

110TH CONGRESS  
1ST SESSION

# H. R. 2248

To prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2007

Ms. ZOE LOFGREN of California (for herself, Mrs. CAPPS, Mr. COSTA, Mr. CARDOZA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. LANTOS, Mr. MCNERNEY, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. WAXMAN, Mr. HONDA, and Ms. MCCOLLUM of Minnesota) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such 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; FINDING OF CONSTITUTIONAL**  
2 **AUTHORITY.**

3 (a) SHORT TITLE.—This Act may be cited as the  
4 “Redistricting Reform Act of 2007”.

5 (b) FINDING.—Congress finds that it has the author-  
6 ity to establish the terms and conditions States must fol-  
7 low in carrying out Congressional redistricting after an  
8 apportionment of Members of the House of Representa-  
9 tives because—

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. LIMIT ON CONGRESSIONAL REDISTRICTING AFTER**  
22 **AN APPORTIONMENT.**

23 The Act entitled “An Act for the relief of Doctor Ri-  
24 cardo Vallejo Samala and to provide for congressional re-  
25 districting”, approved December 14, 1967 (2 U.S.C. 2c),  
26 is amended by adding at the end the following: “A State

1 which has been redistricted in the manner provided by law  
 2 after an apportionment under section 22(a) of the Act en-  
 3 titled ‘An Act to provide for the fifteenth and subsequent  
 4 decennial censuses and to provide for an apportionment  
 5 of Representatives in Congress’, approved June 18, 1929  
 6 (2 U.S.C. 2a), may not be redistricted again until after  
 7 the next apportionment of Representatives under such sec-  
 8 tion, unless a court requires the State to conduct such  
 9 subsequent redistricting to comply with the Constitution  
 10 or to enforce the Voting Rights Act of 1965 (42 U.S.C.  
 11 1973 et seq.).”.

12 **SEC. 3. REQUIRING REDISTRICTING TO BE CONDUCTED**  
 13 **THROUGH PLAN OF INDEPENDENT STATE**  
 14 **COMMISSION OR PLAN OF HIGHEST STATE**  
 15 **COURT.**

16 (a) USE OF PLAN REQUIRED.—

17 (1) IN GENERAL.—Notwithstanding any other  
 18 provision of law, any Congressional redistricting con-  
 19 ducted by a State shall be conducted in accordance  
 20 with—

21 (A) the redistricting plan developed by the  
 22 independent redistricting commission estab-  
 23 lished in the State, in accordance with section  
 24 5; or

(B) if the plan developed by such commission is not enacted into law, the redistricting plan selected by the highest court in the State or developed by a United States district court, in accordance with section 6.

(2) OTHER CRITERIA AND PROCEDURES PERMITTED.—Nothing in this Act or the amendments made by this Act may be construed to prohibit a State from conducting Congressional redistricting in accordance with such criteria and procedures as the State considers appropriate, to the extent that such criteria and procedures are consistent with the applicable requirements of this Act and the amendments made by this Act.

(b) CONFORMING AMENDMENT.—Section 22(c) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the manner provided by the law thereof” and inserting: “in the manner provided by the Redistricting Reform Act of 2007”.

**SEC. 4. INDEPENDENT, BI-PARTISAN REDISTRICTING COMMISSION.**

(a) APPOINTMENT OF MEMBERS.—

1           (1) IN GENERAL.—Each State shall establish  
2           an independent redistricting commission composed  
3           of the following:

4                   (A) A chair, who shall be appointed by ma-  
5                   jority vote of the other members of the commis-  
6                   sion.

7                   (B) An equal number of members (but not  
8                   fewer than 1) from each of the following cat-  
9                   egories:

10                           (i) Members affiliated with the polit-  
11                           ical party with the greatest number of  
12                           seats in the upper house of the State legis-  
13                           lature, who shall be appointed by the mem-  
14                           bers of that house who represent the polit-  
15                           ical party with the second greatest number  
16                           of seats in that house.

17                           (ii) Members affiliated with the polit-  
18                           ical party with the second greatest number  
19                           of seats in the upper house of the State  
20                           legislature, who shall be appointed by the  
21                           members of that house who represent the  
22                           political party with the greatest number of  
23                           seats in that house.

24                           (iii) Members affiliated with the polit-  
25                           ical party with the greatest number of

1           seats in the lower house of the State legis-  
2           lature, who shall be appointed by the mem-  
3           bers of that house who represent the polit-  
4           ical party with the second greatest number  
5           of seats in that house.

