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**TESTIMONY ON 20-S 2077,
A JOINT RESOLUTION RELATING TO REDISTRICTING
February 27, 2020**

The right to vote is the quintessential right underlying the democratic process. As a result, the ACLU of Rhode Island has had a long interest in ensuring that decennial redistricting respects and studiously conforms to the core premise of the equal protection clause of the Fourteenth Amendment, and the counterpart of that clause contained in Rhode Island's Constitution. Because that right can be infringed by the dilution, as well as the denial, of the right to vote, and by partisan gerrymandering that, as has been said, lets legislators choose their voters rather than the other way around, malapportioned districts, non-transparent processes, and any failure by the state to provide appropriate voting strength to racial minorities raise fundamental civil liberties concerns.

It is for these basic reasons that the ACLU strongly supports the establishment of an independent redistricting commission. This approach to redistricting has been approved in a number of other states, and appears to have worked well in accomplishing its goal of promoting a fairer and more transparent line-drawing process. It is time for Rhode Island to join those other states.

At the same time, we believe there are a few areas where S-2077 could be both clarified and strengthened. Adopting a constitutional amendment like this one is a major task and is addressing a core political topic. It is therefore especially important that it be done right and tackle as many issues as possible in advance to avoid problems down the road.

It is in that spirit that we would encourage consideration of some revisions to the proposal. This is not an exhaustive list, but among the items we would urge the committee to consider are the following:

- * Tweaking Section 3(c)(2) to ensure that representation on the commission takes into account any official third party in the state, not just the two main parties.
- * Revising Section 3(c)(3) to ensure both transparency in the Secretary of State's adoption of the application process for service on the commission, and that the applicant pool truly is diverse.
- * Defining some of the terms in the amendment, such as what "conflicts of interest" disqualify applicants as provided for in Section 3(c)(6).
- * Directly addressing the serious problem of "prison gerrymandering" in Section 3(d)'s listing of criteria to be used in drawing district lines.
- * Expanding, in Section 3(f) from three days to a more reasonable period, the time for public comment after potentially significant changes have been made to a redistricting plan.

With redistricting just around the corner, we urge the committee to address this topic and advance legislation like this so that the upcoming process can be smooth, transparent and fair in both appearance and reality.