A

CITY OF CAMBRIDGE

BOARD OF ELECTION COMMISSIONERS

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To: Robert W. Healy. City Manager

From: Tanya L. Ford, Executive Director

Date: November 22. 2010

Re: Response to Council Order #O-1 (See attached)

In response to Council Order #O-1, I report the following:

There were numerous complaints received by the Election Commission on November 2nd, Election Day regarding inactive status, incorrect registration information, inconsistencies, misspelled names and inactive status. The staff spoke with each complainant and or election worker clarifying and resolving each issue. The office is required by law to investigate and make correction whenever informed of an error on the voting list.

Some of the instances of incorrect information were a result not updating registration information and/or neglect in returning census materials. Several voters were instructed to complete a Mail-In Voter Registration form (available at the polls) to update information or register and/or follow up with the Commission the same day (Election Day) or shortly thereafter. However, of the amount of resident complaints received, very few voters have followed up with this office to date. Others were instructed to register in the city/town in which they now reside. Once the Election Commission was notified of an error, an investigation occurred, the correction was made and a letter was generated and sent to the voter to confirm the change.

We must also account for human error. The Commission continues to review its outreach and registration activities with hopes of developing an error free system. Unfortunately, we cannot account for errors made by other registration agencies, student organizations, community groups, private entities etc. over which we have no control. This office has encountered submission of incomplete registration forms, submission of forms after the registration deadline and reports by individuals claiming to have registered through an outside organization registration drive and whose forms were never sent to or received by the Commission.

The Election Commission has conducted Voter Registration Training Sessions over the years for which participation has dwindled. It is held for those interested in conducting voter registration in the Cambridge Community. The Commission assists them in understanding what their obligation is with regard to voter registration. Information is provided on frequently asked questions regarding voting, voter qualifications and how to correctly fill out voter registration forms. The event was publicized and a letter and/or press release was sent to city offices, community organizations, clinics, CHA offices, bookstores, schools, post offices, libraries, churches etc. The Commission held a training session on September 20, 2010 for which one person attended.

In regard to removing Cambridge residents from the active voter list and placing them on the inactive list through the city census, the Election Commission follows statutory requirements of the Commonwealth of Massachusetts. M.G.L. Chapter 51 s. 4. and M.G.L. Chapter 51 s.10A, which mandate the method for collecting information from residents and multi-unit dwellings each year through the city census. Voters whose current residence is not confirmed through the census and whose names, therefore, are not included in the annual Street List, are put on the Inactive Voting List. They are mailed a "confirmation notice" pursuant to M.G.L Chapter 51 s. 37. Making them inactive is required by law. I have also determined that some voters habitually neglect to answer the census and then re-activate themselves by voting at the next election.

It is my understanding that the annual City Census is widely publicized, signs are posted around the city, and the census is mailed to the known address of every city resident. Included on the annual census form is the following statement:

"Warning – failure to respond to this mailing shall result in removal from the active voting list and may result in removal from the voter registration rolls"

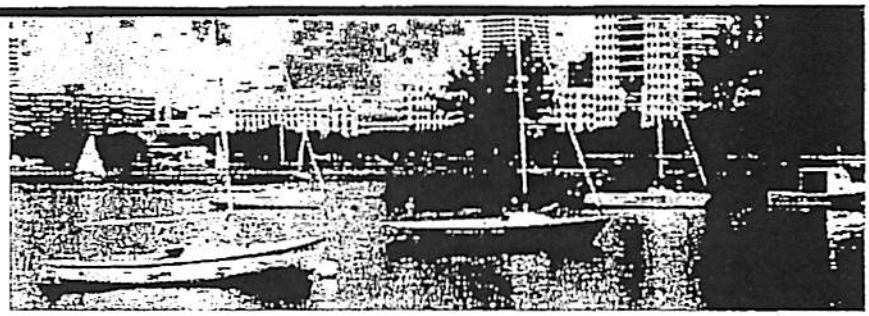
Notice is always given through an individual mailing to each voter and/or resident including those of record in multi-units when census information has not been provided by the individual or by management of the multi-units. Although the Commission sends individual household forms to residents in multi-units, the landlord/management company is still required to submit the information to the Commission. During the 2011 City Census I will review the response and hopefully develop a solution to the issues related to "management companies of large buildings not treating census forms appropriately". However, as I understand this problem has been an ongoing issue. Currently, the City of Cambridge has approximately 62,852 registered voters and 14,931 inactive voters.

Year	# of Inactive Voters
11/4/2008	14.038
11/3/2009	14.728
11/2/2010	14,931

In conclusion, when there are questions and/or concerns regarding registration and voting eligibility (i.e. inactive status) the Commission should be contacted and the following should be considered:

- Was the voter registration form filled out correctly?
- Did the voter answer the city census?
- Did the voter respond to the confirmation cards sent out prior to the production of the Street List Book?
- Did the voter move within Cambridge and not re-register?
- Did the voter move outside of Cambridge?
- Was the registration information provided in clear and concise manner?
- Did the voter receive a poll notification card in the mail prior to the election?
- Did they register or re-register before or after the voter registration deadline for the state election? (20 days prior to the election, which was October 13th for the 2010 State Election)
- When registering did the voter use a mailing or residential address?
- Did the voter receive a registration acknowledgment letter or receipt after registering to vote? Did they follow-up?
- Where or with whom did they register to vote? (RMV, school registration drives, private entities etc. or governmental, nongovernmental, private entities and organized voter)
- Was the voter registration processed correctly and/or sent to the Cambridge Election Commission in a timely manner or at all?

