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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

JOINT RESOLUTION

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

Introduced By: Senators Euer, Valverde, DiMario, Algieri, and Murray

Date Introduced: April 30, 2021

Referred To: Senate Judiciary

1 RESOLVED, That a majority of members elected to each house of the general assembly  
2 voting therefor, the following amendment to the Constitution of the state be proposed to the  
3 qualified electors of the state in accordance with the provisions of Article XIV of the Constitution  
4 for their approval and that it take the place of Article VII Sections 1 and 2, Article VIII Section 1  
5 and that it also adds additional sections to Article VII, all of which are hereby amended, effective  
6 January 1, 2022, 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 independent  
19 redistricting commission described in Article VII, Section 3, shall adjust the boundary lines of the

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

4 Section 3. Independent Redistricting Commission.

5 (a) The independent redistricting commission shall be created no later than May 1, 2022  
6 and January 1 in each year ending in the number two (2) 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 Commission Selection

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

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

20 (3) The secretary of state shall develop and administer an application for appointment to  
21 the commission. This process must promote a diverse and qualified applicant pool. The secretary  
22 of state shall screen all applicants and remove any applicants who do not meet the qualifications  
23 in subsections (c)(4) and (c)(5) of this section.

24 (4) Each commission member shall be registered to vote. Each commission member shall  
25 either have voted in two (2) of the last three (3) statewide general elections immediately  
26 preceding their application or have been a resident of Rhode Island for three (3) years  
27 immediately preceding their application.

28 (5) No member of the commission or any person within his or her family, or any  
29 household member shall hold elective or appointed public office at the federal, state, or municipal  
30 level in this state. No member of the commission or any person within his or her family, or any  
31 household member shall have served as paid staff for, or as a paid consultant to congress, the  
32 general assembly, or any individual legislature, or a political party, or have been registered as a  
33 federal, state, or local lobbyist in the state for five (5) years leading up to appointment on the  
34 commission.

1 (6) After removing applicants with conflicts of interest from the applicant pool, the  
2 secretary of state shall divide the applicant pool into three (3) sub-pools and randomly select six  
3 (6) applicants as follows:

4 (i) Two (2) applicants registered with the largest political party by registration;

5 (ii) Two (2) applicants registered with the second largest political party by registration;

6 (iii) Two (2) applicants who are registered with neither of the two (2) largest political  
7 parties by registration.

8 (7) The six (6) commissioners selected under subsections (c)(3) through (c)(6) of this  
9 section shall review the remaining names in each sub-pool and shall, without the use of specific  
10 ratios or formulas, select additional commissioners who possess the most relevant analytical  
11 skills, have the ability to be impartial and promote consensus on the commission, and  
12 demonstrate an appreciation for and are reasonably reflective of the diversity of the state,  
13 including, but not limited to, racial, ethnic, geographic, and gender diversity. The selection shall  
14 occur as follows:

15 (i) Three (3) applicants registered with the largest political party by registration;

16 (ii) Three (3) applicants registered with the second largest political party by registration;

17 (iii) Three (3) applicants registered with neither of the two (2) largest parties by  
18 registration.

19 (8) Approval of the nine (9) additional commissioners requires four (4) affirmative votes  
20 of the six (6) initial commissioners, including at least one vote cast by a commissioner registered  
21 with the largest political party, one vote cast by a commissioner registered with the second largest  
22 political party, and one vote cast by a commissioner registered with neither of the two (2) largest  
23 political parties in the state.

24 (9) The term of office of each member of the commission expires upon the appointment  
25 of the first member of the succeeding commission.

26 (10) Eight (8) members of the commission shall constitute a quorum provided at least one  
27 member of the largest political party in the state, one member of the second largest party in the  
28 state, and one member who is not affiliated with either of the two (2) largest parties in the state  
29 are present. Eight (8) or more affirmative votes shall be required for any official action. The final  
30 redistricting maps must be approved by eight (8) affirmative votes, including at least one vote  
31 from a commissioner registered in each of the two (2) largest political parties and one vote from a  
32 commissioner not registered in either of the two (2) largest parties.

33 (11) Each commission member shall apply this article in a manner that is impartial and  
34 that reinforces public confidence in the integrity of the redistricting process. A commission

1 member or any person within his or her family, or any household member, shall be ineligible for  
2 a period of five (5) years beginning from the termination of their appointment, to hold elective or  
3 appointed public office at the federal, state, or municipal level in this state. A member of the  
4 commission or any person within his or her family, or any household member, shall be ineligible  
5 for a period of three (3) years beginning from the date of termination of their appointment to  
6 serve as 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 (12) The general assembly shall appropriate the funds necessary to permit the  
9 commission to fulfill the commission's obligations. In 2022, this appropriation shall not be less  
10 than the appropriation for the most recent redistricting process. In all future redistricting cycles,  
11 the appropriation may not be less than the amount appropriated in the previous redistricting cycle.

12 (13) The commission shall be solely responsible for hiring all necessary staff and  
13 consultants. No staff or consultant may be hired that, within the previous five (5) years, shall have  
14 held elective or appointed public office at the federal, state, or municipal level in this state, have  
15 served as paid staff for, or as a paid consultant to congress, the general assembly, or any  
16 individual legislator, or a political party, or have been registered as a federal, state, or local  
17 lobbyist in the state.

