

Proposed Providence City Charter As Amended

Section 204: Wards and Ward Boundaries

The city shall be divided into fifteen (15) wards, the boundaries of which shall be drawn pursuant to the provisions of this section.

- (a) Redistricting Cycle. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Citizens Ward Boundary Commission described in subsection (b) shall adjust the boundary lines of the City's wards (also known as "redistricting") in conformance with the standards and process set forth in Subection (b). All of the dates set forth below are advisory, and a failure to meet a particular deadline will not in and of itself invalidate the process.
- (b) Citizens Ward Boundary Commission
- (1) Creation
- The Citizens Ward Boundary Commission (referred to below as "the Commission") shall be created no later than April 1, in 2020, and in each year ending in the number zero thereafter.
- (2) Mission
- The Commission shall:
- (A) conduct an open and transparent process enabling full public consideration of and comment on the drawing of ward boundaries;
- (B) draw ward boundaries according to the rewarding criteria specified in this article; and
- (C) conduct itself with integrity and fairness.
- (3) Membership selection and standards of conduct
- (A) The selection process is designed to produce a commission that is independent from legislative influence and reasonably representative of this City's diversity.
- (B) The Commission shall be composed of seven (7) members who meet the eligibility criteria below and who are appointed by the following authorities:

- (1) City College Representative:
The President of Johnson and Wales University or his or her designee;
- (2) Community Organization Representative 1:
The Urban League of Rhode Island;
- (3) Community Organization Representative 2:
Progreso Latino
- (4) Business community representative:
The Providence Chamber of Commerce
- (5) Social Service Organization Representative:
The Providence chapter of the United Way;
- (6) The Providence Democratic Committee;
- (7) The Providence Republican Committee.

If any of the appointing organizations are unable or unwilling to perform this role, the City Council may designate by resolution a successor organization from the same category as the predecessor.

- (C) In order to be eligible to serve, each appointee must comply with the following requirements:
 - (1) Each Commission member shall have voted in the most recent municipal general election, and in two of the last three municipal general elections immediately preceding his or her application.
 - (2) No Commission member shall be an elected official in the City of Providence, or have an immediate family relationship (parent, child or spouse) of a current Providence elected official.
 - (3) No Commission member shall hold an official position in a Providence political party or ward committee, or have an immediate family relationship (parent, child or spouse) of a

current Providence political party or ward committee official.

- (4) No Commission member shall be a registered lobbyist in the City of Providence, or have been registered as a lobbyist at any time during the year prior to being appointed.
- (5) A Commission member shall be ineligible for a period of 5 years beginning from the date of appointment to hold elective public office or employment in the City of Providence. A member of the Commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive local public office, to serve as paid staff for, or as a paid consultant to any City department, board or commission or to register as a lobbyist in the City of Providence.
- (D) On or before June 1, 2020 and each decade thereafter, the appointing organizations will name one Commission member and one alternate member.
- (E) On or before July 1, 2020, each Commission member will file with the City Clerk an acceptance of his or her appointment and a certification that he or she meets the eligibility criteria set forth herein.
- (F) If there are any vacancies on the Commission as of September 1, 2020 and no eligible alternates, then the Probate Judge will fill any remaining vacancies within thirty (30) days.
- (G) The term of office of each member of the Commission expires upon the appointment of the first member of the succeeding Commission.
- (H) Four members of the Commission shall constitute a quorum. Four or more affirmative votes shall be required for any official action. The final redistricting map must be approved by at least four affirmative votes.
- (I) Each Commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(4) Redistricting standards

The Commission shall establish ward boundaries for the City Council using the following criteria as set forth in the following order of priority:

- (A) Wards shall comply with the United States and Rhode Island Constitutions. Wards shall achieve population equality as nearly as is practicable, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
- (B) Wards shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).
- (C) Wards shall be geographically contiguous.
- (D) The geographic integrity of any local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single ward for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (E) To the extent practicable, and where this does not conflict with the criteria above, wards shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.
- (F) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(5) Commission timetable and procedures

(A) Initial organization and quorum requirements.

