



**Town of Arlington  
Legal Department**

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To: Select Board, Town Clerk, Town Manager, Director of Planning and Community Development, Director of Assessments

From: Douglas W. Heim, Town Counsel

Date: July 14, 2021

Re: Reprecincting Process

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Pursuant to G.L. c. 54 sec. 6, every ten (10) years the Town is required through the Town Clerk and Select Board to evaluate and vote upon updates and/or changes to the Town's voting precincts – boundaries, populations, and/or the number of precincts – based on decennial U.S. Census data.<sup>1</sup> More specifically, in a typical cycle, the Select Board would be required by no later than June 15<sup>th</sup> to vote to approve the Town's precinct descriptions and maps based on new U.S. Census Bureau data, which is typically finalized early in the calendar year. Thereafter, the Commonwealth typically evaluates present legislative districts for state and federal elected offices and redraws them, in part utilizing the precincts determined by local governments.

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<sup>1</sup> The Director of Planning and Community Development and the Director of Assessments are cc'd on this memorandum because their assistance is likely required in the future with respect to producing precinct maps and related data for the Secretary of State.

Due to the pandemic, the U.S. Census Bureau announced that official Census data for redistricting (and therefore reprecincting) will not be available until September 30, 2021.<sup>2</sup> As such, this Select Board and every other city and town in Massachusetts cannot comply with the deadlines set forth in c. 54. While there have been several heavily debated bills proposing revised specific deadlines in light of the pandemic, including proposals to conduct state redistricting *before* reprecincting, to date no bills have been passed.<sup>3</sup> As such, in cooperation with the Secretary of State, the Town Clerk is providing you preliminary data and potential proposals for your consideration with the understanding that in the absence of a special law, the Secretary has established a deadline of October 30, 2021 for municipalities to make reprecincting submissions to his office.

Whenever a new deadline is established, the Select Board has three primary duties to deliver to the Secretary of State:

- (1) an official description of the new precincts;
- (2) an estimate of the number of inhabitants in each precinct; and
- (3) a map showing the new precincts

For a town of Arlington's size, precincts must be divided "into convenient voting precincts," of no more than 4,000 residents which are "compact and contiguous" territory and "so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States bureau of the census..." G.L. c. 54 sec. 6. The Select Board may consider additional localized factors, but the Town should take care to ensure that any alterations to precincts do not disproportionately negatively impact protected classes of persons or reprecinct in any manner that would create unusually shaped precincts to favor a specific political demographic.

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<sup>2</sup> The Secretary of State for the Commonwealth has publicly reported that sufficient Census data may be available in mid-August.

<sup>3</sup> At present, a bill in the House would authorize the Legislature to begin redrawing districts and require cities and towns to approve precincts in conformance with those districts within thirty (30) days of finalizing legislative districts. A bill in the Senate would allow more latitude to municipalities in drawing their precincts, but still allow for a reversal of the normal order and provide the Legislature the power to redistrict before precincts are established or affirmed.

Following submission of the foregoing, the Secretary of State shall review proposed precincts and maps for legal compliance and approve or reject the Town's proposal. If a proposed precinct plan is rejected, the Secretary is empowered to appoint a special master to redraw precincts and assess the costs for same to the Town. As such, it is important that the Town Clerk and Select Board, as well as any necessary support offices begin consideration of the Town's reprecincting options, even in the absence of clear deadlines to date.