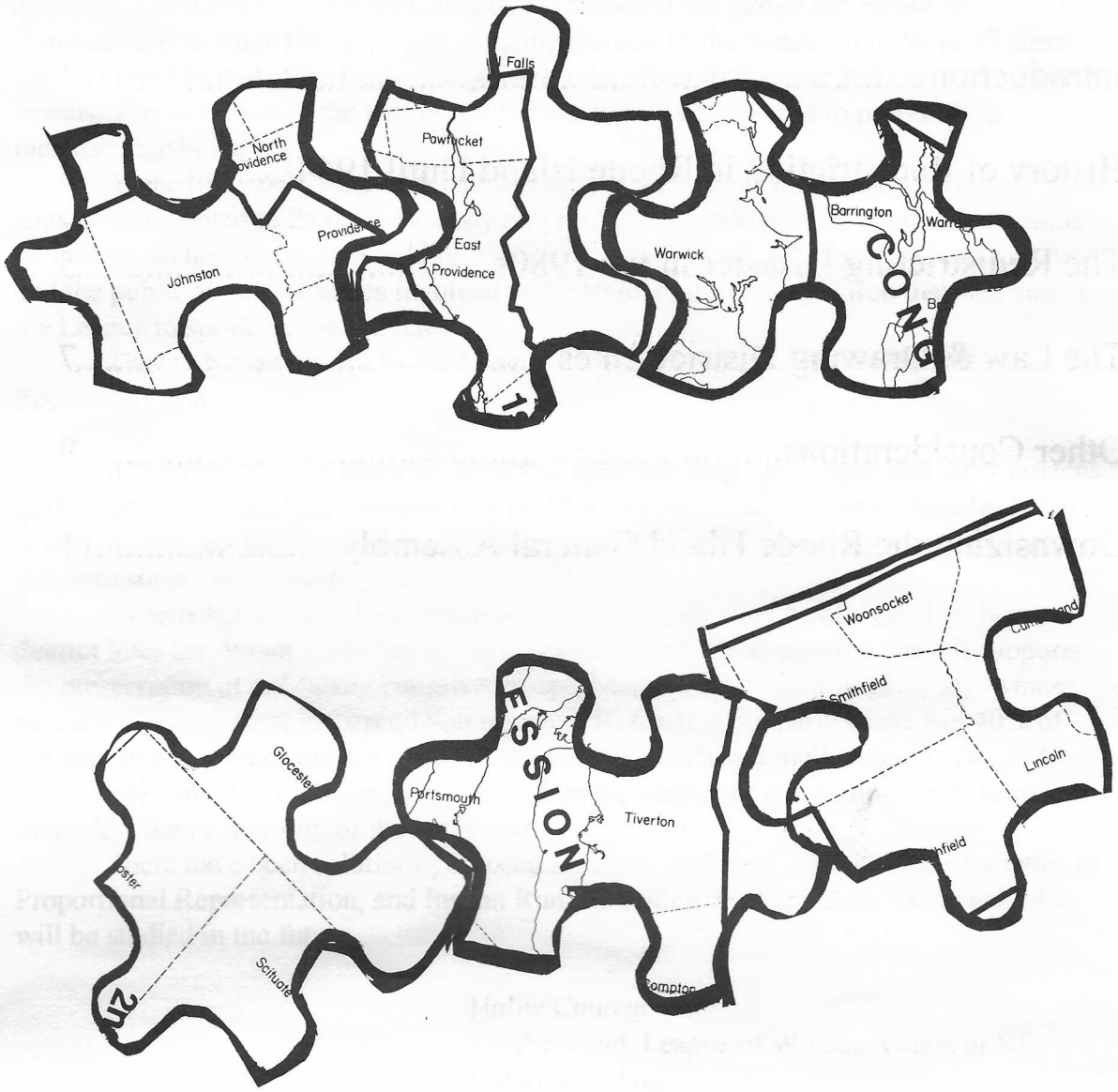
Redistricting: The Issues



June 2000

League of Women Voters of Rhode Island

Funded by the League of Women Voters of Rhode Island Education Fund

Redistricting: The Issues

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On November 8, 1994 a majority of the electorate voting in a statewide election approved amendments to the RI Constitution reducing the size of the House of Representatives from 100 to 75 and reducing the size of the Senate from 50 to 38 (Joint Resolutions 184 and 193). Both changes will take effect in the year 2003 after the 2000 census. The reduction in the size of the Legislature was connected to proposals to increase legislative pay.

At the May 1999 state League Convention, the League of Women Voters of Rhode Island voted to do a 1-year study on principles of redistricting to provide sensible guidelines on how districts should be drawn. The study involved educating both members and the public about the issues involved and formulating a clear position that will enable the League to speak out on the issue.

The study was funded by the League of Women Voters of Rhode Island Education Fund

It is hoped that the material presented here will help the League and other citizens of the state understand the Redistricting process and how it affects them. **Also included is information on the Downsizing of the General Assembly.** Looking at these issues did raise some other issues.

Experts have pointed out that elections are largely predictable based on how district lines are drawn. Case law actually seems to favor predictability since it supports the preservation of politically cohesive groups. Many people claim single-seat, "winner take all" districts skew representation unnaturally. Currently a party could win 40% of the vote in every race, and not elect any candidates to office. Finally, there is the problem of multiple candidates dividing the vote so that the winner of an election could have much less than a majority of the votes cast.

