



Dear Members of the Special Commission on Reapportionment:

As the redistricting process comes near its end, Common Cause Rhode Island wants to share some additional thoughts with the Commission.

The Commission has yet to present the public with a map for the state's Congressional districts. You have been told that there are only minimal changes needed for those maps, but have not even been told the population deviation. Currently Congressional District 1 has 11,235 more people than Congressional District 2. Federal courts have established that for purposes of equal population the districts need to be within 1%.

By contrast, in 2011 the difference between the two districts was 7,263 people. The first plan offered to the Commission in 2011 moved 125,276 people. The final plan moved 75,508 people from one district to another, including the entire town of Burrillville. If you want the public's input on any change to the state's Congressional districts, you need to make them public soon.

We have been asking for months that you release the shapefiles or census block assignments for the proposed maps. We want those files because they allow the public to analyze the proposed districts themselves. The public has been given basic demographic information about the current and proposed districts. It has also received information about compliance with the Voting Rights Act. But there are other ways to evaluate the proposed plans.

Thanks to the work of Eli Heyman we have the shapefiles for House A & B, and Senate A, B & C.<sup>1</sup> He uploaded them to Dave's Redistricting where you can view the maps and a variety of measures.<sup>2</sup> Senate and House Plans A & B have also been uploaded by the

---

<sup>1</sup> Available at: <https://drive.google.com/drive/folders/1n55N82OMcUA0vytGWGas9JCnweBhITIR>

<sup>2</sup> House A: <https://davesredistricting.org/maps#analytics::8cae6791-131e-46e0-96d1-487b841cb9ea>; House B: <https://davesredistricting.org/maps#analytics::6c63fbce-4991-4d20-bfe4-226b800ab7d3>; Senate A: <https://davesredistricting.org/maps#analytics::e4920e6b-06ee-4429-b755-22231c71d209>; Senate B: <https://davesredistricting.org/maps#analytics::774506c3-d2f5-4ad4-a32e-0b5d6bb76adb>; Senate C: <https://davesredistricting.org/maps#analytics::c56fa515-751f-407a-aadb-acb34f0c34ad>

Princeton Gerrymandering Project.<sup>3</sup> Common Cause Rhode Island has uploaded the plans to Planscore.org, a tool of the Campaign Legal Center.<sup>4</sup>

The remainder of this testimony will focus on just two of the many measures available from the above mentioned tools; compactness and partisanship.

There are many measures of compactness. A common measure is the Reock Score. It is computed by dividing the area of the voting district by the area of the smallest circle that would completely enclose the district. Scores range from a zero, for the least compact, to one, for the most compact. For House Plan A the average district compactness score is 0.414. For House Plan B the average district compactness score is 0.382. And for Senate Plan C the average district compactness score is 0.399.

Compactness scores can be evaluated on a district-by-district basis and you can view the district-level measures for the plans at the Dave's Redistricting pages mentioned above. Compactness is just one of two criteria mentioned, along with equal population, in the Rhode Island Constitution.<sup>5</sup> Lack of compactness was one of the claims made in the successful 1982 case, *Licht, et al. v. Quattrocchi, et al.*, 449 A. 2d 887.

The partisanship of redistricting plans has been a matter of much debate in the last decade. The U.S. Supreme Court ruled in the case of *Rucho v. Common Cause*, No. 18-422, 588 U.S. \_\_\_ (2019) that partisan gerrymandering is non-justiciable under the political question doctrine. However, in his majority opinion, Chief Justice John Roberts wrote, "Our conclusion does not condone excessive partisan gerrymandering. Nor does our conclusion condemn complaints about districting to echo into a void. The States, for example, are actively addressing the issue on a number of fronts."

In that case the plaintiff's pushed the use of a measurement called the efficiency gap as a method for determining if a plan or district has been partisan gerrymandered. The efficiency gap measures, "the number of votes each party wastes in an election to determine whether either party enjoyed a systematic advantage in turning votes into seats."<sup>6</sup>

---

<sup>3</sup> Available at: <https://gerrymander.princeton.edu/>

<sup>4</sup> Unfortunately Planscore does not allow the public to save plan analyses, and the Campaign Legal Center has yet to score any Rhode Island plans.

<sup>5</sup> Art. VII, Sec. 1 and Art. VIII, Sec. 2 contain identical language requiring districts for the House (Art. VII) and Senate (Art. VIII) be "nearly equal in population and as compact in territory as possible."

<sup>6</sup> From,

[https://www.brennancenter.org/sites/default/files/legal-work/How\\_the\\_Efficiency\\_Gap\\_Standard\\_Works.pdf](https://www.brennancenter.org/sites/default/files/legal-work/How_the_Efficiency_Gap_Standard_Works.pdf)

Using Planscore.org Common Cause Rhode Island calculated the efficiency gap for three plans. House Plan A has an efficiency gap of 8.9% Democratic. House Plan B has an efficiency gap of 8.7% Democratic. And Senate Plan C has an efficiency gap of 8.9% Democratic. To give you some context, the most partisan gerrymandered maps range from 18% Democratic to 18% Republican. These plans are Democratic partisan gerrymanders.

Planscore also creates estimates, based on past election data, of how many “safe” and “lean” districts there are in each plan. In House Plan A there are seven safe Republican districts (15, 28, 29, 40, 41, 47, 48), two lean Republican districts (27, 39), six lean Democratic districts (25, 36, 42, 43, 44, 53), and 60 safe Democratic districts (all other districts). House Plan B contains seven safe Republican districts (15, 28, 29, 40, 41, 47, 48), two lean Republican districts (27, 39), five lean Democratic districts (36, 42, 43, 44, 53) and 61 safe Democratic districts (all other districts). In Senate Plan C there are three safe Republican districts (21, 23, 34), two lean Republican districts (17, 38), two lean Democratic districts (25, 33) and 28 safe Democratic districts (all other districts).

Importantly, across all four of the plans, around 80% of the seats are safe Democratic seats, even though Rhode Island is not an 80% Democratic state. For example, in the last two presidential races, the Democratic presidential candidates won less than 60% of the popular vote in this state. Clearly, these maps give Democrats an advantage above and beyond what the state’s overall partisan composition would suggest they should have.

The plans you have before you seem to value one thing above all else--protecting incumbents of both political parties. That is despite the fact that nothing in the enabling statute of the Commission, or elsewhere in Rhode Island law, requires you to do so. By ceding this process to the state’s consultant you have chosen to value incumbent protection above all else.