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**TESTIMONY IN SUPPORT OF AN AMENDMENT TO A “RESOLUTION OF THE CITY COUNCIL AUTHORIZING A REDISTRICTING COMMISSION TO DEVELOP A REDISTRICTING PLAN FOR THE SIX WARDS OF THE CITY OF CRANSTON”
March 22, 2021**

On behalf of the ACLU of Rhode Island, I write to urge the Council to amend the proposed redistricting commission resolution so as not to include people incarcerated at the ACI as if they were residents of the City of Cranston in developing its redistricting plan. Right now, because the population of the ACI is included in Ward 6 and because that population represents 25% of the people in Ward 6, Ward 6 has significantly fewer actual residents than every other ward. That is unfair and inequitable and is not legally required.

In 2014, the ACLU on behalf of its Cranston members, as well as several Cranston voters from Wards 1 and 4, brought suit in federal court against the City to challenge the City’s 2012 Redistricting Plan as a violation of the one-person one-vote constitutional right enshrined by the United States Supreme Court in such cases as *Reynolds v. Sims*, 377 US 533 (1964).

In May 2016, Senior District Judge Ronald Lagueux ruled in plaintiffs’ favor. As plaintiffs had argued, the inclusion of the population of the ACI—which in reality is not part of the Cranston constituency—effectively gives the Ward 6 residents and voters a disproportionate influence in City government. As the court said “...the district lines for Cranston’s wards serve to dilute the voting strength and political influence of the residents of wards 1, 2, 3, 4 and 5...For every vote that ten residents of those wards cast to elect a city councillor or school committee member, the officials in Ward Six need only get seven votes to prevail.” ECF 35 at 14 (modifications omitted).

The City appealed, and the First Circuit Court of Appeals in Boston decided that the inclusion

of the ACI population in counting Ward 6 is not constitutionally prohibited and that the courts should not interfere with the municipality's decision. So we lost. But the Court also made clear that we lost because it is uniquely a political decision whether or not to include a prison population and that it is just as constitutionally *permitted* for the City to exclude the ACI population in redistricting.

And that's where we are now. Of course we support counting all Cranston residents, not just registered voters, in drawing equal-sized districts. The City Councillors and School Board members represent not only those who vote or are eligible to vote, but all Cranston residents, who are their constituents and deserve to be heard and represented.

But the ACI is a closed community and not truly part of the community represented by Cranston City government. To the extent that members of the ACI population are able to vote, they are viewed as residents of the community from which they came and not where they are currently incarcerated.

By including the entire ACI population as part of one of the city wards, that ward and its residents get to enjoy an enormous, outside clout over every resident in every other ward. While it may be legally permitted, it is not fair or equitable. If you are a resident, or the representative of the residents of the other 5 wards, you would not think so. It is time to redraw the wards fairly and equally in size, and not include the population of the ACI to artificially inflate the size of a single ward.

We therefore urge the City Council to adopt a proposed amendment that would revise a sentence in the current Resolution to read:

Districts shall be as nearly equal in population as possible, and in no case shall a ward have a population that varies by more than five percent (5%) from the Target Population, as determined by the total City population reported in the 2020 federal decennial census minus any non-resident incarcerated populations, divided by six.

Respectfully submitted,

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