#### 18 Criteria

19 (d) The commission shall establish single-member districts for the congress, senate and  
20 house of representatives pursuant to a mapping process using the following criteria as set forth in  
21 the following order of priority:

22 (1) Districts shall comply with the United States Constitution; congressional districts  
23 shall achieve population equality as nearly as is practicable; and senate and house districts shall  
24 achieve population equality as nearly as is practicable with other districts for the same office,  
25 except where deviation is required to comply with the federal Voting Rights Act, 52 U.S.C. §  
26 10301 or its successor law. Population equality shall be determined using the total population  
27 from the most recent decennial census;

28 (2) Districts shall comply with federal Voting Rights Act, 52 U.S.C. § 10301 or its  
29 successor law. Districts shall provide racial and language minorities with an equal opportunity to  
30 participate in the political process and shall not dilute or diminish their ability to elect candidates  
31 of choice whether alone or in coalition with others;

32 (3) Districts shall be geographically contiguous;

33 (4) Partisan fairness shall be maximized to the extent possible without conflicting with  
34 the above criteria. Partisan fairness means that parties and non-affiliated voters must substantially

1 and similarly be able to translate their popular support into representation in an elected body:

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

12 (6) To the extent practicable, and where this does not conflict with the criteria stated  
13 above, districts shall be drawn to encourage geographical compactness such that nearby areas of  
14 population are not bypassed for more distant populations.

15 (e) The place of residence of any incumbent or political candidate shall not be considered  
16 in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating  
17 against an incumbent, political candidate, or political party. Districts shall not be drawn for the  
18 purpose or with the effect of diluting the voting strength of any language or ethnic identity group.

19 (f) The commission shall hold at least five (5) public hearings prior to proposing a  
20 redistricting plan and at least five (5) public hearings after proposing a redistricting plan, at  
21 locations throughout the state prior to proposing a redistricting plan, including at least one  
22 hearing in each county. If the commission makes more than de minimis changes to any proposed  
23 redistricting plan prior to submission of the final plan, such changes must be publicly available  
24 for a minimum of three (3) days, and public comment on the changes must be solicited.

25 (1) The commission shall provide at least seven (7) days' public notice for each meeting  
26 or hearing.

27 (2) The records of the commission pertaining to redistricting and all data considered by  
28 the commission in redistricting are public records and the commission shall make records and  
29 data available in a manner that ensures immediate and widespread public access. No ex parte  
30 communications between members of the commission and individuals who are not staff of,  
31 consultants to, or members of the commission shall be permitted. No more than three (3)  
32 commissioners may discuss the business of the commission other than in a public meeting.

33 Approval of Maps

34 (g) By January 1, 2023, and in the years ending in the number three (3) thereafter, the

1 commission shall approve three (3) final maps that separately set forth the district boundary lines  
2 for the congressional, senatorial, and house districts. Upon approval, the commission shall certify  
3 the three (3) final maps to the secretary of state.

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

8 (i) If the commission does not approve a final map by at least the requisite votes, the  
9 secretary of state shall immediately petition the Rhode Island supreme court for an order directing  
10 the appointment of a special master to adjust the boundary lines of that map in accordance with  
11 the redistricting criteria and requirements set forth in subsections (d), (e), and (f) of this section.  
12 Upon approval of the master's map, the court shall certify the resulting map to the secretary of  
13 state, which map shall constitute the certified final map.

#### 14 Section 4. Appeals.

15 (a) The commission has the sole legal standing to defend any action regarding a certified  
16 final map and shall inform the general assembly if it determines that funds or other resources  
17 provided for the operation of the commission are inadequate. The general assembly shall provide  
18 adequate funding to defend any action regarding a certified map. The commission has sole  
19 authority to determine whether the attorney general or other local counsel retained by the  
20 commission shall assist in the defense of a certified final map.

21 (1) The Rhode Island supreme court has original and exclusive jurisdiction in all  
22 proceedings in which a certified final map is challenged or is claimed not to have taken timely  
23 effect.

24 (2) Any registered voter in this state may file a petition for a writ of mandamus or writ of  
25 prohibition, within forty-five (45) days after the commission has certified a final map to the  
26 secretary of state, to bar the secretary of state from implementing the plan on the grounds that the  
27 plan violates the Constitution of the state, the United States Constitution, or any federal or state  
28 statute, notwithstanding Article 1, Section VI, Clause I of the United States Constitution.

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

34 (4) The provisions of this amendment shall supersede any section of this Constitution

1 with which the provision may conflict. If any provision of this amendment is held to be invalid,  
2 the court shall sever the provision and the remaining provisions shall remain in full force and  
3 effect.

4 Section 2 5. Officers — Presiding member during organization.

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

8 ARTICLE VIII  
9 OF THE SENATE

10 Section 1. Composition.

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

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

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

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

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

32 RESOLVED, That the Secretary of State shall cause the said proposition of amendment  
33 to be published as part of the resolution in the newspapers of the state prior to the date of the said  
34 meetings of the said electors; and the said proposition shall be inserted in the warrants or notices

1 to be issued previous to said meetings of the electors for the purpose of warning the town, ward,  
2 or district meetings, and said proposition shall be read by the town, ward, or district meetings to  
3 be held as aforesaid; and be it further

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

J O I N T R E S O L U T I O N

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

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- 1 This proposed constitution amendment, if adopted, would adopt a specific constitutional
- 2 procedure, including an independent redistricting commission, for redistricting.

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