting Rights Act, and "cracking" and "packing".

The Chair stated that the Committee will eventually introduce an ordinance for a new district map. The Council will vote on the new map as an ordinance, and the Mayor can sign or veto the ordinance. If vetoed, the Council will return to make changes to this map. The deadline for this new map is November 7, 2022.

Commissioner Tavares stated that the 2020 Census showed that there was a 9.4 percent increase in population over the past ten years resulting in a total population of 675,637. Due to this increase, City Council districts have to be above or below the 5 percent population deviation of 75,000 people. After receiving this new Census data, the City of Boston moved to create new precinct lines. In 2021, the Election Department completed a review of the City's precincts that were overpopulated and posed challenges in administering elections. The Election Department proposed changes to the precinct lines to the State Legislature for consideration during their redistricting process which were then approved. As a result, the City now has 20 new voting precincts for a total of 275 precincts.

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Commissioner Tavares discussed the 2020 Census data stating that any challenge to the validity of this data would have to be made to the Federal government and that the Election Department doesn't have any say in changing these numbers to better reflect undercounted communities.

Councilors discussed various issues including concern about residents in public housing, Boston's immigrant community, and student dormitories not responding to the census; access to demographic information for each district; ensuring that Councilors do not violate open meeting law when creating a map; the importance of keeping Mission Hill united into one district; using forecasted growth for the creation of new precincts; and creating a more defined and clearer boundary for District 4.

The Chair encouraged each Councilor to create a redistricting map by working with the Central Staff redistricting liaison who will utilize redistricting software to develop the map. These maps will then be presented to the Committee where they will be discussed.

DOCUMENTS PRESENTED: Chair Arroyo's Presentation
INFORMATION REQUESTED:
Councilor Michael Flaherty requested the following information:
A list of neighborhoods and precincts that responded the most and least to the 2020 Census count.

NEXT MEETING: N/A

Prepared By
STAFF LIAISON:

Shane Pac

Reviewed and Approved By
CHAIR:

Ricardo Arroyo

DATE: October 13, 2022

NOTE: These minutes are to be considered draft unless signed by the Committee Chair and Liaison.

EXHIBIT B

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One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

WORKING SESSION MINUTES
COMMITTEE: ***Redistricting***
DATE: ***October 21, 2022***
LOCATION: ***Curley Room, 5th Floor, Boston City Hall***
TIME: 10:00 AM ***(10:13AM-1:10PM)***
SUBJECT: ***Dockets #1186, #1215, #1216, #1273, and #1275, Regarding the amendment of City Council electoral districts***

MEMBERS PRESENT:
VOTING MEMBERS: Councilors Liz Breadon (Chair), Brian Worrell (Vice-Chair), Erin Murphy, Michael Flaherty, Ruthzee Louijeune, Julia Mejia, Ricardo Arroyo,
NON-VOTING MEMBERS: Councilors Ed Flynn, Frank Baker, Kenzie Bok, Tania Fernandes Anderson, Kendra Lara

ISSUES DISCUSSED:
The Chair convened the working session and stated that they would be discussing Dockets #1186, #1215, #1216, #1273, and #1275, ordinances amending the City Council electoral districts. She then read a letter from Councilor Coletta into the record, stating that she would not be able to be present at today's session. Councilor Coletta's letter says that she is generally supportive of the Unity Map as it relates to the lines drawn for her district and that she is enthusiastic about the potential to absorb Ward Three Precinct Six, and Ward Three Precinct Thirteen. Her letter further stated that she understands there are concerns regarding district lines pertaining to Districts Two, Three, and Four, and is hopeful that Council can come to a resolution that keeps the housing developments whole.

The Chair introduced Professor Moon Duchin, who founded the MGGG Redistricting Lab at Tufts University, which grew out of an informal collective called the Metric Geometry and Gerrymandering Group. She is based at the Tisch College of Civic Life, and her team includes expertise in geometry, modeling, computation, graph algorithms, geography, policy, law, and civics. The Chair stated that Professor Duchin would be making a presentation on the best practices for local redistricting.

Professor Duchin began her presentation by stating that she hoped to show how prioritization might work out differently in this redistricting cycle than in previous cycles. She gave a brief introduction of her background and her extensive expertise in the field of redistricting. She stated that she would focus on single-member districts and plurality elections, although many local elections (like the Boston City Council) mix district and at-large members. She further stated that controlling the redistricting lines could sometimes lead to locked-in and nonrepresentational outcomes, also known as gerrymandering.

She then displayed a graphic that illustrated how, knowing the voters, you can move the district lines and skew the representation drastically. She discussed core traditional districting principles (TDPs) grounded in law, and contrasted those with contested districting principles. The Core TDPs include equal population, compliance with the Voting Rights Act, equal protection, contiguity, compactness, respecting county/municipal boundaries, and Communities of Interest (COIs). Contested districting principles include partisan considerations, incumbency, and core retention. She emphasized that while contested districting principles are essential, they cannot submerge TDPs. She next discussed metrics, methods, and mathematical models to measure how well a given redistricting proposal complies with TDPs. Metrics for measuring TDPs include: population balance (typically

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no district more than 5% different from ideal size, so no more than 10% top-to-bottom deviation); contiguity (typically water contiguity; corner-contiguity is discouraged); compactness (there are at least 35 metrics to measure this - in this cycle, the three most frequent have been Polsby-Popper, Reock, and Cut Edges); and political boundaries (working with entire precinct; counting ward splits). She stated that she would later discuss how these metrics apply to the five redistricting proposals the Council has produced.

Professor Duchin then discussed her analysis of the five City Council Redistricting Proposals. She stated that all five proposals were more alike than they are different, that all are contiguous, and that none pair incumbents. She further noted that all five proposals were close to each other in the metric measurements of population deviation, displacement, mayoral primary analysis, and election turnout analysis. She next discussed the implications that race has on redistricting. She stated that race is particularly delicate, and the law is in flux. The current law for redistricting via the VRA (Voting Rights Act of 1965) requires that qualifying minorities have districts that provide an effective opportunity to elect candidates of choice. However, the law does not require majority-minority districts except as a demonstration in the early stages of litigation. She explained that while the VRA is federal law, it applies equally to local redistricting. However, remedial maps must meet the other traditional principles; they can't be sacrificed to race-directed goals. She noted that 50% minority representation is not necessary for effective districts and that overconcentration can dilute voting strength (known as packing). She stated that districts in the 30s and 40s (percent), in terms of black voting age population, can be effective for Black representation and that Latino and Asian effective districts often require higher population concentrations. She emphasized that relying on demographic targets is a mistake and that an effectiveness analysis is much more granular, usable, and legally defensible.

Professor Duchin then spoke about VRA analysis, usually done for a single racial/ethnic/language minority group. She stated that coalition claims have had success in some parts of the country and that Lowell, MA is recently under a consent decree from a coalition Latino/Asian claim. She stated that these claims hinge on showing cohesion: the groups must usually share the same preferred candidates, especially in Democratic primaries.

Professor Duchin concluded her presentation by stating that while the Council did not currently employ her to help with redistricting, she and her organization's services were available if needed. The Chair then recessed the meeting for a forty-minute break.

The Chair reconvened and proposed that the Committee review the proposed maps to determine where there is consensus and which precincts are in contention. It was clarified that the City's Law Department had engaged in a similar study to what Professor Duchin has presented, results from which are expected soon.

Questions and discussions were raised about whether the deadline to produce a final map should be extended. Councilors expressed varied opinions on the subject, with some suggesting that an extension would give time for more public input and others opining that it is essential to keep to the original schedule. The Chair gave her opinion that the Council push forward and work to the original deadline. She asked that the discussion of extending the deadline cease for the time being and requested that the proposed maps be put on display for discussion.

The proposed map put up for discussion was Docket #1216, sponsored by Councilors Breadon and Worrell. The Chair suggested that the Council focus on Districts 2, 3, and 4. Questions and discussions were raised about the

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BOSTON CITY COUNCIL

www.boston.gov/citycouncil
city.council@boston.gov

One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

positives and negatives of the map. Councilors opined that the positives of this map include: 9-1 and 8-1 are together; it completes the West End and Beacon Hill by putting 3-17 and 3-10 into District 8; and puts 16-1 and 16-3 into District 3. It was noted that District 4 is a significant challenge because it already has a low (single-digit) white population, and the only way to have a mixed population there is to swing it to the left into Roslindale or to the right into Cedar Grove. Concerns were raised that this map split 7-5 and 7-6, as it would cut through a community of color.

Questions and discussions were raised about changes needed in District 2. It was proposed that 4-2 and 4-6 (generally the Hynes/Prudential/Copley/St. Botolph St. areas) be moved out of District 2. In Docket #1216's map, these two precincts would be moved into District 8. Other precincts that were proposed as candidates for leaving District 2 are 3-10 (the Bulfinch Triangle area), 3-17 (Beacon Hill), 3-6 (near City Hall), 4-3 (including Tent City Apartments), 3-12 (downtown), 4-1 (Appleton St. area), 5-14 (near Benjamin Franklin Institute of Technology), 3-7 (near Union Park), 3-15 (near Herald St. Station), and 3-16 (Ink Block). Councilors also raised the issue of District Councilors who had projects in their districts, some with years of time investment, potentially losing those projects as they shed precincts. Councilors also discussed neighborhood sharing Councilors. It was noted that some neighborhoods share up to four Councilors. It was further stated that South Boston is the only neighborhood that doesn't share a Councilor.

Questions and discussions were raised about 3-12, encompassing most of the large Chinese population in buildings in the downtown area. It was emphasized that this precinct should be part of the rest of Chinatown. Councilors also opined that District 4 could increase its white population by moving its line towards Savin Hill, which is not suggested on any currently proposed maps.

The Chair stated that the next working session would continue in a similar manner, analyzing the remaining three proposed maps. She then adjourned the meeting.

DOCUMENTS PREPARED: N/A

DOCUMENTS RECEIVED: Councilor Coletta Absence Letter, Professor Moon Duchin's presentation slides

INFORMATION REQUESTED: Responses to questions submitted by the Chair to Corporation Counsel

NEXT MEETING: *See the publicly posted notices.*

Prepared By
STAFF LIAISON:

Anna Huang

Reviewed and Approved By
CHAIR:

Liz Breadon

DATE:

NOTE: These minutes are to be considered draft unless signed by the Committee Chair and Liaison.

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EXHIBIT C

BOSTON CITY COUNCIL

Committee on Redistricting

Liz Breadon, *Chair*

One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

REPORT OF COMMITTEE CHAIR

November 2, 2022

Dear Councilors:

After an intensive redistricting process given the constrained circumstances, the Committee on Redistricting recommends that the City Council pass ***Docket #1275, Ordinance Amending City Council Electoral Districts***, in a new draft. The matter was sponsored by Councilors Liz Breadon and Ricardo Arroyo and was referred to the Committee on October 19, 2022. This report reflects the draft which the Chair intended to recommend for passage at the most recent Council meeting on October 26, 2022.

The docket, both as filed and as recommended in a new draft, is an iterative reflection of various feedback and proposed redistricting plans submitted by Councilors and members of the public. It is also the result of several changes discussed at the most recent Committee working sessions and testimony received at public hearings. This plan meets population requirements and measures the opportunity for voters to elect their candidates of choice, while balancing priorities to maintain the integrity of existing neighborhoods and communities of interest where possible.

In particular, the new draft of ***Docket #1275*** being recommended for passage makes the following five changes from the language as originally filed: moving Ward 3, Precinct 15 from its present location in District 2 into District 3; returning Ward 6, Precinct 3 from District 3 back to its present location in District 2; returning Ward 16, Precinct 9 from District 4 back to its present location in District 3; and returning Ward 17, Precincts 2 and 6 from District 3 back to their present location in District 4. (See attached map, ordinance, and data).

Introduction

The City Council is the legislative body of the City of Boston and its members are elected every two years by the residents of Boston. For the past forty years, the Council has been composed of thirteen members–four elected at-large citywide, and nine elected by district.

Prior to 1909, the Board of Aldermen and the Common Council were made up of three representatives from each of the then-25 wards of the City. In 1909, the new City Charter established a nine-member City Council elected at-large, until a 1924 charter amendment created a 22-member body, each representing a ward. The 1951 Charter again provided for the election of nine City Councilors elected at-large for two-year terms. In 1977, the Massachusetts Legislature enacted chapter 549 of the Acts of 1977, inserting sections 128-134 of chapter 43 of the General Laws to create an option, by municipal referendum, for voters of certain large cities to amend their present form of municipal government as follows:

> "An optional plan of a city council and a school committee organization in certain large cities", a legislative body, to be known as the city council, composed of at least nine members or a school committee composed of at least nine members, or both, elected from equally populous districts and one member of the city council or of the school committee elected at large for every one hundred and twenty thousand residents of the city in excess of one hundred and fifty thousand residents, notwithstanding its plan of government or charter.[1]

The binding referendum to provide for district representation, as provided for in section 128, appeared on the municipal election ballot of November 8, 1977, ultimately being rejected by a vote of 27,011 for and 30,821 against, with the 22 wards evenly split.[2] The binding referendum again appeared on the November 3, 1981 municipal election ballot, this time being approved by a vote of 41,973 in support and 34,623 against, winning all but six of the 22 wards.[3]

With the approval of the electorate to change the structure of the legislative body, the Legislature enacted chapter 605 of the Acts of 1982, later amended by chapter 343 of the Acts of 1986, as the enabling statute establishing procedures for drawing the boundaries of Boston City Council electoral districts. It is under this authority that the City Council electoral district boundaries were created and revised in 1983, 1987, 1993, 2002, 2012, and are currently being redrawn.

2020 Census Enumeration for the City of Boston

The federal decennial census is conducted every ten years by the U.S. Census Bureau to establish an official enumeration of the entire U.S. population. The onset of the COVID-19 pandemic in mid-March 2020 severely impacted efforts to ensure a complete count of all individuals at their usual place of residence as of April 1, 2020. The first round of limited census data, called Public Law (P.L.) 94-171 Redistricting Data, was released several months late on August 12, 2021, threatening to delay state legislative and congressional redistricting and reapportionment.

Following the release of 2020 Census redistricting data, the Research Division of the Boston Planning and Development Agency (BPDA), which acts as the planning board for the City of Boston,[4] published several research reports. These include a 30-page presentation, "2020 Census Redistricting Data Analysis for Boston"[5] on August 13, 2021; a 34-page presentation of data tables, "2020 Census Redistricting Data Tables for Boston"[6] on August 13, 2021; and a 28-page presentation, "Further Insights from 2020 Census Redistricting Data"[7] on August 20, 2021.

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[1] An Act Providing for an Optional Plan of City Council and School Committee Organization in Certain Large Cities. 1977 Mass. Acts ch. 549. https://archives.lib.state.ma.us/handle/2452/28851.
[2] Annual Report of the Board of Election Commissioners, City Document no. 10 of 1978. City of Boston, https://archive.org/details/annualreportofbo1977bost/page/93/mode/1up.
[3] Annual Report of the Board of Election Commissioners, City Document no. 10 of 1982. City of Boston, https://archive.org/details/annualreportofbo1981bost/page/83/mode/1up.
[4] An Act Concerning the Development or Redevelopment of Blighted Open Areas, Decadent Areas and Substandard Areas by Urban Redevelopment Corporations with Special Provisions for Projects in the City of Boston. 1960 Mass. Acts ch. 652. https://archives.lib.state.ma.us/handle/2452/31292.
[5] "2020 Census Redistricting Data for Boston," Boston Planning & Development Agency Research Division, August 2021. https://www.bostonplans.org/getattachment/2ccd9839-27d5-475a-8359-888cdda0371f.
[6] "2020 Census Redistricting Data Tables for Boston," Boston Planning & Development Agency Research Division, August 2021. https://www.bostonplans.org/getattachment/c55502f3-3a70-4772-a894-0c51c325b216.
[7] "Further Insights from 2020 Census Redistricting Data," Boston Planning & Development Agency Research Division, August 2021. https://www.bostonplans.org/getattachment/8818db70-f9ca-4f48-944a-83f8a32c2cd1.

It should be noted that the BPDA, legally known as the Boston Redevelopment Authority (BRA), has consistently studied and published reports on the City's demographic statistics since as early as its inception. These include detailed demographic analyses and forecasts for citywide and neighborhood statistical area profiles using population data products reported by the U.S. Census Bureau. This is an essential function of a proper municipal planning agency.

To place demographic data into local context, the BPDA presented 2020 Census data for Boston neighborhoods approximated by 2020 Census block groups, as described below with a neighborhood map posted September 24, 2021 on Analyze Boston, the City's open data hub:

> The Census Bureau does not recognize or release data for Boston neighborhoods. However, Census block groups can be aggregated to approximate Boston neighborhood boundaries to allow for reporting and visualization of Census data at the neighborhood level. Census block groups are created by the U.S. Census Bureau as statistical geographic subdivisions of a census tract defined for the tabulation and presentation of data from the decennial census and the American Community Survey.[8]

According to the BPDA's publication of redistricting data tables, Boston's population grew 9.4 percent from 2010 to 2020, reaching a total population of 675,647, a growth rate exceeding that of the Commonwealth and the nation.[9] The following are the neighborhoods–as identified by the BPDA for zoning, planning, and research purposes–with the top ten highest population and housing unit growth rates in the City from 2010 to 2020. Each neighborhood's share of the total citywide population and housing unit change was not reported by the BPDA, but has been calculated for inclusion.

Top 10 Neighborhood Population Growth Rates

Neighborhood	*2010 Population*	*2020 Population*	*2010 to 2020 Population Change*		*Share of City's Change*
South Boston Waterfront	1,889	5,579	3,690	195.3%	6.4%
Chinatown	4,810	7,143	2,333	48.5%	4.0%
West End	5,423	7,705	2,282	42.1%	3.9%
Downtown	10,145	13,451	3,306	32.6%	5.7%
South Boston	31,785	37,917	6,132	19.3%	10.6%
Charlestown	16,439	19,120	2,681	16.3%	4.6%
Longwood	3,566	4,096	530	14.9%	0.9%
South End	26,039	29,373	3,334	12.8%	5.7%
Mission Hill	16,034	17,886	1,852	11.6%	3.2%
Roxbury	49,857	54,905	5,048	10.1%	8.7%
Boston	617,594	675,647	58,053	9.4%	

[8] "Boston Neighborhood Boundaries Approximated by 2020 Census Block Groups." Analyze Boston. City of Boston, September 24, 2021. https://data.boston.gov/dataset/census-2020-block-group-neighborhoods.
[9] "2020 Census Redistricting Data Tables for Boston," BPDA.

Top 10 Neighborhood Housing Unit Growth Rates

Neighborhood	*2010 Housing*	*2020 Housing*	*2010 to 2020 Housing Unit Change*		*Share of City's Change*
South Boston Waterfront	1,214	4,622	3,408	280.7%	11.7%
West End	3,261	5,243	1,982	60.8%	6.8%
Chinatown	2,439	3,644	1,205	49.4%	4.1%
Downtown	5,077	6,654	1,577	31.1%	5.4%
Longwood	389	456	67	17.2%	0.2%
South Boston	16,402	19,140	2,738	16.7%	9.4%
South End	14,570	16,619	2,049	14.1%	7.0%
East Boston	15,854	18,016	2,162	13.6%	7.4%
Jamaica Plain	16,767	18,891	2,124	12.7%	7.3%
Charlestown	8,648	9,525	877	10.1%	3.0%
Boston	272,481	301,702	29,221	10.7%	

The above ten-year population and housing unit growth rates should also be viewed with 2000 to 2010 neighborhood data as reported by the BRA Research Division. Twenty-year comparisons are not directly incorporated above because the geographic boundaries of neighborhoods used by demographers may not have been identical. For reference, the top five neighborhoods with the highest population growth rates from 2000 to 2010 were reported as the South Boston Waterfront (271.1%), the Leather District (191.8%), Downtown (55.7%), Chinatown (24.9%), and the West End (17.3%).[10] Likewise, the top five neighborhoods with the highest housing unit rates from 2000 to 2010 were reported as the South Boston Waterfront (349.6%), the Leather District (140.1%), Chinatown (54.6%), Downtown (52.6%), and the West End (27.0%).[11]

BPDA analysis further highlighted that Boston's 2020 Hispanic population grew 16.9 percent since 2010, making up 18.7 percent of the total population in 2020. Meanwhile, Boston's Asian population grew 37.8 percent since 2010, making up 11.2 percent of Boston's population in 2020. The non-Hispanic White population grew 3.8 percent since 2010 and the population share fell to 44.6 percent. The non-Hispanic Black or African American population fell by 6.4 percent since 2010, with the population share decreasing to 19.1 percent.[12]

It is important to recognize the significant undercount and challenges to the 2020 Census. In March 2022, the Census Bureau reported that the 2020 Census had a national net undercount of 3.30 percent for the Black population and 4.99 percent for the Hispanic population.[13] Further, the Allston neighborhood's population fell by 5.9 percent, with a 40 percent decline in the group quarters population,[14] underscoring concerns that the college dormitory population of Allston may not have been accurately counted amid the onset of the pandemic evacuation.

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[10] "Boston 2010 Census Population: Neighborhood Comparison," Boston Redevelopment Authority/Research Division, September 2014. https://www.bostonplans.org/getattachment/1a0e7160-9d67-4e8c-97b9-24f1d42ee1b9.
[11] "Boston 2010 Census Population: Neighborhood Comparison," BRA/Research Division, September 2014.
[12] "2020 Census Redistricting Data Tables for Boston," page 4, BPDA.
[13] "Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census." U.S. Census Bureau, March 10, 2022.
https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html.
[14] "2020 Census Redistricting Data Tables for Boston," page 4, BPDA.

On October 12, 2021, Mayor Kim Janey submitted a letter notifying the Census Bureau of the City of Boston's intention to challenge its 2020 Census enumeration based on concerns related to group quarters and foreign-born populations. Mayor Janey's letter stated that, "Data collected by Boston's Department of Neighborhood Development from colleges and universities under the University Accountability Ordinance for Fall 2019 show approximately 5,000 additional students not enumerated by the 2020 Census redistricting data,"[15] validating concerns of an undercount particularly in the Allston neighborhood. An undercount of 500 residents in two Suffolk County correctional facilities was also raised as a concern.

On September 13, 2022, the City announced that Mayor Michelle Wu formally initiated the City's challenge to the U.S. Census Bureau's 2020 Census population count through the Post-Census Group Quarters Review program.[16] Staff of the UMass Amherst Donahue Institute, serving as the Massachusetts liaison to the U.S. Census Bureau's Federal-State Cooperative for Population Estimates, reviewed the City's University Accountability Ordinance data, and reported an undercount of 6,026 for the college or university student group quarter population and an undercount of 403 for correctional facilities.

The Mayor's letter also raised count coverage issues of the household population in census tracts with lower response rates than in the 2010 Census, particularly tracts with large numbers of off-campus students who temporarily left the city amid the onset of the COVID-19 pandemic. Unfortunately, the Census Bureau does not currently plan to accept challenges based on low self-response rates, as the Count Question Resolution Program only accepts challenges for boundary issues and census processing errors which excluded valid housing and associated population data, and provides no mechanism to review an increase in housing unit vacancies.