There have been solutions proposed for these problems, like the many varieties of Proportional Representation, and Instant Run-off Voting. Perhaps these issues and ideas will be studied in the future.

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Representation in 1960

City	Population	% of State Pop.	# Senate Seats	# House Seats
New Shoreham	486	0.1	1	1
West Greenwich	1,169	0.1	1	1
Little Compton	1,702	0.2	1	1
Charlestown	1,966	0.2	1	1
Richmond	1,986	0.2	1	1
Foster	2,097	0.2	1	1
Jamestown	2,267	0.3	1	1
Exeter	2,298	0.3	1	1
Glocester	3,397	0.4	1	1
Narragansett	3,444	0.4	1	1
Hopkinton	4,174	0.5	1	1
Scituate	5,210	0.6	1	1
East Greenwich	6,100	0.7	1	1
North Smithfield	7,632	0.9	1	1
Portsmouth	8,251	0.9	1	1
Warren	8,750	1.0	1	1
Burrillville	9,119	1.1	1	1
Smithfield	9,422	1.1	1	1
Tiverton	9,461	1.1	1	1
South Kingstown	11,942	1.4	1	1
Middletown	12,675	1.4	1	1
Lincoln	13,551	1.6	1	2
Barrington	13,826	1.6	1	1
Westerly	14,267	1.7	1	2
Bristol	14,570	1.7	1	2
Coventry	15,432	1.8	1	1
Johnston	17,160	2.0	1	1
North Providence	18,220	2.1	1	1
Cumberland	18,792	2.2	1	2
North Kingstown	18,977	2.2	1	1
Central Falls	19,858	2.3	1	4
West Warwick	21,414	2.5	1	3
East Providence	41,955	4.9	1	4
Newport	47,049	5.5	1	4
Woonsocket	47,080	5.5	1	8
Cranston	66,766	7.8	2	5
Warwick	68,504	8.0	2	3
Pawtucket	81,001	9.4	2	10
Providence	207,498	24.1	5	25
Total Population	859,488	100.0	46	100

Historical Development of the Apportionment Issue in Rhode Island

from "Representation FAIR?" published by the League of Women Voters of RI in 1964

One of the oldest political questions, if not the oldest, in Rhode Island is "When will there be reapportionment?" The question has lost none of its timeliness. The issue dates back to the granting of the Royal Charter in 1663. The Charter provided for a lower house with 18 assigned seats: 6 to Newport, and 4 each to Providence, Portsmouth and Warwick. Each new town was to receive two seats upon its establishment. Other than this, however, there was no provision for reapportionment of the lower house, known as the House of Deputies. The upper house consisted of the Governor, the Deputy Governor and one "assistant" from each town. The assistants were elected at-large, so, of course, there was no reapportionment problem.

By 1800 the population of Providence had exceeded that of Newport, and three of the newer towns (Glocester, North and South Kingstown) had populations larger than Portsmouth and Warwick. Early efforts of the groups, eventually to be known as the Dorrites, were devoted to correcting the injustices of malapportionment. Once the issue was combined with that of the extremely restricted suffrage, the monumental effort known as the Dorr Rebellion took place, and the result was that in 1842 Rhode Island adopted its first and only Constitution.*