On or before April 1, 2021 and each decade thereafter, the Commission shall hold an organizational meeting. At that meeting, the Commission will elect a chair and a vice chair and shall employ a chief of staff, who shall serve at the Commission's pleasure, exempt from Civil Service, and shall contract for needed staff, technical consultants and services, using existing City staff to the extent possible. Aye votes by 5 members of the Commission shall be required for the appointment of its chief of staff, the election of its chair, and the adoption of the final redistricting plan and a majority vote of the Commission shall be required for all other actions. A majority of the entire Commission shall constitute a quorum for the transaction of business or exercise of any power of the Commission.

(B) Pre-hearing preparations

(1) On or before May 1, 2021 and each decade thereafter, the Commission will submit a budget to the City Council for approval. If no action is taken by June 1, 2021 or each decade thereafter, the budget will be deemed approved. The City Council shall appropriate funds to the Commission and to the City Clerk adequate to carry out their duties under this Section.

(2) On or before September 1, 2021 and each decade thereafter, the Commission will select and engage a consultant through an open request for proposals process.

(B) Hearings for public input.

(1) On or before November 1, 2021 and each decade thereafter, the Commission will open hearings on redistricting issues.

(2) On or before January 1, 2022, the Commission the Commission shall file a preliminary plan with the City Clerk, along with a written statement of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the Commission.

- (3) In the forty-five (45) days following the publication of the sample plan, the Commission shall hold at least four (4) public hearings in various geographic areas of the City, revising the sample plan as appropriate.
- (4) On or before March 1, 2022, the Commission will publish a proposed plan along with a written statement of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the Commission.

(D) Approval of final map

Final approval of a redistricting plan is not effective unless and until at least four members of the Commission vote to approve the map in two “final meetings.” The rules for the “final meetings” are as follows:

- (1) The Commission must post a proposed map along with the agenda with the Secretary of State as required by the Open Meetings Act.
- (2) The only map that the Commission may consider for approval is the proposed map posted with the agenda. If the Commission seeks to revise or amend the proposed map, then the meeting at which the proposed map is revised or amended will not count as a “final meeting.”
- (3) The second “final meeting” cannot begin until at least seventy-two (72) hours after the conclusion of the first “final meeting.”
- (4) The Commission will schedule its proceedings to complete the approval process, if possible, by April 15, 2022 and each decade thereafter.

(E) Open Meetings

All Commission meetings will comply with the Open Meetings Act.

(6) Alternative procedure

If the Commission does not approve a final map by at least the requisite votes by the May 1 deadline, the City Clerk shall immediately petition the Providence County Superior Court for an order directing the appointment of special masters to adjust the boundary lines of that map in accordance with the redistricting standards set forth in subdivisions (4) and (5). Upon its approval of the masters' map, the court shall certify the resulting map to the City Clerk, which map shall constitute the certified final ward map.

(7) Appeal process

- (A) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the City Council if it determines that funds or other resources provided for the operation of the commission are not adequate. The City Council shall provide adequate funding to defend any action regarding a certified map. The Commission has sole authority to determine whether the City Solicitor or other legal counsel retained by the commission shall assist in the defense of a certified final map.
- (B) The Providence County Superior Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged or is claimed not to have taken timely effect.
- (C) Any registered voter in this state may file a petition for a writ of mandate or writ of prohibition, within 45 days after the commission has certified a final map to the City Clerk, to bar the City Clerk from implementing the plan on the grounds that the filed plan violates the City Charter, the Rhode Island Constitution, the United States Constitution, or any federal or state statute or City ordinance.
- (D) The Providence County Superior Court shall give priority to ruling on a petition for a writ of mandate or a writ of prohibition filed pursuant to subparagraph (C). If the court determines that a final certified map violates this Constitution, the United States Constitution, or any federal or state statute or City Charter or ordinance, the court shall fashion the relief that it deems appropriate, including, but not limited to, the relief set forth in subsection (C) above.

(c) Savings clause

If any part of this Section is held invalid, the invalidity shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application.