

115TH CONGRESS  
1ST SESSION

# H. R. 1102

To require States to conduct Congressional redistricting through independent commissions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Ms. LOFGREN (for herself, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. CLAY, Mr. COHEN, Mrs. DAVIS of California, Mr. DEFAZIO, Mrs. DINGELL, Mr. ELLISON, Ms. ESHOO, Ms. ESTY, Mr. FOSTER, Mr. GARAMENDI, Mr. HASTINGS, Mr. HOYER, Mr. HUFFMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mrs. LAWRENCE, Ms. LEE, Mr. LOWENTHAL, Ms. MATSUI, Mr. NADLER, Ms. NORTON, Mr. O'ROURKE, Ms. PELOSI, Ms. PINGREE, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RYAN of Ohio, Mr. SARBANES, Mr. SCHIFF, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mr. VEASEY, Mr. WELCH, Mr. DELANEY, Mr. YARMUTH, Mr. TED LIEU of California, Mr. SHERMAN, Mr. LARSON of Connecticut, Mr. RASKIN, Mr. BROWN of Maryland, and Mr. NOLAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require States to conduct Congressional redistricting through independent commissions, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Redistricting Reform Act of 2017”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Finding of constitutional authority.

**TITLE I—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING**

- Sec. 101. Limit on Congressional redistricting after an apportionment.
- Sec. 102. Requiring Congressional redistricting to be conducted through plan of independent State commission.

**TITLE II—INDEPENDENT REDISTRICTING COMMISSIONS**

- Sec. 201. Independent redistricting commission.
- Sec. 202. Establishment of selection pool of individuals eligible to serve as members of commission.
- Sec. 203. Criteria for redistricting plan by independent commission; public notice and input.
- Sec. 204. Establishment of related entities.

**TITLE III—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS**

- Sec. 301. Enactment of plan developed by 3-judge court.
- Sec. 302. Special rule for redistricting conducted under order of Federal court.

**TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

- Sec. 401. Payments to States for carrying out redistricting.
- Sec. 402. Civil enforcement.
- Sec. 403. State apportionment notice defined.
- Sec. 404. No effect on elections for State and local office.
- Sec. 405. Effective date.

6 **SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.**

7 Congress finds that it has the authority to establish  
8 the terms and conditions States must follow in carrying  
9 out Congressional redistricting after an apportionment of  
10 Members of the House of Representatives because—

11 (1) the authority granted to Congress under ar-  
12 ticle I, section 4 of the Constitution of the United

1 States gives Congress the power to enact laws gov-  
2 erning the time, place, and manner of elections for  
3 Members of the House of Representatives; and

4 (2) the authority granted to Congress under  
5 section 5 of the fourteenth amendment to the Con-  
6 stitution gives Congress the power to enact laws to  
7 enforce section 2 of such amendment, which requires  
8 Representatives to be apportioned among the several  
9 States according to their number.

10 **TITLE I—REQUIREMENTS FOR**  
11 **CONGRESSIONAL REDIS-**  
12 **TRICTING**

13 **SEC. 101. LIMIT ON CONGRESSIONAL REDISTRICTING**  
14 **AFTER AN APPORTIONMENT.**

15 The Act entitled “An Act for the relief of Doctor Ri-  
16 cardo Vallejo Samala and to provide for congressional re-  
17 districting”, approved December 14, 1967 (2 U.S.C. 2c),  
18 is amended by adding at the end the following: “A State  
19 which has been redistricted in the manner provided by law  
20 after an apportionment under section 22(a) of the Act en-  
21 titled ‘An Act to provide for the fifteenth and subsequent  
22 decennial censuses and to provide for an apportionment  
23 of Representatives in Congress’, approved June 18, 1929  
24 (2 U.S.C. 2a), may not be redistricted again until after  
25 the next apportionment of Representatives under such sec-

1 tion, unless a court requires the State to conduct such  
 2 subsequent redistricting to comply with the Constitution  
 3 or to enforce the Voting Rights Act of 1965 (52 U.S.C.  
 4 10301 et seq.).”.

5 **SEC. 102. REQUIRING CONGRESSIONAL REDISTRICTING TO**  
 6 **BE CONDUCTED THROUGH PLAN OF INDE-**  
 7 **PENDENT STATE COMMISSION.**

8 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any  
 9 other provision of law, any Congressional redistricting  
 10 conducted by a State shall be conducted in accordance  
 11 with—

12 (1) the redistricting plan developed and enacted  
 13 into law by the independent redistricting commission  
 14 established in the State, in accordance with title II;  
 15 or

16 (2) if a plan developed by such commission is  
 17 not enacted into law, the redistricting plan developed  
 18 and enacted into law by a 3-judge court of the  
 19 United States District Court for the District of Co-  
 20 lumbia, in accordance with section 301.

21 (b) **CONFORMING AMENDMENT.**—Section 22(c) of  
 22 the Act entitled “An Act to provide for the fifteenth and  
 23 subsequent decennial censuses and to provide for an ap-  
 24 portionment of Representatives in Congress”, approved  
 25 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking

1 “in the manner provided by the law thereof” and insert-  
2 ing: “in the manner provided by the Redistricting Reform  
3 Act of 2017”.