Objections were also raised to changes made to the collection and processing of race and ethnicity data which have led to large increases in the "some other race" and "two or more races" categories independent of actual demographic or cultural changes in the population. Following prescribed definitions developed by the Office of Management and Budget (OMB) in 1997, the Census Bureau collects, and in some cases recategorized, self-reported data for the population's race and Hispanic origin. According to the Mayor's letter,

> As a result of this Census coding, 76 percent of the Hispanics in Boston chose (or were assigned) the "some other race" category, either by itself or in addition to other racial categories, up from 45 percent of Hispanics in 2010. Respondents listing a Brazilian or Cape Verdean origin were also assigned by the U.S. Census Bureau to the "some other race" category regardless of the respondents' self-identification. Respondents listing a Middle Eastern or North African origin were assigned to the White category regardless of their self-identification.

The City recommended methodological changes and expressed its support for the Bureau's consideration of a single race/ethnicity question. Despite pending challenges and any potential adjustments for future Census Bureau products, no changes can be made to official 2020 Census counts or data products, including for the purposes of redistricting.

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[15] Janey, Kim. Mayor Janey's letter to the U.S. Census Bureau regarding the 2020 Census, October 12, 2021. https://bpda.app.box.com/v/2020CensusChallenge.
[16] "Mayor Wu Challenges 2020 U.S. Census Count of Boston." City of Boston, September 13, 2022. https://www.boston.gov/news/mayor-wu-challenges-2020-us-census-count-boston.

Census Demographic Data for Redistricting Purposes

On September 1, 2021, the U.S. Department of Justice released a guidance document to ensure state and local governments comply with Section 2 of the Voting Rights Act (VRA) with respect to redistricting and methods of electing governmental bodies.[17] The guide noted that 2020 Census P.L. 94-171 data includes counts of persons identified with more than one racial category, reflecting OMB decisions and bulletins pertaining to multiple-race reporting and aggregation of data on race for use in civil rights monitoring and enforcement.

The Committee used the Esri Redistricting web-based software, following conventions in the Department of Justice guidance. This differs from other commonly reported race and ethnicity groupings, such as those used by demographers at the BPDA, in that it groups those reporting two races, one White and one non-White, as being members of the non-White race reported. Thus a person reporting White and Black would be categorized as Black. All residents of Hispanic or Latino origin, regardless of reported race, are grouped together.

The Committee also used Districtr, a free browser-based interactive tool for drawing electoral districts developed by the MGGG Redistricting Lab, a research group based at the Jonathan M. Tisch College of Civic Life of Tufts University. While Districtr allows for convenient sharing of maps, their methodology of grouping multiple-race data is similar to that conventionally used by demographers but different from that of the Department of Justice. As a result, official analysis of demographic data for consideration of redistricting plans relied on Esri products.

Availability of 2020 Census data aggregated to the boundaries of the current City Council districts and the new precincts impacted timeliness of the Committee's work. Summary reports on the current districts were generated by the Geographic Information Systems (GIS) Team of the Department of Innovation and Technology and were presented to the City Council in March 2022. The 2020 Census population data for the current districts adopted in 2012 are as follows:

2020 Census Data on Current Districts

District	*Total Population*	*Deviation from Average of 75,072*	
1	74,051	-1,021	-1.4%
2	88,553	+13,481	+18.0%
3	68,561	-6,511	-8.7%
4	71,811	-3,261	-4.3%
5	75,245	+173	+0.2%
6	74,914	-158	-0.2%
7	72,829	-2,243	-3.0%
8	75,010	-62	-0.1%
9	74,673	-399	-0.5%
Boston	675,647	*Dev. Range*	26.6%

[17] "Justice Department Issues Guidance on Federal Statutes Regarding Redistricting and Methods for Electing Public Officials." U.S. Department of Justice, September 1, 2021. https://justice.gov/opa/pr/justice-department-issues-guidance-federal-statutes-regarding-redistricting-and-methods.

Although the City Council received summary report documents generated by GIS displaying population data for the current districts, the data had not been formally reported or published by the City. Archival research conducted by the office of the Chair found that the BRA had the past practice of reporting census data by Council districts, such as the 1983 report, "Boston's 1980 Population by Electoral District: Selected Summary Tables from the U.S. Census."[18]

A 1991 hearing order[19] of Councilor Bruce C. Bolling documents continuous efforts of the Council to engage BRA assistance preparing census demographic data for redistricting purposes:

> Federal census 1990 population figures have been announced for Boston, based on census tract totals… In 1982 and 1983, the Boston Redevelopment Authority research department translated census tract figures into the existing ward and precinct lines to assist the City Council to draw up council and School Committee district lines… The Agency also issued a report showing 1980 census figures by the number of black and Hispanic residents with percentages of poppulation [sic] for each precinct/ward… Such data, updated to reflect demographic changes since the 1980 census, will be essential in drawing any new School Committee district lines this year or in redrawing City council districts.

The Council later passed an order of Councilor Bolling directing "The Boston Redevelopment Authority and the Office of Management Information Systems provide the City Council's Special Committee on Redistricting with any and all information related to the 1990 Federal Census for the purpose of reviewing a possible redistricting of city council/school committee seats."[20] In 2011, the BRA Research Division published a Boston City Council Demographic Profile.[21]

At the time the Chair assumed responsibility of the Committee in September 2022, detailed census data on the new precincts and current districts were not yet publicly available. On September 14, 2022, the Chair filed and the Council adopted a Section 17F order (Docket #1107) under the City Charter, requesting certain information from the BPDA: 2010 and 2020 Census population totals, total change, and percent change for the new precincts and current districts, as well as population and housing unit projections.

The BPDA responded on September 23, 2022, providing the requested census data for the new precincts,[22] current districts,[23] and "baseline" districts.[24] The data was made available to all Councilors on September 26, 2022. The Chair repeatedly urged the BPDA and City departments to promptly publish the datasets on the Analyze Boston open data hub, where precinct-level data was released on October 20, 2022.[25]

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[18] "Boston's 1980 Population by Electoral District: Selected Summary Tables from the U.S. Census." Boston Redevelopment Authority, May 1983. https://archive.org/details/bostons1980popul00bost/mode/2up.
[19] Order of Councilor Bruce C. Bolling, Docket #1991-0491. Boston City Council, March 27, 1991. https://documentcloud.org/documents/22309656-19910327_0491-hearing-order-bra-mis-precinct-and-ward-data.
[20] Order of Councilor Bruce C. Bolling, Docket #1991-0812. Boston City Council, June 5, 1991. https://www.documentcloud.org/documents/22309658-19910605_0812-order-bra-mis-census-info-request.
[21] Boston City Council District Demographic Profile: 2010 Census." Boston Redevelopment Authority, 2011. https://www.documentcloud.org/documents/22309669-20110510_0511-bra-research-city-council-district-demographic-profile.
[22] 2010-2020 Census data on new precincts, https://bpda.app.box.com/s/lghdbnwopnux01r7a9rjnxuntyxdfvog.
[23] 2010-2020 Census data on current districts, https://bpda.app.box.com/s/6zed8gbk95nkuwoj2c5qz9ezlp4qq7rk.
[24] 2010-2020 Census data on "baseline" districts, https://bpda.app.box.com/s/oqedyk1xr278bl84zlfjigvwo7rp32p8.
[25] "Census Data for 2022 Redistricting." Analyze Boston. City of Boston, October 20, 2022. https://data.boston.gov/dataset/census-data-for-2022-redistricting

Ten-year data on current district boundaries, as provided by the BPDA, for total population and housing unit counts are summarized below with the addition of each district's share of the citywide change.

2010 and 2020 Census Population Data on Current Districts

District	*2010 Population*	*2020 Population*	*2010 to 2020 Population Change*		*Share of City's Change*
1	67,575	74,051	6,476	9.6%	11.2%
2	69,141	88,553	19,412	28.1%	33.4%
3	66,296	68,561	2,265	3.4%	3.9%
4	65,929	71,811	5,882	8.9%	10.1%
5	71,365	75,245	3,880	5.4%	6.7%
6	70,390	74,914	4,524	6.4%	7.8%
7	65,135	72,829	7,694	11.8%	13.3%
8	70,247	75,010	4,763	6.8%	8.2%
9	71,516	74,673	3,157	4.4%	5.4%
Boston	617,594	675,647	58,053	9.4%	

2010 and 2020 Census Housing Unit Data on Current Districts

District	*2010 Housing Units*	*2020 Housing Units*	*2010 to 2020 Housing Unit Change*		*Share of City's Change*
1	31,431	35,067	3,636	11.6%	12.4%
2	37,706	49,082	11,376	30.2%	38.9%
3	27,279	29,324	2,045	7.5%	7.0%
4	25,262	26,580	1,318	5.2%	4.5%
5	28,539	29,775	1,236	4.3%	4.2%
6	31,524	33,956	2,432	7.7%	8.3%
7	26,175	28,354	2,179	8.3%	7.5%
8	32,654	35,202	2,548	7.8%	8.7%
9	31,911	34,362	2,451	7.7%	8.4%
Boston	272,481	301,702	29,221	10.7%	

Reprecincting and Split Precincts

The Census Bureau also released 2020 Census P.L. 94-171 Summary File data tabulated by various geographies established and recognized by the Census Bureau, including by census tracts, block groups, individual blocks, and Voting Districts (VTD).

The Voting District Project of the Census Bureau's Redistricting Data Program allows states to submit specifications on their voting district boundaries, such as wards and precincts, to include in the 2020 Census Redistricting Data tabulations. The Secretary of the Commonwealth is the statewide liaison for municipalities to submit details on precinct geographies for which they would like to receive data tabulations. VTD data for the City of Boston released by the Census Bureau in August 2021 were rendered obsolete for City Council redistricting purposes, given that the data reflected the 255 voting precinct boundaries existing at the time of the 2020 Census.

The Boston Board of Election Commissioners adjusted select voting precinct boundaries in conjunction with state legislative and congressional redistricting beginning in 2021, increasing the total number of precincts in the City from 255 to 275. As precincts are the building blocks of City Council districts, the redistricting process is inextricably contingent upon the reprecincting process which concluded in April 2022. The City Council did not receive 2020 Census P.L. 94-171 redistricting data for Boston aggregated to the new precinct boundaries until July 2022.[26]

The reprecincting process is long overdue. Only the Board of Election Commissioners is authorized to redraw Boston's voting precincts within ward lines, whenever in its judgment such "a new division of precincts is necessary for the proper conduct of primaries and elections" St. 1918 ch. 74, as amended by St. 1920 ch. 636. However, Boston's enabling statute for drawing City Council electoral districts also exempts it from decennial reprecincting as mandated by M.G.L. ch.54 §2. In contrast, nearly all other municipalities of the Commonwealth have wards and precincts redrawn by their legislative bodies. Further, Boston's current ward boundaries have been in effect since 1925 after being redrawn by a commission, but the Legislature provided no statutory authority for any future redivision of the wards. St. 1924 ch. 410.

Boston's exemption from mandatory decennial reprecincting has long exacerbated tensions in cycles of both City Council and state legislative redistricting. This is evident in the 2002 report of the City Council's Committee on Census and Redistricting [**emphasis added**]:

> Added to the challenge is that when the precinct lines were drawn, they had ties to the community structure, neighborhood boundaries, and commonalities present at that time. Since then, housing patterns, neighborhood or community composition, definitions, and characteristics have changed radically. However, since the state has already completed its redistricting process, it is impossible for Boston to go back and re-precinct. Even if it were done, it would only be effective for the City elections, and voters would have to go back to the "old" precincts for state and federal elections – causing even greater confusion. **The Committee hopes that in the future, we can re-visit the re-precincting issue to explore options available before the next re-districting process.**[27]

The issue was again raised in the initial 2012 Committee report, with the Chair noting that, "The Mayor and City Council have passed a Home Rule Petition to require decennial re-precincting beginning in 2020, which is awaiting action by the legislature."[28] That petition to remove

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[26] Precinct-level data has since been published on the Analyze Boston open data hub as of October 20, 2022 at https://data.boston.gov/dataset/census-data-for-2022-redistricting.

[27] Report of the Committee on Census and Redistricting, Docket #2002-0903. Boston City Council, October 2, 2002. https://www.documentcloud.org/documents/22278991-20021002_0903_ordc7-redistricting-ordinance-passed-with-addenda.

[28] Committee on Census and Redistricting Report, Docket #2012-0985. Boston City Council, August 20, 2012. https://documentcloud.org/documents/22309672-20120822_0985_redistricting_ordinance_passed_7-6_disapproved.

Boston's reprecincting exemption ahead of the 2020 Census was passed by the City Council and approved by the Mayor in 2011. However, as it turns out, it was refiled five times[29,30,31,32,33] in every biennial session of the Legislature without being passed in time for the 2020 Census.

The 2012 Report from the Chairs of the Special Joint Committee on Redistricting of the Legislature explicitly references Boston in discussing the impact that municipalities exempt from reprecincting have on state redistricting [**emphasis added**]:

> These exemptions have the potential to negatively impact the creation of future district boundaries when applying traditional redistricting principles due to the unequal sizes of the exempt precincts within the borders of the city or town and also relative to precinct sizes of neighboring communities. The idea that communities are exempt from reprecincting in perpetuity runs counter to the legislative intent of creating relatively equal population standards for each precinct within a municipality. **For example, the City of Boston has not gone through the reprecincting process in several decades and the city precincts now range in size from 535 to 8,557 people. Over that time the racial and ethnic make-up of those precincts has also changed; yet, the boundaries remain the same.** This population disparity and static boundaries could potentially impact the ability of future sessions of the General Court to adequately balance federal and state redistricting case law, equal voting opportunities established by the Voting Rights Act, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, the Massachusetts Constitution and traditional redistricting principles when creating new districts.[34]

The City Council eventually passed, and the Mayor approved, chapter 2 of the Ordinances of 2019 to amend City of Boston Code, Ordinances, section 2-9.2 in order to provide that

> The appropriate committee of the City Council and the Commissioner of the Election Department or designee shall conduct a review of city precincts every five years beginning in the year immediately following passage of this ordinance. The committee and the Commissioner's review shall include the following: population shifts; development in neighborhoods; impact of precinct size on polling locations, staffing, and election day operations; and other factors as necessary. The committee shall issue a report on its findings.

However, no Committee of the City Council appears to have initiated or conducted a review of precincts in conjunction with the Commissioner of Elections as referenced in the ordinance as intended. Rather, the Board of Election Commissioners engaged in reprecincting in coordination

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[29] An Act regarding Decennial division of wards and precincts in the city of Boston, H.3819, 187th General Court of the Commonwealth of Massachusetts. (2011). https://malegislature.gov/Bills/187/H3819.
[30] An Act regarding Decennial division of wards and precincts in the city of Boston, H.612, 188th General Court of the Commonwealth of Massachusetts. (2013). https://malegislature.gov/Bills/188/H612.
[31] An Act regarding Decennial division of wards and precincts in the city of Boston, H.3321, 189th General Court of the Commonwealth of Massachusetts. (2015). https://malegislature.gov/Bills/189/H3321.
[32] An Act regarding decennial division of wards and precincts in the city of Boston, HD.2379, 190th General Court of the Commonwealth of Massachusetts. (2017). https://malegislature.gov/Bills/190/HD2379.
[33] An Act regarding decennial division of wards and precincts, HD.2318, 191st General Court of the Commonwealth of Massachusetts. (2019). https://malegislature.gov/Bills/191/HD2318.
[34] Special Joint Committee on Redistricting. Massachusetts General Court, December 12, 2012. https://malegislature.gov/assets/redistricting/ChairFinalReport.pdf.

with the state redistricting process, which itself was also impacted by the Census Bureau's delays related to the COVID-19 pandemic. With chapter 59 of the Acts of 2021, the Legislature swapped the typical order to first draw new district boundaries, followed by municipalities drawing new precincts within 30 days. Usually, municipalities establish ward and precinct boundaries which the Legislature then uses to create congressional and legislative districts.

Guidelines used by the Board of Election Commissioners included identifying wards with precincts containing more than 3,000 registered voters; using census block groups within each ward to create precincts; aiming to keep precincts at 2,000 voters within a margin of 10 percent; adjusting to eliminate sub-precincts caused by state legislative redistricting; determining precinct boundaries using linear features such as roadways, railroads, waterways, and other easily identifiable features; and taking into consideration projected residential growth.[35]

Reprecincting resulted in 16 "split precincts" drawn such that they crossed the boundaries of multiple current Council districts. The affected precincts were in Wards 3, 4, 8, and 9, impacting current Districts 1, 2, 3, 7, and 8. At the September 20, 2022 working session, Councilors tentatively assigned each split precinct to an adjacent district based on general consensus. This established a "baseline" map to initiate the redistricting process. The split precincts were assigned on the "baseline" map as follows:

Adjusted Precincts Split by Current City Council Districts

Precinct	*Current districts split between*	*"Baseline" district assigned to*	*Neighborhood*	*2020 Census Population*
3-6	1, 2	1	Downtown	1,844
3-10	1, 2, 8	8	West End	3,284
4-2	2, 7	2	Back Bay	1,964
4-4	2, 7	7	South End	2,360
4-6	2, 7	8	Back Bay	3,390
4-7	2, 7, 8	8	Fenway/Symphony	3,179
4-8	7, 8	7	Fenway/Symphony	5,832
4-9	7, 8	7	Mission Hill	4,863
4-10	7, 8	8	Longwood/Fenway	6,094
4-12	7, 8	8	Fenway	2,215
8-1	2, 3	3	South End	2,687
8-2	2, 3	3	South End	2,199
8-4	3, 7	7	Roxbury	2,826
8-5	3, 7	7	Roxbury	3,091
8-6	2, 3, 7	3	Roxbury/South Bay	1,700
9-1	2, 7	7	South End	2,698

[35] "City of Boston 2022 Precinct Adjustments as amended by the Board of Election Commissioners on April 6, 2022," Boston Election Department. https://www.boston.gov/sites/default/files/file/2022/07/Updated%202022%20Precinct%20Adjustments%20as%20Amended%20by%20the%20Board%20of%20Election%20Commissioners%20on%20April%206,%202022.pdf.

As a result of assigning the split precincts to "baseline" districts, the total population deviation range from the most to least populous current districts was significantly reduced from 26.6 percent to 13.5 percent:

2020 Census Data on "Baseline" Districts

District	*Total Population*	*Deviation from Average of 75,072*		*Change from Actual District*	
1	75,117	+45	+0.1%	+1,066	+1.4%
2	76,706	+1,634	+2.2%	-11,847	-13.4%
3	69,638	-5,434	-7.2%	+1,077	+1.6%
4	71,811	-3,261	-4.3%	*No change*	
5	75,245	+173	+0.2%	*No change*	
6	74,914	-158	-0.2%	*No change*	
7	77,783	+2,711	+3.6%	+4,954	+6.8%
8	79,760	+4,688	+6.2%	+4,750	+6.3%
9	74,673	-399	-0.5%	*No change*	
Boston	675,647	*Dev. Range*	13.5%		

Subject Matter Experts

Given that the Chair assumed the role of leading the Committee with less than two months until the intended November 2, 2022 deadline, the need for adequate capacity support became abundantly clear. Over the past several weeks, the Law Department has assisted the Chair to engage the occasional consultation of redistricting experts, Attorney Jeffrey Wice and Dr. Lisa Handley, who have both presented to the City Council. Additionally, the office of the Chair invited Dr. Moon Duchin to present at a Committee working session and review proposed redistricting plans. Assistance the experts provided to the Committee are discussed further below.

Attorney Jeffrey M. Wice, Esq. is a Senior Fellow with the New York Census and Redistricting Institute at New York Law School. His legal scholarship and practice is focused on redistricting, voting rights and census law, and he has assisted numerous state legislative leaders, members of congress and other state and local officials on redistricting and voting rights matters.

Dr. Lisa Handley is president of Frontier International Electoral Consulting, which conducts election-related research and statistical analysis, offering tools for measuring voting patterns and evaluating redistricting plans. She has served as an expert in dozens of redistricting and voting rights court cases.

Dr. Moon Duchin is a Professor of Mathematics at Tufts University and runs the MGGG Redistricting Lab as one of the research groups at Tisch College of Civic Life, where the free browser-based interactive electoral redistricting tool Districtr was developed.

Principles and Criteria of Redistricting

On August 31, 2022, the Chair assumed leadership of the Committee and subsequently filed Docket #1098, Order for the adoption of City Council redistricting principles, informed in part by records of past redistricting cycles located with the assistance of the Office of the City Clerk and the City Archives.[36] These points included six areas of "basic agreement" and five subjects "deserving more investigation" referenced in a 1981 Interim Report of the Committee; four charges identified in the order establishing the Committee in 1991; five principles outlined in a resolution and an additional four principles identified by the Chair in 2002; and communications of Mayor Menino twice disapproving redistricting plans passed by the Council in 2012.

The Chair found it necessary for the Committee to gain clarity on the distinction between traditional redistricting principles and redistricting criteria under state and federal statute. Shortly after committees were readjusted, the office of the Chair identified and approached Attorney Wice to inquire about professional guidance and technical assistance in the redistricting process. Although in the 2002 and 2012 redistricting cycles the Committee expended funds to retain special outside counsel, such resources did not appear to have been available when the present Chair assumed the role. At the request of the Chair, Corporation Counsel expressed a willingness for the Law Department to retain Attorney Wice and answer questions of the Committee.

On October 11, 2022, at the request of the Chair, Corporation Counsel transmitted an informal memorandum prepared by Attorney Wice which briefly conveyed basic principles of redistricting criteria for consideration by the City Council. Attorney Wice appeared virtually at the Committee working session that day to provide a brief presentation on its content, covering five required criteria: population equality, minority voting rights, compactness, contiguity, and consideration toward the preservation of neighborhoods. Three additional non-required criteria, which can be considered but are not required by federal or local law, were also discussed: communities of interest, a ban on partisanship, and maintaining existing district boundaries.

In redistricting, a "community of interest" can be a neighborhood, community, or group of people with shared concerns, interests, and characteristics who would benefit from being in a single district. Considering communities of interest in the redistricting process is an important principle, particularly when taking into account communities traditionally disenfranchised or underserved by the political process. Definitions of communities of interest can be subjective and fluid, and their consideration should be balanced with other traditional districting principles.

Likewise, definitions of what constitutes a "neighborhood" does not always have broad consensus nor standardization in how their boundaries are identified. The City's enabling statute for drawing electoral district boundaries specifies that districts be "drawn with a view toward preserving the integrity of existing neighborhoods" St. 1982, ch. 605, s. 3. While the City has recognized named neighborhoods and smaller geographic communities within those neighborhoods, there are not formally standardized definitions of their boundaries. That there are many constructions of what defines a neighborhood, let alone the feasibility of keeping larger neighborhoods whole, is another consideration when weighing redistricting principles.

At the City Council meeting of October 19, 2022, the Council passed an amended version of Docket #1098, Order for the adoption of City Council redistricting principles, adopting a series

[36] The Committee made past redistricting records available through the Committee website at https://www.boston.gov/departments/city-council/2022-redistricting-boston#redistricting-records-.

of principles to guide and inform procedures led by the Committee on Redistricting. The principles, intended to be separate from criteria already established by statute or case law, generally covered Councilor decorum in debate and deliberation, public participation in and access to the redistricting process, compliance with the Voting Rights Act, and data necessary for comparison of proposed redistricting plans.