There is also information addressing how to stay on the voting list in the Cambridge Election Commission Voter Registration Manual and on the Election Commission website. (See attached) The Commission is in also the process of reviewing the website and plans to include more information regarding the census.



Voter Registration FAQ

Answers to frequently asked questions about registering to vote in the City of Cambridge including name, address and party changes, registration deadlines and locations, and polling locations.

Who may register to vote in Cambridge?

You may register to vote in Cambridge if you are a US citizen, a resident of Cambridge, and will be at least 18 years old on or before Election Day.

Can I register for a friend, family member, or another individual?

No, this is prohibited under state law.

Where do I register?

The following options are available to register to vote. You can register:

At the Election Commission Office during regular and special office hours.
By Mail-in Registration Form. Forms are available at the Election Office, local libraries, branches of the Post Office, Cambridge Hospital and the neighborhood health clinics, public housing locations, and many other city locations. Fill out the form and mail it back to the Election Office.

To have a Registration form mailed to you, you can fill out the request form. Or you can call 1-80(462-vote or 617-727-2828, or request it on the web
http://www.state.ma.us/sec/ele/elestu/stuidx.htm

You may also use the federal voter registration form, which is available at the State web site.

Can I register if I am homeless?

Homeless persons can use a shelter address or their prior address in Cambridge if that was the last place of residency. You can also vote from a location by using the diagram on the registratior form.

Is identification required to register to vote?

When you register, you must include your driver's license number or the last 4 digits of your soci: security number on the application. If the information cannot be verified or you do not provide this information, your must provide identification at your polling location when you go to vote. Sufficie: identification includes a copy of current and valid photo identification, current utility bill, bank statement, government check, paycheck or other government document showing your name and address.

How do I change my political party?

Send correspondence stating it is "signed under the penalty of perjury" to the Election office with your request to change party affiliation, including what you would like your new affiliation to be. Voters who wish to change their party status may also use mail-in registration forms.

How do I change my address for voting?

If moving to another city or town, re-registration is required if you wish to remain a voter. If movin within the City of Cambridge, send signed correspondence to the Commission stating your new address along with your former address. Mail-in registration forms may also be used to inform the Commission of the new address.

How do I change my name for voting?

Send signed correspondence to the Election office informing the Commission of the name change. Be sure to include both your former name and new name. Mail-in registration forms can also be used to inform the Commission of a name change.

When is the Election Commission office open to the public?

We are normally open on the following hours: Mondays 8:30am –8:00pm, Tuesdays through Thursdays 8:30am – 5:00pm, and Fridays 8:30am to 12:00 noon. We are closed on holidays recognized by the City. We are open on certain special days and certain special hours to accommodate voter registration deadlines and absentee voting. See Election Calendar for specia hours.

When am I registered to vote?

You are registered to vote on the day you register in person at an official designated office or the postmark date on a mail in registration form. You must register by 20 days before an election to vote in that election. You should receive an acknowledgement notice within two to three weeks after you register. If you do not receive your acknowledgement notice, contact the Election Commission.

How may I verify that I am registered?

You may contact the Election Commission at (617) 349-4361.

What is my ward and precinct?

The ward and precinct determines where residents vote and in which elective district citizens reside. When you register to vote, the acknowledgement notice you receive includes your ward, precinct, and polling location. The staff can also provide information about elective districts, your current elected officials, and names of candidates in election seasons.

When can I register?

Eligible persons can register at any time during the Election Office's hours of operation or when outside sessions are conducted. Registration by mail can be done at any time.

Is there a deadline to register?

One may register to vote at any time. However, the deadline to register for any given election is twenty days prior to that election.

What is my polling location?

Your polling location is where you vote. You may click this link to see your polling location (PDF):

Your ward and precinct will determine your polling location. You may also call the Election Commission at (617) 349-4361.

How do I stay on the voting list?

Answering the city census each year ensures that your name will remain on the voting list once you have registered. If you move within the city, inform the Election Commission in writing about your change of address (see "How do I change my address for voting?"). If you were previously registered in another city or town, re-registration from the new address is necessary. You may also inform the Commission if your name changes and you wish to change it for the voting list. Massachusetts state law does not require that you vote in order to keep your name on the voting list.

How can I get a letter verifying that I am a registered voter?

Voter registration letters or cards are not necessary for voting purposes. However, you may go to the Election Commission office and make a request for a letter verifying that you are a registered voter. A $2.00 fee is charged for issuing a voter registration letter. You may also mail a receipt along with a check of $2.44 (fee and postage) made payable to the City of Cambridge.

How can my group or organization request voter registration forms in bulk?
Call the Elections Division at 1-800-462-VOTE or 617-727-2828.