4 **TITLE II—INDEPENDENT**  
5 **REDISTRICTING COMMISSIONS**

6 **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

7 (a) APPOINTMENT OF MEMBERS.—

8 (1) IN GENERAL.—The nonpartisan agency es-  
9 tablished or designated by a State under section  
10 204(a) shall establish an independent redistricting  
11 commission for the State, which shall consist of 12  
12 members appointed by the agency as follows:

13 (A) The agency shall appoint 4 members  
14 on a random basis from the majority category  
15 of the approved selection pool (as described in  
16 section 202(b)(1)(A)).

17 (B) The agency shall appoint 4 members  
18 on a random basis from the minority category  
19 of the approved selection pool (as described in  
20 section 202(b)(1)(B)).

21 (C) The agency shall appoint 4 members  
22 on a random basis from the independent cat-  
23 egory of the approved selection pool (as de-  
24 scribed in section 202(b)(1)(C)).

1           (2) APPOINTMENT OF ALTERNATES TO SERVE  
2           IN CASE OF VACANCIES.—At the time the agency ap-  
3           points the members of the independent redistricting  
4           commission under paragraph (1) from each of the  
5           categories referred to in such paragraph, the agency  
6           shall, on a random basis, designate 2 other individ-  
7           uals from such category to serve as alternate mem-  
8           bers who may be appointed to fill vacancies in the  
9           commission in accordance with paragraph (3).

10           (3) VACANCY.—If a vacancy occurs in the com-  
11           mission with respect to a member who was ap-  
12           pointed from one of the categories referred to in  
13           paragraph (1), the nonpartisan agency shall fill the  
14           vacancy by appointing, on a random basis, one of  
15           the 2 alternates from such category who was des-  
16           ignated under paragraph (2). At the time the agency  
17           appoints an alternate to fill a vacancy under the pre-  
18           vious sentence, the agency shall designate, on a ran-  
19           dom basis, another individual from the same cat-  
20           egory to serve as an alternate member, in accord-  
21           ance with paragraph (2).

22           (b) PROCEDURES FOR CONDUCTING COMMISSION  
23           BUSINESS.—

24           (1) CHAIR.—Members of an independent redis-  
25           tricting commission established under this section

1 shall select by majority vote one member who was  
2 appointed from the independent category of the ap-  
3 proved selection pool described in section  
4 202(b)(1)(C) to serve as chair of the commission.  
5 The commission may not take any action to develop  
6 a redistricting plan for the State under section 203  
7 until the appointment of the commission's chair.

8 (2) REQUIRING MAJORITY APPROVAL FOR AC-  
9 TIONS.—The independent redistricting commission  
10 of a State may not publish and disseminate any  
11 draft or final redistricting plan, or take any other  
12 action, without the approval of at least—

13 (A) a majority of the whole membership of  
14 the commission; and

15 (B) at least one member of the commission  
16 appointed from each of the categories of the ap-  
17 proved selection pool described in section  
18 202(b)(1).

19 (3) QUORUM.—A majority of the members of  
20 the commission shall constitute a quorum.

21 (c) STAFF; CONTRACTORS.—

22 (1) STAFF.—The independent redistricting  
23 commission of a State may appoint and set the pay  
24 of such staff as it considers appropriate, subject to  
25 State law.

1           (2) CONTRACTORS.—The independent redistricting  
2           commission of a State may enter into such  
3           contracts with vendors as it considers appropriate,  
4           subject to State law, except that any such contract  
5           shall be valid only if approved by the vote of a ma-  
6           jority of the members of the commission, including  
7           at least one member appointed from each of the cat-  
8           egories of the approved selection pool described in  
9           section 202(b)(1).

10           (3) GOAL OF IMPARTIALITY.—The commission  
11           shall take such steps as it considers appropriate to  
12           ensure that any staff appointed under this sub-  
13           section, and any vendor with whom the commission  
14           enters into a contract under this subsection, will  
15           work in an impartial manner, and may require any  
16           person who applies for an appointment to a staff po-  
17           sition or for a vendor’s contract with the commission  
18           to provide information on the person’s history of po-  
19           litical activity (including donations to candidates, po-  
20           litical committees, and political parties) as a condi-  
21           tion of the appointment or the contract.

22           (d) TERMINATION.—

23           (1) IN GENERAL.—The independent redistricting  
24           commission of a State shall terminate on the  
25           earlier of—



1 (A) June 14 of the following year ending  
2 in the numeral zero; or

3 (B) the day on which the nonpartisan  
4 agency established or designated by a State  
5 under section 204(a) has, in accordance with  
6 section 202(b)(1), submitted a selection pool to  
7 the Select Committee on Redistricting for the  
8 State established under section 204(b).

9 (2) PRESERVATION OF RECORDS.—The State  
10 shall ensure that the records of the independent re-  
11 districting commission are retained in the appro-  
12 priate State archive in such manner as may be nec-  
13 essary to enable the State to respond to any civil ac-  
14 tion brought with respect to Congressional redis-  
15 tricting in the State.

16 **SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
17 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
18 **OF COMMISSION.**

19 (a) CRITERIA FOR ELIGIBILITY.—

20 (1) IN GENERAL.—An individual is eligible to  
21 serve as a member of an independent redistricting  
22 commission if the individual meets each of the fol-  
23 lowing criteria:

1 (A) As of the date of appointment, the in-  
2 dividual is registered to vote in elections for  
3 Federal office held in the State.

4 (B) During the 3-year period ending on  
5 the date of the individual's appointment, the in-  
6 dividual has been continuously registered to  
7 vote with the same political party, or has not  
8 been registered to vote with any political party.