Boston is required by law to redistrict every 10 years following the release of the federal decennial census results. Judicial precedent has established that the acceptable population range to maintain "one person, one vote" is 10 percent, or 5 percent above or below the target population. Based on the 2020 Census figures reporting a total population of 675,647 in Boston, nine equally populous districts would ideally each have 75,071 residents. The acceptable variance range of 10 percent would then be from 71,318 to 78,825 residents. The Courts have used the term "substantial equality requirement" to allow for a total deviation of not more than 10 percent between the largest and smallest districts without constituting a Constitutional violation and requiring no justification. *Voinovich v. Quilter*, 507 U.S. 146 (1993); *White v. Regester*, 412 U.S. 755 (1973).

Districts must be reapportioned due to changes in population throughout the City of Boston. Thus, in order to comply with the "one person, one vote" standard articulated in *Reynolds* v. *Sims*, 377 U.S. 533 (1964), a redistricting plan must be recommended by the Committee and voted upon by the Council. In *Sims*, the Court determined that, under the Fourteenth Amendment's equal protection clause, a "one person, one vote" standard must be achieved in any redistricting plan. While the federal cases originally imposed such plans on congressional and state-elected representative districts, the same reasoning and law applies to a municipality when redistricting its legislative body. The *Sims* Court stated that

> While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative representation. at 588.

The Council not only must comply with federal standards governing "one person, one vote," it must also comply with similar standards imposed by the Massachusetts Constitution Amended Article 101 and section 3 of chapter 605 of the Acts of 1982. These provisions require that the electoral districts be as nearly equal in population as practical. Thus, an equal number of inhabitants as nearly as possible shall be composed of contiguous existing precincts, *Trustees of Boston University v. Board of Assessors of Brookline*, 11 Mass. App. Ct. 325, (importing "actual contact, something that adjoins... or touching along boundaries" at 328) and be drawn with a view toward preserving the integrity of existing neighborhoods (St. 1982, ch. 605, s. 3).

With respect to standards for local redistricting, it was stated above that the federal cases ought to be followed when determining "one person, one vote" principles and substantial equality. The Courts have stricken municipal plans with variances from one district to another including a maximum deviation of 132 percent. *Board of Estimate v. Morris*, 489 U.S. 688, 703 (1989) and upholding an 11.9 percent total maximum deviation for a county board of supervisors, *Abate v. Mundt*, 403 U.S. 182 (1971); and *Latino Political Action Committee, Inc, v. City of Boston*, 568 F.Supp. 1012 (1983) striking down a 23.6 percent total maximum deviation in Boston City Council districts. See also, *Black Political Task Force v. Connolly*, 679 F. Supp. 109, 114 (D. Mass. 1988, 3 Judge Court) where a plan that includes no districts with inhabitants no more nor less than 5 percent of the norm of inhabitants, the plan does not violate *Sims*.

Voting Rights Act

The Committee reviewed the guidance under the Voting Rights Act published by the Department of Justice on September 1, 2021. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, prohibits discrimination in voting on the basis of race, color, or membership in a language minority group. This permanent, nationwide prohibition applies to any voting qualification or prerequisite to voting or standard, practice, or procedure, including districting plans and methods of election for governmental bodies. *Growe v. Emison*, 507 U.S. 25, 39-40 (1993).

> Analysis begins by considering whether three Gingles preconditions exist. First, the minority group must be sufficiently large and geographically compact to constitute a majority of the voting-age population in a single-member district. Second, the minority group must be politically cohesive. And third, the majority must vote sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority group's preferred candidate.

If all three Gingles preconditions are present, consideration proceeds to an analysis of the totality of the circumstances in a jurisdiction. This analysis incorporates factors enumerated in the Senate Report that accompanied the 1982 Voting Rights Act Amendments, S. Rep. No. 97-417, at 28-29 (1982), which are generally known as the "Senate Factors" and are set forth in *Latino*, including:

1. the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
2. the extent to which voting in the elections of the state or political subdivision is racially polarized;
3. the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;
5. the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
6. whether political campaigns have been characterized by overt or subtle racial appeals; and
7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

Gingles describes a review of the totality of the circumstances that requires a "searching practical evaluation of the past and present reality" of a jurisdiction's electoral system that is "intensely local," "fact-intensive," and "functional" in nature. 478 U.S. at 45-46, 62-63, 79. Liability depends on the unique factual circumstances of each case and the totality of the circumstances in the particular jurisdiction in question.

On October 19, 2022, the Committee received a response from Corporation Counsel responding to a set of questions. The following response was to a question seeking clarification on requirements of the Voting Rights Act:

> 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.
>
> In seeking compliance with the Voting Rights Act, the City Council should pay attention to ensuring that districts do not have the effect of creating unequal opportunity based on race, color, or language minority groups of American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage populations.

Racial Bloc Voting Analysis

According to the presentation provided by Dr. Lisa Handley at the Committee working session of October 25, 2022, there are several statistical methods used to analyze voting patterns in order to determine whether electoral districts comply with the Voting Rights Act. District plans are in violation if the effect denies or dilutes minority voting strength.

A racial bloc voting analysis uses aggregate data of precinct election results and demographic composition for those precincts by voting age population in order to identify patterns. The patterns across precincts are then used to estimate White, Black, Hispanic, and Asian voter support for each of the candidates competing in an election contest. Due to the limited number of demographically homogeneous precincts in Boston, homogeneous precinct analysis is difficult to conduct. Instead, two statistical methods called ecological regression analysis (ER) and ecological inference analysis (EI) are used.

Dr. Handley discussed that Boston's 2020 Census enumeration for Black, Hispanic, and Asian populations are sizable enough to conduct a racial bloc voting analysis. As a result, Dr. Handley analyzed the voting patterns for White, Black, Hispanic, and Asian voters for all contested citywide preliminary and municipal elections from 2015 to 2021. EI and ER estimates were presented for each of the candidates in the 2021 Boston mayoral election.

Dr. Handley explained that while the September 2021 mayoral preliminary election was polarized between White voters and Black voters, it was not polarized between White voters and Hispanic or Asian voters. Further, minority groups were not cohesive in preferring the same candidate in the preliminary election. Meanwhile, in the November 2021 mayoral municipal election, the contest was no longer polarized as White, Black, Hispanic, and Asian voters preferred the same candidate, and minority groups were cohesive.

The summary table presented by Dr. Handley for each municipal election from 2015 to 2021 represented a district-specific, functional analysis demonstrating whether or not vote polarization existed. Dr. Handley's analysis found that voting is polarized in Boston, but the amount of polarized voting varies by district; some areas are more polarized than others. The polarization between White and Black voters with White and Hispanic voters are comparable, while there is

less polarization between White and Asian voters. In the six municipal elections analyzed that demonstrated polarization, the candidate preferred by Black or Hispanic voters lost four contests. It is also important to note that when voting is polarized, Black, Hispanic, and Asian minority voters are not always cohesive, particularly in preliminary elections.

Dr. Handley's presentation concluded that, "Because voting is often polarized, districts that offer minority voters an opportunity to elect their candidates of choice must be drawn or, if they already exist, these districts must be maintained in a manner that continues to provide minority voters with an opportunity to elect their preferred candidates," while exercising caution if combining Black, Hispanic, and Asian voters to create a "minority" district because the three groups of voters are not always cohesive in their voting patterns.

Target Date for Action

In order for an individual to run for a District City Council seat, they must have resided in the district for 12 months prior to the date of the upcoming municipal election. The next regular municipal election will be on Tuesday, November 7, 2023. Therefore, it would be ideal for the City Council to pass and for the Mayor to approve an ordinance before November 7, 2022. Failure to do so could result in a Court challenge based on any changes made to Council districts. By Charter, the Mayor has 15 days to review and sign or disapprove of ordinances passed by the City Council. In actuality, it would have been ideal for the Mayor to have received it earlier to provide for as much notice to residents contemplating running for office in the next municipal election, and time for the Council to make revisions in the event of the Mayor's disapproval.

On October 19, 2022, the Committee received a response from Corporation Counsel responding to a set of questions. The following response was received to a question requesting clarification on the City Council's deadline for action to redraw electoral districts [**emphasis added**]:

> There is some ambiguity concerning the City Council's deadline for action because it involves the interplay of special acts related to Boston redistricting that were modified by the legislature without any systematic effort to address deadlines in the special acts related to Boston. However, the only explicit statutory deadline set forth in the Boston City Charter is that city council districts be redrawn by August 1, 2026. **That deadline is based on a provision in the City Charter requiring that districts be drawn by August every ten years starting in 1986, which was contemplated to be after the completion of the state census conducted in each year ending in five.** [St. 1982, c. 605, s. 3] The state census was abolished in 1993, and an act of the legislature provided that any reference to the state census in any special law or charter must now be read as a reference to the most recent federal census. [St. 1993, c. 403, s. 34] **Although that law impacted the City Charter by requiring that Boston redistricting be based on the federal census, it did not modify the deadline set forth in the City Charter.**
>
> **The City Council is appropriately engaged in redistricting in 2022 based on the 2020 federal census.** Past redistricting has been conducted by the Council in 2002 and 2012, and not conducting redistricting within ten years would be constitutionally suspect because of the need to maintain approximately equal population in districts. *Reynolds v. Sims*, 377 U.S. 533, 584 (1964). Although there is no express statutory deadline in 2022, past redistricting has been

> completed prior to one year before the next municipal election, and the special law creating Boston's redistricting process may be read to contemplate that redistricting should be accomplished by then because it provides that "every city councilor... who is elected to represent an individual district shall have been an inhabitant of a place within the district ... for at least one year immediately preceding" the election. [St. 1982, c. 605, s. 6.] **These contemplated timeframes avoid risking the type of informational problems that will increasingly burden candidates, voters, and election officials as the municipal election approaches. At this time, therefore, it remains prudent for the City Council to diligently continue its work toward drawing electoral districts with mayoral approval keeping the November 7, 2022 date for one year of candidate residency in mind.**

It is important to note, as Corporation Counsel explains in the response above, that the sole reason the present statutory deadline is August 1, 2026 is solely due to the fact that the relevant Boston City Charter provision was never brought into conformity with the General Laws following the constitutional amendment abolishing the state census. The 1986 amendment to Boston's enabling statute for drawing district boundaries provided that

> The council shall redraw the districts for the purpose of city council and school committee representation as specified in this section on or before (a) ninety days from the date that the nineteen hundred and eighty-five state census, including census figures for the city of Boston, is properly certified by the state secretary; and (b) on or before August first, nineteen hundred and ninety-six and on or before said August first every subsequent tenth year. [St. 1986, c. 343]

Had the City's enabling statute been properly amended to shift the deadline for redistricting from August 1 in years ending in the number six, following the state census, and instead to years ending in the number two, following the federal census, then the deadline would most likely have been August 1, 2022. In reality, even if the Council were to complete our present task prior to November 7, 2022 in order to establish new district boundaries one year prior to the next municipal election, it would be unlikely for any potential candidate to establish residency in a new district within such a short period of time. Any thought of prolonging the present process would invite the risk of being characterized as incumbent protection.

It should also be cautioned that, should the Council not establish new district boundaries in time for the 2023 municipal election, the City could be at risk of a constitutional challenge under the 14th Amendment requiring each district to contain the same population. In fact, the inaugural district plan passed by the City Council was struck down due to its 23.6 percent total deviation between the most populous and least populous districts violating the "one person, one vote" standard. *Latino Political Action Committee, Inc, v. City of Boston*, 568 F.Supp. 1012 (1983). The current districts have a total deviation range of 26.6 percent and would be sure to invite a constitutional challenge should the Council neglect to draw new district boundaries in time.

Despite assuming the responsibility of facilitating the remainder of the redistricting process in two months, the Chair and staff have been determined to work within the given constraints to prevent further undue burdens which would arise by prolonging the already imperfect process.

Committee Process in 2021 and 2022

On September 28, 2021, the Committee on Census and Redistricting held a virtual hearing chaired by Councilor Ricardo Arroyo on Docket #0860 to discuss the redistricting process in the City of Boston. Mr. Tom Mortan, Assistant Chief of the Census Redistricting and Voting Rights Data Office for the U.S. Census Bureau, joined the hearing to present as an invited panelist.

The Committee was reestablished by the adoption of City Council rules for the municipal years 2022-2023 through a vote of the City Council on January 26, 2022, with the charge that the Committee "shall concern itself with issues relevant to city, state and federal redistricting of Boston. The committee shall concern itself with the redistricting for city council districts, including creating and facilitating process for community outreach; as well as assessing and selecting technology to be used to support city council redistricting efforts."

The Committee held an initial series of virtual public meetings to hear testimony regarding redistricting from residents. On March 24, 2022, the virtual meeting was dedicated for residents of Districts 3, 7, and 8, and attendees offering public testimony included residents of Mission Hill and Dorchester. On March 31, 2022, the virtual meeting was dedicated for residents of Districts 4, 5, and 6, and attendees offering public testimony included residents of Hyde Park. On April 7, 2022, the virtual meeting was dedicated for residents for Districts 1, 2, and 9, and attendees offering public testimony included residents of Chinatown and Fort Point.

On August 4, 2022, the Committee held a public hearing in the Iannella Chamber to discuss the redistricting process. Councilors were joined by representatives of the Board of Election Commissioners and the Election Department, with particular attention paid to the reprecincting process. On August 29, 2022, communication (Docket #1021) was received from the Council President notifying the City Clerk of the temporary readjustment of committee assignments, including the Committee on Redistricting.

On September 14, 2022, the City Council voted for the passage of a Section 17F order under the City Charter requesting to receive demographic data from the BPDA in its capacity as planning board for the City of Boston. Until this point, detailed demographic data for the 2020 Census presented by current City Council district or new precinct boundaries had not been made publicly available through official reports, presentations, or datasets.

On September 16, 2022, the Committee held a virtual working session where the Chair and Vice Chair discussed the anticipated redistricting timeline and process. Given the abbreviated time remaining, Councilors were requested to assist in reaching out to community stakeholders and provide suggestions to the Chair for particular community organizations to reach out to directly.

On September 20, 2022, the Committee held a working session in the Piemonte Room focused on new precincts split between multiple current districts, coming to consensus on the assignment of each precinct so that they are entirely within a single district on a "baseline" map.

On September 23, 2022, a virtual working session was held. The Chair reviewed maps of past redistricting plans dating back from 1983 to 2012, as well as the "baseline" map with split precincts reconciled. Councilors discussed centers of population growth and took into consideration further growth to be anticipated. Councilors discussed various communities of interest they would like to focus on–including residents in Chinatown and the South End with

residents of the Cathedral and Villa Victoria housing developments. The Vietnamese community in Fields Corner was also identified as a community of interest to unify. The Chair and Vice Chair stressed the importance of outreach and community engagement, requesting that all Councilors assist in disseminating information to the public given the intended November 2, 2022 target deadline for final Council action on this matter.

On September 26, 2022, a working session was held in the Piemonte Room. District Councilors discussed their suggestions for communities of interest to be mindful of. Topics raised included residents in public housing, residents with disabilities, and the LGBTQ+ community. Particular neighborhoods were discussed, including Chinatown, the South End, Beacon Hill, Fields Corner, Mattapan, Mission Hill, Roslindale, and Grove Hall. Certain district Councilors announced their intentions to hold listening sessions with constituents through their respective offices.

On September 27, 2022, a working session was held in the Piemonte Room. The Chair reviewed the redistricting process thus far. Representatives of the BPDA were in attendance to answer questions about demographic data. The discussion turned toward precincts 8-1 and 9-1, which include the Villa Victoria and Cathedral housing developments and are presently in District 2 but were respectively allocated to District 3 and District 7 on the "baseline" map. Councilors discussed whether splitting the precincts into two separate districts would have a negative impact on the community, or if they should be paired together, and if so, which district they should be in. The consensus of the Councilors was that the two precincts should remain together. It was expressed that the Dorchester-based District 3 would no longer be considered "compact" if it were to extend further into the South End. Another sentiment expressed was that the Council should focus on shifting district boundaries northward where further population growth is anticipated, such as in Districts 1, 2, and 3, and that the districts in the southern part of the City should "absorb" more precincts, or more drastic changes would need to be made in ten years. Councilors discussed redistricting principles and the Chair requested the assistance of all Councilors to maximize public awareness and participation in the process. A request was made for future working sessions to be held in the Iannella Chamber and livestreamed.

A public hearing was held in the Iannella Chamber on September 29, 2022 to hear testimony from members of the public. Testimony generally focused on redistricting principles which residents would like to see reflected in maps to be proposed. Testimony also stressed transparency in order to ensure public confidence in the process and encourage community engagement. Testimony was received from residents who requested that attention be paid to their neighborhoods so as to not be split among districts–these included Chinatown, Fields Corner, Mission Hill, Roslindale, the South End, and the West End.

A working session was held in the Iannella Chamber on September 30, 2022, where Councilors presented and reviewed details for each of the maps filed and referred to the Committee thus far. On October 7, 2022, a working session was held in the Iannella Chamber to review three proposed redistricting plans filed and referred to the Committee. On October 11, 2022, a public meeting was held in the Iannella Chamber to hear public testimony regarding redistricting from residents, and a memorandum was received through the Law Department from Attorney Jeffrey Wice. Public testimony was received from residents of Dorchester in response to proposed redistricting plans, expressing their wishes for their community boundaries to be respected and maintained as whole.

On October 17, 2022, a working session was held in the Iannella Chamber, followed by the Council's adoption of City Council redistricting principles in Docket #1098 at its meeting of

October 19, 2022. On the evening of October 20, 2022, the Committee held an off-site meeting in the Fields Corner area of Dorchester to hear public testimony on the redistricting process and on the proposed redistricting plans.

A working session was held in the Curley Room on October 21, 2022 where Dr. Moon Duchin presented a general overview of core and contested traditional districting principles. Dr. Duchin also reviewed various metrics to measure the contiguity and compactness of proposed district plans, which include the Polsby-Popper, Reock, and Cut Edges measures for compactness. Dr Duchin discussed the concept of core retention as it relates to displacement, or the share of the population that would be moved to a different district under a proposed plan. Dr. Duchin discussed the nuance of balancing core retention with other optional or mandated redistricting principles. Dr. Duchin then provided a general overview of metrics for the five proposed redistricting plans, stating that all meet the standards of compactness and contiguity. Voting history was discussed as a measure for the ability of districts as drawn to allow voters to elect the candidates of their choice. The 2021 mayoral preliminary election results were used to demonstrate how the results may have changed per district under each of the proposals. Dr. Duchin stressed that demographic targets should not be relied on, but that effectiveness analyses should be conducted using the locality's electoral history to determine what is needed to draw effective districts for qualifying minorities to be provided an effective opportunity to elect their candidates of choice. The nuance of coalitional claims requiring cohesion among minority groups sharing their preferred candidates was also discussed.

A working session was held in the Piemonte Room on October 24, 2022 where Councilors discussed potential shifts to the district plans as proposed, as well as a general discussion on the use of electoral history to measure impacts of proposed districts. A public hearing was held in the Iannella Chamber later in the afternoon of October 24, 2022.

A final working session was held in the Iannella Chamber on October 25, 2022 where the Committee was joined virtually by Attorney Jeffrey Wice and Dr. Lisa Handley. Dr. Handley presented an overview of racial bloc voting analysis for the 2015 to 2021 Boston municipal election results, and reported her findings that voting is polarized in Boston, but the amount of polarization varies by district. Further, when polarized voting exists, Black, Hispanic, and Asian voters are not always cohesive in their voting patterns. Due to voting being polarized, districts which offer minority voters an opportunity to elect their candidates of choice must be drawn or maintained if they already exist.

In response to a question of whether the present District 4 is violative of the Voting Rights Act, Dr. Handley stated that the district as currently configured provides Black voters with an opportunity to elect their candidates of choice, and continuing to draw the district such as to provide Black voters with the opportunity to elect their candidates of choice would be in compliance with the Voting Rights Act.

Attorney Wice reminded Councilors to be sure not to violate the Voting Rights Act by diluting or packing minority voting strength among districts, and that how one community is configured within a district should also be viewed in relation to a neighboring district.

Overview of Submitted Plans

Information and feedback received from Councilors and members of the public through hearings, meetings, and working sessions informed the direction and multiple iterations of maps referred to

the Committee. Below are the five plans that have been formally submitted by Councilors and referred to the Committee on Redistricting as of the date of this report:

- ***Docket #1186*** was sponsored by Councilors Ricardo Arroyo and Tania Fernandes Anderson, and was referred to the Committee on September 28, 2022;
- ***Docket #1215*** was sponsored by Councilor Erin Murphy and referred to the Committee on October 5, 2022;
- ***Docket #1216*** was sponsored by Councilors Liz Breadon and Brian Worrell, and was referred to the Committee on October 5, 2022;
- ***Docket #1273*** was sponsored by Councilor Frank Baker, and was referred to the Committee on October 19, 2022;
- ***Docket #1275*** was sponsored by Councilors Liz Breadon and Ricardo Arroyo, and was referred to the Committee on October 19, 2022.

In ***Docket #1186*** as filed, District 1 would pick up precinct 3-10, a split precinct which had otherwise been allocated to District 8 in the "baseline" map; District 2 would maintain precinct 3-6, a split precinct which had otherwise been allocated to District 1 in the "baseline" map, while picking up precinct 7-7 from District 3; District 3 would pick up precincts 4-1, 4-2, 4-3, 4-4, 4-5, 5-14, 8-1, 8-2, 8-6, 9-1, and 9-2, inclusive of split precincts allocated to Districts 2 and 7 or maintained in District 3 in the "baseline" map, as well as pick up precinct 16-1 from District 4; District 4 would pick up precincts 15-7, 16-11, and 17-13 from District 3, and precincts 14-5 and 18-2 from District 5; District 5 would pick up precincts 14-8, 18-7, and 19-12 from District 4, and precinct 20-1 from District 6; District 6 would pick up precinct 20-8 from District 5; District 7 would pick up precincts 7-10, 13-5, and 15-1 from District 3; District 8 would pick up precinct 3-17 from District 2 and maintain precinct 4-6, both of which it had been allocated on the "baseline" map; and no changes would be made to District 9 from the "baseline" map.

In ***Docket #1215*** as filed, District 1 would maintain precinct 3-6 which had been allocated to it from District 2 on the "baseline" map; District 2 would retain precinct 8-1, a split precinct which had otherwise been allocated to District 3 in the "baseline" map; District 3 would maintain precincts 8-2 and 8-6, both of which it had been allocated on the "baseline" map, pick up precincts 7-5 and 7-6 from District 2, and precincts 16-1 and 17-14 from District 4; District 4 would pick up precincts 14-5, 14-14, and 18-2 from District 5, and precincts 13-1, 13-2, and 13-4 from District 7; District 5 would pick up precincts 14-8, 18-7, and 19-12 from District 4, and precinct 19-7 from District 6; District 6 would pick up precinct 20-8 from District 5; District 7 would maintain precincts 4-4 and 9-1, both split precincts which had been allocated to it on the "baseline" map, and pick up precinct 4-7, a split precinct which had been otherwise been allocated to District 8 on the "baseline" map; District 8 would pick up precinct 3-17 from District 2 and maintain precinct 4-6, both of which it had been allocated on the "baseline" map; and no changes would be made to District 9 from the "baseline" map.