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City of Cambridge

Voter Totals as March 28, 2011

All Voters	63,571
Active Voters	47,731
Inactive Voters	15,845

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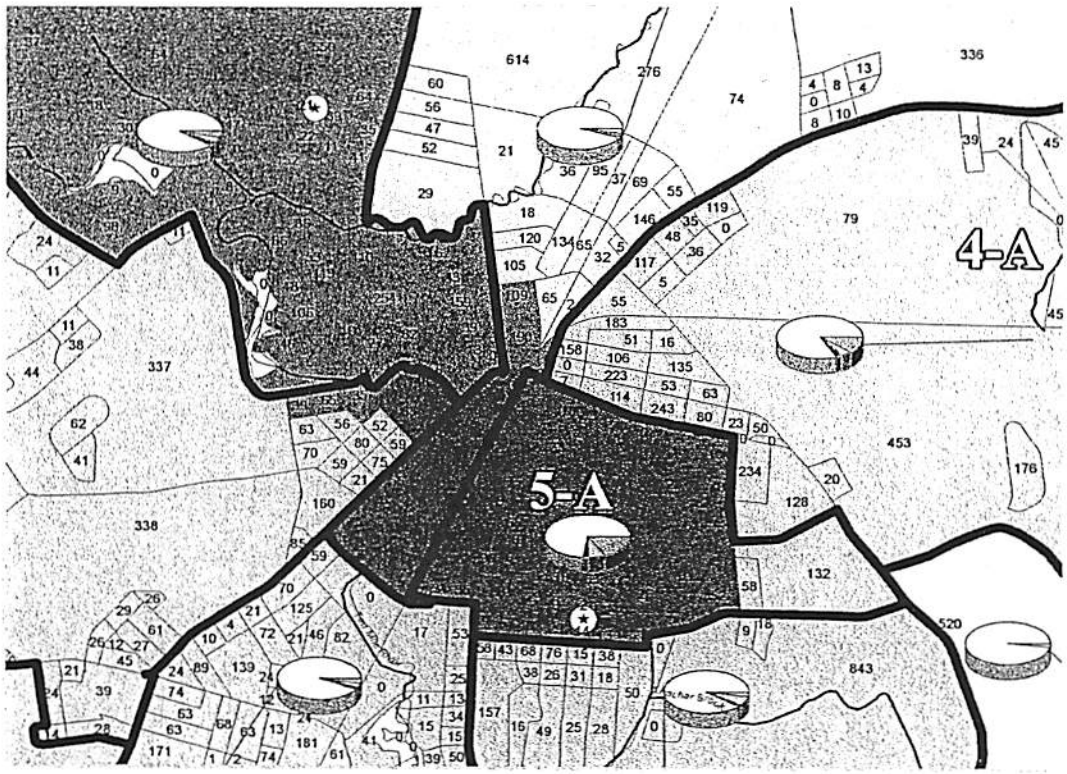
Release of Official 2010 Census Numbers for Massachusetts

The numbers by city and town are listed by county at the link below:
http://www.sec.state.ma.us/census/index.htm

Detailed information is available on the United State Census Bureau's website:
http://2010.census.gov/2010census/data/

D

Re-Precincting in Massachusetts



William Francis Galvin

Secretary of the Commonwealth

Elections Division

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An Introduction to Re-precincting and Redistricting in Massachusetts

"The great principle established by [Mass. Const. Amend. Art. XXI] is equality of representation among all the voters of the Commonwealth. That is a fundamental principle of representative government... There can be no equality among citizens if the vote of one counts for considerably more than that of another in electing public officers." Attorney General v. Suffolk County Apportionment Comm'rs, 224 Mass. 598, 604 (1916) (Rugg, C.J.). All people should have free, open and fair access to the electoral process, and every person's vote should carry the same weight. The law requires that legislative districts be redrawn on a periodic basis so that shifts in population will neither unfairly increase nor diminish a particular voter's voice in government. Every ten years, the legislature and local governments must re-draw boundaries that take into consideration population, communities of interest, and state and federal constitutional requirements, amongst others. The government may not unfairly dilute minority voting strength, nor may it make race the predominant factor in redistricting absent a compelling state interest.

In any examination of redistricting, it is important to identify the basic elements that comprise a redistricting plan. This booklet briefly explains the process for redrawing the boundaries of the electoral districts in Massachusetts. In addition, it will describe the major state and federal constitutional considerations in the redistricting process.

By precedent, wards and precincts in the cities and towns within which they are comprised, form the building blocks for the larger legislative districts. The smallest electoral district is the precinct; its residents all vote at the same polling place on election day.

Districts must be drawn so as to contain roughly equal numbers of residents. This is different from the number of registered voters. Population is determined by the most recent federal census. All local re-precincting and state redistricting relies on the federal census taken in 2010 and at subsequent ten year intervals.

Part One outlines how local districts (precincts and wards) are drawn by local officials subject to approval by a state commission called the Local Election Districts Review Commission.

Part Two describes how legislative districts for electing members of Congress, state senators, state representatives and governor's councillors are drawn by the state legislature.