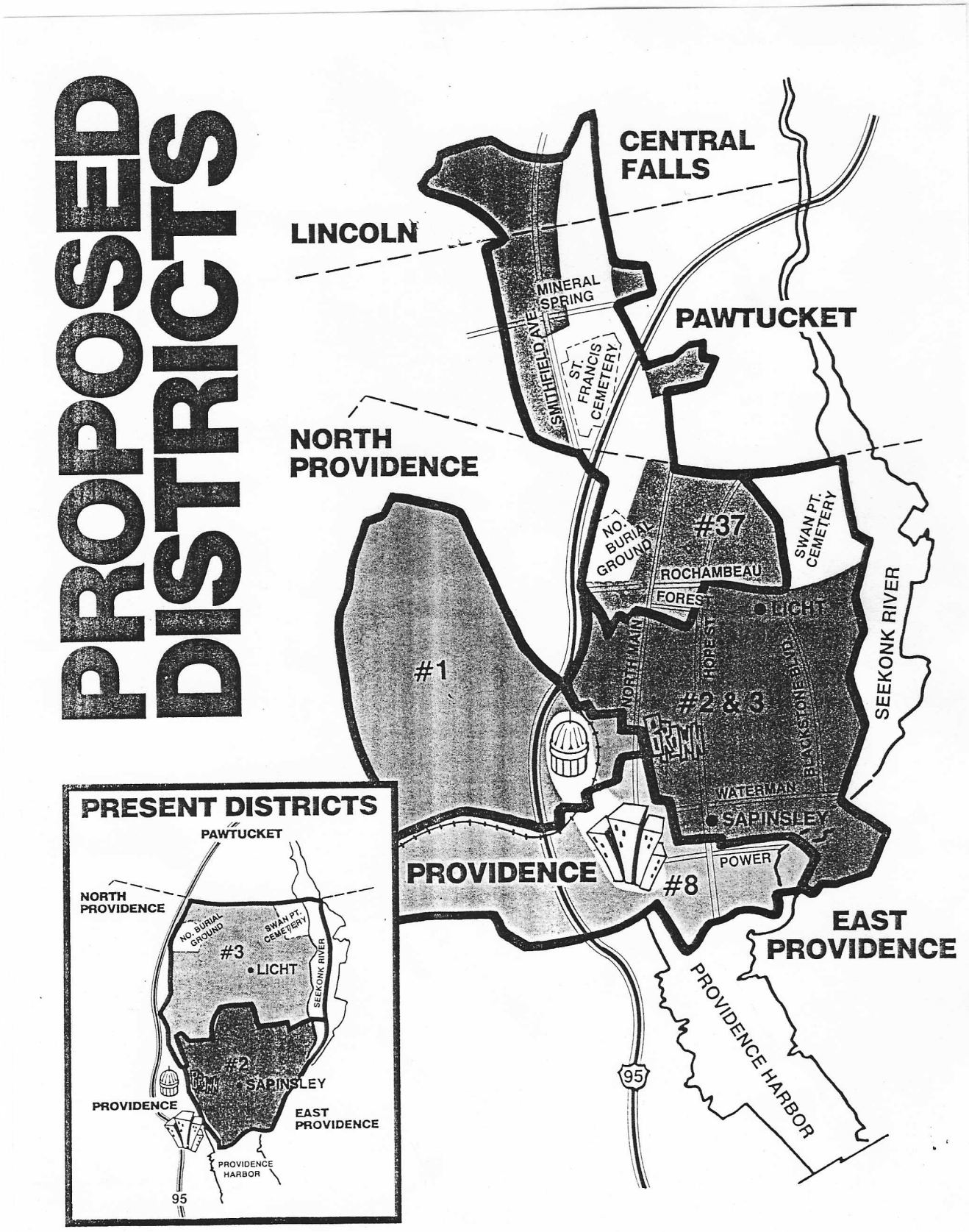
The Constitution provided for a House and Senate. The House was to be based on population, but a maximum of 72 seats was set (the number already in use) and each town and city was to have a seat. However, no more than the maximum of 1/6 of the seats, or 12 was to go to any one town or city. At that time, Providence already had 1/5 of the population.

With the growth of the industrial areas in the latter half of the 19th century, pressures arose for additional House seats. Finally, in 1909, the maximum number was raised from 72 to 100, and the maximum number for any one city to 1/4. Although this might seem generous on the face of it, it appears otherwise when it is realized that Providence had then over 40% of the population of the state. Under the 1909 Amendment, the General Assembly reapportioned the House in 1923 on the basis of the 1920 census figures. Except for the shift of three seats after the 1930 census, no House reapportionment has taken place since the early 'Twenties. Throughout the 1940's and 1950's there have been efforts to bring about reapportionment, but none has taken place. House apportionment remains, at the beginning of 1964, based on 1930 census figures.

The Senate, on the other hand, has been reapportioned in accordance with the Constitution, in the early 30's, 40's and 60's, by the addition of 7 seats to cities with the necessary number of qualified voters. Since there is no maximum of Senate seats under current provisions, it is not necessary to take a seat from one community in order to give it to another newly entitled to it, as is the case in the House. It will be noted from the attached chart, however, that 24 Senate seats, a majority of the 46, represent but 18% of the population, and that 18 seats, enough to prevent the overriding of a governor's veto (requiring a 3/5 vote) represent but 9% of the population. It is in the House where reapportionment has failed: it is in the Senate where the apportionment system itself is most at fault. (See tables)

**The 1843 Constitution was updated in 1986 incorporating amendments and eliminating all language that had been superseded.*

Map of Disputed Area - 1980s Redistricting



The Redistricting Disaster in the 1980s

The best reasons for sound redistricting/reapportionment criteria and procedures are a simple recounting of the what happened in Rhode Island in the 1980s.

The key actions of the Reapportionment Commission as reported in their minutes at that time were in brief:

On June 18, 1981 the Reapportionment Commission held its first meeting. At that meeting the Commission voted to direct the staff to compile information on the subject of "deviation from the ideal."

In late October and early November 1981, the Commission invited the public to five hearings in areas around the state to present their views on reapportionment.

At the second meeting on January 22, 1982, the Commission announced plans to hold public hearings on the proposed districts, and approved the hiring of a consultant who began work in the fall of 1981. A new chair for the Commission was elected (the first chair resigned to take another office).

On January 27, 1981 proposed Senate districts were presented, and on January 28 proposed House districts were presented. The "guidelines" for drawing the lines were also formally adopted at the January 28 meeting.

On January 15, 1982 the League of Women Voters complained to the Attorney General that the Commission had been violating the Open Meeting Law because it appeared they had been meeting without giving public notice, or even notifying all Commission members of the meetings. The Attorney General responded that there had been no violation of the Open Meeting Law because meetings held in November, December and January were either "work sessions" or political party meetings. The first chair of the Commission threatened to sue the League for libel.

Once the proposed districts were presented, critics of the plan complained of political gerrymandering, dilution of minority power, inequality of districts, and the short period of time available for evaluation and comment on plans. At public hearings held after the district plans were presented, members of the Commission were adversarial with various members of the public who spoke out against the Commission plan at the hearing.