In ***Docket #1216*** as filed, District 1 would maintain precinct 3-6 which had been allocated to it from District 2 on the "baseline" map, and pick up precinct 3-10, a split precinct which had otherwise been allocated to District 8 in the "baseline" map; District 2 would retain precincts 8-1 and 9-1, split precincts which had otherwise been allocated to Districts 3 and 7 on the "baseline" map, respectively; District 3 would maintain precincts 8-2 and 8-6, both of which it had been allocated on the "baseline" map, pick up precinct 7-6 from District 2, and precincts 16-1, 16-3, 17-2, 17-9, and 17-11 from District 4; District 4 would pick up precincts 16-8, 16-11, and 17-13

from District 3, and precincts 14-5 and 14-14 from District 5; District 5 would pick up precinct 19-12 from District 4 and precinct 20-1 from District 6; District 6 would pick up precinct 20-8 from District 5; District 7 would maintain precinct 4-4, a split precinct allocated to it on the "baseline" map; District 8 would pick up precinct 3-17 from District 2 and maintain precinct 4-6, both of which it had been allocated on the "baseline" map, as well as pick up precinct 4-2 from District 2; and no changes would be made to District 9 from the "baseline" map.

In ***Docket #1273*** as filed, District 1 would maintain precinct 3-6 which had been allocated to it from District 2 on the "baseline" map, and would pick up precinct 3-10, a split precinct which had otherwise been allocated to District 8 in the "baseline" map; District 2 would retain precincts 8-1 and 9-1, split precincts which had otherwise been allocated to Districts 3 and 7 on the "baseline" map, respectively; District 3 would maintain precincts 8-2 and 8-6, both of which it had been allocated on the "baseline" map, and pick up precincts 16-1 and 16-3 from District 4; District 4 would pick up precincts 14-5 and 14-14 from District 5, and precinct 19-7 from District 6; District 5 would pick up precinct 20-1 from District 6; District 6 would pick up precinct 20-8 from District 5; District 7 would maintain precinct 4-4, a split precinct which had been allocated to it on the "baseline" map, and would pick up precinct 4-7, a split precinct which had otherwise been allocated to District 8 on the "baseline" map; District 8 would pick up precinct 3-17 from District 2 and maintain precinct 4-6, both of which it had been allocated on the "baseline" map, in addition to picking up precincts 4-2 and 5-13 from District 2; and no changes would be made to District 9 from the "baseline" map.

In ***Docket #1275*** as filed, District 1 would maintain precinct 3-6 which had been allocated to it from District 2 on the "baseline" map, as well as pick up precinct 3-13 from District 2; District 2 would retain precincts 8-1 and 9-1, split precincts which had otherwise been allocated to Districts 3 and 7 on the "baseline" map, respectively, and District 2 would also pick up precinct 4-5 from District 7 and precinct 4-6 from District 8; District 3 would maintain precincts 8-2 and 8-6, both of which it had been allocated on the "baseline" map, and pick up precincts 6-1, 6-3, 7-5, and 7-6 from District 2, and precincts 16-1, 16-3, 17-2, and 17-6 from District 4; District 4 would pick up precincts 16-8, 16-9, 16-11, 16-12, and 17-13 from District 3, and pick up precinct 14-5 from District 5; District 5 would pick up precincts 18-7 and 19-12 from District 4; District 6 would pick up precinct 20-8 from District 5; District 7 would maintain precinct 4-4, a split precinct which had been allocated to it on the "baseline" map; District 8 would pick up precinct 3-17 from District 2, which it had been allocated on the "baseline" map; and no changes would be made to District 9 from the "baseline" map.

Context of Submitted Plans

Several precinct changes were common across most, if not all, of the proposed redistricting plans. Precinct 3-17 in Beacon Hill was newly created as a separation from the former precinct 3-6 through the reprecincting process. The allocation of the adjusted precinct 3-6 to District 1 on the "baseline" map required precinct 3-17 to be moved to either District 1 or District 8 in order to maintain the contiguity of District 2. All five proposals allocate precinct 3-17 to District 8, maintaining the cohesion of the Beacon Hill neighborhood. Additionally, four proposals maintain precinct 3-6 in District 1 as in the "baseline" map, and three proposals move precinct 3-10 in the West End from its location in District 8 on the "baseline" map to District 1. Early public testimony drew resident concerns of splitting the West End should precinct 3-10 be moved from District 8 to District 1.

At the September 20, 2022 working session where Councilors discussed the sixteen split precincts, particular consideration was paid to precincts 8-1 and 9-1 in the South End, both of which were split precincts mostly located in the present District 2. Precinct 8-1 largely contains the Villa Victoria affordable housing community with roots in the Puerto Rican and Latino communities, while precinct 9-1 contains the Cathedral (Ruth Barkley) public housing complex. Given that the population of the present District 2 is 13,481 residents (18.0%) over the ideal average population, Councilors agreed to tentatively place precinct 8-1 in District 3 and precinct 9-1 in District 7 for the purpose of establishing the "baseline" map, with the intention of further discussion on whether the two precincts should remain paired together. However, subsequent public testimony received from Chinatown and South End residents and community organizations, as well as review of Committee records containing written testimony received in 2012 redistricting, stressed the importance of pairing and maintaining these communities in District 2. As a result, despite its overpopulation, District 2 maintains precinct 8-1 in four of the proposed plans, as well as precinct 9-1 in three of the plans.

Discussion among Councilors in working sessions and testimony received at public hearings raised the desire to join precinct 16-1 in Fields Corner in Dorchester with the precincts presently in District 3 which have sizable concentrations of Asian residents and the Vietnamese American community comprising the Boston Little Saigon cultural district. This is reflected in all five proposals shifting precinct 16-1 from District 4 to District 3. Three of the plans also move precinct 16-3 together with precinct 16-1 from District 4 to District 3, which was the location of both precincts in the district plans of 1983, 1993, and 2002, prior to both being relocated to District 4 in the 2012 district plan.

There is a clear interest to reconfigure the southwest section of the City where the boundaries of Districts 4, 5, and 6 converge. In particular, all five proposed plans make an effort to more cohesively unite the Roslindale neighborhood, whether in whole or in part, but each varies in its approach. That Roslindale has been perennially split between City Council districts through the past several redistricting cycles—and is now split between the 6th Suffolk, 10th Suffolk, 14th Suffolk, and 15th Suffolk State Representative districts—a clear case is made to unite the neighborhood as much as possible in a single City Council electoral district. Four of the five proposed plans shift from District 4 to District 5 precinct 19-12; a precinct which was located in District 5 in the plans of 1983, 1987, and 1993, until it shifted to District 6 in 2002 and to District 4 in 2012. Three of the proposed plans also shift precinct 18-7 from District 4 to District 5; which was its prior location in the district plans of 1983, 1987, 1993, and 2002. Similarly, three of the proposed plans also shift precinct 20-1 from District 6 to District 5; which was its prior location in the district plans of 1983, 1987, 1993, and 2002. To balance the population shift of the aforementioned precincts, however configured, all five proposed plans would move precinct 20-8 from District 5 to District 6.

The configuration of precincts and Council districts in the southwest section of the City tended to trigger further shifts to adjacent districts in a counterclockwise direction. With the shifts made to Districts 5 and 6 intended to provide greater neighborhood cohesion in Roslindale by picking up precincts from District 4, several scenarios make up for the resulting population deficit in District 4. The precinct change common across all five proposed plans is shifting precinct 14-5 in Mattapan from District 5 back to District 4, where it was located in every district plan until 2012. Three of the plans would also shift precinct 14-14 in Mattapan from District 5 back to District 4, where it was also located until 2012. Another shift present in two plans is moving precinct 18-2 from District 5 to District 4, which was also its prior location until 2012.

If District 5 were not drawn with a view toward uniting more of Roslindale, District 4 could move northwestward to pick up precinct 19-7 in Jamaica Plain from District 6, as is the case in one proposed plan. Aside from picking up additional precincts in Mattapan, and refraining from moving westward in order to achieve a cohesive Roslindale, District 4 could shift northward or eastward. Such a northward shift into District 7 is proposed in one plan, with District 4 picking up precincts 13-1, 13-2, and 13-4 in Roxbury.

Alternatively, the resulting population deficit of District 4 could be addressed by picking up adjacent precincts to the east from District 3, as is the case to varying degrees in three of the five proposed plans. One plan has District 4 pick up precincts 16-11 and 17-13 in Dorchester from District 3, as is the case in a second plan, but with the addition of precinct 16-8. Both proposals generated public testimony regarding neighborhood cohesion should the two or three impacted precincts be moved from District 3 to District 4 as initially proposed. A third such plan sought to address concerns of maintaining neighborhood cohesion, as well as local historic and cultural affinity by identifying adjacent precincts encouraged to be relocated together. In the third plan, District 4 would pick up five precincts from District 3: 16-8, 16-9, 16-11, 16-12, and 17-13.

The boundaries of District 3 would then shift northward to pick up precincts from District 2, given its excess population above the ideal norm. The consensus to maintain precincts 8-1 and 9-1 in the South End limit alternatives for District 3 to pick up population from District 2 other than from South Boston, as three of the proposed plans do. One plan has District 3 pick up precinct 7-6; another plan picks up precincts 7-5 and 7-6; and the third plan picks up precincts 6-1, 6-3, 7-5, and 7-6. Excessive precinct sizes along the boundaries of districts at or near their population capacity, such as Districts 1 and 8, also jeopardize the extent to which other traditional redistricting principles such as neighborhood cohesion are weighed.

Analysis of Current and Proposed Districts

Compactness and contiguity are standard principles of redistricting. All districts in the proposed plans are contiguous, and two compactness measures demonstrate that the boundaries across the proposed districts are more alike than they are different.

Polsby-Popper score[37] is the ratio of the district area to the area of a circle with the same circumference as the perimeter of the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock score[38] is the ratio of the area of the district to the area of the smallest circle that entirely encloses the district. The measure is always between 0 and 1, with 1 being the most compact. The Polsby-Popper and Reock scores for the proposed plans follow.

[37] Polsby, D. D., and R. D. Popper, 1991, The Third Criterion: Compactness as a Procedural Safeguard against Partisan Gerrymandering. *Yale Law and Policy Review*, 1991.
[38] Reock, E. C., Jr. Measuring Compactness as a Requirement of Legislative Apportionment. *Midwest Journal of Political Science*, 1961.

Compactness Scores for All Plans

	Baseline Map		***Docket #1186***		***Docket #1215***		***Docket #1216***		***Docket #1273***		***Docket #1275***	
District	*Polsby-Popper*	*Reock*	*Polsby-Popper*	*Reock*	*Polsby-Popper*	*Reock*	*Polsby-Popper*	*Reock*	*Polsby-Popper*	*Reock*	*Polsby-Popper*	*Reock*
1	0.29	0.36	0.29	0.36	0.29	0.36	0.29	0.37	0.29	0.37	0.28	0.37
2	0.33	0.31	0.35	0.37	0.31	0.30	0.31	0.32	0.30	0.32	0.25	0.27
3	0.16	0.14	0.16	0.15	0.16	0.14	0.16	0.15	0.16	0.14	0.17	0.15
4	0.20	0.47	0.30	0.46	0.30	0.34	0.20	0.43	0.24	0.52	0.19	0.47
5	0.26	0.43	0.30	0.45	0.35	0.42	0.25	0.41	0.27	0.40	0.29	0.46
6	0.27	0.34	0.25	0.34	0.29	0.33	0.25	0.34	0.26	0.32	0.27	0.34
7	0.35	0.34	0.33	0.38	0.31	0.31	0.36	0.33	0.34	0.32	0.35	0.33
8	0.24	0.27	0.25	0.30	0.23	0.27	0.25	0.31	0.23	0.32	0.23	0.26
9	0.54	0.46	0.54	0.46	0.54	0.46	0.54	0.46	0.54	0.46	0.54	0.46
Avg.	0.29	0.35	0.31	0.36	0.31	0.33	0.29	0.35	0.29	0.35	0.29	0.35

Additionally, Dr. Duchin's lab used precinct-level results of past elections–approximated to the new precinct boundaries–in order to compare results of the mayoral and at-large preliminary elections from 2015, 2017, 2019, and 2021 if the elections were held in the new districts as proposed. For most of the elections, the results were close to identical on the proposed districts compared to the results on the "baseline" map, with only a few instances where the order of candidate ballot counts in the at-large races were slightly shuffled.

Finally, Dr. Duchin's lab also assisted by generating the approximate total population which would be relocated to a new district under each of the five proposed plans. Across all five plans, the approximate average population that would move between districts would be 50,070 residents, or 7.4 percent of the City's total population.

Summary of New Draft

Docket #1275 as recommended in its new draft makes five changes from the language initially filed, in large part due to feedback received from community members, neighborhood residents and organizations, and the respective District Councilors. Precinct 6-3, which was originally proposed to be moved to District 3 with precincts 6-1, 7-5, and 7-6, would remain in District 2. Instead, Precinct 3-15 would move from District 2 to District 3. Precinct 16-9, proposed to move to District 4 with precincts 16-8, 16-11, 16-12, and 17-13, would remain in District 3. Precincts 17-2 and 17-3, originally proposed to be moved to District 3, would remain in District 4.

This configuration of District 3 and District 4 results in South Dorchester maintaining its representation in two districts. Due consideration was contemplated in response to requests of community residents, civic associations, and Councilors representing the neighborhood who called for the six precincts of 16-8, 16-9, 16-10, 16-11, 16-12, and 17-13 to remain in District 3 or move in whole into District 4. The dilemma of long overdue reprecincting is demonstrated here as the population sizes for these six precincts range from 1,138 to 3,042, and the total population is 11,876 residents. Although this move results in the unification of Lower Mills, it does relocate Ashmont/Adams and Cedar Grove into District 4, while resulting in Adams Village spanning two Council districts. However, this change is proposed with a view toward generally

maintaining the historic Neponset/Port Norfolk and St. Ann's communities intact in District 3 by retaining precinct 16-9 together with precincts 16-5, 16-7, and 16-10.

The desire to unite long-splintered neighborhoods to the west of Dorchester, in tandem with the mandate to equalize excessive population deviation to the north, leave limited alternatives to entirely maintain precincts 16-8, 16-9, 16-10, 16-11, 16-12, and 17-13 together. In the new draft, District 3 has a population of 75,839 residents, while District 4 has a population of 72,917. Adding both precincts 16-9 and 16-10 to District 4 with precincts 16-8, 16-11, 16-12, and 17-13 would then prompt District 3 to gain population by moving even further into South Boston than is already proposed. With unresolved excess population in District 2 and limited options for the other adjacent districts to pick up precincts outside of South Boston, the most feasible option is for District 3's boundaries to shift further northward.

District 2 began the redistricting process with an excess population of 13,481 residents (18.0 percent) above the ideal average per district. Its population managed to be reduced by 11,847 residents (13.4 percent) on the "baseline" map. However, the clear consensus among Councilors and community members to maintain the South End housing developments of Villa Victoria and Cathedral of precincts 8-1 and 9-1 resulted in the return of 5,385 residents to District 2, bringing the district total up to 82,091 residents. The frustrating reality of overdue reprecincting has led to bloated precinct populations, essentially creating a deadlocked buffer of large precincts on the border between districts which cannot be moved without causing excessive deviation.

Further, it must be noted that of the neighborhoods experiencing the largest population growth from 2010 to 2020, half are generally located in District 2. While District 2 has a population of 13,481 above the ideal size, that growth is not proportional across its neighborhoods. The South Boston Waterfront grew by 3,690 residents (195.3 percent) and South Boston by 6,132 residents (19.3 percent), a combined population of 9,822 residents, or 72.9 percent, of District 2's excess population. Excess population from the ideal district size aside, District 2 itself experienced a population growth of 19,412 (28.1 percent), or a 33.4 percent share of the citywide growth.

In the 2012 cycle of redistricting, precincts 7-7, 7-8, 7-9, and 8-2 shifted to District 3 from District 2, where they had been since the first districts were drawn in 1983. This reflects the trajectory of district boundaries needing to shift toward centers of population growth. Further, not all neighborhoods have the same population density, meaning that in order to equalize population among districts–the primary mandate of redistricting–it may not be possible for every neighborhood to be kept whole within a single district. Recognizing and addressing this now will help limit the impact of future more drastic changes between districts in the next decade.

Recommendations for Future Redistricting Processes

Redistricting is a response to a decade of population change, and our building blocks for new districts should adjust with that change. The City's exemption from the decennial division of wards and precincts should be repealed. Being confined to overgrown precincts is unsustainable and adversely impacts the entire process by jeopardizing other traditional redistricting principles. Manageable precinct sizes would increase opportunities to maintain the integrity of existing neighborhoods. Lack of comprehensive reprecincting has been raised in multiple cycles of redistricting, and the Chair recommends that tangible solutions be pursued without waiting until the next decennial census. The City could petition the Legislature to authorize the Election Commissioners to draw new precincts without conflicting with state legislative and congressional district boundaries. The City could work with the Secretary of the Commonwealth

to incorporate the new precincts into the Voter Registry Information System to avoid discrepancies between precincts for municipal and statewide elections. It is the Chair's belief that more manageable precinct sizes would allow for less strenuous redistricting processes.

During the redistricting process, Councilors have pondered the necessity of creating additional district seats in future decades. However, altering the composition of the City's legislative body would possibly require the election of a Charter commission under the Home Rule Amendment to the Massachusetts Constitution. Boston continues to operate under the Charter established in 1951 without having exercised the home rule power to define its own governance. As the constitutional amendment passed in 1966, before district-based elections came into place for legislative bodies, the Charter commission process still requires the uncertainty of placing the responsibility to craft the City's entire government structure in the hands of a 13-member commission elected entirely at-large. If there is an interest in potentially expanding the size of the City Council, research should be conducted to identify the proper steps.

The Committee engaged the expertise of redistricting professionals too late in the process. Future redistricting should involve City demographers and cartographers shortly after census results become available. Funds should also be appropriated for outside legal counsel and election data analysts to conduct racially polarized voting analyses prior to proposed plans being drawn. Since this analysis requires the use of voting data, past election results should be approximated to the new precinct boundaries and all election data should be published in machine-readable formats. An amendment to the deadline established in the enabling statute is also necessary.

Finally, sufficient and meaningful community engagement in the redistricting process is essential, and this year's accelerated timeline was no exception. An independent advisory commission representative of the City should be established to support, inform, and monitor the Council. Standards should be put in place to ensure the future City Council tasked with redrawing district boundaries begins preparation for the community engagement process well in advance, shortly after the release of 2030 Census results in 2031. Many jurisdictions across the country begin their redistricting processes with a community of interest mapping drive, with resident input being taken into account and overlaid onto current and proposed districts. The City should formally recognize communities through resident engagement by using census blocks to establish smaller statistical areas for geographies whose demographic data can be disaggregated from the overall larger neighborhood. These recommendations would ensure that future redistricting processes are equitable and inclusive of all residents and communities in the City.

Committee Chair Recommended Action

As Chair of the Committee on Redistricting, I recommend moving the listed docket from the Committee to the full Council for discussion and formal action. At that time, my recommendation to the full Council will be that this matter **OUGHT TO PASS IN A NEW DRAFT**.

For the Committee:

Elizabeth Breadon

Liz Breadon, Chair
Committee on Redistricting

Attachments

User: 166588_boston
Plan: Docket 1275 Committee Report

Date: Wed Nov 02 2022 10:02:13 GMT-0400 (Eastern Daylight Time)
Plan No.: ae40868841b34e0eb458df4dd48f74a2

All Districts Summary Report-Docket 1275 Committee Report

District No.	D1
Total Population	76,830
Total Population 18+	64,257
Deviation	1,758
Dev. %	2.342

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	24,552	52,278	76,830	41,564	3,108	339	5,030	30	1,662	545
Total%	31.96	68.04	100.00	54.10	4.05	0.44	6.55	0.04	2.16	0.71
Total18+	18,296	45,961	76,830	37,306	2,366	287	4,334	24	1,272	372
Total18+%	28.47	71.53	119.57	58.06	3.68	0.45	6.74	0.04	1.98	0.58

District No.	D2
Total Population	77,466
Total Population 18+	70,183
Deviation	2,394
Dev. %	3.189

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	6,640	70,826	77,466	51,638	4,056	189	13,536	40	905	462
Total%	8.57	91.43	100.00	66.66	5.24	0.24	17.47	0.05	1.17	0.60
Total18+	5,314	64,869	77,466	48,094	3,367	159	12,076	37	781	355
Total18+%	7.57	92.43	110.38	68.53	4.80	0.23	17.21	0.05	1.11	0.51

District No.	D3
Total Population	73,285
Total Population 18+	60,834
Deviation	-1,787
Dev. %	-2.38

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	11,898	61,387	73,285	27,925	13,697	238	13,121	31	2,572	3,803
Total%	16.24	83.76	100.00	38.10	18.69	0.32	17.90	0.04	3.51	5.19
Total18+	8,735	52,099	73,285	25,470	10,606	203	10,834	29	2,081	2,876
Total18+%	14.36	85.64	120.47	41.87	17.43	0.33	17.81	0.05	3.42	4.73

District No.	D4

District No.	D4
Total Population	72,917
Total Population 18+	54,939
Deviation	-2,155
Dev. %	-2.871

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	17,409	55,508	72,917	9,190	37,534	332	3,005	25	1,642	3,780
Total%	23.88	76.12	100.00	12.60	51.47	0.46	4.12	0.03	2.25	5.18
Total18+	11,648	43,291	72,917	7,956	28,634	263	2,353	18	1,189	2,878
Total18+%	21.20	78.80	132.72	14.48	52.12	0.48	4.28	0.03	2.16	5.24

District No.	D5
Total Population	75,436
Total Population 18+	59,652
Deviation	364
Dev. %	0.485

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	18,191	57,245	75,436	18,543	33,775	224	1,975	29	1,097	1,602

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total%	24.11	75.89	100.00	24.58	44.77	0.30	2.62	0.04	1.45	2.12
Total18+	13,274	46,378	75,436	15,959	26,590	200	1,579	26	824	1,200
Total18+%	22.25	77.75	126.46	26.75	44.58	0.34	2.65	0.04	1.38	2.01

District No.	D6
Total Population	76,523
Total Population 18+	64,286
Deviation	1,451
Dev. %	1.933

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	12,660	63,863	76,523	46,579	7,839	245	7,194	36	1,237	733
Total%	16.54	83.46	100.00	60.87	10.24	0.32	9.40	0.05	1.62	0.96
Total18+	9,805	54,481	76,523	40,532	6,319	224	5,932	23	935	516
Total18+%	15.25	84.75	119.04	63.05	9.83	0.35	9.23	0.04	1.45	0.80

District No.	D7
Total Population	72,147

District No.	D7
Total Population 18+	59,234
Deviation	-2,925
Dev. %	-3.896

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	18,703	53,444	72,147	16,551	25,657	245	6,491	54	1,673	2,773
Total%	25.92	74.08	100.00	22.94	35.56	0.34	9.00	0.07	2.32	3.84
Total18+	13,519	45,715	72,147	15,668	20,286	195	6,087	53	1,297	2,129
Total18+%	22.82	77.18	121.80	26.45	34.25	0.33	10.28	0.09	2.19	3.59

District No.	D8
Total Population	76,370
Total Population 18+	71,921
Deviation	1,298
Dev. %	1.729