9 (C) The individual submits to the non-  
10 partisan agency established or designated by a  
11 State under section 203, at such time and in  
12 such form as the agency may require, an appli-  
13 cation for inclusion in the selection pool under  
14 this section, and includes with the application a  
15 written statement containing the following in-  
16 formation and assurances:

17 (i) A statement of the political party  
18 with which the individual is affiliated, if  
19 any.

20 (ii) An assurance that the individual  
21 shall commit to carrying out the individ-  
22 ual's duties under this Act in an honest,  
23 independent, and impartial fashion, and to  
24 upholding public confidence in the integrity  
25 of the redistricting process.

1                   (iii) An assurance that, during the  
2                   covered periods described in paragraph (3),  
3                   the individual has not taken and will not  
4                   take any action which would disqualify the  
5                   individual from serving as a member of the  
6                   commission under paragraph (2).

7                   (2) DISQUALIFICATIONS.—An individual is not  
8                   eligible to serve as a member of the commission if  
9                   any of the following applies during any of the cov-  
10                  ered periods described in paragraph (3):

11                  (A) The individual or (in the case of the  
12                  covered periods described in subparagraphs (A)  
13                  and (B) of paragraph (3)) an immediate family  
14                  member of the individual holds public office or  
15                  is a candidate for election for public office.

16                  (B) The individual or (in the case of the  
17                  covered periods described in subparagraphs (A)  
18                  and (B) of paragraph (3)) an immediate family  
19                  member of the individual serves as an officer of  
20                  a political party or as an officer, employee, or  
21                  paid consultant of a campaign committee of a  
22                  candidate for public office.

23                  (C) The individual or (in the case of the  
24                  covered periods described in subparagraphs (A)  
25                  and (B) of paragraph (3)) an immediate family

1 member of the individual holds a position as a  
2 registered lobbyist under the Lobbying Disclo-  
3 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an  
4 equivalent State or local law.

5 (D) The individual or (in the case of the  
6 covered periods described in subparagraphs (A)  
7 and (B) of paragraph (3)) an immediate family  
8 member of the individual is an employee of an  
9 elected public official, a contractor with the leg-  
10 islatre of the State, or a donor to the cam-  
11 paign of any candidate for public office (other  
12 than a donor who, during any of such covered  
13 periods, gives an aggregate amount of \$20,000  
14 or less to the campaigns of all candidates for all  
15 public offices).

16 (3) COVERED PERIODS DESCRIBED.—In this  
17 subsection, the term “covered period” means, with  
18 respect to the appointment of an individual to the  
19 commission, any of the following:

20 (A) The 5-year period ending on the date  
21 of the individual’s appointment.

22 (B) The period beginning on the date of  
23 the individual’s appointment and ending on Au-  
24 gust 14 of the next year ending in the numeral  
25 one.

1           (C) The 5-year period beginning on the  
2           day after the last day of the period described in  
3           subparagraph (B).

4           (4) IMMEDIATE FAMILY MEMBER DEFINED.—In  
5           this subsection, the term “immediate family mem-  
6           ber” means, with respect to an individual, a father,  
7           stepfather, mother, stepmother, son, stepson, daugh-  
8           ter, stepdaughter, brother, stepbrother, sister, step-  
9           sister, husband, wife, father-in-law, or mother-in-  
10          law.

11          (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
12          POOL.—

13           (1) IN GENERAL.—Not later than June 15 of  
14          each year ending in the numeral zero, the non-  
15          partisan agency established or designated by a State  
16          under section 204(a) shall develop and submit to the  
17          Select Committee on Redistricting for the State es-  
18          tablished under section 204(b) a selection pool of 36  
19          individuals who are eligible to serve as members of  
20          the independent redistricting commission of the  
21          State under this Act, consisting of individuals in the  
22          following categories:

23           (A) A majority category, consisting of 12  
24          individuals who are affiliated with the political  
25          party with the largest percentage of the reg-

1           istered voters in the State who are affiliated  
2           with a political party (as determined with re-  
3           spect to the most recent Statewide election for  
4           Federal office held in the State for which such  
5           information is available).

6                   (B) A minority category, consisting of 12  
7           individuals who are affiliated with the political  
8           party with the second largest percentage of the  
9           registered voters in the State who are affiliated  
10          with a political party (as so determined).

11                   (C) An independent category, consisting of  
12          12 individuals who are not affiliated with either  
13          of the political parties described in subpara-  
14          graph (A) or subparagraph (B).

15           (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
16          OPING POOL.—In selecting individuals for the selec-  
17          tion pool under this subsection, the nonpartisan  
18          agency shall—

19                   (A) to the maximum extent practicable, en-  
20          sure that the pool reflects the representative de-  
21          mographic groups (including races, ethnicities,  
22          and genders) and geographic regions of the  
23          State; and

24                   (B) take into consideration the analytical  
25          skills of the individuals selected in relevant

1 fields (including mapping, data management,  
2 law, community outreach, demography, and the  
3 geography of the State) and their ability to  
4 work on an impartial basis.

5 (3) DETERMINATION OF POLITICAL PARTY AF-  
6 FILIATION OF INDIVIDUALS IN SELECTION POOL.—  
7 For purposes of this section, an individual shall be  
8 considered to be affiliated with a political party on  
9 the basis of the information the individual provides  
10 in the application submitted under subsection  
11 (a)(1)(D).