What happened next is briefly described in the Procedural History given in *Farnum v. Burns*, 561 F.Supp. 83 (D.R.I. 1983). (The House reapportionment plan was also litigated, but that plan was affirmed with only minor changes. *Holmes v, Farmer*, 475 A.2d 976 (R.I. 1984))

On April 9, 1982 the Rhode Island General Assembly enacted a reapportionment statute based on the 1980 census. This statute repealed the 1974 reapportionment scheme and established new state senatorial and representative districts. Subsequently, Justice Bulman of the Rhode Island superior Court found that the 1982 reapportionment act violated the state and federal Constitutions. He enjoined the Secretary of State from conduction senatorial elections until a constitutional redistricting statute was enacted. *Licht v. Quattrocchi*, C.A. No 82-1494 (R.I. Sup. Ct. June 3, 1982). Justice Bulman's decision was affirmed without opinion by the Rhode Island Supreme Court *Licht v. Quattrocchi*, 449 A 2d 887 (RI 1982). *

On July 8, 1982 the Rhode Island Senate convened in a special session and passed a resolution creating a seven member Select Senate Redistricting Committee to develop a new senatorial reapportionment plan. The Rhode Island General Assembly enacted the

plan recommended by the Redistricting Committee on July 20, 1082. The Governor, however, vetoed this plan because of his concern that it would not be possible to institute it and still hold the 1982 senatorial elections on schedule. The General Assembly then passed 82-H-9101 which revived the 1974 senatorial lines for use in the 1982 elections, and provided that the new senatorial reapportionment plan developed by the Redistricting Committee would take effect beginning with the 1984 elections.

On July 30, 1982 Jonathan K Farnum and James W. Hayes, Jr. individually and on behalf of all registered voters in Rhode Island, filed a complaint in this Court challenging the use of the 1974 senatorial lines in the 1982 elections under both the state and federal Constitutions. The parties agreed that, in light of the 1980 census, the 1974 district lines violated the one-person, one-vote principle of *Reynolds v. Sims, 377,* U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964). They disagreed as to whether the impending senate election should and could proceed under the unconstitutional 1974 lines to avoid disruption of the state's normal electoral processes.

On August 11, 1982 the U.S. District Court, D. Rhode Island decided that the 1974 lines could not be used, and on February 11, 1983 the court decided that "defendants' proposed Providence district lines constituted political gerrymandery." The state senatorial elections were finally held on June 21, 1983- more than seven months after elections should have been held. Until then "lame duck" legislators continued to serve, and make decisions on budget and other business. Between court costs and the costs of a special senate primary and election, Rhode Island taxpayers paid approximately $1.5 million to straighten everything out.

*Affirming opinion - *Licht v. Quattrocchi*, 454 A.2d 1210 (R.I. 1982)

LIST OF WORKS CONSULTED

Correspondence from Attorney General Dennis J. Roberts II to the League of Women Voters of Rhode Island and the League of Women Voters of Providence, *Re: Rhode Island Redistricting Commission*, February 12, 1982.

Farnum v. Burns, 548 F.Supp. 769 (D.R.I. 1982) (Initial Proceedings), *Farnum v. Burns,* 561 F.Supp. 83 (D.R.I. 1983).

Hines, Marilyn A. & Gibbons, Mollie, *Reapportionment: A Report on the Search for "Fair and Effective Representation" & A Model Constitutional Amendment*, Common Cause, 1986.

"Opportunity knocks on GOP's door in the form of special Senate election." *The Providence Journal,* Page A-11, February, 25, 1983.

"Reapportionment Commission Charged with Ignoring Public," Press release, United States Commission on Civil Rights, New England Regional Office, February 22, 1982.

Redistricting in Rhode Island: Its Problems, Practice and Promise, Rhode Island Advisory Committee to the U.S. Commission on Civil Rights, September, 1986.

"Redistricting panel head threatens to sue LWV," *Providence Evening Bulletin,* Page C-1, January 21, 1982.

"State Reapportionment Commission: Its Brief History," *The Leaguer*, League of Women Voters of Providence, February 1982.

The Law & Drawing District Lines

Rhode Island legislative districts appear arbitrary. Over half of our senators and over a third of our representatives represent parts of more than one city or town. Current lines leave one senator representing parts of six communities, and one representative representing parts of four communities. Some of the combinations are political "odd couples," pairing municipalities with widely divergent interests. The town of Exeter with a population of about 5,500 is divided between 2 senate districts and 3 house districts. There are nine voting districts (out of 568) with fewer than 100 voters. Eight of these "micro districts" are in Providence where non-congruent U.S Congressional district lines, RI senate and house district lines, and city ward lines create a total of 103 voting districts. More than half of all calls to the League of Women Voters Information line on Election Days are from Providence voters attempting to find their polling places. Why the mess? And what are we legally required or not required to do?

