

2019 -- H 5087

=====
LC000492
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION -- REAPPORTIONMENT

Introduced By: Representatives Knight, Fogarty, Place, Filippi, and Kislak

Date Introduced: January 10, 2019

Referred To: House Judiciary

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefore, the following amendment to the Constitution of the state be proposed
3 to the qualified electors of the state in accordance with the provisions of Article XIV of the
4 Constitution for their approval and that it take place of Article VII Sections 1 and 2, Article VIII
5 Section 1 and that it also adds additional sections to Article VII, all of which are hereby amended,
6 effective January 1, 2021, to read as follows:

7 Article VII

8 OF THE HOUSE OF REPRESENTATIVES

9 Section 1. Composition.

10 There shall be one hundred (100) members of the house of representatives, provided,
11 however, that commencing in 2003 there shall be seventy-five (75) members of the house of
12 representatives. ~~The house of representatives shall be constituted on the basis of population and~~
13 ~~the representative districts shall be as nearly equal in population and as compact in territory as~~
14 ~~possible. The general assembly shall, after any new census taken by authority of the United~~
15 ~~States, reapportion the representation to conform to the Constitution of the state and the~~
16 ~~Constitution of the United States.~~

17 Section 2. Redistricting. In the year following the year in which the national census is
18 taken under the direction of Congress at the beginning of each decade, the Citizens' Redistricting
19 Commission described in Article VII, Section 3, shall adjust the boundary lines of the

1 Congressional, senate and house, and assembly districts (also known as "redistricting") in
2 conformance with the standards and processes set forth in Article VII, Section 3 of the Rhode
3 Island Constitution.

4 Section 3. Citizens' Redistricting Commission.

5 (a) The Citizens' Redistricting Commission shall be created no later than January 1, 2023,
6 and in each year ending in the number one thereafter.

7 (b) The commission shall:

8 (1) Conduct an open and transparent process enabling full public consideration of and
9 comment on the drawing of district lines;

10 (2) Draw district lines according to the redistricting criteria specified in this article; and

11 (3) Conduct themselves with impartiality, integrity and fairness.

12 (c)(1) The selection process is designed to produce a commission that is independent
13 from legislative influence and reasonably representative of the state's diversity.

14 (2) The commission shall consist of fourteen (14) members, as follows: five (5) who are
15 registered with the largest political party in Rhode Island based on registration; five (5) who are
16 registered with the second largest political party in Rhode Island based on registration; and four
17 (4) who are not registered with either of the two (2) largest political parties in Rhode Island based
18 on registration.

19 (3) Commission members shall be selected at random from a pool of applicants meeting
20 the qualifications herein.

21 (4) Each commission member shall be a voter who has been continuously registered for
22 six (6) years in Rhode Island. Each commission member shall have voted in the last three (3)
23 statewide general elections immediately preceding their application.

24 (5) No member of the commission or their spouse shall hold elective or appointed public
25 office at the federal, state, or municipal level in this state. No member of the commission or their
26 spouse shall have served as paid staff for, or as a paid consultant to congress, the general
27 assembly, or any individual legislator, or have been registered as a federal, state, or local lobbyist
28 in the state for five (5) years leading up to appointment on the commission.

29 (6) The term of office of each member of the commission expires upon the appointment
30 of the first member of the succeeding commission.

31 (7) Nine (9) members of the commission shall constitute a quorum. Nine (9) or more
32 affirmative votes shall be required for any official action. The final redistricting maps must be
33 approved by at least nine (9) affirmative votes.

34 (8) Each commission member shall apply this article in a manner that is impartial and

1 that reinforces public confidence in the integrity of the redistricting process. A commission
2 member and their spouse shall be ineligible for a period of five (5) years beginning from the
3 termination of their appointment to hold elective or appointed public office at the federal, state, or
4 municipal level in this state. A member of the commission and their spouse shall be ineligible for
5 a period of three (3) years beginning from the date of termination of their appointment to serve as
6 paid staff for, or as a paid consultant to congress, the general assembly, or any individual
7 legislator, or to register as a federal, state, or local lobbyist in the state.

8 (d) The commission shall establish single-member districts for the senate, congress, and
9 assembly pursuant to a mapping process using the following criteria as set forth in the following
10 order of priority:

11 (1) Districts shall comply with the United States Constitution. Congressional districts
12 shall achieve population equality as nearly as is practicable, and senatorial and house districts
13 shall have reasonably equal population with other districts for the same office, except where
14 deviation is required to comply with the federal Voting Rights Act, 52 U.S.C. § 10301 and
15 following, or allowable law.

16 (2) Districts shall comply with federal Voting Rights Act, 52 U.S.C. § 10301 and
17 following.

18 (3) Districts shall be geographically contiguous.

19 (4) Partisan fairness shall be maximized to the extent possible. A plan's partisan fairness
20 is maximized when the expected partisan asymmetry is minimized. Partisan asymmetry shall be
21 calculated uniformly using the proposed map, data from the last ten (10) years' of statewide
22 elections, and the best available statistical methods.

23 (5) The geographic integrity of any city, town, county, village, local neighborhood, or
24 local community of interest shall be respected in a manner that minimizes their division to the
25 extent possible without violating the requirements of any of the preceding subsections. A
26 community of interest is a contiguous population which shares common social and economic
27 interests that should be included within a single district for purposes of effective and fair
28 representation. Examples of such shared interests are those common to an urban area, a rural area,
29 an industrial area, or an agricultural area, and those common to areas in which the people share
30 similar living standards, use the same transportation facilities, have similar work opportunities, or
31 have access to the same media of communication relevant to the election process. Communities
32 of interest shall not include relationships with political parties, incumbents, or political
33 candidates.