12 (4) ENCOURAGING RESIDENTS TO APPLY FOR  
13 INCLUSION IN POOL.—The nonpartisan agency shall  
14 take such steps as may be necessary to ensure that  
15 residents of the State across various geographic re-  
16 gions and demographic groups are aware of the op-  
17 portunity to serve on the independent redistricting  
18 commission, including publicizing the role of the  
19 panel and using newspapers, broadcast media, and  
20 online sources, including ethnic media, to encourage  
21 individuals to apply for inclusion in the selection  
22 pool developed under this subsection.

23 (5) REPORT ON ESTABLISHMENT OF SELEC-  
24 TION POOL.—At the time the nonpartisan agency  
25 submits the selection pool to the Select Committee

1 on Redistricting under paragraph (1), it shall pub-  
2 lish a report describing the process by which the  
3 pool was developed, and shall include in the report  
4 a description of how the individuals in the pool meet  
5 the eligibility criteria of subsection (a) and of how  
6 the pool reflects the factors the agency is required  
7 to take into consideration under paragraph (2).

8 (6) ACTION BY SELECT COMMITTEE.—

9 (A) IN GENERAL.—Not later than 14 days  
10 after receiving the selection pool from the non-  
11 partisan agency under paragraph (1), the Select  
12 Committee on Redistricting shall—

13 (i) approve the pool as submitted by  
14 the nonpartisan agency, in which case the  
15 pool shall be considered the approved selec-  
16 tion pool for purposes of section 201(a)(1);  
17 or

18 (ii) reject the pool, in which case the  
19 nonpartisan agency shall develop and sub-  
20 mit a replacement selection pool in accord-  
21 ance with subsection (c).

22 (B) INACTION DEEMED REJECTION.—If  
23 the Select Committee on Redistricting fails to  
24 approve or reject the pool within the deadline  
25 set forth in subparagraph (A), the Select Com-



1           mittee shall be deemed to have rejected the pool  
2           for purposes of such subparagraph.

3           (c) DEVELOPMENT OF REPLACEMENT SELECTION  
4 POOL.—

5           (1) IN GENERAL.—If the Select Committee on  
6 Redistricting rejects the selection pool submitted by  
7 the nonpartisan agency under subsection (b), not  
8 later than 14 days after the rejection, the non-  
9 partisan agency shall develop and submit to the Se-  
10 lect Committee a replacement selection pool, under  
11 the same terms and conditions that applied to the  
12 development and submission of the selection pool  
13 under paragraphs (1) through (5) of subsection (b).  
14 The replacement pool submitted under this para-  
15 graph may include individuals who were included in  
16 the rejected selection pool submitted under sub-  
17 section (b), so long as at least one of the individuals  
18 in the replacement pool was not included in such re-  
19 jected pool.

20           (2) ACTION BY SELECT COMMITTEE.—

21           (A) IN GENERAL.—Not later than 14 days  
22 after receiving the replacement selection pool  
23 from the nonpartisan agency under paragraph  
24 (1), the Select Committee on Redistricting  
25 shall—

1 (i) approve the pool as submitted by  
2 the nonpartisan agency, in which case the  
3 pool shall be considered the approved selec-  
4 tion pool for purposes of section 201(a)(1);  
5 or

6 (ii) reject the pool, in which case the  
7 nonpartisan agency shall develop and sub-  
8 mit a second replacement selection pool in  
9 accordance with subsection (d).

10 (B) INACTION DEEMED REJECTION.—If  
11 the Select Committee on Redistricting fails to  
12 approve or reject the pool within the deadline  
13 set forth in subparagraph (A), the Select Com-  
14 mittee shall be deemed to have rejected the pool  
15 for purposes of such subparagraph.

16 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
17 LECTION POOL.—

18 (1) IN GENERAL.—If the Select Committee on  
19 Redistricting rejects the replacement selection pool  
20 submitted by the nonpartisan agency under sub-  
21 section (c), not later than 14 days after the rejec-  
22 tion, the nonpartisan agency shall develop and sub-  
23 mit to the Select Committee a second replacement  
24 selection pool, under the same terms and conditions  
25 that applied to the development and submission of

1 the selection pool under paragraphs (1) through (5)  
2 of subsection (b). The second replacement selection  
3 pool submitted under this paragraph may include in-  
4 dividuals who were included in the rejected selection  
5 pool submitted under subsection (b) or the rejected  
6 replacement selection pool submitted under sub-  
7 section (c), so long as at least one of the individuals  
8 in the replacement pool was not included in either  
9 such rejected pool.

10 (2) ACTION BY SELECT COMMITTEE.—

11 (A) IN GENERAL.—Not later than 14 days  
12 after receiving the second replacement selection  
13 pool from the nonpartisan agency under para-  
14 graph (1), the Select Committee on Redis-  
15 tricting shall—

16 (i) approve the pool as submitted by  
17 the nonpartisan agency, in which case the  
18 pool shall be considered the approved selec-  
19 tion pool for purposes of section 201(a)(1);  
20 or

21 (ii) reject the pool, in which case—

22 (I) the nonpartisan agency shall  
23 not develop or submit any other selec-  
24 tion pool for purposes of this Act; and

1 (II) the United States District  
2 Court for the District of Columbia  
3 shall develop and enact the redistricting  
4 plan for the State, in accordance  
5 with section 301.