Part One – Local Re-Precincting

The basis for any redistricting plan is population. The Massachusetts Constitution requires that districts be formed with "as nearly as may be" an equal number of "inhabitants" as determined by the federal census. Municipalities themselves have the initial responsibility of establishing ward and precinct boundaries, which become the building blocks in determining legislative and local government districts.

A precinct is the smallest geographically bounded unit used for state election purposes. A precinct is where one polling place in a municipality is located.[1] A ward is a geographically bounded unit for election purposes, which consists of one or more precincts.

Towns with representative town meetings elect their members by precinct and cities choose political party committees and sometimes city council members or other officials by ward. In some municipalities, the council members are elected by districts, which are created using precincts.

After obtaining the necessary local approval, each city and town must submit their plans, including maps, population information and a legal description of the boundaries of each ward and precinct, to the Secretary of the Commonwealth who thereafter makes this information and material available to an independent commission known as the Local Election District Review Commission (LEDRC).

Legal Citations:

- Massachusetts General Laws chapter 54, sections 2 and 6

Establishment of Wards and Precincts

Each city (except Boston) and town (except Nantucket and Rockport) is required to establish ward and precinct lines every ten years, following the federal census if:

- the wards of a city do not contain approximately equal numbers of residents so that each ward's population is within 5 percent of the average;
- a ward not divided into precincts contains more than 4,000 residents;
- a town contains more than 6,200 residents; or
- a precinct contains more than 4000 residents.

Even if a city or town does not need to re-draw their precinct lines because their existing plan remains in conformity with the law, they must still file all the

[1] In some municipalities, sub-precincts may be established which provide an additional polling place for some of the voters in the precinct.

necessary information based on the latest federal census figures and have the plan reapproved by the LEDRC.

Legal Citations:

- Massachusetts General Laws chapter 54, section 1 (city wards), section 2 (city precincts), section 6 (towns)
- 1982 Mass. Acts ch. 605, section 3 (Boston)
- 1995 Mass. Acts ch. 312 (Rockport)
- 2001 Mass. Acts ch. 49 (Nantucket)

Statutory Time Line

Presently, under state law, cities and towns must establish new wards and precincts by June, 2011, and the state legislature is required to complete its redistricting in time for the 2012 elections.

A constitutional amendment was approved by the legislature and adopted by the voters of the Commonwealth which amended Amend. Art. CI to require the entire redistricting process to be completed in time for the legislative elections immediately following release of the decennial census data. Recently, the state laws were amended to accelerate the deadlines by which municipalities must complete redrawing of their ward and precinct lines and thereafter file such plans with the LEDRC.

Legal Citations:

- Massachusetts General Laws chapter 54, sections 1, 2, and 6
- 2010 Mass. Acts ch. 321

Standards

The law requires that voting precincts established by a city or town must meet the following requirements:

- Each new precinct must be "composed of compact and contiguous territory" without protruding fingers or long tails.
- Precincts must be bounded by the center-line of streets or other well defined boundaries such as streams or other bodies of water, railroad tracks, power lines or other clearly visible geographic figures. These features must be recognized as block boundaries by the United States Bureau of the Census and appear on their official block boundary maps. Rear lot lines or other imaginary lines are not acceptable. The use of census boundaries provides redistricting authorities with not only a definitive number of inhabitants in

a fixed area, but with demographic information obtained from the federal census, which is essential to any redistricting plan.

- No precinct may contain more than 4,000 residents.
- Every precinct's population must be within five percent (5%) of the average precinct population for that ward or town. Ward populations must be within five percent (5%) of the average ward population for the city.

For state election purposes, precincts established during the re-precincting process may not be changed in a ward or town which is in more than one senatorial, representative or governor's council district. They may be changed for local elections only and in this case two sets of precinct lines must be maintained.

For the purposes of dividing a city or town into precincts and of apportioning representation in any elected municipal body, the figures reported by the federal census are the only numbers used.

Legal Citations:

- Generally: Massachusetts General Laws chapter 54 section 2 (cities), section 6 (towns)
- Population Deviations: LEDRC Memorandum, January 20, 1989; Black Political Task Force v Connolly, 679 F. Supp. 109, 114, 123-31 (D. Mass. 1988) (three judge court); Brown v. Thomson, 462 U. S. 835 (1983); Brookline v. Secretary of the Commonwealth, 417 Mass 406 (1994).
- Same Congressional District: Massachusetts General Laws chapter 54 section 4
- Boundary Lines: Town of Danvers Board of Selectmen v. LEDRC, No. 85-2518 (Mass. Super., Essex January 6, 1986); City of Everett (LEDRC, March 19, 1986); Town of Freetown (LEDRC, February 25, 1986); City of Worcester (LEDRC, December 20, 1985); Town of Randolph (LEDRC, July 23, 2001).

Minority Vote Dilution

Redrawn precinct and ward boundaries must not result in the dilution of minority group members' votes. This is a local consideration when municipal representative districts, which are made up of wards and precincts, are used to elect officials—such as ward aldermen or councillors in a city or representative town meeting members by precinct in a town.