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	7,633	68,737	76,370	45,468	5,078	233	16,327	47	1,114	470
Total%	9.99	90.01	100.00	59.54	6.65	0.31	21.38	0.06	1.46	0.62

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total18+	6,704	65,217	76,370	43,540	4,503	202	15,551	41	1,005	375
Total18+%	9.32	90.68	106.19	60.54	6.26	0.28	21.62	0.06	1.40	0.52

District No.	D9
Total Population	74,673
Total Population 18+	68,530
Deviation	-399
Dev. %	-0.531

	Total Hispanic	Total Non-Hispanic	Total	Non-Hispanic white	Non-Hispanic black	Non-Hispanic American Indian/ Alaskan Native	Non-Hispanic Asian	Non-Hispanic Hawaiian or Other Pacific Islander	Non-Hispanic some other race	Non-Hispanic two or more minority race
Total	8,427	66,246	74,673	44,006	4,092	314	15,324	59	1,905	546
Total%	11.29	88.71	100.00	58.93	5.48	0.42	20.52	0.08	2.55	0.73
Total18+	6,912	61,618	74,673	41,506	3,538	285	14,247	55	1,568	419
Total18+%	10.09	89.91	108.96	60.57	5.16	0.42	20.79	0.08	2.29	0.61

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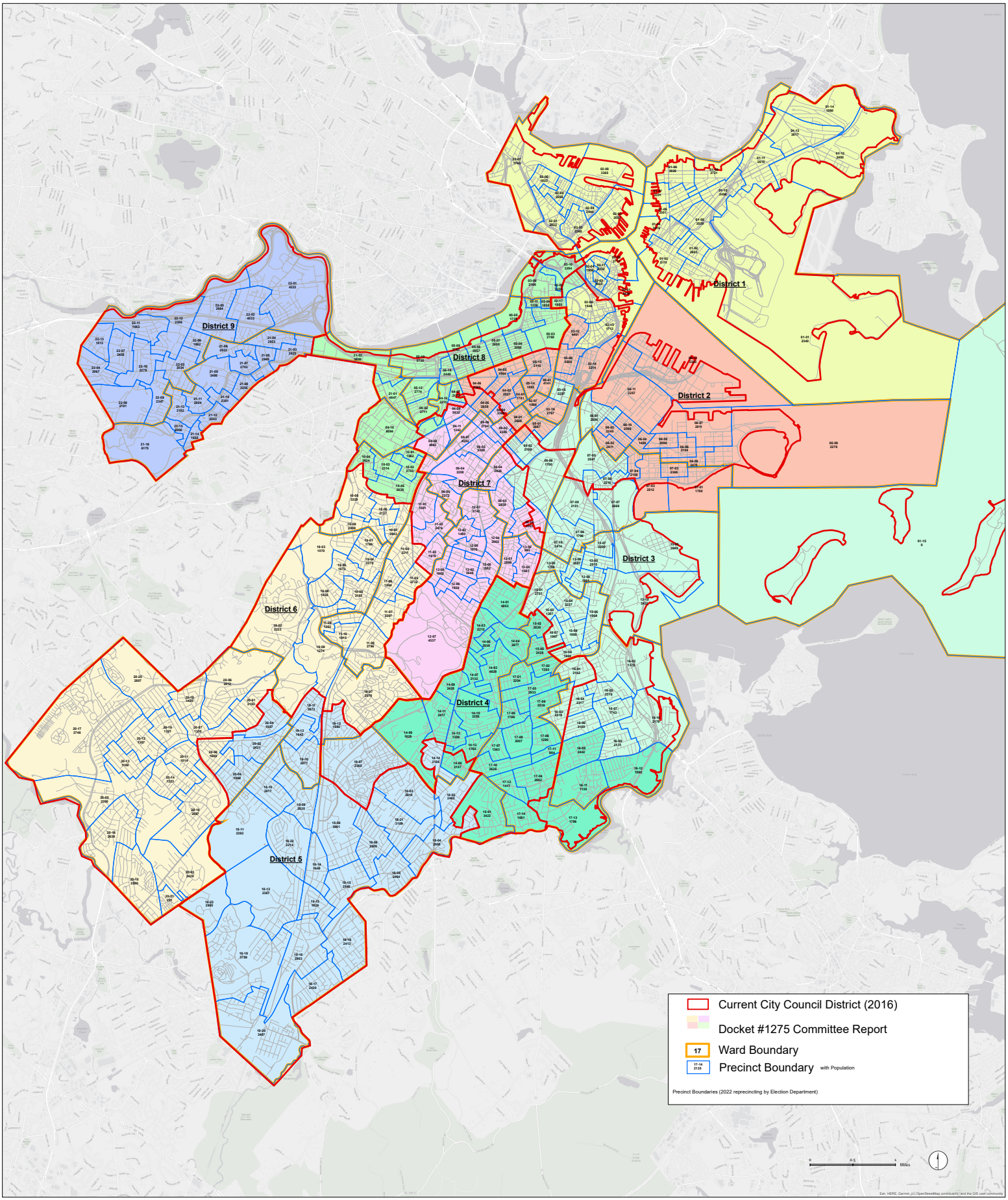

Map prepared by the DoIT GIS, October 17th, 2022

EXHIBIT D

An Analysis of Voting Patterns by Race and an Assessment of Minority Voters' Opportunities to Elect Candidates in Recent Boston Municipal Elections

Dr. Lisa Handley

DRAFT 2.0

I. Scope of Project

I was retained by the City of Boston to conduct an analysis of voting patterns by race and Hispanic ethnicity. I was also asked to conduct a district-specific, functional analysis to determine which districts under the current city council plan (2012 City Council District Plan) provide minority voters with an opportunity to elect their candidates of choice to the Council.

II. Professional Experience

I have over thirty-five years of experience as a voting rights and redistricting expert. I have advised scores of jurisdictions and other clients on minority voting rights and redistricting related issues and have served as an expert in dozens of voting rights cases. My clients have included scores of state and local jurisdictions, independent redistricting commissions (Alaska, Arizona, Colorado, Michigan), the U.S. Department of Justice, national civil rights organizations (ACLU, Lawyers Committee for Civil Rights Under Law), and such international organizations as the United Nations.

I have been actively involved in researching, writing, and teaching on subjects relating to voting rights, including minority representation, electoral system design, and redistricting. I co-authored a book, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992) and co-edited a volume, *Redistricting in Comparative Perspective* (Oxford University Press, 2008), on these subjects. In addition, my research on these topics has appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy,* as well as law reviews (e.g., *North Carolina Law Review*) and a number of edited books. I hold a Ph.D. in political science from The George Washington University.

I have been a principal of Frontier International Electoral Consulting since co-founding the company in 1998. Frontier IEC specializes in providing electoral assistance in transitional

democracies and post-conflict countries. In addition, I am a Visiting Research Academic at Oxford Brookes University in Oxford, United Kingdom.

III. Introduction: The Voting Rights Act and Racially Polarized Voting

The Voting Rights Act of 1965 prohibits any voting standard, practice, or procedure – including redistricting plans – that result in the denial or dilution of minority voting strength. Section 2 of the Voting Rights Act was amended in 1982 to establish that intentional discrimination need not be proven (as the Supreme Court determined was required under the 15th Amendment to the Constitution). The U.S. Supreme Court first interpreted the amended Act in *Thornburg v. Gingles*,[1] a challenge to the 1982 North Carolina state legislative plans. In this case the U.S. Supreme Court held that plaintiffs must satisfy three preconditions to qualify for relief:

- The minority group must be sufficiently large and geographically compact to form a majority in a single-member district
- The minority group must be politically cohesive
- Whites must vote as a bloc to usually defeat the minority-preferred candidates

What do we mean when we say minority voters must be politically cohesive? And how do we know if White voters usually vote as a bloc to defeat the candidates preferred by minority voters? According to the Court, racially polarized voting is the "evidentiary linchpin" of a vote dilution claim. Voting is racially polarized if minorities and Whites consistently vote for different candidates.[2] If minorities consistently support the same candidates, they are said to be politically cohesive. If Whites are consistently *not* supporting these candidates, they are said to be bloc voting against the minority-preferred candidates.

The Voting Rights Act requires a state or local jurisdiction to create districts that provide minority voters with an opportunity to elect their candidates of choice if voting is racially polarized and the candidates preferred by minority voters usually lose. If districts that provide

[1] 478 U.S. 30 (1986).

[2] More specifically, if minority voters and White voters considered separately would have elected different candidates in a given election contest, the contest is racially polarized. If this is the pattern across a number of election contests in the jurisdiction, then voting in the jurisdiction is racially polarized. If the candidates preferred by minority voters consistently lose, the polarization rises to the level of legally significant.

minority voters with the opportunity to elect their preferred candidates despite the presence of racially polarized voting already exist, these must be maintained as effective minority districts.

IV. Statistical Techniques for Analyzing Voting Patterns by Race

An analysis of voting patterns by race serves as the foundation of two of the three elements of the "results test" as outlined in *Gingles*: a racial bloc voting analysis is needed to determine whether the minority group is politically cohesive; and the analysis is required to determine if Whites are voting sufficiently as a bloc to usually defeat the candidates preferred by minority voters. The voting patterns of White and minority voters must be estimated using statistical techniques because direct information regarding the race of the voters is not, of course, available on the ballots cast.

To carry out an analysis of voting patterns by race, an aggregate level database must be constructed, usually employing election precincts as the units of observation. Information relating to the demographic composition and election results in these precincts is collected, merged and statistically analyzed to determine if there is a relationship between the racial composition of the precincts and support for specific candidates across the precincts.

Three standard statistical techniques have been developed over time to estimate vote choices by race: homogeneous precinct analysis, ecological regression, and ecological inference.[3] Two of these analytic procedures – homogeneous precinct analysis and ecological regression – were employed by the plaintiffs' expert in *Gingles*, have the benefit of the Supreme Court's approval in that case, and have been used in most subsequent voting rights cases. The third technique, ecological inference, was developed after the *Gingles* decision and was designed, in part, to address some of the disadvantages associated with ecological regression analysis. Ecological inference analysis has been introduced and accepted in numerous court proceedings. It is generally accepted by experts in the field as the most accurate methodology for producing estimates of voting patterns by race.

[3] For a detailed explanation of homogenous precinct analysis and ecological regression see Bernard Grofman, Lisa Handley and Richard Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992). See Gary King, *A Solution to the Ecological Inference Problem* (Princeton University Press, 1997) for a more detailed explanation of ecological inference.

Homogeneous precinct (HP) analysis is the simplest technique. It involves comparing the percentage of votes received by each of the candidates in precincts that are racially or ethnically homogeneous. The general practice is to label a precinct as homogeneous if at least 90 percent of the voting age population is composed of a single race.[4] In fact, the homogeneous results reported are not estimates – they are the actual precinct results. However, most voters do not reside in homogeneous precincts and voters who reside in homogeneous precincts may not be representative of voters who live in more racially diverse precincts. For these reasons, I refer to these calculations as estimates.

The second statistical technique employed, ecological regression (ER), uses information from all precincts, not simply the homogeneous ones, to derive estimates of the voting behavior of minorities and Whites. If there is a strong linear relationship across precincts between the percentage of minorities and the percentage of votes cast for a given candidate, this relationship can be used to estimate the percentage of minority (and White) voters supporting the candidate.

The third technique, ecological inference (EI), was developed by Professor Gary King. This approach also uses information from all precincts but, unlike ecological regression, it does not rely on an assumption of linearity. Instead, it incorporates maximum likelihood statistics to produce estimates of voting patterns by race. In addition, it utilizes the method of bounds, which uses more of the available information from the precinct returns as well as providing more information about the voting behavior being estimated.[5] Unlike ecological regression, which can produce percentage estimates of less than 0 or more than 100 percent, ecological inference was designed to produce only estimates that fall within the possible limits.

EI as originally developed produced estimates in a situation with only two races or ethnic groups, for example, Black and White voters. When there are more than two groups of significant size, King's EI is run iteratively (that is, White versus non-White, Black versus non-Black, and Hispanic versus non-Hispanic). A more recently developed version of ecological inference, which

[4] If turnout or registration by race is available, this is the information used to identify homogenous precincts.

[5] The following is an example of how the method of bounds works: if a given precinct has 100 voters, of whom 75 are Black and 25 are White, and the Black candidate received 80 votes, then at least 55 of the Black voters voted for the Black candidate and at most all 75 did. (The method of bounds is less useful for calculating estimates for White voters in this example as anywhere between none of the Whites and all of the Whites could have voted for the candidate.)

if often referred to as "EI RxC", expands the analysis so that more than two racial/ethnic groups can be considered simultaneously.[6]

V. Conducting a Racial Bloc Voting Analysis in Boston

Protected Minority Groups Minority groups that the U.S. Department of Justice and courts have recognized as protected under the Voting Rights Act are Black, Hispanic, Asian, American Indian, and Alaska Native voters. Boston has Black, Hispanic, and Asian populations sizeable enough to produce estimates of voting patterns by race/ethnicity in a number of city council district elections (although not in all of the districts). Table 1, prepared by the Boston Planning & Development Agency,[7] provides racial and Hispanic origin population for Boston according to the 2020 census, as well as the 2010 census.[8]

Table 1: Boston Population by Race and Hispanic Ethnicity, 2010 and 2020

Boston 2020 Census

	2010		2020		2010 to 2020 Change	
Total Population	Count	Share	Count	Share	Count	Percent
Massachusetts	6,547,629		7,029,917		482,288	7.4%
Boston	617,594	100.0%	675,647	100.0%	58,053	9.4%
White Alone	290,312	47.0%	301,464	44.6%	11,152	3.8%
Black or African American Alone	138,073	22.4%	129,264	19.1%	-8,809	-6.4%
Hispanic or Latino	107,917	17.5%	126,113	18.7%	18,196	16.9%
Asian Alone	54,846	8.9%	75,588	11.2%	20,742	37.8%
American Indian and Alaska Native Alone	1,227	0.2%	989	0.1%	-238	-19.4%
Native Hawaiian and Other Pacific Islander Alone	182	0.0%	251	0.0%	69	37.9%
Some Other Race Alone	10,078	1.6%	9,257	1.4%	-821	-8.1%
Two or More Races	14,959	2.4%	32,721	4.8%	17,762	118.7%
Adult Population (age 18 and older)						
Massachusetts	5,128,706		5,663,723		535,017	10.4%
Boston	513,884	100.0%	573,836	100.0%	59,952	11.7%
White Alone	266,389	51.8%	276,031	48.1%	9,642	3.6%
Black or African American Alone	103,642	20.2%	102,289	17.8%	-1,353	-1.3%
Hispanic or Latino	76,708	14.9%	94,207	16.4%	17,499	22.8%
Asian Alone	47,733	9.3%	68,334	11.9%	20,601	43.2%
American Indian and Alaska Native Alone	952	0.2%	794	0.1%	-158	-16.6%
Native Hawaiian and Other Pacific Islander Alone	157	0.0%	226	0.0%	69	43.9%
Some Other Race Alone	7,563	1.5%	7,258	1.3%	-305	-4.0%
Two or More Races	10,740	2.1%	24,697	4.3%	13,957	130.0%

[6] The original form of EI was designed for 2x2 contingency tables (two racial groups, two candidates). EI RxC expands the analysis to a contingency table with an expanded number of rows (R) and columns (C).

[7] This table was taken from a publication of the Boston Planning & Development Agency, Research Division, entitled "2020 U.S. Census: Redistricting Data Release, August 2021," page 5.

[8] The Black and Asian counts under-represent the actual number of Black and Asians in Boston because these counts do not included respondents who indicated they were Black or Asian and one or more other races.

The Asian population in Boston increased substantially (an increase of 37.8% since 2010) over the past decade and Asians now comprise 11.2% of the City's population. Hispanics are both the second fastest growing minority group (with a 16.9% increase since 2010) and the second largest minority group in size: Hispanics now comprise 18.7% of the population in Boston. The Black population, at 19.1% according to the 2020 census, is the largest minority group in the City.

Database To analyze voting patterns by race using aggregate level information, a database that combines election results with demographic information is required. In Boston, the smallest unit for which election results are reported is the election precinct. All preliminary and general election returns by precinct for recent municipal elections were obtained from the Boston Election Department. The demographic composition of these precincts, as derived from the 2020 PL94-171 census redistricting data, is reported by the Research Division of the Boston Planning & Development Agency, and can be found on their website.[9] Merging the two datasets was straightforward: both databases identified each precinct by a ward and precinct number that matched across the two sets of data.

Elections Analyzed The courts have been clear that the most probative contests to consider when determining if voting is racially polarized are recent contests for the office at issue (in this case, nonpartisan municipal elections, especially for city council) that include minority candidates.[10] I analyzed recent (2015 – 2021) Boston municipal preliminary and general election contests, most of which included minority candidates. The following is a list of the election contests examined:

Year	Office
2021	Mayoral preliminary election
	Mayoral general election
	City Council preliminary elections

[9] https://data.boston.gov/dataset/census-data-for-2022-redistricting/resource/c8a034f8-24f9-4067-b31c-7569b42039e8

[10] Courts consider election contests that include minority candidates more probative than contests that include only White candidates for determining if voting is racially polarized because it is not sufficient for minority voters to be able to elect their candidates of choice only if these candidates are White. On the other hand, it is important to recognize that not all minority candidates are the preferred candidates of minority voters.

Year	Office
2021	City Council general elections
2019	City Council preliminary elections
	City Council general elections
2017	Mayoral preliminary election
	Mayoral general election
	City Council preliminary elections
	City Council general elections
2015	City Council preliminary elections
	City Council general elections

The at-large city council elections have not been analyzed. Voters can cast up to four votes in these election contests (as there are four at-large seats to be filled), but they are not required to do so. In other words, voters can single shot vote if they feel very strongly about a specific candidate and do not want to risk spreading their votes across other, less attractive, candidates.[11] This presents complications for conducting a racial bloc voting analysis.

Statistical Analysis of Boston Municipal Elections My analysis did not produce homogenous precinct estimates because are very few homogenous precincts in Boston, even if the definition is lowered from 90% single race or Hispanic ethnicity – the standard definition – to 85% single race or ethnicity.[12] The EI estimates reported are EI RxC estimates, which are derived via the most appropriate statistical approach given the presence of more than two sizeable racial/ethnic groups. Although I have reported ER estimates, they serve only as a check on the EI estimates (because the statistical methods employed to produce the estimates are considerably different). The EI estimates are more accurate, and I have relied on these if the EI and ER

[11] For example, in 2021 there were 144,380 ballots cast. The total votes cast for all of the mayoral candidates was 143,515 so 99% of those who came to the polls voted for this office. If voters cast all four of their allotted votes for the at-large seats in this same election, the total votes cast for all of the candidates would be about 577,520 (144,380 X 4) but only 359,294 votes were cast for this contest (62% of all possible votes). To conduct a statistical analysis, we would have to make the assumption that White, Black, Hispanic, and Asian voters all cast approximately the same number of votes (about 2.5 votes per voter).

[12] There are a handful of homogenous White precincts but no homogenous Black, Hispanic or Asian precincts in Boston.

estimates pointed to different candidates as the preferred candidates for a particular group of voters.

If a specific racial or ethnic group was not large enough in a given district to produce reliable estimates using a given statistical technique, the contest was marked with "INS" for an insufficient number of voters.

VI. Results of Racial Bloc Voting Analysis

The summary tables found in the *Appendices*, at the end of this report, provides the estimates of the percentage of White, Black, Hispanic and Asian voters who voted for each of the candidates in the municipal election contests analyzed. (*Appendix A* reports the estimates for 2021, *Appendix B* for 2019, *Appendix C* for 2017 and *Appendix D* for the 2015 elections.) A discussion of these results follows.

District 1: This district is currently represented by Gabriela Coletta., who was elected in a special election in 2022 to replace Lydia Edwards. The district is majority White in composition, but Hispanics make up close to 30% of the voting age population (VAP). Prior to the 2022 special election, the only recently contested elections for this district were in 2017. Three candidates competed in the 2017 preliminary election: Stephen Passacantilli (White), Lydia Edwards (Black) and Margaret Farmer (White). This contest was polarized, with a majority of White voters supporting Passacantilli and a majority of Hispanic voters supporting Lydia Edwards. A plurality of Asian voters supported Passacantilli. (There were an insufficient number of Black voters to produce estimates for this group.)

Commented [LH1]: I should probably analyze this election. Are there any other special elections in the 2015 - 2021(2) time frame I should also analyze?

Passacantilli and Edwards proceeded to the general election, which was also polarized: a majority of White voters again supported Passacantilli, while a majority of Hispanic and Asian voters supported Edwards. Edwards won the election with 52.7% of the vote.

District 2: Edward Flynn currently represents this district and serves as the President of the City Council. The district is majority White in composition, with Asians making up the second largest group with 15.7% of the VAP. The only recently contested elections for this district were in 2017. The three candidates who competed in the preliminary election were Edward Flynn (White), Michael Kelley (White), and Corey Dinopoulos (White). This contest was polarized, with a majority of White voters supporting Flynn and Hispanic and Asian voters supporting Kelley. (There were an insufficient number of Black voters to produce estimates for this group.) The

general election between Flynn and Kelley was not polarized: Hispanic and Asian voters, as well as White voters, supported Flynn, who won the election with 51.6% of the vote.

District 3: Frank Baker has represented this district since 2011. The district is majority minority in composition – with a Black VAP of 18.2%, a Hispanic VAP of 14.1%, and an Asian VAP of almost 17% (Whites comprise 41.5% of the VAP). Although there have been no recent preliminary elections, the general elections in 2021 and 2015 were contested. The 2021 general election was polarized: strong majorities of White and Asian voters supported Baker, as did a majority of Hispanic voters. A majority of Black voters, however, supported his challenger, Stephen McBride (White). Baker won with 62.9% of the vote.

The 2015 general election was not polarized: Baker was strongly supported by White, Black, Hispanic and Asian voters in his race against Donnie Palmer (Black). Baker won the election with slightly less than 85% of the vote.

District 4: This district is currently represented by Brian Worrell. The district is majority Black in composition (52.6% Black VAP), but Hispanics comprise slightly over 23% of the population. This seat was contested in 2021, 2019, and 2015. Nine candidates, all of whom were Black, competed in the preliminary election for this open seat in 2021. Worrell was the candidate of choice of a plurality of the Black voters. A plurality of Hispanic voters supported Evandro Carvalho; White voters supported Joel Richards and Carvalho. (There were an insufficient number of Asian voters to produce estimates for this group.) Worrell and Carvalho proceeded to the general election. The general election was not polarized: a majority of Black, White, and Hispanic voters supported Worrell, who won with 61.6% of the vote.

In 2019, the general election was contested, with incumbent Andrea Campbell (Black) facing a challenge from Jeff Durham (Black). This election was not polarized: Black, White and Hispanic voters all strongly supported Campbell, who won with 87.2% of the vote.

In 2015, incumbent Charles Yancey faced three challengers in the preliminary election: Andrea Campbell (Black), Terrance Williams (Black), and Jovan Lacet (Black). The contest was not polarized: a majority of Black, White and Hispanic voters all supported Campbell. Campbell and Yancey proceeded to the general election. This election was also not polarized, with all three groups supporting Campbell, who won with 61.3% of the vote.

