2021 -- H 5868

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2021

AN ACT
RELATING TO THE GENERAL ASSEMBLY - SPECIAL COMMISSION ON REAPPORPTION

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:

SECTION 1. Commission purpose.
There is hereby created a special commission on reapportionment. It shall be the purpose and responsibility of the commission to draft and to report to the general assembly an act to reapportion the districts of the general assembly and the state's United States congressional districts and to perform the necessary functions incident to drafting such an act including, but not limited to, the division of the state into seventy-five (75) state representative districts, thirty-eight (38) state senatorial districts and, if necessary, two (2) United States congressional districts as near equal as possible.

SECTION 2. Establishment of commission.
(a)(1) The special commission on reapportionment shall consist of eighteen (18) members: three (3) of whom shall be from the house of representatives, to be appointed by the speaker; one of whom shall be from the house of representatives, to be appointed by the minority leader of the house of representatives; three (3) of whom shall be from the senate, to be appointed by the president of the senate; one of whom shall be from the senate, to be appointed by the minority leader of the senate; three (3) of whom shall be members of the general public to be appointed by the speaker; two (2) of whom shall be members of the general public to be appointed by the minority leader of the house of representatives; three (3) of whom shall be members of the general public to be appointed by the president of the senate; and two (2) of whom shall be members of the general
public appointed by the minority leader of the senate.

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

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

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

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

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

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

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

SECTION 3. Commission process.

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

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

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

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

(e) All departments and agencies of the state shall furnish such advice and information,
documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this act.

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

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


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

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

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

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

SECTION 5. Reapportionment standards.

(a) All districts shall be single member districts.

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

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

LC001834 - Page 3 of 7
possible, and:

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

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

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

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

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

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

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

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

SECTION 6. Public access.

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

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

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

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

SECTION 7. Proposing maps.

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

(b) When releasing proposed maps:

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

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

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

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

SECTION 8. Reporting date.

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

SECTION 9. The provisions of this act are severable, and if any provisions hereof shall be held invalid for any reason, such invalidity shall not affect the validity of any other provisions herein. This act shall be construed in all respects in order to meet any constitutional requirements in carrying out the purposes and provisions of this act, and all steps shall be taken which are necessary to meet constitutional requirements.
SECTION 10. This act shall take effect upon passage.
This act would create an eighteen (18) member special commission on reapportionment to redistrict the districts of the general assembly and the state’s congressional districts based on the data collected by the federal Census conducted in 2020 by January 15, 2022.

This act would take effect upon passage.