Section 2 of the federal Voting Rights Act of 1965, as amended by Congress in 1982, prohibits any voting practice which "results in a denial or abridgement of the right... to vote on account of race or color" or membership in a language

minority group. The Act defines "language minority" as persons "who are American Indian, Asian American, Alaskan Natives or of Spanish heritage." It is a violation of this statute if the political process is not equally open to members of such a racial or language minority group, in that they have less opportunity than others to participate in the political process and elect representatives of their choice. The federal courts have often held that this statute applies to the drawing of district boundaries for electing officials. The "equal rights" provision of article one of the state constitution's Declaration of Rights contains similar requirements.

It is important to note that district (ward or precinct) boundaries that result in diluting minority group members' votes may violate these provisions even if the officials who drew those boundaries did not intend that result. In other words, without taking careful precautions officials may inadvertently violate these provisions (thus causing district boundaries to be invalid) or at least provoke unnecessary litigation.

Two examples of possible violations are known as "packing" and "fragmentation."

- "Packing" means concentrating a high proportion of minority group members in one or a few districts so that their votes cannot elect as many minority group representatives as another plan may potentially allow.
- "Fragmentation" refers to spreading minority group members among many districts or submerging them in a district dominated by another group also resulting in the election of a smaller number of minority group representatives.
  Under different circumstances either of these practices may violate the previously mentioned provisions.

In order to avoid even the unintentional violations, officials should obtain precise information about how many minority group members reside in which areas of their city or town. The best source is the "Census of Population and Housing" provided by the United States Census Bureau. The data series "Block Statistics" contains basic race and ethnic information allowing aggregation of minority data from the block level up to the ward and precinct areas being redistricted for the community. This and other statistical data will be posted on the U.S. Census Bureau's website (www.census.gov) no later than April 1, 2011.

Legal Citations:

- Race and Language Minorities: 42 U.S.C. § 1973; Thornburg v. Gingles, 478 U. S. 30 (1986); Latino Political Action Committee v. City of Boston, 609 F. Supp. 739 (D. Mass. 1985); Black Political Task Force v. Galvin, 300 F. Supp. 291 (D. Mass 2004); Meza v. Galvin, 322 F. Supp. 2d 52 (D. Mass. 2004)

- Political Minorities: Voinovich v. Quilter; Davis v. Bandemer, 478 U. S. 109 (1986); Black Political Task Force v. Connolly, F. Supp. Civ., Nos. 91-12750-H, 91-12751-H (D. Mass. 1992); Debarrio Uno v. City of Holyoke, Civ No 92-30052-MAP (D. Mass. 1995).

Procedure and Calendar of Events

Local re-precincting plans are adopted by a vote of the city council or board of aldermen in a city and by a vote of the board of selectmen in a town. When re-precincting is optional in towns, the town meeting may vote to require the board of selectmen to re-precinct.

As noted earlier, for towns with less than 6,200 inhabitants and choosing not to divide their town into precincts, they must still make a formal submission to the LEDRC.

Cities and towns must adopt a re-precincting plan after being notified of the official data obtained from the decennial federal census. Under the General Laws, the timeline is on the next page:

TOWN actions required:	Deadline Date (no later than)
The Board of Selectmen in Towns with under 6,200 residents may on its own initiative, or if so directed by town meeting, shall divide the town into precincts; AND Every town with more than 6,200 residents shall divide the town into precincts.	June 15, 2011*
The town clerk must give written notice of the division, submit maps, etc to the SOC, and the SOC must thereafter forward to the LEDRC.	June 22, 2011
The LEDRC will review the submission and vote to accept or reject the submission. If the plan is accepted, the town will be so notified. If the LEDRC determines there are problems with the submitted plan, the LEDRC must give specific written notice to the Board of Selectmen of any problems.	July 27, 2011
The Board of Selectmen must make the changes recommended by the LEDRC.	August 10, 2011
For a town comprised of one precinct with more than 6,200 inhabitants not divided by August 10, 2001, LEDRC shall divide the town or appoint a master to make the division (division to be made within 15 days and subject to LEDRC approval).	August 25, 2011
FINAL POSSIBLE DATE	**September 9, 2011**
OR	
For a town comprised of more than one precinct that fails to act August 10, 2001, the LEDRC shall divide the town or appoint a master to make the division (division to be made within 15 days and subject to LEDRC approval).	August 10, 2011
FINAL POSSIBLE DATE	**August 25, 2011**

CITY actions required:	Deadline Date (no later than)
City council must vote on a new division of precincts.	June 15, 2011*
City must give written notice of the division, and submit maps, etc., to the SOC and the SOC must thereafter forward to the LEDRC.	June 22, 2011
The LEDRC will review the submission and vote to accept or reject the submission. If the plan is accepted, the city will be so notified. If the LEDRC determines there are problems with the submitted plan, the LEDRC must give specific give specific written notice to the mayor or city manager of any problems.	July 27, 2011
Within 7 days after receipt of notice from the LEDRC, the mayor or city manager must present his recommendations to the city council.	Date will vary depending on date of receipt of notice.
The city council should make the changes presented by the mayor, or if the city council does not, the mayor may give an executive order making the changes.	August 10, 2011
If the city council fails to act by the 49th day following the final day to give notice to the SOC, the LEDRC shall make the division or appoint a master to make the division (division to be made within 15 days and subject to LEDRC approval).	August 10, 2011
FINAL POSSIBLE DATE	**August 25, 2011**

* If the state secretary determines that census figures are available at such time as to allow this process to begin earlier, the state secretary will designate the date on which such process shall begin. All other dates would therefore change accordingly.