6 (B) INACTION DEEMED REJECTION.—If  
7 the Select Committee on Redistricting fails to  
8 approve or reject the pool within the deadline  
9 set forth in subparagraph (A), the Select Committee  
10 shall be deemed to have rejected the pool  
11 for purposes of such subparagraph.

12 **SEC. 203. CRITERIA FOR REDISTRICTING PLAN BY INDEPENDENT COMMISSION; PUBLIC NOTICE AND**  
13 **INPUT.**  
14

15 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

16 (1) CRITERIA.—The independent redistricting  
17 commission of a State shall develop a redistricting  
18 plan for the State in accordance with the following  
19 criteria, prioritized according to the following order:

20 (A) Districts shall each have equal population  
21 per representative as nearly as practicable, in accordance with the Constitution of  
22 the United States.

23 (B) To the extent not inconsistent with the  
24 above criteria, districts shall comply with the  
25

1 Voting Rights Act of 1965 (52 U.S.C. 10301 et  
2 seq.).

3 (C) To the extent not inconsistent with the  
4 above criteria, districts shall be geographically  
5 contiguous.

6 (D) To the extent practicable and not in-  
7 consistent with the above criteria, district  
8 boundaries shall minimize the division of any  
9 community of interest, municipality, county, or  
10 neighborhood. For purposes of this subpara-  
11 graph, a community of interest is a contiguous  
12 population which shares common social or eco-  
13 nomic interests that should be included within  
14 a single district for purposes of its effective and  
15 fair representation. Examples of such shared in-  
16 terests are those common to an urban area, a  
17 rural area, an industrial area, or an agricultural  
18 area, and those common to areas in which the  
19 people share similar living standards, use the  
20 same transportation facilities, have similar work  
21 opportunities, or have access to the same media  
22 of communication relevant to the election proc-  
23 ess. Communities of interest shall not include  
24 relationships with political parties, incumbent  
25 officeholders, or political candidates.

1           (E) To the extent practicable and not in-  
2           consistent with the above criteria, districts shall  
3           be geographically compact such that nearby  
4           areas of population are not bypassed for more  
5           distant areas of population.

6           (2) FACTORS PROHIBITED FROM CONSIDER-  
7           ATION.—In developing the redistricting plan for the  
8           State, the independent redistricting commission may  
9           not take into consideration any of the following fac-  
10          tors, except to the extent necessary to comply with  
11          the Voting Rights Act of 1965:

12           (A) The political party affiliation or voting  
13           history of the population of a district.

14           (B) The residence of any Member of the  
15           House of Representatives or candidate.

16          (b) PUBLIC NOTICE AND INPUT.—

17           (1) USE OF OPEN AND TRANSPARENT PROC-  
18           ESS.—The independent redistricting commission of a  
19           State shall hold each of its meetings in public, shall  
20           solicit and take into consideration comments from  
21           the public throughout the process of developing the  
22           redistricting plan for the State, and shall carry out  
23           its duties in an open and transparent manner which  
24           provides for the widest public dissemination reason-

1 ably possible of its proposed and final redistricting  
2 plans.

3 (2) WEBSITE.—The commission shall maintain  
4 a public Internet site which is not affiliated with or  
5 maintained by the office of any elected official and  
6 which includes the following features:

7 (A) General information on the commission  
8 and its members, including contact information.

9 (B) An updated schedule of commission  
10 hearings and activities, including deadlines for  
11 the submission of comments.

12 (C) All draft redistricting plans developed  
13 by the commission under subsection (c) and the  
14 final redistricting plan developed under sub-  
15 section (d).

16 (D) Live streaming of commission hearings  
17 and an archive of previous meetings and other  
18 commission records.

19 (E) A method by which members of the  
20 public may submit comments directly to the  
21 commission.

22 (F) Access to the demographic data used  
23 by the commission to develop the proposed re-  
24 districting plans, together with any software  
25 used to draw maps of proposed districts.

1           (3) PUBLIC COMMENT PERIOD.—The commis-  
2           sion shall solicit, accept, and consider comments  
3           from the public with respect to its duties, activities,  
4           and procedures at any time during the period—

5                   (A) which begins on January 1 of the year  
6                   ending in the numeral one; and

7                   (B) which ends 7 days before the date of  
8                   the meeting at which the commission shall vote  
9                   on approving the final redistricting plan for en-  
10                  actment into law under subsection (d)(2).

11           (4) MEETINGS AND HEARINGS IN VARIOUS GEO-  
12           GRAPHIC LOCATIONS.—To the greatest extent prac-  
13           ticable, the commission shall hold its meetings and  
14           hearings in various geographic regions and locations  
15           throughout the State.

16           (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
17           NARY REDISTRICTING PLAN.—

18                   (1) IN GENERAL.—Prior to developing and pub-  
19                   lishing a final redistricting plan under subsection  
20                   (d), the independent redistricting commission of a  
21                   State shall develop and publish a preliminary redis-  
22                   tricting plan.

23                   (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-  
24                   VELOPMENT.—



1           (A) 3 HEARINGS REQUIRED.—Prior to de-  
2           veloping a preliminary redistricting plan under  
3           this subsection, the commission shall hold not  
4           fewer than 3 public hearings at which members  
5           of the public may provide input and comments  
6           regarding the potential contents of redistricting  
7           plans for the State and the process by which  
8           the commission will develop the preliminary  
9           plan under this subsection.