To begin with, most factors in redistricting are almost a direct result of federal rulings. Until 1962, when the U.S. Supreme Court ruled in *Baker* v. *Carr*, 369 U.S. 186 (1962) that failure to be fairly represented because of malapportionment in one's state legislature was denial of equal protection of the law, states were able to reapportion themselves when and how they deemed it necessary. In 1964, the court's decision in *Westberry* v. *Sanders*, 376 U.S. 1 (1964) established the principle of "one-person-one-vote." Legislative districts were required to differ by no more than ten percent from the smallest to the largest, unless justified by some "rational state policy." *Gaffney v. Cummings*, 412 U.S. 735 (1973); *White v. Regester*, 412 U.S. 755 (1973). In the 1980s, the Court held that congressional districts must be mathematically equal, unless justified by some "legitimate state objective." *Karcher v. Daggett*, 462 U.S. 725 (1983).

The Voting Rights Act was passed in 1965 (readopted and strengthened in 1970, 1975, 1982) to protect the rights of black voters and established that the drawing of lines could not be used to disadvantage black voters. In the1986 case of *Thornburg v. Gingles*, 478 U.S. 30, the Court set forth three preconditions a minority group must prove in order to establish a violation of Sect. 2 of the Voting Rights Act:

1) that the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district;
2) that it is politically cohesive, that is, it usually votes for the same candidates; and
3) that, in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.

To reflect federal rulings, Rhode Island law was changed (Public Law 1966, chap. 115 and 116 - the Constitution was subsequently changed to reflect these laws) to require that both House and Senate "districts shall be as nearly equal in population as possible." However, New Shoreham (Block Island) with a population of 486 presented a problem. Respecting its municipal lines as a voting district would either skew representation unacceptably, or using multiples of the community's population to determine representation in the other cities and towns would have resulted in a House and/or Senate of over 800 representatives. Consequently acknowledging realities of arithmetic, the law instead simply required that districts be "as compact in territory as possible."

That Block Island is physically distant from other municipalities, then raised the question of whether it is possible to have districts that are both equal and compact in RI. In an *Opinion to the Governor* (Chafee), 101 R.I. 203,221 A2d 799 (R.I. 1966) the Rhode Island Supreme Court concluded that the compactness requirement was intended "to provide an electorate with effective representation rather than with a design to establish an orderly and symmetrical geometric pattern of electoral districts," and to prevent "the political gerrymander." (Other states do not have the compactness requirement and have produced gerrymandered districts that make Rhode Island appear a model of reasonableness.)

Although many other states require "nested" house and senate districts which would eliminate the possibility of "micro-districts" due to non-congruent district lines, Rhode Island did not include that requirement in its law or Constitution. The plans for senate and house districts are independently developed, so multiple lines are inevitable. Cities drawing ward lines concurrently is probably an unavoidable evil. With the advent of computerization, the "tweaking" of lines to "refine" districts is possible, and magnifies the problem. Unfortunately, although the original downsizing plan proposed that there be 75 house districts and 25 senate districts, the Constitutional Amendment passed by the Legislature and ratified by the public in the 1994 General Election decreed 75 house and 38 senate districts. Consequently it will be impossible to "nest" house and senate districts in the future and very little can be done to improve the problem of multiple lines (barring constitutional amendment).

In the 1980's redistricting, "political gerrymandering" became an issue and the R.I. Supreme Court ruled that political motives were a legitimate factor in drawing lines, but could not be the *only* factor when determining lines for districts. Hence it was decided that although switching the island of Jamestown from a North Kingstown house district to a Newport district was in all likelihood politically motivated, there were rational reasons for linking the island to Newport, so the charge of "political gerrymandering" was not proven. However, "political gerrymandering" was proven in the senate plan for Providence, because in merging two senatorial districts on the East Side, all natural, historic, and political boundaries were ignored while clearly targeting two politicians outside the political power structure of the Legislature. (This particular bit of redistricting also violated the Voting Rights Act.)

Although it would seem that virtually every aspect of redistricting has been litigated, redistricting is still not a matter of applying simple rules. What we have is a variety of factors that must be balanced against one another. With sophisticated computer software and detailed computerized data from the Census Bureau, voting districts can adhere strictly to size guidelines, and minority districts can be carved out with great accuracy because decisions can be made on a street by street basis. Unfortunately, districts can also be carved out for less valid reasons, so the criteria used for making redistricting decisions are crucial. In the 1980s fiasco, there were no officially stated standards for drawing lines until after the fact, and the lines were drawn to reflect the wishes of the majority party on the Redistricting Commission. The legislation establishing the Redistricting Commission in the 1990s set forth basic standards for drawing lines and other safeguards to keep the process open and accountable, but there is no legal requirement that similar standards for drawing lines and safeguards be included in the future. So public awareness of what is involved in drawing lines is probably crucial to fair redistricting.

LIST OF WORKS CONSULTED

Farnum v. Burns, 548 F.Supp. 769 (D.R.I. 1982) (Initial Proceedings), *Farnum v. Burns,* 561 F.Supp. 83 (D.R.I. 1983).

Holmes v. Farmer, 475 A.2d 976 (R.I. 1984)

Opinion to the Governor, 101 R.I. 203,221 A2d 799 (R.I.. 1966)

The Rhode Island Government OWNERS MANUAL 1999-2000, The Secretary of State's Office of Public Information.

Wattson, Peter S., "1990s Supreme Court Redistricting Decisions," *http://www.senate.leg.state.mn.us/departments/scr/REDIST/red907.htm,* Updated October 26, 1999.