District 5: Ricardo Arroyo currently represents this majority minority district. The district is 45.6% Black and 21.4% Hispanic in voting age population. This seat was contested in 2021,

2019, and 2015. In the 2021 general election, incumbent Arroyo (Hispanic) was challenged by John White (White). The contest was not polarized: Black, White and Hispanic voters all strongly supported Arroyo, who won with 75.7% of the vote.

Eight candidates competed in the 2019 preliminary election for this open seat. Voting was polarized: a plurality of Black voters supported Jean-Claude Sanon (Black), a plurality of Hispanic voters supported Arroyo, and a plurality of White voters supported Maria Esdale Farrell (White). Arroyo was the second choice of both Black and White voters. Arroyo and Farrell proceeded to the general election. The general election was not polarized: a clear majority of Black and Hispanic voters and a slight majority of White voters supported Arroyo, who won with 54.6% of the vote.

In 2015, incumbent Timothy McCarthy (White) faced a challenger in the general election: Jean-Claude Sanon (Black). White and Hispanic voters strongly supported McCarthy, but a majority of Black voters supported Sanon. McCarthy won with 64% of the vote.

District 6: Kendra Hicks Lara currently represents this district. The district is majority White in composition (62.8% White VAP), with a minority population that is 9.9% Black, 15.3% Hispanic, and 9.3% Asian in voting age population. There were no contested elections in 2015, 2017 or 2019 when the district was represented by Matt O'Malley (White). He declined to run again in 2021 and this open seat attracted three candidates in the preliminary election: Kendra Hicks (Afro Latina), Mary Tamer (White) and Winne Eke (Black). This contest was polarized: a majority of White voters supported Tamer; a majority of Black and Hispanic voters, and a plurality of Asian voters supported Hicks. Hicks and Tamer went on to face each other in the general election. This race was also polarized, with a majority of White voters supporting Tamer and a majority of Black, Hispanic and Asian voters supporting Hicks. Hicks won with 55.8% of the vote.

District 7: This district is currently represented by Tania Fernandes Anderson. The district is majority minority in composition – it is 33.7% Black, 22.6% Hispanic, and 10.8% Asian in voting age population (Whites comprise 27% of the voting age population). This was the only district seat contested in all four election years analyzed: 2021, 2019, 2017 and 2015. In the 2021 preliminary election, eight candidates competed in this polarized contest. Angelina Camacho (Black) was the candidate supported by a plurality of the White voters; a plurality of Black and Hispanic voters supported Tania Fernandes Anderson. But it was Anderson and Roy Owens Sr. (Black) who proceeded to the general election. The 2021 general election was not polarized: Black, White, Hispanic, and Asian voters all supported Anderson, who won with 73% of the vote.

The 2019 preliminary election included three candidates: incumbent Kim Janey (Black), Valerie Rust (Black), and Roy Owens Sr (Black). This contest was not polarized: a strong majority of White, Black, and Hispanic voters, and a plurality of Asian voters, supported Janey. Janey faced Owens in the general election in another contest that was not polarized: a strong majority of White, Black, Hispanic, and Asian voters supported Janey, who won with 74.5% of the vote.

District 7 was on open seat in 2017 and the preliminary election drew 13 candidates. Despite the large number of candidates, the contest was not polarized: a plurality of White, Black, Hispanic, and Asian voters supported Kim Janey (Black), who proceeded to the general election with the second candidate of choice of Black voters, Rufus Faulk (Black). The 2017 general election was polarized, with White, Hispanic and Asian voters supporting Janey, but a slight majority of Black voters casting their votes for Faulk. Janey won with 55.5% of the vote.

In 2015, incumbent Tito Jackson (Black) faced six challengers in the preliminary election. This contest was not polarized: a strong majority of White, Black, and Hispanic voters and a plurality of Asian voters supported Jackson, who obtained 66.4% of the vote. The general election was polarized, with Jackson receiving a strong majority of the White, Black, and Asian vote, but his opponent Charles Clemons Jr. (Black) supported by a slight majority of Hispanic voters. Jackson won with 66.6% of the vote.

District 8: This district is currently represented by Kenzie Bok. The district is majority White, with an Asian VAP of 22.1%. The seat was not contested in 2021, or in 2015. In the 2019 preliminary election, five candidates competed for this open seat. The contest was not polarized between White voters and Asian voters; both groups supported Kenzie Bok. However, a plurality of Hispanic voters supported Helene Vincent (White). In the general election, Bok was supported by a strong majority of all three groups. (There is an insufficient number of Black voters in this district to produce estimates for this group.)

There was no preliminary election in 2017, but the general election was contested. It was not polarized: a majority of White, Hispanic, and Asian voters supported incumbent Josh Zakim (White). He won with 67.1% of the vote.

District 9: Liz Breadon currently represents this district. The district is majority White, with an Asian VAP of slightly less than 21%. The 2021 preliminary and general elections were not polarized: White, Hispanic, and Asian voters supported Breadon (White) in both the preliminary

election, in which she received 71.7% of the vote, and the general election, in which she garnered 71.4% of the vote.

This was an open seat in 2019. Seven candidates competed in the preliminary election. The first choice of White and Hispanic voters (by only a small percentage as support was spread out across many of the candidates) was Craig Cashman (White), with Liz Breadon the second choice of both groups. The first choice of Asian voters was Breadon, by a very slight percentage point. The 2019 general election was not polarized: a majority of White, Hispanic, and Asian voters supported Breadon.

The preliminary and general elections in 2017 were not polarized. White, Hispanic and Asian voters supported incumbent Mark Ciommo (White). He won the preliminary election with 58.6% of the vote and the general election with 61.3% of the vote.

2021 Mayoral Election: Eight candidates competed in the 2021 preliminary election for mayor, although only five candidates received more than 5% of the vote. The candidate of choice of a plurality of White, Hispanic, and Asian voters was Michelle Wu (Asian). A majority of Black voters supported Kim Janey (Black). Michelle Wu faced the second choice of White voters, Annissa Essaibi George, in the general election. The general election was not polarized: all four groups of voters supported Wu and she won with 64% of the vote.

2017 Mayoral Election: Four candidates competed in the 2017 mayoral preliminary election, although one of the candidates received less than 1% of the vote, and a second less than 7% of the vote. White voters strongly supported incumbent Martin Walsh (White), as did a majority of Hispanic and Asian voters. Black voters divided their support between Walsh and Tito Jackson (Black), giving Walsh a slight edge. In the general election between Jackson and Walsh, a slight majority of Black voters supported Jackson, while a majority of White, Hispanic, and Asian voters cast their votes for Walsh. Walsh won with 65.4% of the vote.

Overall Summary Many recent city council district elections were uncontested: of the 36 possible general elections (9 districts over 4 election years), incumbents faced challengers in only 20. In other words, 44.4% of all recent district generals were uncontested. Only 14 of the 20 district general elections were preceded by a preliminary election. As a consequence, I analyzed 34 city council district elections. A total of 14 of these contests (41.2%) were polarized, but the percentage of polarized contests varied substantially across the districts. Table 2 provides a summary of the

results, indicating for each district and each election cycle whether there was a contested election, and if there was a contested election, whether it was racially polarized.

Table 2: Summary of Racial Bloc Voting Results

District	2021		2019		2017		2015		percent (number) polarized
	primary	general	primary	general	primary	general	primary	general	
1	no contest	no contest	no contest	no contest	***polarized***	***polarized***	no contest	no contest	100% (2)
2	no contest	no contest	no contest	no contest	***polarized***	***not polarized***	no contest	no contest	50% (2)
3	no contest	***polarized***	no contest	no contest	no contest	no contest	no contest	***not polarized***	50% (2)
4	***polarized***	***not polarized***	no contest	***not polarized***	no contest	no contest	***not polarized***	***not polarized***	20% (5)
5	no contest	***not polarized***	***polarized***	***not polarized***	no contest	no contest	no contest	***polarized***	50% (4)
6	***polarized***	***polarized***	no contest	no contest	no contest	no contest	no contest	no contest	100% (2)
7	***polarized***	***not polarized***	***not polarized***	***not polarized***	***not polarized***	***polarized***	***not polarized***	***polarized***	37.5% (8)
8	no contest	no contest	***polarized***	***not polarized***	no contest	***not polarized***	no contest	no contest	33.3% (3)
9	***not polarized***	***not polarized***	***polarized***	***not polarized***	***not polarized***	***not polarized***	no contest	no contest	16.7% (6)
mayor	***polarized***	***not polarized***	no contest	no contest	***not polarized***	***polarized***	no contest	no contest	50% (4)

There were six general elections that were racially polarized. In four of these six contests, the candidate preferred by Black or Hispanic voters lost. Of course, there were 14 general elections that were not polarized and the minority-preferred candidates – who were also the candidate of choice of White voters – won these contests.

In the two citywide mayoral contests that were polarized, it was Black and White voters who supported different candidates – Hispanic and Asian voters supported the same candidates as White voters. In the city council district elections, the number of contests polarized between Black and White voters and between Hispanic and White voters was comparable; there was much less polarization between Asian and White voters in these elections.

Finally, when voting was polarized, Black, Hispanic, and Asian voters were not necessarily cohesive in support of the same candidates. This is especially true in preliminary elections. As a consequence, caution should be exercised when combining Black, Hispanic, and Asian voters to create a "coalition" district.

VII. Minority Opportunity Districts in the Current and Proposed Plans

In order to determine if a district provides minority voters with an opportunity to elect their candidates of choice, a district-specific, functional analysis is necessary. This assessment depends not only upon the demographic composition of the district but the voting patterns in the district and whether the candidates preferred by minority voters actually win in the district – this is what is meant by "functional." When assessing a plan in which elections have already taken place, the results of previous elections can be examined to ascertain whether the candidates preferred by minority voters usually prevail. When proposed redistricting plans are being considered, and no elections have actually occurred within the boundaries of the proposed districts, an analysis of the likely electoral outcome based on previous elections that included minority-preferred candidates is necessary.

Current Plan Table 3 lists the demographic composition – as expressed as a percentage of the voting age population – of the current city council districts according to the 2020 census. The White, Black, and Asian percentages are for non-Hispanic Whites, Blacks, and Asians to avoid double counting any segment of the population.

Commented [LH2]: I am not certain how each of the racial groups are defined by GIS -- need to check this

Table 3: Demographic Composition of the Current Boston City Council Districts

District	Percent White	Percent Black	Percent Hispanic	Percent Asian
1	57.3	3.7	29.5	6.5
2	69.8	4.8	7.7	15.7
3	41.5	18.2	14.1	16.9
4	10.6	52.6	23.1	5.7
5	26.7	45.6	21.4	2.5
6	62.8	9.9	15.3	9.3
7	27.0	33.7	22.6	10.8

District	Percent White	Percent Black	Percent Hispanic	Percent Asian
8	60.1	6.3	9.3	22.1
9	60.6	5.2	10.1	20.8

As indicated by Table 3, there are five districts that are majority White in voting age population: Districts 1, 2, 6, 8, and 9. District 4 is the only majority Black district, but Districts 5 and 7 have significant Black populations, as well as Hispanic populations greater than 20% in both instances.

As the analysis of particularly the preliminary elections demonstrates, Black, Hispanic, and Asian voters do not consistently agree on who the preferred candidate is in a given election. In the 2021 preliminary election in District 4, it was Black voters' support of Brian Worrell that propelled him into the general election; Hispanic voters supported other candidates. In the 2019 preliminary election in District 5, it was Hispanic support (and to a lesser degree, White support) that boosted Ricardo Arroyo into the general election – the plurality of Black voters supported another candidate.[13] In District 7, Blacks, Hispanics and Asians have usually supported the same candidates in recent elections, but not always. As discussed below, in the 2021 preliminary election for mayor, a contest in which Black voters supported different candidates than Hispanic and Asian voters, it was the Black-preferred candidate that carried this district.

Recompiling Results in Bellwether Elections One approach to assessing the relative ability of districts to provide minority voters with the opportunity to elect their candidates of choice is to compare the district-level performance of minority-preferred candidates who have run jurisdiction-wide. This entails identifying bellwether elections – that is, elections in which minority voters and White voters support different candidates – and reconfiguring the results from these elections to ascertain how well the minority-preferred candidate did in each district. Reconfiguring bellwether election results in this manner is also a common, court-accepted

[13] In the general elections, a majority of the White, Black, and Hispanic voters all supported Worrell in 2021 and Arroyo in 2019. There were not a sufficient number of Asian voters in either district to estimate which candidates they supported in these elections.

approach to assessing whether proposed districts are likely to provide minority voters with an opportunity to elect their candidates of choice to office.

Using reconfigured or recompiled election results to assess current and proposed districts entails (1) identifying jurisdiction-wide "bellwether" elections based on an analysis of voting patterns by race, (2) disaggregating the election results for each of the candidates in the bellwether elections down from the level of the precinct to the census blocks within each of the precincts,[14] (3) designating which census blocks are assigned to each of the districts in the proposed plan, and (4) summing the disaggregated election results up to the level of the proposed districts to determine if the minority-preferred candidate would win. If the minority-preferred candidates consistently carry the district, this district provides or, in the case of a proposed district, is very likely to provide, minority voters with an opportunity to elect their candidates of choice.

A good bellwether election for the purposes of identifying districts that provide Black voters with an opportunity to elect their candidates of choice in recent Boston elections is the 2021 preliminary election for mayor. Black voters strongly supported Kim Janey, with Andrea Campbell their second choice. The candidate of choice of Hispanic and Asian voters was Michelle Wu. The first choice of White voters was also Wu, with Annissa Essaibi George the second choice of white voters. Election results for this contest have been disaggregated by Moon Duchin and MCCCP and recompiled to reflect the current plan in Table 4.

Commented [LH3]: I need a precise reference for the work done by Duchin et al

Recompiled Bellwether Election Results for Current Plan As Table 4 indicates, the candidate preferred by Black voters (Janey) easily carries Districts 4 and 7. This provides additional evidence – beyond the results of recent city council district elections – that these two districts provide Black voters with an opportunity to elect their candidates of choice. In District 5, Wu receives slightly more votes than Janey, but Janey comes in a very close second. Moreover, Hispanic voters favored Wu over Janey. If Black and Hispanic voters are cohesive, the candidates supported by these voters will easily carry this district. If they are not, it is harder to predict whose preferred candidate will prevail: Hispanic-preferred candidate Arroyo was successful in the 2019 primary, but he had White as well as Hispanic support.

[14] Although drawing in Boston is done at the precinct level rather than at the census block level as is the case in most jurisdictions, the precinct boundaries have changed since the 2015-2021 elections were conducted so this exercise in disaggregation and re-aggregation is still necessary.

Table 4: Recompiled Bellwether Election Results for the Current District

	Recompiled Election Results 2021 Mayoral Primary: Current Districts								
	Annissa Essaibi George	John Barros	Andrea Campbell	Kim Janey	Michelle Wu	Robert Cappucci	Jon Santiago	Richard Spagnuolo	Total Votes Cast in District
D1	3,237	246	1,657	1,143	3,969	293	20	139	10,704
	30.24%	2.30%	15.48%	10.68%	37.08%	2.74%	0.19%	1.30%	
D2	3,963	330	2,126	1,280	4,418	191	39	16	12,363
	32.06%	2.67%	17.20%	10.35%	35.74%	1.54%	0.32%	0.13%	
D3	4,861	733	2,052	1,678	2,760	109	43	30	12,266
	39.63%	5.98%	16.73%	13.68%	22.50%	0.89%	0.35%	0.24%	
D4	899	488	3,104	3,921	1,810	25	31	12	10,290
	8.74%	4.74%	30.17%	38.10%	17.59%	0.24%	0.30%	0.12%	
D5	2,960	271	2,930	4,767	4,834	110	43	18	15,933
	18.58%	1.70%	18.39%	29.92%	30.34%	0.69%	0.27%	0.11%	
D6	5,312	414	4,181	2,199	8,094	221	54	23	20,498
	25.91%	2.02%	20.40%	10.73%	39.49%	1.08%	0.26%	0.11%	
D7	657	574	2,205	4,013	2,752	31	73	16	10,321
	6.37%	5.56%	21.36%	38.88%	26.66%	0.30%	0.71%	0.16%	
D8	1,081	203	1,601	984	3,095	58	43	12	7,077
	15.27%	2.87%	22.62%	13.90%	43.73%	0.82%	0.61%	0.17%	
D9	1,266	173	1,364	958	4,200	144	20	20	8,145
	15.54%	2.12%	16.75%	11.76%	51.57%	1.77%	0.25%	0.25%	

Proposed Plan (Docket 1275 as passed on November 2) There is very little change in the demographic composition of the districts in the Proposed Plan compared to the Current Plan. Table 5 provides the White, Black, Hispanic and Asian VAP percentages for each of the districts in the Current and Proposed Plans and, in the final four columns, indicates the difference between these percentages. Focusing on the districts with significant minority populations, the Black VAP percentage decreases slightly in District 4 from 52.6% to 52.1% and increases slightly in District 7 from 33.7% to 34.3%. In District 5, the Black VAP percentage decreases from 45.6% to 44.6% but the Hispanic VAP percentage increases from 21.4 % to 22.3%. The biggest change in district demographics across all of the districts is the increase in the White VAP in District 4 from 10.6% to 14.5%, and the decrease in Hispanic and Asian VAPs in this district from 23.1% to 21.1% HVAP and 5.7% to 4.3% AVAP. These changes made no difference to the ability of these districts to elect their candidates of choice, as demonstrated by Table 6.

Table 5: Comparison of Demographic Compositions of Districts in the Current and Proposed Plans

	Current Plan				Proposed Plan (Docket 1275, Nov 2, 2022)				Difference			
District	Percent White	Percent Black	Percent Hispanic	Percent Asian	Percent White	Percent Black	Percent Hispanic	Percent Asian	White	Black	Hispanic	Asian
1	57.3	3.7	29.5	6.5	58.1	3.7	28.5	6.7	0.8	0.0	-1.0	0.2
2	69.8	4.8	7.7	15.7	68.5	4.8	7.6	17.2	-1.3	0.0	-0.2	1.5
3	41.5	18.2	14.1	16.9	41.9	17.4	14.4	17.2	0.4	-0.8	0.2	0.3
4	10.6	52.6	23.1	5.7	14.5	52.1	21.2	4.3	3.9	-0.4	-1.9	-1.4
5	26.7	45.6	21.4	2.5	26.8	44.6	22.3	2.7	0.1	-1.0	0.8	0.1
6	62.8	9.9	15.3	9.3	63.1	9.8	15.3	9.2	0.2	-0.1	-0.1	-0.1
7	27.0	33.7	22.6	10.8	26.5	34.3	22.8	10.3	-0.6	0.5	0.2	-0.5
8	60.1	6.3	9.3	22.1	60.5	6.3	9.3	21.6	0.4	0.0	0.0	-0.5
9	60.6	5.2	10.1	20.8	60.6	5.2	10.1	20.8	0.0	0.0	0.0	0.0

Recompiled Bellwether Election Results for Proposed Plan An examination of Table 6 indicates that proposed Districts 4 and 7 will continue to provide Black voters with an opportunity to elect their candidate of choice. The percentage of votes garnered by Janey declines slightly in District 4 and increases more substantially in District 7 compared to the Current Plan, but Janey easily carries both districts. The result for District 5 in the Proposed Plan is comparable to the Current Plan: Wu receives slightly more votes than Janey. Overall, Black voters' candidate of choice, Janey, wins two districts and comes in a very close second place in a third district. This is precisely the same overall electoral outcome as under the Current Plan.

Table 6: Recompiled Bellwether Election Results for the Proposed Districts

	Recompiled Election Results 2021 Mayoral Primary: Docket 1275 (Plan as Passed Nov 2, 2022)								
	Annissa Essaibi George	John Barros	Andrea Campbell	Kim Janey	Michelle Wu	Robert Cappucci	Jon Santiago	Richard Spagnuolo	Total Votes Cast in District
D1	3,447	280	1,881	1,262	4,478	301	27	143	11,819
	29.16%	2.37%	15.92%	10.68%	37.89%	2.55%	0.23%	1.21%	
D2	3,860	318	2,069	1,498	4,138	169	56	18	12,126
	31.05%	2.56%	16.64%	12.05%	33.29%	1.36%	0.45%	0.14%	
D3	3,737	821	2,172	1,794	3,097	124	44	25	11,814
	32.47%	7.13%	18.87%	15.59%	26.91%	1.08%	0.38%	0.22%	
D4	2,061	501	3,083	4,108	1,780	33	26	15	11,607
	17.76%	4.32%	26.56%	35.39%	15.34%	0.28%	0.22%	0.13%	
D5	2,931	267	3,000	4,648	4,877	104	47	19	15,893
	18.44%	1.68%	18.88%	29.25%	30.69%	0.65%	0.30%	0.12%	
D6	5,483	433	4,475	2,320	8,630	232	54	23	21,650
	25.33%	2.00%	20.67%	10.72%	39.86%	1.07%	0.25%	0.11%	
D7	435	445	1,668	3,513	1,875	21	55	11	8,023
	5.42%	5.55%	20.79%	43.79%	23.37%	0.26%	0.69%	0.14%	
D8	1,016	194	1,508	842	2,857	54	37	12	6,520
	15.58%	2.98%	23.13%	12.91%	43.82%	0.83%	0.57%	0.18%	
D9	1,266	173	1,364	958	4,200	144	20	20	8,145
	15.54%	2.12%	16.75%	11.76%	51.57%	1.77%	0.25%	0.25%	

VIII. Conclusion

Voting is often racially polarized in Boston municipal elections, particularly in the preliminary elections. As a consequence, districts that provide minority voters with an opportunity to elect their candidates of choice should be maintained. However, because Black, Hispanic, and Asian voters do not necessarily support the same candidates, careful consideration should be given to redrawing these opportunity districts. In the current plan, Districts 4 and 7 provide Black voters with an opportunity to elect their preferred candidates. District 5 has been successful in electing a Hispanic-preferred candidate, albeit only because this candidate garnered some support from White voters and, to a lesser degree, Black voters. A district-specific, functional analysis of the Proposed Plan indicates that this plan will provide minority voters with the same opportunity to elect their preferred candidates to City Council as they currently have under the present plan.

EXHIBIT E

BOSTON CITY COUNCIL

www.boston.gov/citycouncil
city.council@boston.gov

One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

WORKING SESSION MINUTES
COMMITTEE: Redistricting
DATE: October 25, 2022
LOCATION: Iannella Chamber, Fifth Floor, Boston City Hall
TIME: ***10:44AM – 5:44PM***
SUBJECT: ***Dockets #1186, #1215, #1216, #1273, and #1275, An Ordinance amending City Council electoral districts.***

MEMBERS PRESENT:
VOTING MEMBERS: Councilors Liz Breadon (Chair), Brian Worrell (Vice Chair), Ruthzee Louijeune, Erin Murphy, Michael Flaherty, Julia Mejia, and Ricardo Arroyo
NON-VOTING MEMBERS: Councilors Ed Flynn (President), Kenzie Bok, Frank Baker, and Tania Fernandes-Anderson.

ISSUES DISCUSSED:
The Chair convened the working session and stated that the purpose of the working session was to discuss amending City Council electoral districts and all proposed maps. The Chair provided an opening statement and outlined the Committee redistricting process thus far. The Chair stated that she plans to file a Committee Report at the upcoming Council meeting on Wednesday, October 26, 2022, and will recommend one of the proposed maps ought to pass in a new draft.

