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1ST SESSION

H. R. 419

To require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2011

Mr. COOPER (for himself, Mr. BARROW, Mr. MATHESON, Mr. CARDOZA, Mr. SCHIFF, Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Mr. BACA, Mr. ALTMIRE, Mr. BOREN, Mr. SHULER, Mr. ROSS of Arkansas, Ms. HARMAN, Mr. BISHOP of Georgia, Mr. COSTA, Mr. DONNELLY of Indiana, Mr. MCINTYRE, Mr. SCHRADER, Mr. HOLDEN, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, 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; FINDING OF CONSTITUTIONAL**
2 **AUTHORITY.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Redistricting Transparency Act of 2011”.

5 (b) **FINDING.**—Congress finds that it has the author-
6 ity to require States to follow certain procedures in car-
7 rying out Congressional redistricting after an apportion-
8 ment of Members of the House of Representatives be-
9 cause—

10 (1) the authority granted to Congress under ar-
11 ticle I, section 4 of the Constitution of the United
12 States gives Congress the power to enact laws gov-
13 erning the time, place, and manner of elections for
14 Members of the House of Representatives; and

15 (2) the authority granted to Congress under
16 section 5 of the fourteenth amendment to the Con-
17 stitution gives Congress the power to enact laws to
18 enforce section 2 of such amendment, which requires
19 Representatives to be apportioned among the several
20 States according to their number.

21 **SEC. 2. REQUIRING REDISTRICTING TO BE CONDUCTED**
22 **UNDER PROCEDURES PROVIDING OPPOR-**
23 **TUNITY FOR PUBLIC PARTICIPATION.**

24 (a) **REQUIREMENT.**—

25 (1) **IN GENERAL.**—Notwithstanding any other
26 provision of law, any Congressional redistricting con-

1 ducted by a State shall be conducted in accordance
2 with a process under which the entity responsible for
3 developing Congressional redistricting plans in the
4 State (hereafter in this Act referred to as the “State
5 redistricting entity”)—

6 (A) in accordance with section 3, estab-
7 lishes and operates an Internet site;

8 (B) in accordance with section 4, provides
9 opportunities for participation by members of
10 the public in the initial development of such
11 plans;

12 (C) in accordance with section 5, provides
13 opportunities for members of the public to re-
14 spond to the proposed final Congressional redis-
15 tricting plan; and

16 (D) in accordance with section 6, notifies
17 members of the public regarding the final Con-
18 gressional redistricting plan adopted for the
19 State.

20 (2) OTHER PROCEDURES PERMITTED.—Noth-
21 ing in this Act or the amendments made by this Act
22 may be construed to prohibit a State from con-
23 ducting Congressional redistricting in accordance
24 with such procedures as the State considers appro-
25 priate, to the extent that such procedures are con-

1 otherwise provide timely information on the entity's
2 activities.

3 (2) The site contains the most recent available
4 information from the Bureau of the Census on vot-
5 ing-age population, voter registration, and voting re-
6 sults in the State, including precinct-level and cen-
7 sus tract-level data with respect to such information,
8 as well as detailed maps reflecting such information.

9 (3) The site permits any individual to submit
10 comments on any plan proposed by the entity, and
11 to submit questions, comments, and other informa-
12 tion with respect to the entity's activities.

13 (4) The site includes any other information the
14 entity is required to post under this Act.

15 (b) DEADLINE FOR POSTING OF COMMENTS SUB-
16 MITTED BY PUBLIC.—The State redistricting entity shall
17 ensure that any comment submitted by a member of the
18 public to the site established under this section, including
19 a comment on any plan proposed by the entity or any
20 other person, and any other comment relating to Congres-
21 sional redistricting in the State, is posted on the site not
22 later than 72 hours after submission.

23 (c) UPDATING OF INFORMATION.—The State redis-
24 tricting entity shall take all actions necessary to ensure
25 that the site established under this section is updated con-

1 tinuously to provide timely advance notice of the entity's
2 meetings and to otherwise provide timely information on
3 the entity's activities.

4 (d) DEADLINE.—

5 (1) IN GENERAL.—The State redistricting enti-
6 ty shall establish the site under this section as soon
7 as practicable after the completion of the regular de-
8 cennial census, but in no case later than the final
9 deadline provided under section 22(b) of the Act en-
10 titled “An Act to provide for the fifteenth and subse-
11 quent decennial censuses and to provide for an ap-
12 portionment of Representatives in Congress”, ap-
13 proved June 18, 1929 (2 U.S.C. 2a) for the Clerk
14 of the House of Representatives to transmit to the
15 State the notice of the number of Representatives to
16 which the State is entitled in the following Congress.

17 (2) SPECIAL RULE FOR REDISTRICTING FOL-
18 LOWING 2010 CENSUS.—In the case of the regular
19 decennial census conducted during 2010, the State
20 redistricting entity shall establish the site under this
21 section not later than 90 days after the date of en-
22 actment of this Act.