Other Considerations

Composition of the commission -
Conflicts of interest *from "Reapportionment: A Report on the Search for 'Fair and Effective Representation' & A Model Constitutional Amendment," Common Cause 1986*

> Currently thirty-six state place responsibility for legislative reapportionment within the legislature. The National Municipal League has described this as an "illogical system in which legislatures are the judges and juries in a matter of highest importance to themselves." In these thirty-six states, legislators are placed in the position of deciding which legislators-- their political opponents, political allies, or themselves-- will lose their legislative seats when district lines are redrawn to reflect population changes. Typically, resulting reapportionment plans are based on the needs of legislators, not on a system of fair and effective representation. The fiasco of 1982-83 provides a stunning local example of conflicts of interest at work when elected public officials control the reapportionment process. This system on serves to invite gerrymandering.

In the 1990s, in addition to ten members of the legislature (there were no members of the public on the 1980s), five members of the "general public" were appointed to the Redistricting Commission. As there were no lawsuits filed after that redistricting, the process appeared to be much improved.

However, it has become apparent in recent years that whoever controls appointments can also control a commission, especially if there are no restrictions regarding the appointees. Commission members may feel obligated to the people appointing them and unless there are standards for appointments members may also have significant conflicts of interest. As of now there is nothing in our Constitution or laws dictating what kind of body should be entrusted with the task of redistricting. The legislature gets to determine that through legislation that must be passed before each redistricting.

Hearings and Public Access to the Process

In the 1980s, although the Commission held hearings both during and after the lines were drawn, the results were nicely documented hearings which had no discernible effect on how the lines were drawn. Interestingly, legislators at the time viewed their process as a much more open process than the 1970s effort, because the redistricting staff consulted with members of the legislature instead of working in isolation. However staff access meant complete control of the process. So, what the legislature considered openness was essentially the license to redistrict to their own advantage.

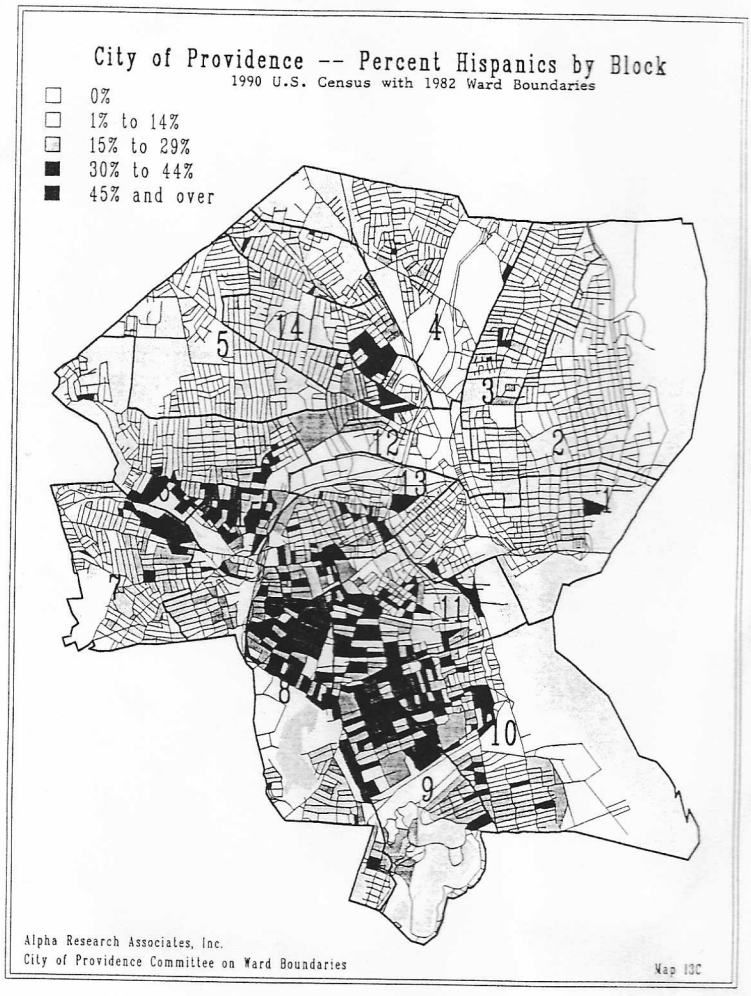
In the 1990s the legislation establishing the commission did mandate that the public be given access to the proceedings, that the Commission was subject to the Open Meetings Law, and that there would be public hearings prior to its issuance of findings and recommendations. Computerization also made it possible for the commission to offer interested parties access to not only the data, but the computer programs that allowed them the ability to experiment with how different lines affected numbers and specific populations. Although the results of 1990s process resulted in no law suits, lines of districts in outlying areas show that political clout still mattered in the 1990s so it is not clear whether the better results were as much a matter of access as heightened public interest in some areas and sophistication concerning what is legally acceptable due to the 1980s fiasco. Access to the data and computer programs was not mandated by the legislation at that time and future access of that sort will be determined either by legislation or by Commission rules.