34 (6) To the extent practicable, and where this does not conflict with the criteria stated

1 above, districts shall be drawn to encourage geographical compactness such that nearby areas of
2 population are not bypassed for more distant population.

3 (e) The place of residence of any incumbent or political candidate shall not be considered
4 in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating
5 against an incumbent, political candidate, or political party.

6 (f) By January 1, 2024, and in the year ending in the number four (4) thereafter, the
7 commission shall approve three (3) final maps that are separately set forth the district boundary
8 lines for the congressional, senatorial, and house districts. Upon approval, the commission shall
9 certify the three (3) final maps to the secretary of state.

10 (g) The commission shall issue, with each of the three (3) final maps, a report that
11 explains the basis on which the commission made its decisions in achieving compliance with the
12 criteria listed in Article VII, Section (3)(d) and shall include definitions of the terms and
13 standards used in drawing each final map.

14 (h) If the commission does not approve a final map by at least the requisite votes, the
15 secretary of state shall immediately petition the Rhode Island Supreme Court for an order
16 directing the appointment of special masters to adjust the boundary lines of that map in
17 accordance with the redistricting criteria and requirements set forth in subsections (d), (e), and (f)
18 of this section. Upon its approval of the masters' map, the court shall certify the resulting map to
19 the Secretary of State, which map shall constitute the certified final map for the subject type of
20 district.

21 Section 4. Appeals.

22 (a) The commission has the sole legal standing to defend any action regarding a certified
23 final map, and shall inform the assembly if it determines that funds or other resources provided
24 for the operation of the commission are inadequate. The assembly shall provide adequate funding
25 to defend any action regarding a certified map. The commission has sole authority to determine
26 whether the attorney general or other legal counsel retained by the commission shall assist in the
27 defense of a certified final map.

28 (1) The Rhode Island Supreme Court has original and exclusive jurisdiction in all
29 proceedings in which a certified final map is challenged or is claimed not to have taken timely
30 effect.

31 (2) Any registered voter in this state may file a petition for a mandamus or writ of
32 prohibition, within forty-five (45) days after the commission has certified a final map to the
33 secretary of state, to bar the secretary of state from implementing the plan on the grounds that the
34 plan violates this constitution, the United States Constitution, or any federal or state statute,

1 notwithstanding Article I, Section VI, Clause I of the United States Constitution.

2 (3) The Rhode Island Supreme Court shall give priority to ruling on a petition for a
3 mandamus or a writ of prohibition filed pursuant to Article VII, Section (4)(a)(2). If the court
4 determines that a final certified map violates this Constitution, the United States Constitution, or
5 any federal or state statute, the court shall fashion the relief that it deems appropriate, including,
6 but not limited to, the relief set forth in Article VII, Section (3)(h).

7 Section 2.5. Officers - Presiding member during organization.

8 The house of representatives shall have authority to elect its speaker, clerks, and other
9 officers. The senior member from the City of Newport, if any be present, shall preside in the
10 organization of the house.

11 Article VIII

12 OF THE SENATE

13 Section 1. Composition and Apportionment.

14 The senate shall consist of the lieutenant governor and fifty (50) members from the
15 senatorial districts in the state, provided, however, that commencing in 2003 the senate shall
16 consist of thirty-eight (38) members from the senatorial districts in the state. The senate shall be
17 constituted according to the process described in Article VII, Sections 2 through 4 ~~on the basis of~~
18 ~~population and the senatorial districts shall be as nearly equal in population and as compact in~~
19 ~~territory as possible. The general assembly shall, after any new census taken by authority of the~~
20 ~~United States, reapportion the representation to conform to the Constitution of the state and the~~
21 ~~Constitution of the United States.~~

22 Section 2. Lieutenant governor to be presiding officer until 2003.

23 The lieutenant governor shall preside in the senate and in grand committee until 2003.
24 Commencing in 2003, the senate shall elect its president, who shall preside in the senate and in
25 grand committee, as well as its secretary and other officers from among its members and shall
26 elect its clerks. The senior member from the city of Newport, if any be present, shall preside in
27 the organization of the senate.

28 RESOLVED, That this proposition of amendment shall take, in the Constitution of the
29 state, the place of Section 1 and Section 2 in Article VII, and Section 1, in Article VIII, of the
30 Constitution, effective January 1, 2021; and be it further

31 RESOLVED, That the said proposition of amendment shall be submitted to the electors
32 for their approval or rejection at the next statewide general election. The voting places in the
33 several cities and towns shall be kept open during the hours required by law for voting therein for
34 general officers of the state; and be it further

1 RESOLVED, That the Secretary of State shall cause the said proposition of amendment
2 to be published as a part of the resolution in the newspapers of the state prior to the date of the
3 said meetings of the said electors; and the said proposition shall be inserted in the warrants or
4 notices to be issued previous to said meetings of the electors for the purpose of warning the town,
5 ward, or district meetings, and said proposition shall be read by the town, ward, or district
6 meetings to be held as aforesaid; and be it further

7 RESOLVED, That the town, ward, and district meetings to be held as aforesaid shall be
8 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and
9 district meetings shall be conducted in the same manner as now provided by law for the town,
10 ward, and district meetings for the elections of general officers of the state.

=====
LC000492
=====