10           (B) MINIMUM PERIOD FOR NOTICE PRIOR  
11           TO HEARINGS.—The commission shall notify  
12           the public through the website maintained  
13           under subsection (b)(2), as well as through pub-  
14           lication of notice in newspapers of general cir-  
15           culation throughout the State, of the date, time,  
16           and location of each of the hearings held under  
17           this paragraph not fewer than 14 days prior to  
18           the date of the hearing.

19           (3) PUBLICATION OF PRELIMINARY PLAN.—

20           (A) IN GENERAL.—The commission shall  
21           post the preliminary redistricting plan devel-  
22           oped under this subsection, together with a re-  
23           port that includes the commission’s responses  
24           to any public comments received under sub-  
25           section (b)(3), on the website maintained under

1 subsection (b)(2), and shall provide for the pub-  
2 lication of each such plan in newspapers of gen-  
3 eral circulation throughout the State.

4 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
5 TO PUBLICATION.—Not fewer than 14 days  
6 prior to the date on which the commission posts  
7 and publishes the preliminary plan under this  
8 paragraph, the commission shall notify the pub-  
9 lic through the website maintained under sub-  
10 section (b)(2), as well as through publication of  
11 notice in newspapers of general circulation  
12 throughout the State, of the pending publica-  
13 tion of the plan.

14 (4) MINIMUM PERIOD FOR PUBLIC COMMENT  
15 AFTER PUBLICATION OF PLAN.—The commission  
16 shall accept and consider comments from the public  
17 with respect to the preliminary redistricting plan  
18 published under paragraph (3) for not fewer than 30  
19 days after the date on which the plan is published.

20 (5) POST-PUBLICATION HEARINGS.—

21 (A) 3 HEARINGS REQUIRED.—After post-  
22 ing and publishing the preliminary redistricting  
23 plan under paragraph (3), the commission shall  
24 hold not fewer than 3 public hearings at which

1 members of the public may provide input and  
2 comments regarding the preliminary plan.

3 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
4 TO HEARINGS.—The commission shall notify  
5 the public through the website maintained  
6 under subsection (b)(2), as well as through pub-  
7 lication of notice in newspapers of general cir-  
8 culation throughout the State, of the date, time,  
9 and location of each of the hearings held under  
10 this paragraph not fewer than 14 days prior to  
11 the date of the hearing.

12 (6) PERMITTING MULTIPLE PRELIMINARY  
13 PLANS.—At the option of the commission, after de-  
14 veloping and publishing the preliminary redistricting  
15 plan under this subsection, the commission may de-  
16 velop and publish subsequent preliminary redis-  
17 tricting plans, so long as the process for the develop-  
18 ment and publication of each such subsequent plan  
19 meets the requirements set forth in this subsection  
20 for the development and publication of the first pre-  
21 liminary redistricting plan.

22 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-  
23 TRICTING PLAN.—

24 (1) IN GENERAL.—After taking into consider-  
25 ation comments from the public on any preliminary

1       redistricting plan developed and published under  
2       subsection (c), the independent redistricting commis-  
3       sion of a State shall develop and publish a final re-  
4       districting plan for the State.

5               (2) MEETING; FINAL VOTE.—Not later than  
6       August 15 of each year ending in the numeral one,  
7       the commission shall hold a public hearing at which  
8       the members of the commission shall vote on approv-  
9       ing the final plan for enactment into law.

10              (3) PUBLICATION OF PLAN AND ACCOMPANYING  
11       MATERIALS.—Not fewer than 14 days before the  
12       date of the meeting under paragraph (2), the com-  
13       mission shall provide the following information to  
14       the public through the website maintained under  
15       subsection (b)(2), as well as through newspapers of  
16       general circulation throughout the State:

17              (A) The final redistricting plan, including  
18       all relevant maps.

19              (B) A report by the commission to accom-  
20       pany the plan which provides the background  
21       for the plan and the commission's reasons for  
22       selecting the plan as the final redistricting plan,  
23       including responses to the public comments re-  
24       ceived on any preliminary redistricting plan de-  
25       veloped and published under subsection (c).

1 (C) Any dissenting or additional views with  
2 respect to the plan of individual members of the  
3 commission.

4 (4) ENACTMENT.—The final redistricting plan  
5 developed and published under this subsection shall  
6 be deemed to be enacted into law if—

7 (A) the plan is approved by a majority of  
8 the whole membership of the commission; and

9 (B) at least one member of the commission  
10 appointed from each of the categories of the ap-  
11 proved selection pool described in section  
12 202(b)(1) approves the plan.

13 (e) DEADLINE.—The independent redistricting com-  
14 mission of a State shall approve a final redistricting plan  
15 for the State not later than August 15 of each year ending  
16 in the numeral one.

17 **SEC. 204. ESTABLISHMENT OF RELATED ENTITIES.**

18 (a) ESTABLISHMENT OR DESIGNATION OF NON-  
19 PARTISAN AGENCY OF STATE LEGISLATURE.—

20 (1) IN GENERAL.—Each State shall establish a  
21 nonpartisan agency in the legislative branch of the  
22 State government to appoint the members of the  
23 independent redistricting commission for the State  
24 in accordance with section 201.

1           (2) NONPARTISANSHIP DESCRIBED.—For pur-  
2           poses of this subsection, an agency shall be consid-  
3           ered to be nonpartisan if under law the agency—

4                   (A) is required to provide services on a  
5           nonpartisan basis;

6                   (B) is required to maintain impartiality;  
7           and

8                   (C) is prohibited from advocating for the  
9           adoption or rejection of any legislative proposal.