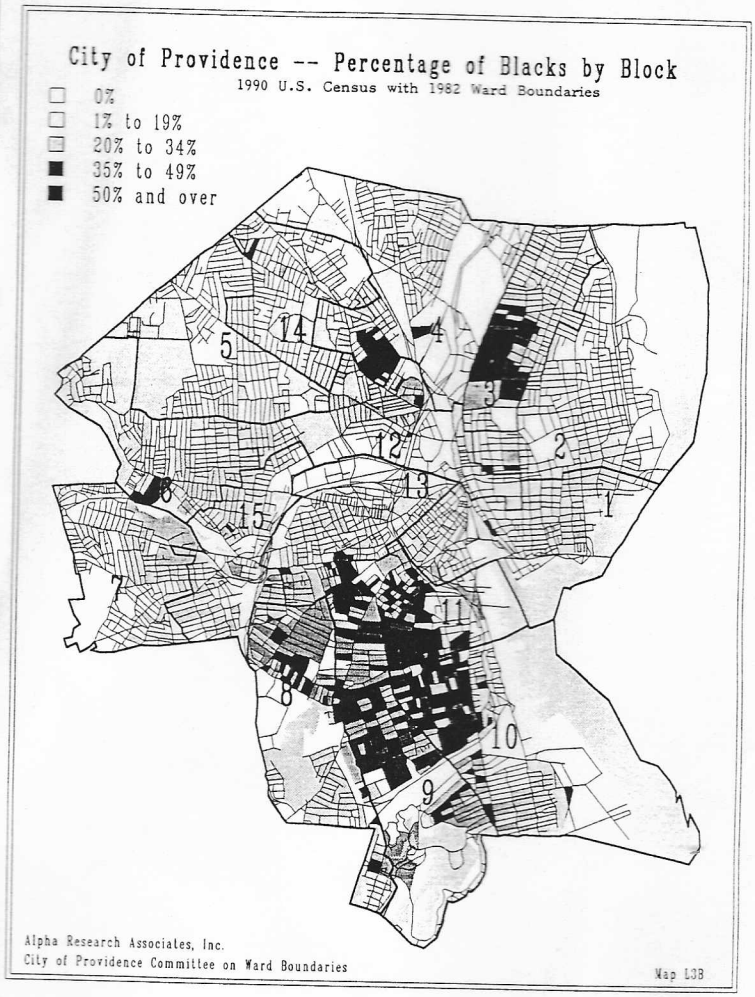
Open Meetings

After the abuses that occurred during the 1980s redistricting, the Open Meetings Law was amended to specifically say that "workshop", "working" or "work" sessions as "meetings" are all subject to the Law, and "'public body' means any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government, and shall include all authorities defined in section 42-35-1(b). For purposes of this section, any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a public body; provided, however that no such meeting shall be used to circumvent the requirements of this chapter."

Deadlines & Veto Power

The problems of the 1980s make it clear how redistricting problems can drag on and on, so deadlines and some sort of appeals process would be in order. Deadlines have generally been included in the legislation establishing the commission, however up to now individuals and groups have had to sue the state to appeal a redistricting plan. Aside from the amount of time involved in the 1980s this has worked. Putting any other elected body or appointed commission in charge of the process would raise questions similar to those concerning the impartiality of the redistricting commission itself. It is a matter of who to trust to maintain the proper impartiality.





Downsizing the Rhode Island General Assembly

In July of 1994 the Rhode Island House and Senate unanimously passed an overall reform package which included reducing the size of the House from 100 to 75 and the size of the Senate from 50 to 38 (Joint Resolutions 184 and 193). On November 8, 1994 a majority of the electorate voting in a statewide election approved the downsizing amendments to the RI Constitution. Both changes will take effect in the year 2003 after the 2000 census. Currently, there is a movement in the Legislature to rescind the downsizing.

Arguments in favor of Downsizing:

- Lower costs
- Efficiency
- Broader based constituencies
- Constitutional amendment/popular vote
- More Competition for office
- Fewer bills - higher quality work

Arguments against Downsizing:

- Fewer minority reps
- Less competition for office
- Less representative legislature
- Concentration of power
- Less responsive legislature
- Greater influence for special interests

The problem with much of the debate about downsizing is that so much of the discussion is a matter of "beauty in the eye of the beholder". Where pro-downsizing advocates see a smaller assembly as a more efficient, effective deliberative body, anti-downsizing advocates see a dangerous concentration of power in a small group of people and special interests needing fewer votes to influence legislation. Where pro-downsizers see larger districts making legislators less vulnerable to small localized groups of vocal people, anti-downsizers see a legislature with less time to respond to constituents. Pro-downsizers expect more competition for elected office because of larger pools of qualified candidates, anti-downsizers expect fewer candidates because of higher time and money requirements for campaigns. Which side is correct? No one knows.

Whether or not there will be fewer minorities and women in the legislature with downsizing is another matter. Although, state demographics have changed considerably since the 1990 census, the numbers from the 1990 census give some indication of how well or badly minorities and women are represented in our Legislature. In 1990, 91.4 percent of the state was white and 3.9 percent was black, leaving all other minority races with 4.7 percent of the population. Hispanics (not a racial designation) were 4.3 percent, and women were 53.0 percent of the state's population.