Submission of Approved Districts

The city or town clerk must send notice to the Office of the Secretary of the Commonwealth forthwith after the city council or the board of selectmen vote to accept a plan. Six (6) items must be submitted:

1. Number and designation (numbers or letters) of wards and precincts and their population; and
2. Official census map showing new wards and precincts designated by number and letter; and
3. A physical boundary description of the new wards and precincts which includes the number of residents in each new ward and precinct; and
4. A list of the census tract and block numbers and each block's population for each precinct; and
5. A map with the precincts drawn on it; and
6. Vote of adoption.

All of the above submissions must be certified.

When submitted, these materials should be accompanied by a letter from the city or town clerk or election commission that the materials have been certified by a vote of the board of selectmen or board of aldermen or the city council.

The Office of Secretary of the Commonwealth transmits these materials to the Local Election District Review Commission (LEDRC).

The Local Election District Review Commission

The Local Election District Review Commission (LEDRC) is an independent commission charged with the responsibilities of overseeing, supervising and approving the divisions of cities and towns into precincts. While LEDRC is within the department of the Secretary of the Commonwealth, it is not within his supervision or control.

The LEDRC consists of three members: the attorney general and the state secretary, or their designees, and a third member appointed by the governor. Each member serves at the pleasure of his or her respective designating officer.

Each city and town must file its re-precincting submission with the LEDRC through the Secretary of the Commonwealth. The LEDRC reviews each plan

under the requirements of chapter 54 of the Massachusetts General Laws and other relevant constitutional requirements. The LEDRC has the authority to reject submitted plans and to require local authorities to reconfigure their wards and precincts. If the plan is disapproved, the LEDRC must clearly spell out the deficiencies in the plan in writing and promptly notify the local officials.

If a locality fails to submit a ward and precinct plan or fails to comply with a directive of the LEDRC following its review, then the LEDRC (or a master appointed by the LEDRC) is mandated to make local ward and precinct divisions itself. The cost of any such undertaking by the LEDRC is borne by the offending locality.

Correcting Deficiencies

In cities, the mayor or city manager receives the notice of deficiencies from the LEDRC. The mayor or the city manager must present his recommendations to the city council to revise the plan to bring it into compliance in a timely fashion after receiving notice from the LEDRC. After receiving the notice of defects from the LEDRC and thereafter the recommendations from the mayor, the city council must adopt a revised plan. If the city council fails to timely adopt a plan, the mayor or city manager may give an executive order making the changes.

If the city council fails to act and the mayor or city manager fails to issue an executive order, the LEDRC can either make the division itself or appoint a master to make the division.

In towns, the board of selectmen receives the notice of deficiencies from the LEDRC. The board of selectmen must make the changes recommended by the LEDRC. If the board of selectmen does not make the changes in a timely manner, the LEDRC can either make the division itself or appoint a master to make the division.

If the LEDRC is required to appoint a master, all costs associated with the appointment will be the obligation of the municipality.

Legal Citations:

- LEDRC: Massachusetts General Laws chapter 9, section 9A
- Massachusetts General Laws chapter 54, sections 1, 2 and 6

Sub-precincts in Representative Town Meeting Towns

In a town with a representative town meeting, the board of selectmen may further divide these precincts for the sole purpose of facilitating voting. Each sub-precinct must be designated by a letter added to a number or a number added to a letter. All town meeting members who represented the precinct which was divided must continue to represent the entire territory of the precinct. Notice of the sub-precinct must be sent to the Office of the Secretary of the Commonwealth, but it need not be approved by the Local Election District Review Commission. Within twenty (20) days after the division the board of selectmen must notify each registered voter in a newly divided precinct, in writing, of the location of the polling place to be used by that of the voter.

Legal Citations:

- Massachusetts General Laws chapter 54, section 7A
- Massachusetts General Laws chapter 54, section 24
- Town of Framingham, (LEDRC, June 8, 1978)

Notice to the Public and Local Officials

Once a re-division has been approved by the LEDRC, the city council in a city or the board of selectmen in a town must publish a map or description of the new precincts. The map must clearly define the boundaries of the precincts. Copies of the map or description of the precincts are sent to the registrars of voters, the board of assessors and to the election officers in each precinct. Copies are also posted in public places in every precinct as determined by the city council or the board of selectmen. Every registered voter whose polling place is changed by the re-precincting must be notified by mail of the new polling place.

Legal Citations:

- Massachusetts General Laws chapter 54, sections 5, 8 and 24

Effective Date

Changes in wards and precincts are effective on December 31 of the year of their adoption. All regular municipal preliminaries, primaries and elections held in any community after it has been redivided shall be held in such community as redivided.