10          (3) DESIGNATION OF EXISTING AGENCY.—At  
11          its option, a State may designate an existing agency  
12          in the legislative branch of its government to appoint  
13          the members of the independent redistricting com-  
14          mission plan for the State under this Act, so long  
15          as the agency meets the requirements for non-  
16          partisanship under this subsection.

17          (4) TERMINATION OF AGENCY SPECIFICALLY  
18          ESTABLISHED FOR REDISTRICTING.—If a State does  
19          not designate an existing agency under paragraph  
20          (3) but instead establishes a new agency to serve as  
21          the nonpartisan agency under this section, the new  
22          agency shall terminate upon the enactment into law  
23          of the redistricting plan for the State.

1           (5) DEADLINE.—The State shall meet the re-  
2           quirements of this subsection not later than each  
3           August 15 of a year ending in the numeral nine.

4           (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
5           DISTRICTING.—

6           (1) IN GENERAL.—Each State shall appoint a  
7           Select Committee on Redistricting to approve or dis-  
8           approve a selection pool developed by the inde-  
9           pendent redistricting commission for the State under  
10          section 202.

11          (2) APPOINTMENT.—The Select Committee on  
12          Redistricting for a State under this subsection shall  
13          consist of the following members:

14                (A) 1 member of the upper house of the  
15                State legislature, who shall be appointed by the  
16                leader of the party with the greatest number of  
17                seats in the upper house.

18                (B) 1 member of the upper house of the  
19                State legislature, who shall be appointed by the  
20                leader of the party with the second greatest  
21                number of seats in the upper house.

22                (C) 1 member of the lower house of the  
23                State legislature, who shall be appointed by the  
24                leader of the party with the greatest number of  
25                seats in the lower house.

1           (D) 1 member of the lower house of the  
2           State legislature, who shall be appointed by the  
3           leader of the party with the second greatest  
4           number of seats in the lower house.

5           (3) SPECIAL RULE FOR STATES WITH UNICAM-  
6           ERAL LEGISLATURE.—In the case of a State with a  
7           unicameral legislature, the Select Committee on Re-  
8           districting for the State under this subsection shall  
9           consist of the following members:

10           (A) 2 members of the State legislature ap-  
11           pointed by the leader of the party with the  
12           greatest number of seats in the legislature.

13           (B) 2 members of the State legislature ap-  
14           pointed by the leader of the party with the sec-  
15           ond greatest number of seats in legislature.

16           (4) DEADLINE.—The State shall meet the re-  
17           quirements of this subsection not later than each  
18           January 15 of a year ending in the numeral zero.



1 **TITLE III—ROLE OF COURTS IN**  
2 **DEVELOPMENT OF REDIS-**  
3 **TRICTING PLANS**

4 **SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**  
5 **COURT.**

6 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
7 gering events described in subsection (c) occur with re-  
8 spect to a State—

9 (1) not later than December 15 of the year in  
10 which the triggering event occurs, the United States  
11 District Court for the District of Columbia, acting  
12 through a 3-judge court convened pursuant to sec-  
13 tion 2284 of title 28, United States Code, shall de-  
14 velop and publish the congressional redistricting  
15 plan for the State; and

16 (2) the plan developed and published by the  
17 Court under this subsection shall be deemed to be  
18 enacted on the date on which the Court publishes  
19 the plan.

20 (b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

21 (1) CRITERIA.—It is the sense of Congress  
22 that, in developing a redistricting plan for a State  
23 under this section, the Court should adhere to the  
24 same terms and conditions that applied (or that  
25 would have applied, as the case may be) to the devel-

1       opment of a plan by the independent redistricting  
2       commission of the State under section 203(a).

3               (2) ACCESS TO INFORMATION AND RECORDS OF  
4       COMMISSION.—The Court shall have access to any  
5       information, data, software, or other records and  
6       material that was used (or that would have been  
7       used, as the case may be) by the independent redistricting  
8       commission of the State in carrying out its  
9       duties under this Act.

10       (c) TRIGGERING EVENTS DESCRIBED.—The “triggering  
11       events” described in this subsection are as follows:

12               (1) The failure of the State to establish or designate  
13       a nonpartisan agency of the State legislature  
14       under section 204(a) prior to the expiration of the  
15       deadline set forth in section 204(a)(5).

16               (2) The failure of the State to appoint a Select  
17       Committee on Redistricting under section 204(b)  
18       prior to the expiration of the deadline set forth in  
19       section 204(b)(4).

20               (3) The failure of the Select Committee on Redistricting  
21       to approve any selection pool under section  
22       202 prior to the expiration of the deadline set  
23       forth for the approval of the second replacement  
24       selection pool in section 202(d)(2).

1           (4) The failure of the independent redistricting  
2           commission of the State to approve a final redistricting  
3           plan for the State prior to the expiration of  
4           the deadline set forth in section 203(e).

5 **SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED**  
6                                   **UNDER ORDER OF FEDERAL COURT.**

7           If a Federal court requires a State to conduct redistricting  
8           subsequent to an apportionment of Representatives in the State  
9           in order to comply with the Constitution or to enforce the Voting  
10          Rights Act of 1965, section 203 shall apply with respect to the  
11          redistricting, except that the court may revise any of the  
12          deadlines set forth in such section if the court determines that  
13          a revision is appropriate in order to provide for a timely  
14          enactment of a new redistricting plan for the State.