How did that translate into our legislature? It appears that overall, minority representation is not

1990 Census figures & Representation in the Legislature-

	%	# if proportional to % of pop.		Actual			
Statewide	**of pop.**	**House**	**Senate**	**House**		**Senate**	
White	91.4	91	46	92	92%	49	98%
All minorities	8.6	9	4	8	8%	1	2%
Blacks	3.9	4	2	8	8%	1	2%
Other	4.7	5	2	0	0%	0	0%
Non-Hispanic	95.4	95	48	98	98%	50	100%
Hispanics	4.6	5	2	2	2%	0	0%
Women 18+	53	53	27	26	26%	11	22%

horribly out of proportion. But, the minority representation is all black (the two Hispanics are also black), so while blacks do not appear to be underrepresented,- others do. However, blacks, Hispanics and other minorities generally live in the same areas (see Providence redistricting maps from 1990), so

they are essentially fighting each other for representation. The low number of Hispanic legislators is also more understandable when one looks at voting statistics gathered by the census bureau in 1990. In 1990, 56.0 percent of whites said they voted, 50.6 percent of blacks said they voted, but only 26.7 percent of Hispanics said they voted. Women on the other hand, are grossly underrepresented, and there doesn't appear to be any reason for this.

Given current district sizes, it does appear that seats in larger districts (Senate) are somewhat more difficult for women and minorities to win than smaller districts (House) seats, and it is not clear whether fair redistricting can or can't offset that difference. However, when two other states, Massachusetts in 1979 and Illinois in 1983, downsized their assemblies, the percentages of women in office improved (as they did for women all across the country) even though the absolute number of women in office did go down (from 16 to 15 in MA and from 32 to 27 in IL).

Information about changes in minority representation when Massachusetts and Illinois downsized their assemblies is unavailable. However, in Rhode Island, almost all the minority population in 1990 lived in urban areas (specifically Providence), which made it possible to carve out "minority districts." (The 1986 case of *Thornburg v. Gingles* determined that unless a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, they cannot claim to be deprived under the 1982 Voting Rights Act.) With a total state non-white population of 86,989 and Hispanic population of 45,752 mostly concentrated in urban areas, increasing the size of representative districts from 10,040 to 13,380 and senate districts from 20,080 to 26,400 should not make it impossible to again carve out "minority districts." There will be fewer "minority districts," but the minority district losses should be proportional to non-minority district losses provided that the redistricting body uses the same standards and procedures it used for defining minority districts in 1990.

As for whether larger districts will make the legislature less representative of the people of the state, a reading of legislators' biographical information reveals that seats in larger districts (Senate) are more difficult for teachers to win than smaller districts (House) seats. In the House there are 11 teacher/educators plus 4 retired teachers and there is only 1 teacher and one retired teacher in the Senate. No other differences in occupations due to the size of the Senate and House districts are easily discerned. Blue collar occupations are not clearly represented by anyone in either house and one quarter of each of the two houses are lawyers.

Although it can be argued that with fewer bills, a smaller assembly will have more time for thoughtful contemplation of those bills. It is, however, not definite that a smaller assembly *will* produce fewer bills. In 1990 and 1991, 150 RI Legislators introduced 7,931 bills and resolutions (52.9 per member). In that same time period 76 Hawaiian Legislators produced 9,805 bills and resolutions (129.0 per member),- and 211 New York Legislators produced 44,501 bills and resolutions (210.9 per member). At the other extreme, 424 New Hampshire Legislators produced just 1,627 bills and resolutions (3.8 per member).

Downsizing should reduce costs. When the downsizing amendment to the State Constitution was passed, the smaller Assembly and elimination of pensions were intended to offset the costs of higher salaries, new health benefits, and increased administrative staff and equipment for legislators. As of now we have the increased cost of those salaries, health benefits, staff and equipment. Each legislator now receives $10,000 a year (with a COLA as well, so the figure is even higher today and it will be higher in 2003), and many legislators receive health benefits paid for by the State that cost, on average, approximately $7,200 per member now and are likely to rise. In addition to those increases, we are also facing the costs of legislators' increasing demands for space for their increased staff and other support services, hence the Legislature's secret $8. million "surplus" fund for renovating a new legislative office building. With the reduction in the size of the Legislature we should save roughly $650,000 a year in salaries and health benefits as a result of 37 fewer legislators. And, unless the remaining legislators

simply annex the staff of the departed, we should reduce salary, benefits and space needs for them as well. And, with fewer voting districts, we should have lower election costs.

Finally, it should be noted that downsizing was not the result of an eleventh hour bill quietly slipped through on the last day of a legislative session. After seemingly endless scandals (bloated pensions, the banking crisis, indictments of judges...) a Blue Ribbon Commission on the General Assembly was appointed in September 1992 to develop "a broad blueprint for the General Assembly in the 21st Century." A draft report from the Commission was released for public comment in August 1993. Downsizing was front page news and discussed for months before both houses of the Legislature passed their bills and the public ratified the amendments in November 1994. The other changes recommended by the Commission and passed by the legislature have already been implemented (4-year terms for General Officers, elimination of pensions, legislative pay increases and health benefits, increased administrative staff, modernization of communications systems which include the legislative database on the Internet...),

A decision to present voters with referendum to amend the State Constitution is never one that should be taken lightly. In this respect, the decision to ask voters to revisit an issue relatively soon after they have directly passed upon it carries an even heavier burden of persuasion, particularly when the disputed change has not yet been tested and other significant changes have already been made based upon the assumption that the referendum changes would remain in effect. The issue here is whether the arguments advanced in favor of a repeat referendum are sufficient to sustain that burden.

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