Legal Citations:

- Massachusetts General Laws chapter 54, section 1 (cities), section 6 (towns)

Part Two – Legislative Redistricting

The Massachusetts Legislature is charged with the task of re-drawing congressional districts and state senatorial, representative and councilor districts.

Congressional Districts

Congress apportions the 435 House seats among the States on its receipt of federal census data every 10 years. At present and based on the 2000 federal census, Massachusetts has ten members in the United States House of Representatives. Each Representative is chosen from a district which is formed on the basis of the number of legal residents in the district. The number of legal residents is derived from the federal census which is taken at the beginning of each decade. However, based on the total population of the United States as determined by the 2010 federal census, Massachusetts will lose a Representative and instead have only nine Representatives.

The Bureau of the Census, a federal agency, is responsible for counting the number of persons in the United States. The federal census is conducted every ten years. The President then transmits to the Congress the number of United States Representatives to which each state is entitled. Within fifteen days after receiving the President's statement the Clerk of the House transmits a certificate to the Governor of each state stating the number of United States Representatives to which that state is entitled. It is then the duty of the state to redraw congressional districts. Unlike state legislative districts, courts have required congressional districts to contain as nearly as practicable, an equal number of residents, corresponding to the number of United States Representatives certified to the state by Congress. In Massachusetts, this task is carried out by the state legislature. The new districts take effect for the next congressional election after the federal census (e.g. 2012).

Legal Citations:

- U.S. Const., Art. I, § 2; and Amend. XIV, § 2
- White v. Weiser, 412 U. S. 783 (1973)
- Reynolds v. Sims, 377 U. S. 533 (1964)
- Massachusetts General Laws chapter 57, section 1

State Legislative Districts

The Massachusetts Legislature is responsible for redrawing state representative, state senatorial and governor's councillor districts. In addition to various other important state and federal constitutional and statutory requirements, redistricting

is based on the number of legal residents in each district as determined by the federal census taken in 1990 and every tenth year after.

Each district for a particular office must contain an equal number of residents, as nearly as possible. Unlike congressional districts, state legislative districts need only be substantially equal. For example, based upon the 1990 federal census, each state representative district had to contain approximately 37,500 residents. This figure is obtained by dividing the total number of Massachusetts residents by the number of state representative seats (160). Based upon the 2000 federal census, the state's population was 6,349,119. Therefore each of the 160 representative districts had to contain approximately 39,682 residents while each of the 40 senatorial districts had to contain approximately 158,728 residents. Further, a district's population must be within 5% of that average number unless justified by important state policies. For example, in a state representative district drawn after the 1990 federal census, the number of residents could have been 1875 less or 1875 more than 37,500 and for the districts drawn after the 2000 federal census, the number of residents could have been 1984 less or 1984 more than 39,682.

This same procedure is used to calculate the number of residents in the 40 senatorial districts. Councillor districts are composed of five contiguous state senatorial districts; there are eight councillor districts in all.

The new districts take effect for the state primary and election two years after the federal census on which they are based. The new districts resulting from the 2010 federal census will take effect for the 2012 presidential primaries, state primaries and state election.

Legal Citations:

- Massachusetts Constitution amend. article 101
- Massachusetts General Laws chapter 57 sections 2, 3 and 4
- 1987 House Document No. 5875, at 20-30
- Brown v. Thomson, 462 U. S. 835 (1983)
- Black Political Task Force v. Connolly, 679 F. Supp. 109, 114, 123-31 (D. Mass. 1988) (three judge court)
- Merriam v. Secretary of the Commonwealth, 375 Mass. 246, 376 N. E. 2d 838 (1978)
- Black Political Task Force v. Connolly, F. Supp. Civ., Nos. 91-12750-H, 91-12751-H (D. Mass. 1992)
- Lamson v. Secretary of the Commonwealth, 341 Mass. 264, 168 N. E. 2d 480 (1960)
- Brookline v. Secretary of the Commonwealth, 417 Mass. 406 (1994)

E

Drury, Margaret

From: Cheung, Leland
Sent: Monday, March 28, 2011 11:50 AM
To: Young Kim
Cc: Drury, Margaret; Lopez, Donna; Bedell, Elizabeth
Subject: RE: Round table Meeting with the Election Commission. on 3/28

Young, thanks for your email. I'll be sure to raise these two issues tonight and I'm cc'ing the clerk for inclusion in the record.

Leland Cheung
Cambridge City Councillor
(617) 444-9080
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http://www.LelandCheung.com
http://www.CambridgeMA.gov/ccouncil/Cheung/

From: Young Kim [mailto:yckphoenix09@gmail.com]
Sent: Sunday, March 27, 2011 10:24 PM
To: Simmons, Denise; Cheung, Leland; Kelley, Craig (home)
Subject: Round table Meeting with the Election Commission. on 3/28

Dear Councilors Simmons, Cheung and Kelley,

I plan on attending the round table meeting with the Election Commission on Mon. I understand that no public comment will be allowed but if given the opportunity, I am willing to give my account of the voter confusion/frustration/questions I witnessed as an entry inspector last fall. As I stated in my email last December, many residents questioned how they could be "inactive" for not sending in the census form when in fact they were the ones who filled out and mailed the forms yet their family members are "active." They argued that if they are "inactive" so should their family. I could only refer them to the warden. I hope this sheds some light on the "inactive" voter problem.