16 **TITLE IV—ADMINISTRATIVE AND**  
17 **MISCELLANEOUS PROVISIONS**

18 **SEC. 401. PAYMENTS TO STATES FOR CARRYING OUT REDISTRICTING.**  
19

20           (a) **AUTHORIZATION OF PAYMENTS.**—Subject to subsection  
21          (d), not later than 30 days after a State receives a State  
22          apportionment notice, the Election Assistance Commission shall  
23          make a payment to the State in an amount equal to the product of—  
24

1           (1) the number of Representatives to which the  
2           State is entitled, as provided under the notice; and

3           (2) \$150,000.

4           (b) USE OF FUNDS.—A State shall use the payment  
5           made under this section to establish and operate the  
6           State’s independent redistricting commission, to imple-  
7           ment the State redistricting plan, and to otherwise carry  
8           out Congressional redistricting in the State.

9           (c) NO PAYMENT TO STATES WITH SINGLE MEM-  
10          BER.—The Election Assistance Commission shall not  
11          make a payment under this section to any State which  
12          is not entitled to more than one Representative under its  
13          State apportionment notice.

14          (d) REQUIRING SUBMISSION OF SELECTION POOL AS  
15          CONDITION OF PAYMENT.—The Election Assistance Com-  
16          mission may not make a payment to a State under this  
17          section until the State certifies to the Commission that  
18          the nonpartisan agency established or designated by a  
19          State under section 204(a) has, in accordance with section  
20          202(b)(1), submitted a selection pool to the Select Com-  
21          mittee on Redistricting for the State established under  
22          section 204(b).

23          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
24          are authorized to be appropriated such sums as may be  
25          necessary for payments under this section.

1 **SEC. 402. CIVIL ENFORCEMENT.**

2 (a) CIVIL ENFORCEMENT.—

3 (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
4 torney General may bring a civil action in an appro-  
5 priate district court for such relief as may be appro-  
6 priate to carry out this Act.

7 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
8 TION.—Any citizen of a State who is aggrieved by  
9 the failure of the State redistricting plan which is  
10 enacted into law under section 203 to meet the re-  
11 quirements for such a plan under this Act may bring  
12 a civil action in an appropriate district court for  
13 such relief as may be appropriate to remedy the fail-  
14 ure, so long as the individual brings the action dur-  
15 ing the 45-day period which begins on the date on  
16 which the plan is enacted into law.

17 (b) EXPEDITED CONSIDERATION.—In any action  
18 brought forth under this section, the following rules shall  
19 apply:

20 (1) The action shall be filed in the United  
21 States District Court for the District of Columbia  
22 and shall be heard by a 3-judge court convened pur-  
23 suant to section 2284 of title 28, United States  
24 Code.

1           (2) The 3-judge court shall consolidate actions  
2 brought for relief under subsection (b)(1) with re-  
3 spect to the same State redistricting plan.

4           (3) A copy of the complaint shall be delivered  
5 promptly to the Clerk of the House of Representa-  
6 tives and the Secretary of the Senate.

7           (4) A final decision in the action shall be re-  
8 viewable only by appeal directly to the Supreme  
9 Court of the United States. Such appeal shall be  
10 taken by the filing of a notice of appeal within 10  
11 days, and the filing of a jurisdictional statement  
12 within 30 days, of the entry of the final decision.

13           (5) It shall be the duty of the district court and  
14 the Supreme Court of the United States to advance  
15 on the docket and to expedite to the greatest pos-  
16 sible extent the disposition of the action and appeal.

17           (c) ATTORNEY'S FEES.—In a civil action under this  
18 section, the court may allow the prevailing party (other  
19 than the United States) reasonable attorney fees, includ-  
20 ing litigation expenses, and costs.

21           (d) RELATION TO OTHER LAWS.—

22           (1) RIGHTS AND REMEDIES ADDITIONAL TO  
23 OTHER RIGHTS AND REMEDIES.—The rights and  
24 remedies established by this section are in addition  
25 to all other rights and remedies provided by law, and

1       neither the rights and remedies established by this  
2       section nor any other provision of this Act shall su-  
3       persede, restrict, or limit the application of the Vot-  
4       ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

5               (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
6       this Act authorizes or requires conduct that is pro-  
7       hibited by the Voting Rights Act of 1965 (52 U.S.C.  
8       10301 et seq.).

9       **SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.**

10       In this Act, the “State apportionment notice” means,  
11       with respect to a State, the notice sent to the State from  
12       the Clerk of the House of Representatives under section  
13       22(b) of the Act entitled “An Act to provide for the fif-  
14       teenth and subsequent decennial censuses and to provide  
15       for an apportionment of Representatives in Congress”, ap-  
16       proved June 18, 1929 (2 U.S.C. 2a), of the number of  
17       Representatives to which the State is entitled.

18       **SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND**  
19               **LOCAL OFFICE.**

20       Nothing in this Act or in any amendment made by  
21       this Act may be construed to affect the manner in which  
22       a State carries out elections for State or local office, in-  
23       cluding the process by which a State establishes the dis-  
24       tricts used in such elections.

1 **SEC. 405. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 apply with respect to redistricting carried out pursuant to  
4 the decennial census conducted during 2020 or any suc-  
5 ceeding decennial census.

○