The Chair discussed the demographic data used on the ESRI and the Districtr redistricting programs. She stated that the methodology used by the U.S. Department of Justice to code race and ethnicity demographic data for civil rights enforcement and redistricting purposes differs from how most demographers would categorize data for other purposes. The Chair explained that ESRI mapping software follows the conventions recommended by the Department of Justice in their September 21, 2021 guidance on the use of race and ethnicity grouping in that it groups those reporting two races, one White and one non-White, as being members of the non-White race reported. For example, a person reporting as White and Black would be categorized here as Black. All residents of Hispanic or Latino origin, regardless of reported race, are grouped together. Because of this, you might draw the same district on both ESRI Redistricting and the Districtr online mapping tool using the same 2020 Census data but each might present different percentages for the demographic breakdown. Districtr is an online mapping tool that allows for the convenient sharing of online maps, but their racial demographic breakdown should be referred to as a rough estimate only. Official demographic breakdowns for redistricting purposes should rely on the data presented through the ESRI redistricting using the Department of Justice criteria.

The Chair stated that early that morning the Committee received a memorandum from Dr. Moon Duchin and Chanel Richardson of the MGGG Redistricting Lab at Tufts University. Dr. Duchin previously joined the Committee at a working session on October 21, 2022, to discuss the Council's redistricting efforts. The memo outlines the effectiveness of electoral opportunities in Boston City Council districts. The Chair read the Executive Summary into the recording which states that the MGGG redistricting lab reviewed all elections initially provided to them and identified three with clear (overall, citywide) people of color candidates of choice. MGGG built an "effectiveness score" for districts by measuring the performance of those candidates in the districts. They selected three contests to illustrate an effectiveness analysis under the time constraints of the compressed city council process. MGGG found that all five of the Council's original proposed maps score quite low for this effectiveness score compared to other ways of dividing up the districts. Councilor Baker's map

DRAFT

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city.council@boston.gov

One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

(#1273) is slightly less effective than all of the others, which are equal. This means that there is not much variety on the table yet from the effectiveness point of view. Dr. Ducin and Ms. Richardson provided four examples of a different way of configuring selected districts to significantly increase the effectiveness.

The Chair proceeded to introduce Attorney Jeffrey M. Wice, Adjunct Professor/Senior Fellow, New York Law School and Dr. Lisa Handley who provided a presentation to the Committee. Mr. Wice provided an overview of the legal requirements that the City Council needs to follow layed out in the United States Constitution, the Federal Voting Rights Act, and the Boston City Charter which was summarized in a memorandum submitted to the City's Corporation Counsel on October 9, 2022.

Mr. Wice stated that the Committee is required to consider population equality, in that Council districts are required to be equally substantial in population. According to U.S. Supreme Court precedents, there is a 10% limit in the population deviation from the size of the largest to the smallest district. Based upon the 2020 Census, this means that the ideal district size is 75,071 residents, allowing for a plus or minus 5% range. The Committee must also consider minority voting rights and explained that 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. 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. He explained that 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. Mr. Wice stated that the Boston City Charter requires that districts should have a minimum distance between all parts of a district, subject to addressing other criteria, all parts of a district should be connected geographically at some point with the rest of the district, and consideration must be given to drawing districts that respect the boundaries of Boston's recognized neighborhoods. Mr. Wice discussed other non-required criteria that can be considered but are not required by federal or local law which include Communities of Interest, a ban on partisanship, and maintaining existing district boundaries.

Dr. Handley provided a presentation regarding drawing districts that comply with the Voting Rights Act which provided an analysis of voting patterns. Dr. Handley discussed Section 2 of the Voting Rights Act which prohibits any voting standard, practice or procedure, including a redistricting plan, that results in the denial or dilution of minority voting strength. All state and local jurisdictions are covered by Section 2 of the Voting Rights Act. Section 2 was amended in 1982 to make it clear that the intention to discriminate need not be demonstrated (as is the case with violations of the 15th Amendment of the U.S. Constitution); it is only relevant that the standard, practice or procedure has the effect of denying or diluting minority voting strength. She stated that redistricting plans cannot "crack" or "pack" a geographically concentrated minority community across districts or within a district in a manner that dilutes their voting strength - and provided examples of such.

Dr. Handley discussed the U.S. Supreme Court case, Thornburg v. Gingles, which found that plaintiffs must satisfy three preconditions to qualify for relief under Section 2 of the Voting Rights Act including that the minority group must be sufficiently large and geographically compact to form a majority in a single-member district, the minority group must be politically cohesive, and White residents must vote as a bloc to usually defeat the minority-preferred candidates. She explained that a racial bloc voting analysis is used to ascertain whether minority voters are politically cohesive and if white voters bloc vote to usually defeat minority-preferred candidates.

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Dr. Handley stated that a database combining demographic information and election returns is needed to conduct racial bloc voting analysis including precinct election returns and the demographic composition of precincts. She stated that there are two standard statistical techniques for estimating voting patterns of minority and white voters: ecological regression analysis and ecological inference analysis. Dr. Handley then provided examples of both using voting data from the 2021 runoff special election for the U.S. Senate in Georgia. Dr. Handley analyzed City Council and Mayoral elections from 2015-2021 using racial/ethnic group data. In an overview of the findings, she stated that polarized voting was found but the amount of polarized voting varies by district. There was polarization found between Boston's White and Black populations and the White and Hispanic populations which were comparable. There is less polarization between White and Asian populations. In the six general elections in which voting is polarized, the candidate preferred by Black or Hispanic voters loses four contests. She stated that when voting is polarized, Black, Hispanic, and Asian minority voters are not necessarily cohesive, especially in primaries. In conclusion, she stated that because voting is often polarized, districts that offer minority voters an opportunity to elect their candidates of choice must be drawn or, if they already exist, these districts must be maintained in a manner that continues to provide minority voters with an opportunity to elect their preferred candidates. Dr. Handley added that caution should be exercised if combining Black, Hispanic, and Asian voters to create a "minority" district because these three groups of voters are not always cohesive in their voting patterns.

Following the presentation, Councilors posed questions to Mr. Wice and Dr. Handley regarding various redistricting-related issues including if the current state of District 4 violates the Voting Rights Act. Mr. Wice stated that he is unaware of any districts that currently violate the Voting Rights Act or the 14th Amendment but that they have not had the opportunity to properly analyze any of the proposed Council maps or the current Council district map. Dr. Handley added that District 4, as it is currently drawn, provides Black voters with an opportunity to elect a candidate of their choice and the Committee should continue to allow that opportunity unless it would violate the Voting Rights Act.

A question was posed to Dr. Handley regarding the accuracy of Boston Mayoral election data which she presented. It was pointed out that Dr. Handley categorized Mayoral candidate Annissa Essaibi-George as White when Ms. Essaibi-George actually identifies as a Person of Color. Dr. Handley stated that the race of the candidate doesn't matter when analyzing voting patterns.

A question was posed regarding whether or not it was a violation of any laws to split neighborhoods that have a majority-White population. Mr. Wice stated that splitting a majority-White neighborhood could be necessary to avoid a Voting Right Act or 14th Amendment violation, otherwise, a majority-White neighborhood can remain together as long as there are no legal violations.

Councilors requested that Dr. Handley and Mr. Wice provide an analysis of the proposed district maps to determine if there are any instances of potential legal violations. Mr. Wice stated they may not be able to have enough time to analyze all the proposed maps but may be able to do so if they receive a map to review as soon as possible in time for a determination by the Council meeting the following day. Mr. Wice mentioned that from what he has seen he hasn't found any instances of issues regarding noncontiguous and compactness with any of the proposed maps. The only issues that could arise are with any possible federal violations through "cracking" or packing".

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Councilors discussed and posed questions regarding Dr. Handley's data and methodology when specifically regarding the recent race for Attorney General and previous City Council At-Large elections.

The Chair invited Councilors to propose precinct changes they would like to see to the map proposed by the Chair and Councilor Arroyo (Docket #1275). Concern was expressed about working off Docket #1275 and not the original baseline map created by the Committee. Staff utilized the Districtr, a redistricting mapping tool, to move precincts in real-time and view demographic changes. These proposed changes include the following:

- Moving precincts 17-2 and 17-6 from District 3 to District 4, and move 16-9 from District 4 to District 3 based on feedback from Councilors and the public, and ensure effective opportunity districts.
    - Concern was expressed with separating 16-9 from 16-8, 16-11, and 16-12 which would split the neighborhood of Adams Corner in Dorchester into two Council districts.

- Uniting 16-8, 16-9, 16-11, and 16-12 under District 3.
    - Concern was expressed that if those precincts were moved back to District 3 then there could be "packing" violations in District 4 as these majority-White precincts decrease the White population in District 4 which currently has a significant Black population.

- Moving 6-3 to District 2 which would unite the public housing development with 6-2, and then to move 3-15 into District 3 to offset the population shift.
    - The City Councilor for District 2 agreed that 6-2 and 6-3 should be united under District 2 and for District 3 to be under District 3.

- Moving 16-8, 16-9, 16-11, 16-12 and 17-13 to District 3, move 16-1, 16-3, 17-6, and 19-7 to District 4.
    - There was a concern that doing this it would be decreasing the White population in District 4 and increase the White population in District 3 - risking the possibility of a "packing" violation for District 4 and weakening District 3 as an "Opportunity District".

- In addition to the proposed precinct changes of 17-2 and 17-6 to District 4, 6-3 to District 2, and 3-15 to District 3, which were mentioned earlier, it was offered to additionally move 4-5 to District 7, 7-5 and 7-6 to District 2, and 6-10 to District 3.
    - There was concern about removing 4-5 from District 2 because it would remove the large Asian population in that precinct from other Asian communities under District 2.
    - There was also a concern that adding 6-10 to District 3 and 7-5 and 7-6 to District 2 would increase the White population in District 3.

- Moving 7-1, 7-2, 7-3, and 3-16 to District 3, and 7-5, 7-6, and 6-3 to District 2.

- Moving 8-1, 9-1, 3-15, 16-8, 16-9, 16-11, and 16-12 to District 3, and 6-1, 6-3, 7-5, and 7-6 to District 2, and 16-3, 17-6, 17-2 to District 4.

The Chair announced a recess at 1:36 PM and reopened the working session at 4:10PM. When the Committee returned the Chair provided a document that provided variations of Docket #1275 and included changes which were discussed earlier in the working session. Docket #1275: Version 1 changes include moving 6-3, 7-5 , and 7-6 to District 2, moving 3-15, 6-10, and 16-9 to District 3, moving 17-2 and 17-6 to District 4, and moving 4-5

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to District 7. Docket #1275: Version 2 changes include moving 6-3 to District 2, moving 7-5, 7-6, and 16-9 to District 3, moving 17-2 and 17-6 to District 4, and moving 4-5 to District 7.

The Chair reiterated that she will proceed to call for a vote on a new district map for the next Council meeting. Some Councilors expressed concern about moving forward for a vote and called for more working sessions to deliberate a new map. Councilors called for a public meeting to be held in the precincts of Ward 16 which could be moved from District 3 to District 4.

Councilors expressed concern that the proposed changes of moving 7-1, 7-2, 7-3, and 3-16 to District 3, and 7-5, 7-6, and 6-3 to District 2 were not presented to the Committee with the other variations of Docket #1275. Other Councilors stated that it was the Chair's prerogative to share and present any version of a map that she decides.

Councilors continued to express concern about moving public housing developments out of District 2, not using the Committee baseline map as a jumping-off point for the creation of a map, the need to strengthen opportunity districts especially in District 3, and called for more Council meetings or hearing regarding redistricting stating that the deadline set by the Chair is not set by law and can be moved.

Councilors discussed specific precinct changes including:

- Moving 6-10 to District 2, 15-2 to District 3, move 4-3 or 5-13 to District 8 under Docket #1275 - Version 1.
    - These changes were suggested after Councilors expressed concern about 3-15, 6-1, and 6-10 being added to District 3 stating that the "T" shape creates an unnatural shape of the district.
- That 16-9 should remain with 16-8, 16-11, and 16-12 whether in District 3 or District 4.
- Moving 7-6 to District 3 and 7-5 in District 2.

Councilors expressed concern about open meeting law violations at recent community meetings regarding the redistricting process not sponsored by the Boston City Council. The Chair stated that there was no deliberation by Councilors at these meetings so there were no opening meeting law violations.

DOCUMENTS PRESENTED: Duchin and Richardson Memorandum, Dr. Handley's Presentation, Variations of Docket #1275 with Demographic Report, and a map of the South Boston public housing developments.

INFORMATION REQUESTED:

NEXT MEETING: N/A

Prepared By
STAFF LIAISON:

Shane Pac

Reviewed and Approved By
CHAIR:

Liz Breadon

DATE:

DRAFT

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NOTE: These minutes are to be considered draft unless signed by the Committee Chair and Liaison.

DRAFT

EXHIBIT F

City of Boston
Law

November 2, 2022

Paul Gannon Esq.
546 East Broadway
South Boston MA, 02127

RE: October 25th Open Meeting Law Complaint against the Boston City Council.

By Email and Mail

Dear Mr. Gannon,

The Boston City Council is in receipt of your Open Meeting Law Complaint filed on October, 25th, 2022. ("Complaint", attached to this letter as Attachment A.). This department was designated by vote of the City council to respond on its behalf. Please accept this letter, the accompanying attachment, and the Council's commitment to take the steps further described in this letter, as the City Council's formal response to your complaint, pursuant to 940 CMR 29.05.

This letter contains three parts: (1) a description of the events at issue drawn largely from your Complaint but supplemented with additional information; (2) responses to the violations of the Open Meeting Law that your Complaint alleges; and (3) a description of actions the Council will take in accord with your requested remedies. On behalf of the City Council, I appreciate the opportunity to provide you with this information, and invite you to contact me to discuss any aspects of this matter.

Background.

The allegations you make revolve around the current conversation about redrawing City Council Districts in Boston. The City Council is currently redrawing districts due to population changes that were measured by the 2020 census. In your complaint you reference three separate incidents where you allege an open meeting law violation took place:

- October 10th, 2022 at the Bruce C. Bolling Municipal Building
- October 18th, 2022 at Boston City Hall Plaza
- October 19th, 2022 at the Condon School in South Boston

On each of these dates there was a meeting where "members of the Boston City Council met… to discuss the topic of Legislative Redistricting… without giving notice."(October 25th, 2022 Complaint). According to M.G.L. c. 30A § 20(b), "a public body shall post notice of every meeting at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays." The Massachusetts Attorney general further goes on to describe a "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction"(Open Meeting Law

Guide and Educational Materials, 2018). Deliberation is defined as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed" (Id).

On October 26, 2022, your Complaint was added as a late file to a City Council meeting, where it was distributed to all Council members and was reviewed by all Council members. On the same date, the Council voted on an Order to refer your Complaint to the City of Boston Law Department to address your Complaint and respond on behalf of the Council pursuant to G. L. c. 30A, § 23 and 940 CMR 29.05.

Response to Alleged Violations of the Open Meeting Law

Your Complaint alleges three potential violations of the Open Meeting Law. This section of the letter describes each alleged violation and responds with the Council's position.

Allegation #1: Failure to properly notice the October 10, 2022 Meeting

Your Complaint alleges that the Council failed to give proper notice of its public event at the Bruce C. Bolling Municipal Building in Roxbury, Massachusetts where several Council members were present. You allege that seven (7) members of the City Council were present at this event, but you do not indicate the names of the Councilors you allege were present.

Response to Allegation #1.

It is the Council's position that the Council was not required to publicly notice this event pursuant to the Open Meeting Law, and that this allegation does not constitute a violation of the Open Meeting Law based on the definition of a "meeting" under the statute.

The Open Meeting Law requires that all meetings of the public body shall be open to the public. G. L. c. 30A, § 20(a). A "meeting" is defined as "deliberation of the public body with respect to any matter within the public body's jurisdiction." G. L. c. 30A, § 18. "Deliberation" is defined as "an oral or written communication through any medium . . . between or among a quorum of the public body on any public business within its jurisdiction . . . ." Id. "Quorum" is defined as "a simple majority of the members of the public body . . . ." Id. Public body meetings are required to be publicly noticed. G. L. c. 30A, § 20(b).

It is the Council's position that the October 10, 2022 event was not a "meeting" which required public notice. The meeting was organized by community organizations. It is the Council's understanding that the Councilors in attendance introduced themselves to the audience but otherwise no Council members spoke at the October 10, 2022 event. Therefore there was no "deliberation," as there was no communication between or among the Council members.

Therefore, it is the Council's position that this was not a "meeting" which required public notice and there was no Open Meeting Law Violation.

Allegation #2: Failure to properly notice the October 18, 2022 Meeting

Your Complaint alleges that the Council failed to give proper notice of its public event at City Hall Plaza where several Council members were present. You allege that five (5) members of the City Council were present at this event, but you do not indicate the names of the Councilors you allege were present.

Response to Allegation #2.

The Council acknowledges that the press conference was not noticed on the City Clerk's website 48 hours in advance. However, it is the Council's position that the statements made at the press conference likely do not constitute "deliberation," and therefore the press conference was not a "meeting" as defined by the statute.

Based on the Council's information, the press conference was organized by outside parties. Six (6) Council members were present at this press conference (four participated in the presentation, two more were in attendance). There were five members of the Redistricting Committee present, which constitutes a quorum of that committee. However, two of the five members of the committee who were in attendance were not "on stage" as part of the press conference. Those members who were present described the map that had been introduced on the public docket of the Council, described how it differed from previous maps that had been introduced to the Council, and answered questions about how such a map would impact racial tensions on the Council. Since the presentation did not involve four members of the committee, and since it (at least in part) focused on presenting what had already been filed, these statements likely do not constitute a deliberation among a quorum of the Redistricting Committee.

Allegation #3: Failure to properly notice the October 19, 2022 Meeting

Your Complaint alleges that the Council failed to give proper notice of a public event at the Condon School in South Boston, Massachusetts where several Council members were present. You allege that seven (7) members of the City Council were present at this event, but you do not indicate the names of the Councilors you allege were present.

Response to Allegation #3.

The Council acknowledges that a quorum of City Councilors did attend this community meeting and engaged in public discussion of the topic of redistricting. Seven councilors attended the meeting, were seated in front of the crowd, and discussed redistricting and some of the maps that had been filed with the Council. The Council also acknowledges that it did not not give notice of the October 19, 2022 meeting 48 hours in advance posted to the City Clerk's website.

By way of background, the Council notes that this meeting was organized by the district councilor and South Boston elected officials from other political bodies. It is understood that at the time the meeting was organized there was not an expectation that a quorum of councilors would be present. Some council members advertised this event on social media, and community organizations and community members also publicly shared information about this meeting by distributing literature on the event.

However, it is the Council's position that even if there was a deliberation of a quorum of the Council at the October 19, 2022 event (or at either of the prior alleged events), there have been subsequent publicly-noticed deliberative actions.

Open Meeting Law violations can be cured by "independent deliberative action" at a properly noticed public meeting on the same subject matter that was discussed at the meeting where there was an open meeting violation. See Pearson v. Board of Selectmen of Longmeadow, 49 Mass. App. Ct. 119, 125 (2000)

Here, there has been independent deliberative action on Legislative Redistricting in the City of Boston at subsequent properly-noticed City Council meetings after October 19, 2022. See Pearson, 49 Mass. App. Ct. at 119 (finding that even if there had been an open meeting law violation at a May 22 non-public meeting, it would have been cured by independent deliberative action on the same subject matter taken at the public meeting of the full board on May 30); See Allen v. Board of Selectmen of Belmont, 58 Mass. App. Ct. 71 (2003) (finding any violation of the open meeting law in connection with a May 14 meeting that was improperly noticed was cured by independent deliberative action at the properly noticed and properly conducted May 17 public meeting that discussed the same subject matter); City of Revere v. Massachusetts Gaming Commision, No. 14-CV-3253, 2019 WL 4017027 (Mass. Super. Ct. July 12, 2019) (finding that even if there was an open meeting law violation in connection with the meetings Plaintiff alleged, the violation would have been cured where the subsequent public hearing that was held went on for six days and explored every aspect of the topics that were the subjects of prior contested meetings).

City Council held the following publicly noticed meetings, hearings, and working sessions on the topic of Legislative Redistricting in Boston after October 19, 2022:

October 20, 2022 City Council Committee on Redistricting Meeting;
October 21, 2022 City Council Committee on Redistricting Working Session;
October 24, 2022 City Council Committee on Redistricting Hearing;
October 25, 2022 City Council Committee on Redistricting Working Session

While it is true that when a subsequent meeting is "merely a ceremonial acceptance" or "a perfunctory ratification of secret decisions," it does not operate as a cure, in this case the subsequent properly noticed meetings where the City Council members extensively discussed and debated Legislative Redistricting constitute "independent deliberative action" on the same

subject matter that was allegedly mentioned briefly at the events alleged in your Complaint. See Pearson, 49 Mass. App. Ct. at 125.

Remedial Action.

As described above, the City Council disagrees with certain allegations regarding the Open Meeting Law violations; and even if there was a deliberation among a quorum, any violation has since been cured by the numerous other publicly noticed meetings on the topic of Legislative Redistricting in the City of Boston. Moreover, in an effort to resolve any issues, the Council has or will pursue these additional remedial measures.

1. The City Council held an Open Meeting Law training for City Council members to attend on October 28, 2022 in order to prevent any future potential Open Meeting Law violations.

2. The Council is currently in the process of compiling minutes from the meeting that occurred at the Condon School in South Boston on October 19, 2022 to provide transparency on the meeting to the extent that the October 19, 2022 meeting was not properly noticed.

I hope that this letter gives you a better sense of the City Council's position on the issues you raised in your Complaint. If you have any questions about the information or arguments I have included, or if you would like to discuss any aspect of complying with the Open Meeting Law in the past or going forward, please do not hesitate to contact me.

Sincerely,

Sultan Durzi

Assistant Corporation Counsel

cc: Carrie Benedon, Assistant Attorney general

Boston City Council

Attachment A

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Paul Last Name: Gannon, Esq.

Address: 546 East Broadway

City: South Boston State: MA Zip Code: 02127

Phone Number: +1 (617) 269-1993 Ext.

Email: pgannon@paulgannonlaw.com

Organization or Media Affiliation (if any): 1. Boston Ward 6 Democratic Committee (see attached for add'l names)

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Boston City Council and Boston City Council Committee on Redistricting

Specific person(s), if any, you allege committed the violation: Councilor Elizabeth Breadon (see attached for add'l names)

Date of alleged violation: (see attached)

Organization or Media Affiliation (Continued from pg. 1)

2. South Boston Citizens Association;
3. Martin F. McDonough American Legion Post;
4. St. Vincent's Lower End Neighborhood Association; and
5. Old Colony Tenant Association.

Specific person(s), if any, you allege committed the violation (Continued from pg. 1):

2. Councilor Julia Mejia;
3. Councilor Brian Worrell;
4. Councilor Ruthzee Louijeune;
5. Councilor Ricardo Arroyo;
6. Councilor Erin Murphy;
7. Councilor Frank Baker;
8. Councilor Michael Flaherty;
9. Councilor Edward Flynn; and
10. Councilor Tania Fernandes Anderson.

