

2018 -- S 2700

LC004898

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

JOINT RESOLUTION

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

Introduced By: Senators Euer, Goldin, Nesselbush, and Sheehan

Date Introduced: March 20, 2018

Referred To: Senate 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, 2019, 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, 2021,  
6 and in each year ending in the number one thereafter.

7 (b) The commission shall: (1) Conduct an open and transparent process enabling full  
8 public consideration of and comment on the drawing of district lines; (2) Draw district lines  
9 according to the redistricting criteria specified in this article; and (3) Conduct themselves with  
10 impartiality, integrity and fairness.

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

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

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

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

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

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

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

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

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

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

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

17 (3) Districts shall be geographically contiguous.

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

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

33 (6) To the extent practicable, and where this does not conflict with the criteria stated  
34 above, districts shall be drawn to encourage geographical compactness such that nearby areas of

1 population are not bypassed for more distant population.

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

5 (f) By January 1, 2022, and in the year ending in the number two (2) thereafter, the  
6 commission shall approve three (3) final maps that are separately set forth the district boundary  
7 lines for the congressional, senatorial, and house districts. Upon approval, the commission shall  
8 certify the three (3) final maps to the secretary of state.

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

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

20 Section 4. Appeals.

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

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

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

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

6 Section ~~2.5~~. Officers - Presiding member during organization.

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

10 Article VIII

11 OF THE SENATE

12 Section 1. Composition and Apportionment.

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

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

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

27 RESOLVED, That this proposition of amendment shall take, in the Constitution of the  
28 state, the place of Section 1 and Section 2 in Article VII, and Section 1, in Article VIII, of the  
29 Constitution, effective January 1, 2019; and be it further

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

34 RESOLVED, That the Secretary of State shall cause the said proposition of amendment

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

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

=====  
LC004898  
=====