

2021 -- H 5868

LC001834

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO THE GENERAL ASSEMBLY - SPECIAL COMMISSION ON
REAPPORTIONMENT

Introduced By: Representatives Cortvriend, Speakman, Kislak, Carson, Potter, Ajello,
Tanzi, Fogarty, Newberry, and Place

Date Introduced: February 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Commission purpose.

2 There is hereby created a special commission on reapportionment. It shall be the purpose
3 and responsibility of the commission to draft and to report to the general assembly an act to
4 reapportion the districts of the general assembly and the state's United States congressional districts
5 and to perform the necessary functions incident to drafting such an act including, but not limited
6 to, the division of the state into seventy-five (75) state representative districts, thirty-eight (38) state
7 senatorial districts and, if necessary, two (2) United States congressional districts as near equal as
8 possible.

9 SECTION 2. Establishment of commission.

10 (a)(1) The special commission on reapportionment shall consist of eighteen (18) members:
11 three (3) of whom shall be from the house of representatives, to be appointed by the speaker; one
12 of whom shall be from the house of representatives, to be appointed by the minority leader of the
13 house of representatives; three (3) of whom shall be from the senate, to be appointed by the
14 president of the senate; one of whom shall be from the senate, to be appointed by the minority
15 leader of the senate; three (3) of whom shall be members of the general public to be appointed by
16 the speaker; two (2) of whom shall be members of the general public to be appointed by the minority
17 leader of the house of representatives; three (3) of whom shall be members of the general public to
18 be appointed by the president of the senate; and two (2) of whom shall be members of the general

1 public appointed by the minority leader of the senate.

2 (2) Two (2) members of the general public appointed by the speaker shall not be registered
3 members of the two (2) largest political parties in Rhode Island. One member of the general public
4 appointed by the minority leader of the house of representatives shall not be a registered member
5 of the two (2) largest political parties in Rhode Island. Two (2) members of the general public
6 appointed by the president of the senate shall not be registered members of the two largest political
7 parties in Rhode Island. One member of the general public appointed by the minority leader of the
8 senate shall not be a registered member of the two (2) largest political parties in Rhode Island. In
9 making selections, the speaker, minority leader of the house of representatives, president of the
10 senate, and minority leader of the senate shall ensure the appointees are representative of the state's
11 geographic and demographic diversity when selecting the public members.

12 (b) A member of the general public shall be eligible to serve on the commission if the
13 person:

14 (1) Has continuously resided in the state for four (4) years prior to appointment;

15 (2) Has not held elective public office or been a candidate for elective public office for a
16 four (4) year period prior to appointment; and

17 (3) Has not served as an officer, employee, or paid consultant of a political party, political
18 action committee, campaign committee of a candidate for federal or state office, current statewide
19 officeholder, member of the general assembly, or member of congress;

20 (4) Has not been a federal lobbyist or state lobbyist as defined in chapter 139.1 of title 41;
21 and

22 (5) Is not an immediate family member of a current statewide officeholder, member of the
23 general assembly, or member of congress.

24 SECTION 3. Commission process.

25 (a) The commission shall set its own rules of procedure.

26 (b) Forthwith upon passage of this act, the members of the commission shall meet and
27 organize, and shall select from among themselves a chair and vice chair. Vacancies in said
28 commission shall be filled in like manner as the original appointment.

29 (c) Nine (9) commissioners constitute a quorum for the commission.

30 (d) The membership of said commission shall receive no compensation for their services;
31 however, they shall be allowed their travel and necessary expenses. The commission may engage
32 such clerical, technical and other assistants as it may deem necessary and spend such other funds
33 as may be necessary to accomplish its purposes.

34 (e) All departments and agencies of the state shall furnish such advice and information,

1 documentary and otherwise, to said commission and its agents as is deemed necessary or desirable
2 by the commission to facilitate the purposes of this act.

3 (f) The director of administration is hereby authorized and directed to provide suitable
4 quarters for said commission.

5 (g) The commission is hereby authorized to accept from local, state and federal government
6 agencies, grants in money, services or otherwise in carrying out the purposes of the commission.

7 SECTION 4. Commission communication.

8 (a) The commission shall create an official website. The commission website shall provide,
9 at a minimum, a description of the role of the commission; timely information about the time, place,
10 and purpose of commission meetings; software for use by the public to draw district maps, a portal
11 for submission of proposed maps; all maps drawn by the commission or submitted by the public;
12 the underlying data used to create or evaluate maps in a format easily usable for analysis; precinct-
13 level shapefiles and census block equivalency; precinct-level results from statewide primary and
14 general elections for the past ten (10) years; all reports analyzing the maps; links to a video archive
15 of all meetings of the commission.

16 (b) The commission shall be subject to the provisions of chapter 46 of title 42 ("open
17 meetings") and chapter 2 of title 38 ("access to public records"), except that no documents or
18 communications created or received by commissioners, staff, or consultants as part of official duties
19 shall be exempt from disclosure for any privilege other than client attorney relationship as allowed
20 in § 38-2-2(4)(A)(I)(a).

21 (c) All records pertaining to the commission action on preliminary maps and analyses of
22 the maps shall be available for public inspection on the commission website before adoption of the
23 final maps.