Date of alleged violation (Continued from pg. 1):

1. October 10, 2022;
2. October 18, 2022; and
3. October 19, 2022.

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Oct 10, 2022 - Four (4) members of the Boston City Council Redistricting Committee and seven (7) members of the Boston City Council met at the Bruce C. Building Municipal Building to discuss the topic of Legistative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law.

Oct. 18, 2022 - Four (4) members of the Boston City Council Redistricting Committee and five (5) members of the Boston City Council were present at City Hall Plaza to meet and discuss the topic of Legistative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law.

Oct. 19, 2022 - Four (4) members of the Boston City Council Redistricting Committee and seven (7) members of the Boston City Council met at the Condon School in South Boston, MA to discuss the topic of Legistative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

1. The Boston City Council Committee on redistricting shall conduct a minimum of five (5) properly noticed public hearings in neighborhoods impacted by the proposal including South Boston, Dorchester, Mattapan, South End and Roslindale neighborhoods prior to any vote on redistricting in the Boston City Council.

(See attached)

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.
Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.
The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____ **Date:** 10/25/22

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

What action do you want the public body to take in response to your complaint? (Continued from pg. 2)

2. To require the Boston City Council to vote on the criteria as outlined in the memo from Jeffrey M. Wice, Esq. who was contracted and retained by the City of Boston Corp. Counsel to promulgate criteria for the Boston City Council to utilize in redrawing City Council District maps.

3. To require the Boston City Council to vote on the Boston City Council District redistricting map for the City of Boston in accordance with the criteria noted in paragraph 2 above.

EXHIBIT G

REVISED
4:28 pm, Oct 18, 2022

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UPDATED
COMMITTEE HEARING NOTICE

October 18, 2022

The Boston City Council's Committee on Redistricting will hold a meeting on **Thursday, October 20, 2022 at 5:00 PM** at the **Community Academy of Science and Health, 11 Charles Street, Dorchester, MA 02122.** This meeting was previously scheduled to be held at a different location.

The subject of the meeting is to hear public testimony from residents regarding redistricting.

NOTICE: The Boston City Council may have a quorum in attendance due to standing committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the standing committee.

Public Testimony: Members of the public are cordially invited to attend and testify in person. Please arrive five (5) minutes before the call of the hearing to sign up and become familiar with the hearing format, testimony locations, and sound system. Please bring fifteen (15) copies of any written documentation you wish to present at the hearing. Written comments may be sent to the Committee or staff email (below) and will be made a part of the record and available to all Councilors.

For the Committee:

Elizabeth Breadon

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov
Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-3040

AMENDED

EXHIBIT H

BOSTON CITY COUNCIL

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city.council@boston.gov

RECEIVED
By City Clerk at 4:36 pm, Oct 18, 2022

One City Hall Square 5th Floor, Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

COMMITTEE WORKING SESSION NOTICE

October 18, 2022

The Boston City Council's Committee on Redistricting will hold a working session on **Friday, October 21, 2022 at 10:00 AM** in the **Curley Room, 5th floor, Boston City Hall.**

The subjects of the working session are:

Docket #1186, An Ordinance Amending City Council Electoral Districts.

Docket #1215, An Ordinance Amending City Council Electoral Districts.

Docket #1216, An Ordinance Amending City Council Electoral Districts.

Docket #1098 was sponsored by Councilor Liz Breadon and referred to the Committee on August 31, 2022. Docket #1186 was sponsored by Councilors Ricardo Arroyo and Tania Fernandes Anderson, and was referred to the Committee on September 28, 2022. Docket #1215 was sponsored by Councilor Erin Murphy and referred to the Committee on October 5, 2022. Docket #1216 was sponsored by Councilors Liz Breadon and Brian Worrell, and was referred to the Committee on October 5, 2022. Further information on the redistricting process is available at www.boston.gov/redistricting.

NOTICE: The Boston City Council may have a quorum in attendance due to standing committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the standing committee.

Public Testimony This working session will not include a public comment period. Written comments may be sent to the Committee or staff email (below) and will be made a part of the record and available to all Councilors. This working session will be recorded and will be available to the public shortly after the working session is adjourned.

For the Committee:

Elizabeth Breadon

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Mail Address: Dockets #1098, #1215 & 1216 City Council, City Hall, 5th Floor, Boston MA 02201
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov

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One City Hall Square 5th Floor, Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-3040

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UPDATED
COMMITTEE WORKING SESSION NOTICE

REVISED
10:42 am, Oct 20, 2022

October 20, 2022

The Boston City Council's Committee on Redistricting will hold a working session on **Friday, October 21, 2022 at 10:00 AM** in the **Iannella Chamber, 5th floor, Boston City Hall.** This meeting was previously scheduled to be held at a different location.

RECEIVED
By City Clerk at 10:42 am, Oct 20, 2022

The subjects of the working session are:

Docket #1186, An Ordinance Amending City Council Electoral Districts.

Docket #1215, An Ordinance Amending City Council Electoral Districts.

Docket #1216, An Ordinance Amending City Council Electoral Districts.

Docket #1273, An Ordinance Amending City Council Electoral Districts.

Docket #1275, An Ordinance Amending City Council Electoral Districts.

Docket #1098 was sponsored by Councilor Liz Breadon and referred to the Committee on August 31, 2022. Docket #1186 was sponsored by Councilors Ricardo Arroyo and Tania Fernandes Anderson, and was referred to the Committee on September 28, 2022. Docket #1215 was sponsored by Councilor Erin Murphy and referred to the Committee on October 5, 2022. Docket #1216 was sponsored by Councilors Liz Breadon and Brian Worrell, and was referred to the Committee on October 5, 2022. Docket #1273 was sponsored by Councilor Frank Baker, and was referred to the Committee on October 19, 2022. Docket #1275 was sponsored by Councilors Liz Breadon and Ricardo Arroyo, and was referred to the Committee on October 19, 2022. Further information on the redistricting process is available at www.boston.gov/redistricting.

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Public Testimony This working session will not include a public comment period. Written comments may be sent to the Committee or staff email (below) and will be made a part of the record and available to all Councilors.

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For the Committee:

Elizabeth Breadon

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Mail Address: Dockets #1098, #1215, #1216, #1273, #1275 City Council, City Hall, 5th Floor, Boston MA 02201
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov
Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-3040

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FURTHER UPDATED
COMMITTEE WORKING SESSION NOTICE

REVISED
8:54 am, Oct 21, 2022

October 21, 2022

The Boston City Council's Committee on Redistricting will hold a working session on **Friday, October 21, 2022 at 10:00 AM** in the **Curley Room, 5th floor, Boston City Hall.** This meeting was previously scheduled to be held at a different location.

The subjects of the working session are:

Docket #1186, An Ordinance Amending City Council Electoral Districts.

Docket #1215, An Ordinance Amending City Council Electoral Districts.

Docket #1216, An Ordinance Amending City Council Electoral Districts.

Docket #1273, An Ordinance Amending City Council Electoral Districts.

Docket #1275, An Ordinance Amending City Council Electoral Districts.

Docket #1186 was sponsored by Councilors Ricardo Arroyo and Tania Fernandes Anderson, and was referred to the Committee on September 28, 2022. Docket #1215 was sponsored by Councilor Erin Murphy and referred to the Committee on October 5, 2022. Docket #1216 was sponsored by Councilors Liz Breadon and Brian Worrell, and was referred to the Committee on October 5, 2022. Docket #1273 was sponsored by Councilor Frank Baker, and was referred to the Committee on October 19, 2022. Docket #1275 was sponsored by Councilors Liz Breadon and Ricardo Arroyo, and was referred to the Committee on October 19, 2022. Further information on the redistricting process is available at www.boston.gov/redistricting.

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For the Committee:

Elizabeth Breadon

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Mail Address: Dockets #1098, #1215, #1216, #1273, #1275 City Council, City Hall, 5th Floor, Boston MA 02201
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov
Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-3040

EXHIBIT I

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RECEIVED
By City Clerk at 8:18 am, Oct 20, 2022

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COMMITTEE WORKING SESSION NOTICE

October 19, 2022

The Boston City Council's Committee on Redistricting will hold a working session on **Monday, October 24, 2022 at 10:00 AM** in the **Piemonte Room, 5th floor, Boston City Hall.**

The subjects of the working session are:

Docket #1186, An Ordinance Amending City Council Electoral Districts.

Docket #1215, An Ordinance Amending City Council Electoral Districts.

Docket #1216, An Ordinance Amending City Council Electoral Districts.

Docket #1273, An Ordinance Amending City Council Electoral Districts.

Docket #1275, An Ordinance Amending City Council Electoral Districts.

Docket #1098 was sponsored by Councilor Liz Breadon and referred to the Committee on August 31, 2022. Docket #1186 was sponsored by Councilors Ricardo Arroyo and Tania Fernandes Anderson, and was referred to the Committee on September 28, 2022. Docket #1215 was sponsored by Councilor Erin Murphy and referred to the Committee on October 5, 2022. Docket #1216 was sponsored by Councilors Liz Breadon and Brian Worrell, and was referred to the Committee on October 5, 2022. Docket #1273 was sponsored by Councilor Frank Baker, and was referred to the Committee on October 19, 2022. Docket #1275 was sponsored by Councilors Liz Breadon and Ricardo Arroyo, and was referred to the Committee on October 19, 2022. Further information on the redistricting process is available at www.boston.gov/redistricting.

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Public Testimony This working session will not include a public comment period. Written comments may be sent to the Committee or staff email (below) and will be made a part of the record and available to all Councilors. This working session will be recorded and will be available to the public shortly after the working session is adjourned.

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For the Committee:

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Mail Address: Dockets #1098, #1215, #1216, #1273, #1275 City Council, City Hall, 5th Floor, Boston MA 02201
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov
Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-3040

EXHIBIT J

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COMMITTEE HEARING NOTICE

October 20, 2022

RECEIVED
By City Clerk at 11:13 am, Oct 20, 2022

The Boston City Council's Committee on Redistricting will hold a hearing on **Monday, October 24, 2022 at 4:00 PM** in the **Iannella Chamber, 5th floor, Boston City Hall.**

The subject of the hearing is:

Docket #1186, An Ordinance Amending City Council Electoral Districts.

Docket #1215, An Ordinance Amending City Council Electoral Districts.

Docket #1216, An Ordinance Amending City Council Electoral Districts.

Docket #1273, An Ordinance Amending City Council Electoral Districts.

Docket #1275, An Ordinance Amending City Council Electoral Districts.

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Public Testimony Members of the public are cordially invited to attend and testify in person or virtually. If you have not testified at a Council hearing before, please arrive five (5) minutes before the call of the hearing to sign up and become familiar with the hearing format, testimony locations and sound system. Please bring fifteen (15) copies of any written documentation you wish to present at the hearing. The public may also watch this hearing via live stream at www.boston.gov/city-council-tv. **Members of the public wishing to testify virtually via videoconference should email the staff contact for a link and**

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instructions to do so. Written comments may be sent to the Committee or staff email (below) and will be made a part of the record and available to all Councilors.

For the Committee:

Elizabeth Breadon

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Mail Address: Dockets #1186, #1215, #1216, #1273, #1275 City Council, City Hall, 5th Floor, Boston MA 02201
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov
Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-2435

EXHIBIT K

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COMMITTEE WORKING SESSION NOTICE

October 19, 2022

RECEIVED
By City Clerk at 11:30 am, Oct 20, 2022

The Boston City Council's Committee on Redistricting will hold a working session on **Tuesday, October 25, 2022 at 10:00 AM** in the **Iannella Chamber, 5th floor, Boston City Hall.**

The subjects of the working session are:

Docket #1186, An Ordinance Amending City Council Electoral Districts.

Docket #1215, An Ordinance Amending City Council Electoral Districts.

Docket #1216, An Ordinance Amending City Council Electoral Districts.

Docket #1273, An Ordinance Amending City Council Electoral Districts.

Docket #1275, An Ordinance Amending City Council Electoral Districts.

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For the Committee:

Liz Breadon, Chair
Committee on Redistricting

Staff Contact: Shane Pac
Mail Address: Dockets #1186, #1215, #1216, #1273, #1275 City Council, City Hall, 5th Floor, Boston MA 02201
Redistricting Website: www.boston.gov/redistricting
Committee Email: ccc.redistricting@boston.gov
Staff Email: shane.pac@boston.gov **Staff Telephone**: (617) 635-3040

EXHIBIT L

CaughtInSouthie
South Boston's Neighborhood Magazine

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Proposed City Council Redistricting Map Would Split South Boston Into 2 Districts; Emergency Meeting On Wed, 10/19, 6pm At The Condon School

CaughtInSouthie
South Boston's Neighborhood Magazine

CITY OF BOSTON CREDIT UNION
UNIQUELY BOSTON SINCE 1915 -
HERE FOR YOU THEN, NOW AND ALWA

3.6 min read By Maureen Dahill Published On: October 16th, 2022 Categories: News 13 Comments

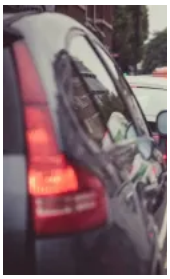
Community Groups Resolve to File Suit if Approved by the City Council and Mayor

BOSTON – With the City's redistricting process currently underway, there are at least two proposed maps that would divide South Boston into District 2 and District 3. In particular, these maps would separate the Anne Lynch Homes at Old Colony and West Broadway Development into District 2 and District 3. If a map that splits South Boston is passed, this will negatively impact neighbors, communities of color, our seniors, veterans, and persons with disabilities who live in these housing developments, and greatly impact the ability for our residents to act together and advocate for their common interests.

Proposed Map Below:

1-800-GAMBLER.

Where is the worst intersection in Southie?



339 votes
Perkins Square
34%
115 votes
L Street and any cross street
12%
68 votes
Dorchester Street and Old Colony Avenue.
7%
265 votes
Kosciuszko Circle/Morrissey Blvd./Day Blvd
27%
39 votes
West Third and Dorchester Street (trying to head over to Emerson)
4%
58 votes
N and East Broadway
6%
19 votes
M and East First
2%
91 votes
Broadway Station Bermuda Triangle
9%
Votes 994
opinion stage - create

Trending

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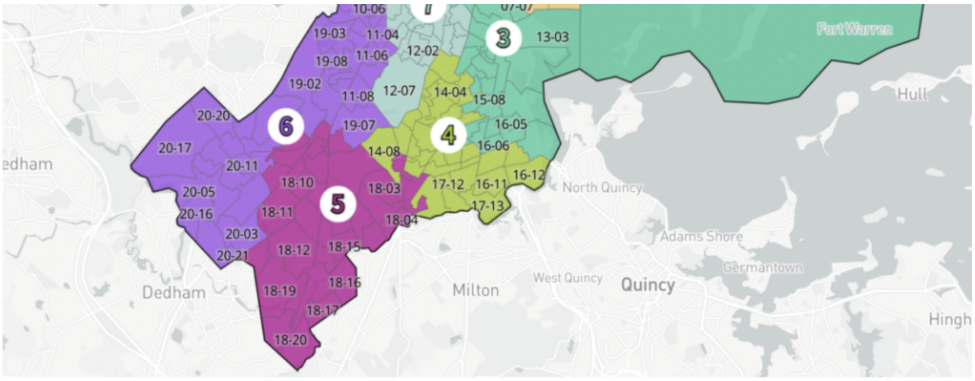
South Boston's Neighborhood Magazine

CITY OF BOSTON CREDIT UNION
UNIQUELY BOSTON SINCE 1915 - HERE FOR YOU THEN, NOW AND ALWA



The redistricting process will determine the makeup of each of the 9 City Council districts for the next ten years, and various maps can be proposed to be considered. Currently, there are maps proposed that would split South Boston into different districts, which will dilute the voices of South Boston residents. These actions would run contrary to longstanding redistricting principles of the preservation of prior districts and maintaining communities of interest.

In response to these maps, Council President Ed Flynn and the South Boston Elected Officials will be hosting an emergency meeting on redistricting on Wednesday, October 19th, 6pm at the Condon School (200 D St, South Boston) to discuss with neighbors about where we are in the process, and gather input from residents.

"One of our utmost priorities is to keep South Boston as a neighborhood together in District 2, so that this community can continue to be cohesive and not be divided into different districts," said the South Boston Elected Officials in a joint statement. "We will oppose any map that proposes to separate South Boston into different City Council districts, especially as it impacts the representation and voices of neighbors living in public housing developments."

"The proposed redistricting maps would divide our community and the West Broadway Housing Development to two separate districts, diluting our community's collective voice," said Phyllis Corbitt, President of the Anne Lynch Homes at Old Colony Resident Task Force, as well as Massachusetts Union of Public Housing Tenants. "We urge that these maps be withdrawn, and that our community of South Boston be united, particularly our public housing communities, so that we get the representation we are entitled to."

"We are aware of the proposal to divide Anne M. Lynch Homes at Old Colony and the West Broadway Development into two separate districts," said Mercy Robinson, Executive Director of South Boston En Accion. "This proposal worries me as Executive Director of SBEA and a long-time resident of South Boston. Most, if not all of the diversity in Southie sits within the streets of the three Boston Housing Developments in South Boston. With most of the residents falling well under the poverty line, separating them straight down the middle of one of these developments is counterproductive on many fronts."

"We are in opposition to any plan that would divide our community," said Kathy Lafferty, Executive Director of the South Boston Neighborhood House. "There has been so much effort put in to unite our neighborhood – the work of community organizations, elected officials and neighbors coming together to create a cohesive community – and this plan just creates further division. We ask that this proposal be withdrawn."

"The proposed maps would divide South Boston and our communities of interest. We oppose this move and ask the Committee to withdraw the proposal. If not, we will join with other parties in filing suit to protect our community's rights," said Thomas McGrath, President of the South

News
Two Dog-Related "situations" cause social media debate in the neighborhood
If you live in Southie then you know that our neighborhood is dog central...

News
BPD Seeks the Public's Help to Identify the Suspect Wanted in Connection to an Attempted Carjacking and Assault in South Boston
From BPD News: Detectives are looking to identify the pictured individual i...

News
Gas Mix-Up at Speedway in Southie Causes Damage to Many a Car
What the hell... Imagine filling up your car's tank with what you thought w...

News
Update on the Thomas Park/Dorchester Heights Renovations
Nearly a year ago on March 17th, 2022, Mayor Michelle Wu alongside the Nati...

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For more information on the meeting on Wednesday, please contact Councilor Flynn's office at 617-635-3203 and Ed.Flynn@Boston.gov.

Take a moment to read our Breakdown of the whole Redistricting Process here.

Maureen Dahill

Maureen Dahill is the editor of Caught in Southie and a lifelong resident of South Boston sometimes mistaken for a yuppie. Co-host of Caught Up, storyteller, lover of red wine and binge watching TV series. Mrs. Peter G. Follow her @MaureenCaught.

caughtinsouthie.com

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13 Comments

John A Sullivan October 16, 2022 at 8:11 pm - Reply

Leave South Boston as one district, find someplace else to split in two districts. South Boston is a wonderful community, and as such should be left alone. Splitting a community in two makes the community weaker, and South Boston has been through enough over the years.

George October 16, 2022 at 9:51 pm - Reply

United we stand divided we fall.

Joe cook October 17, 2022 at 10:06 am - Reply

Enough is enough !!!!!! Stop 🛑 torturing our community as a whole ! I stand united in opposition with all of my life long neighbors of Southie.

Worked my way out October 17, 2022 at 10:50 am - Reply

Splitting the projects out is actually good, having 10th generation residents just taxes the resources of those of us who started off with less, but worked hard to get out!

Re: "Worked Your Way Out"… October 20, 2022 at 4:21 pm - Reply

…so when a maggot crosses the street, out of the projects, and punches your mother in the face and you call "your" city councilor and are told "Oh, that's not my district anymore"…you're gonna be ok with it?
Use your head for something besides a hat rack.
THIS IS HOW IT STARTS, people!!!

Nope October 17, 2022 at 12:37 pm - Reply

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This proposal serves no useful purpose to the families in question. This community has been working together for many many years. Remember you not trying to split parcels your splitting people/families, veterans/seniors, folks that are a part of the community…..Our community!!!!!

Resident October 18, 2022 at 2:14 pm - Reply

Maybe I"m not fully understanding the cons of this but because our neighborhood has gown so much and still growing doesn't it make sense to right size by having 2 districts?

Re: "Resident"… October 20, 2022 at 4:35 pm - Reply

…"cons" is a great way to put it. This is nothing BUT a "con".
It's political payback against the White guy who recently removed Arroyo from a plum position, which ironically (not even a little) had to do with this very subject. Plain and simple.
Additionally, the proponents want the housing project votes moved into an increasingly-minority district so as to take advantage of the potential, again, increased number of votes/voters for a potential (most assuredly, actually) minority candidate in the next election, who will be running against, again, one of those mean White men who have had it "too good , for too long".
I believe (no…I KNOW, actually) that the Teenager-In-Chief at city hall refers to them as "White problems".

You're welcome.

Koz October 19, 2022 at 8:02 am - Reply

Simply put this measure is an attempt to dilute the political power of South Boston. SB has historically had the highest voter turnout in the city. SB has always enjoyed disproportionate political clout due to residents civic participation. Mayors, Senate Presidents, City Council Presidents all emanated from this neighborhood. Not to mention the US Speaker of the House John McCormack. If you can't beat "'em divide 'em! It's a wake up call for Eddie Flynn otherwise a great political family's demise will be ended by gerrymandering.

Dan Leblanc October 19, 2022 at 3:18 pm - Reply

Doesn't this potentially give South Boston the chance to get 2 of 9 seats on city council increasing political clout for the area? That is if we have good candidates? I can see the benefit of both keeping it the same and splitting it into two.

Melissa October 19, 2022 at 5:40 pm - Reply

Will this is live streamed?

Leave A Comment

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website in this browser for the next time I comment.

POST COMMENT

The Unveiling of The Embrace

A reminder: No Overnight Parking on the Beachside of Day Blvd.

When it comes to the worst the world, Boston is fourth

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT O'SHEA, CHAIRMAN OF THE WARD 6 DEMOCRATIC COMMITTEE, et al., Plaintiffs, v. BOSTON CITY COUNCIL, Defendants.	)	Civil Action No. 1:22-cv-12048-PBS

AFFIDAVIT OF SABINO PIEMONTE

I, Sabino Piemonte, under oath depose and state as follows:

1. I am employed by the City of Boston as the Head Assistant Registrar of Voters for the Elections Department. I have personal knowledge of the matters stated in this Affidavit.

2. I submit this affidavit in support of the Boston City Council's Opposition to Plaintiff's Motion for Preliminary Injunction.

3. Using records from the City's elections database, I gathered the following information about the current voter registration status of the five individual plaintiffs in this action:

	Address	District Voter was registered to vote in prior to 2022 Redistricting	District Voter was registered to vote in after 2022 Redistricting
Robert O'Shea	150 Athens Street, 02127	2	3
Rita Dixon	34 Mamelon Circle, 02126	5	5
Shirley Shillingford	22 Wensley Street, 02120	8	8
Maureen Feeney	160 Milton Street, 02124	3	4
Phyllis Corbitt	229 East Eighth Street, 02127	2	3

Signed under the pains and penalties of perjury this 13th day of January 2023.

/s/ Sabino Piemonte
Sabino Piemonte