1 **SEC. 4. OPPORTUNITIES FOR PARTICIPATION IN INITIAL**
2 **DEVELOPMENT OF CONGRESSIONAL REDIS-**
3 **TRICTING PLANS.**

4 During the 60-day period which begins on the date
5 the State receives the notice referred to in section 3(d)
6 (or, in the case of redistricting plans resulting from the
7 regular decennial census conducted during 2010, during
8 the 60-day period which begins on the date the State es-
9 tablishes the Internet site required under section 3), the
10 State redistricting entity shall solicit the input of members
11 of the public in its work to develop initial Congressional
12 redistricting plans for the State by carrying out the fol-
13 lowing activities:

14 (1) Publishing and posting on the Internet site
15 established under section 3 the criteria which the en-
16 tity will use to develop the Congressional redis-
17 tricting plan for the State.

18 (2) Holding at least one hearing in the State at
19 which members of the public may provide comments
20 on such criteria and any other issues relating to
21 Congressional redistricting in the State.

22 (3) Publishing and posting the transcript of
23 each such hearing, or posting a link to a video re-
24 cording of each such hearing, on the Internet site
25 not later than 7 days after the conclusion of the
26 hearing.

1 **SEC. 5. OPPORTUNITIES TO RESPOND TO PROPOSED FINAL**
2 **CONGRESSIONAL REDISTRICTING PLAN**
3 **ADOPTED BY REDISTRICTING ENTITY.**

4 (a) NOTICE OF FINAL PLAN.—Not later than 10
5 days prior to adopting a final Congressional redistricting
6 plan for the State, the State redistricting entity shall post
7 on the Internet site established under section 3 (and, if
8 practicable, cause to have published in newspapers of gen-
9 eral circulation throughout the State) the following infor-
10 mation:

11 (1) A detailed version of the proposed final
12 plan, including—

13 (A) a map showing each Congressional dis-
14 trict established under the plan;

15 (B) a statement of the voting age popu-
16 lation by race and membership in a language
17 minority group of each such district; and

18 (C) a statement of the number of reg-
19 istered voters in each such district, broken
20 down by political party affiliation to the extent
21 that such information is available under State
22 law.

23 (2) A statement explaining the entity's reasons
24 for adopting the proposed final plan and the reasons
25 why the adoption of the plan will best serve the pub-
26 lic interest.

1 (3) Any dissenting statement of any member of
2 the entity who did not approve the proposed final
3 plan.

4 (4) A statement that members of the public
5 may submit comments regarding the proposed final
6 plan through the Internet site, together with infor-
7 mation on how members of the public may submit
8 such comments to the entity through other methods.

9 (b) PUBLIC HEARING PRIOR TO ADOPTION OF FINAL
10 PLAN.—Not later than 7 days prior to adopting the final
11 Congressional redistricting plan for the State, the State
12 redistricting entity shall hold at least one hearing in the
13 State at which members of the public may provide com-
14 ments on the plan and members of the entity may explain
15 the reasons why the adoption of the plan will best serve
16 the public interest. The entity shall publish and post the
17 transcript of each such hearing, or post a link to a video
18 recording of each such hearing, on the Internet site estab-
19 lished under section 3.

20 (c) TREATMENT OF AMENDED AND NEW PLANS.—
21 If, in response to public comment or for any other reason,
22 the State redistricting entity posts an amended version of
23 the proposed final Congressional redistricting plan which
24 is posted on the Internet site under subsection (a) or posts
25 a new proposed final Congressional redistricting plan, sub-

1 sections (a) and (b) shall apply with respect to the amend-
2 ed version of the plan or the new plan in the same manner
3 as such subsections apply with respect to the proposed
4 final plan which is first posted under subsection (a), ex-
5 cept to the extent that the application of such subsections
6 would require the entity to violate a deadline established
7 by State law for the submission of a final Congressional
8 redistricting plan to the State legislature.

9 **SEC. 6. NOTICE OF FINAL ADOPTED CONGRESSIONAL RE-**
10 **DISTRICTING PLAN.**

11 Not later than 7 days after the State redistricting
12 entity adopts the final Congressional redistricting plan for
13 the State, the entity shall post on the Internet site estab-
14 lished under section 3 (and, if practicable, cause to have
15 published in newspapers of general circulation throughout
16 the State) the following information:

17 (1) A detailed version of the plan, including—

18 (A) a map showing each Congressional dis-
19 trict established under the plan;

20 (B) a statement for each such district of
21 the total population and voting age population
22 by race and membership in a language minority
23 group; and

24 (C) a statement of the number of reg-
25 istered voters in each such district, broken

1 down by political party affiliation to the extent
2 that such information is available under State
3 law.

4 (2) To the extent that the State maintains data
5 on the number of registered voters by race and
6 membership in a language minority group, a state-
7 ment for each such district of the number of reg-
8 istered voters by race and membership in a language
9 minority group.

10 (3) A statement explaining the entity's reasons
11 for adopting the plan and the reasons why the adop-
12 tion of the plan will best serve the public interest.

13 (4) Any dissenting statements of any members
14 of the entity who did not approve the plan.

15 **SEC. 7. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act shall
17 apply with respect to any Congressional redistricting
18 which occurs after the regular decennial census conducted
19 during 2010.

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