24 (d) Commissioners, staff, and consultants shall not communicate with any outside persons
25 attempting to influence the map-drawing process outside of public meetings and public comment
26 periods. To the extent that commissioners, staff, or consultants receive such communications, they
27 must promptly publicly disclose such communications at the next meeting of the commission.

28 SECTION 5. Reapportionment standards.

29 (a) All districts shall be single member districts.

30 (b) Congressional and state legislative districts shall comply with all requirements of the
31 United States Constitution. All state legislative districts shall comply with all requirements of the
32 United States Constitution and the Rhode Island Constitution, and recognize pertinent or applicable
33 federal legislation and court precedent, including the Voting Rights Act of 1965.

34 (c) Congressional and state legislative districts shall be as nearly equal in population as

1 possible, and:

2 (1) In no case shall congressional districts vary in population by more than one percent
3 (1%) from each other as determined by the population reported in the federal Census conducted in
4 2020; and

5 (2) In no case shall a single state senate district have a population which varies by more
6 than five percent (5%) from the average population of all senate districts as determined by the
7 population reported in the federal Census conducted in 2020, and in no case shall a single state
8 representative district have a population which varies by more than five percent (5%) from the
9 average population of all representative districts as determined by the population reported in the
10 federal Census conducted in 2020.

11 (d) Districts shall provide racial and language minorities with equal opportunity to
12 participate in the political process and shall not dilute or diminish their ability to elect candidates
13 of choice, whether alone or in coalition with others.

14 (e) Districts shall respect the integrity of communities of interest to the extent practicable
15 without violating the requirements of any of the preceding subsections. A community of interest is
16 defined as an area with recognized similarities of interests, including, but not limited to, racial,
17 ethnic, economic, social, cultural, geographic, or historic identities. Communities of interest shall
18 not include common relationships with political parties, incumbents, or political candidates.

19 (f) Congressional and state legislative districts shall be as compact in territory as possible
20 and, to the extent practicable, shall reflect natural, historical, geographical and municipal and other
21 political lines, as well as the right of all Rhode Islanders to fair representation and equal access to
22 the political process.

23 (g) To the extent practicable, congressional and state legislative districts shall be composed
24 of contiguous territory.

25 (h) To the extent practicable, the commission should endeavor to avoid the division of state
26 representative districts in the formation of state senate districts and the division of state senate
27 districts in the formation of United States congressional districts in any manner which would result
28 in the creation of voting districts composed of fewer than one hundred (100) potential voters.

29 (i) Districts shall not, when considered on a statewide basis, unduly favor or disfavor any
30 political party.

31 SECTION 6. Public access.

32 (a) To identify communities of interest and to obtain other information relevant to drawing
33 of districts, the commission shall seek public input. Before any maps are drawn the commission
34 shall conduct at least four (4) public hearings to solicit testimony from a representative cross section

1 of the state's population.

2 (b) Commission meetings shall be advertised and planned to encourage attendance and
3 public participation.

4 (c) All commission meetings shall be recorded and a link shall be posted on the commission
5 website within twenty-four (24) hours of the completion of the meeting.

6 (d) The commission shall provide a meaningful opportunity for all persons to participate
7 in the redistricting process, including, but not limited to, ensuring adequate translation services are
8 available at all meetings.

9 SECTION 7. Proposing maps.

10 (a) During the map-drawing process, any member of the public may submit maps, portions
11 of maps, or other comments for consideration by the commission. These submissions shall be made
12 publicly available on the commission website.

13 (b) When releasing proposed maps:

14 (1) Provide for seven (7) days of public comment in a manner designed to achieve the
15 widest public access reasonably possible before acting to approve final maps.

16 (2) Hold no fewer than four (4) public hearings after the release of any proposed maps and,
17 in addition, shall accept written comments on proposed maps both online and through written
18 submissions.

19 (3) When releasing proposed maps, the commission shall release population data,
20 geographic data, election data, and any other data used to create or evaluate the maps.

21 (4) The commission shall provide an additional seven (7) days public comments before any
22 meeting to adopt final findings and recommendations to the general assembly.

23 SECTION 8. Reporting date.

24 The commission shall report its findings and recommendations to the general assembly on
25 or before January 15, 2022. In the event that the commission is unable to meet the reporting date
26 due to a delay in the receipt of federal Census data from the federal government as a result of the
27 COVID-19 emergency, the commission shall report its findings and recommendations to the
28 general assembly no later than March 15, 2022.

29 SECTION 9. The provisions of this act are severable, and if any provisions hereof shall be
30 held invalid for any reason, such invalidity shall not affect the validity of any other provisions
31 herein. This act shall be construed in all respects in order to meet any constitutional requirements
32 in carrying out the purposes and provisions of this act, and all steps shall be taken which are
33 necessary to meet constitutional requirements.

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SECTION 10. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO THE GENERAL ASSEMBLY - SPECIAL COMMISSION ON
REAPPORTIONMENT

- 1 This act would create an eighteen (18) member special commission on reapportionment to
- 2 redistrict the districts of the general assembly and the state's congressional districts based on the
- 3 data collected by the federal Census conducted in 2020 by January 15, 2022.
- 4 This act would take effect upon passage.

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