I know this round table discussion is to address the "inactive" voter problem but I would like to bring another problem I observed at the Peabody School polling place. I had very difficult time finding the polling place the first time I tried to vote there after we moved back to Cambridge. And during the primary election last fall, I heard many complaints on the lack of signs pointing to the polling area which is way in the back of the school. During the general election, I noticed the problem had not been addressed (only couple of signs on Rindge Ave giving incorrect impression that the polling place entrance is through the main school entrance on Rindge Ave) so I made up some temporary signs directing the voters to the polling place down the Yerxa Road. Each polling place must be clearly marked and easy to find. I hope this issue is also addressed.

If there is any way I can help in improving the :"inactive" voter situation, I am more than willing to help out.

Best Regards,

Young

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor

Arthur J. Goldberg
Supervising Legal Counsel

Legal Counsel
Birge Albright
Vali Buland
Cheryl Anne Watson
Nancy B. Schlacter
Christine E. McGinn

F

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

June 8, 2001

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: *Opinion as to division of City into wards and precincts*

Dear Mr. Healy:

You have requested my opinion as to whether the decennial division of the City into wards and precincts should be done by the City Council or the Board of Election Commissioners.

The answer to this question depends on a reading of two general laws, G. L. c. 54 §§ 1 and 2, and three special acts pertaining to Cambridge, St. 1921, Chap. 239 and St. 1922, Chaps. 100 and 101.

General Laws, c. 54, § 1 (as amended by St. 1992, c. 403, § 11) provides in part:

> In the year (1992) and every tenth year thereafter ... a city, by vote of its city council may ... make a new division of its territory into such number of wards as may be fixed by law. Any such vote ... shall ... divide each ward into .... precincts as is required by section two .... The provisions of this section and section two shall not apply to any city which has a special law to the contrary covering the procedure for the division of wards and precincts.

General Laws, c. 54 § 2 provides in part:

> Each city shall be divided into convenient voting precincts, designated by numbers or letters and containing not more than four thousand inhabitants. Every ward shall constitute a voting precinct by itself, or shall be divided into precincts containing as nearly as may be an equal number of inhabitants, consisting of compact and contiguous territory entirely within the ward, and bounded, so far as possible, by the center line of known streets or way ...

Chapter 239 of the Acts of 1921, "An Act Establishing a Board of Election Commissioners in the City of Cambridge," (copy enclosed) provides, in part, as follows:

> SECTION 1. The board of registrars of voters of ... Cambridge is hereby abolished. All the powers, rights, liabilities and duties of said board of registrars, either under general or special law, except as otherwise provided, are hereby transferred to and shall hereafter be exercised by a board of election commissioners hereby established ... hereinafter called the board, which shall be the lawful successor of said registrars ....
>
> * * *
>
> SECTION 6. All the powers, rights, privileges, liabilities and duties relating to primaries or elections by law vested in and imposed upon the mayor and aldermen or either of them, the city clerk or the board of registrars of voters in cities except the power and duty of giving notice of elections and fixing the days and hours of holding the same, shall in ... Cambridge be vested in and performed by the board of election commissioners, who shall be subject to all penalties prescribed by general law for failure to perform the said duties.

Statute 1922, c. 100 provides:

> In the year (1924) and every tenth year thereafter, the election Commissioners of ... Cambridge shall make a new division of the territory of said City into such number of wards as may be fixed by law. Such division shall be made in accordance with the provision of (G. L. c. 54) so far as the same are not inconsistent herewith.

Statute 1922, c. 101 states:

> In the City of Cambridge, whenever in the judgment of the election commissioners of said City a new division of precincts is necessary for the proper conduct of primaries and elections, they may make a new division of the wards into voting precincts. Such division shall be made in accordance with the provisions of (G. L. c. 54) so far as the same are not inconsistent herewith.

The question is whether the three special acts just quoted, St. 1921, c. 239 and St. 1922, Chapters 100 and 101, constitute a "special law to the contrary covering the procedure for the division of wards and precincts" within the meaning of G. L. c. 54, § 1.

In my opinion, the division of Cambridge into wards and precincts should be done by the Board of Election Commissioners. This is made clear by reading together the three special acts quoted above, St. 1921, c. 239 and St. 1922, chaps. 100 and 101. In particular, Chapters 100 and 101 make it clear that the Board should perform the division, using the procedure set forth in G. L. c. 54.

I also wish to call your attention to G. L. c. 43, § 6 (part of the Cambridge Charter) which states:

> The territory of a city adopting any of the plans of government provided for in this chapter shall continue to be divided into the same number of wards existing at the time such adoption, which shall retain their boundaries until changed in accordance with general law.

This means that the number of wards in Cambridge must remain the same as the number

which existed when the City adopted its plan E Charter in 1940. See Gilliatt v. City of Quincy, 292 Mass. 222 (1935).

Very truly yours,

Russell B. Higley

RBH/cme