6           (iv) Members affiliated with the polit-  
7           ical party with the second greatest number  
8           of seats in the lower house of the State  
9           legislature, who shall be appointed by the  
10          members of that house who represent the  
11          political party with the greatest number of  
12          seats in that house.

13          (C) A number of members who are not af-  
14          filiated with any of the political parties referred  
15          to in subparagraph (B), who shall be appointed  
16          by not fewer than  $\frac{2}{3}$  of the members appointed  
17          under subparagraph (B), such that the percent-  
18          age of the members of the commission who are  
19          appointed under this subparagraph is equal to  
20          the percentage of registered voters in the State  
21          who are not affiliated with any of the political  
22          parties referred to in subparagraph (B) (with  
23          respect to the most recent statewide election for  
24          Federal office held in the State for which such  
25          information is available).

1           (2) SPECIAL RULE FOR STATES WITH UNICAM-  
2       ERAL LEGISLATURE.—In the case of a State with a  
3       unicameral legislature, the independent redistricting  
4       commission established under this subsection shall  
5       be composed of the following:

6           (A) A chair, who shall be appointed by ma-  
7       jority vote of the other members of the commis-  
8       sion.

9           (B) An equal number of members (but not  
10      fewer than 2) from each of the following cat-  
11      egories:

12           (i) Members appointed by a member  
13      of the legislature who shall be selected by  
14      the chair of the Government Affairs Com-  
15      mittee of the legislature to represent the  
16      State political party whose candidate for  
17      chief executive of the State received the  
18      greatest number of votes on average in the  
19      3 most recent general elections for that of-  
20      fice.

21           (ii) Members appointed by a member  
22      of the legislature who shall be selected by  
23      the chair of the Government Affairs Com-  
24      mittee of the legislature to represent the  
25      State political party whose candidate for

1 chief executive of the State received the  
2 second greatest number of votes on aver-  
3 age in the 3 most recent general elections  
4 for that office.

5 (C) A number of members who are not af-  
6 filiated with any of the political parties referred  
7 to in subparagraph (B), who shall be appointed  
8 by not fewer than  $\frac{2}{3}$  of the members appointed  
9 under subparagraph (B), such that the percent-  
10 age of the members of the commission who are  
11 appointed under this subparagraph is equal to  
12 the percentage of registered voters in the State  
13 who are not affiliated with any of the political  
14 parties referred to in subparagraph (B) (with  
15 respect to the most recent statewide election for  
16 Federal office held in the State for which such  
17 information is available).

18 (3) DETERMINATION OF POLITICAL PARTY AF-  
19 FILIATION.—For purposes of this subsection, an in-  
20 dividual shall be considered to be affiliated with a  
21 political party if the individual is registered with the  
22 party with respect to each of the 3 most recent elec-  
23 tions for Federal office occurring prior to the indi-  
24 vidual's appointment.

25 (b) ELIGIBILITY.—



1           (1) IN GENERAL.—An individual is eligible to  
2       serve as a member of an independent redistricting  
3       commission if—

4           (A) as of the date of appointment, the in-  
5       dividual is registered to vote in elections for  
6       Federal office held in the State, and was reg-  
7       istered to vote in the 2 most recent general  
8       elections for Federal office held in the State;

9           (B) the individual did not hold public office  
10      or run as a candidate for election for public of-  
11      fice, or serve as an employee of a political party  
12      or candidate for election for public office, at  
13      any time during the 4-year period ending on the  
14      December 31 preceding the date of appoint-  
15      ment; and

16          (C) the individual certifies that he or she  
17      will not run as a candidate for the office of  
18      Representative in the Congress until after the  
19      next apportionment of Representatives under  
20      section 22(a) of the Act entitled “An Act to  
21      provide for the fifteenth and subsequent decen-  
22      nial censuses and to provide for an apportion-  
23      ment of Representatives in Congress”, approved  
24      June 18, 1929 (2 U.S.C. 2a).

1           (2) DISCRIMINATION.—The membership of the  
2       Commission shall not be selected in a manner which  
3       results in a denial or abridgement of the right of any  
4       citizen of the United States to vote on account of  
5       race or color. A violation of this subsection is estab-  
6       lished if, based on the totality of circumstances, it  
7       is shown that the membership of the Commission is  
8       not equally open to participation by members of a  
9       class of citizens protected by this subsection in that  
10      its members have less opportunity than other mem-  
11      bers of the electorate to participate in the political  
12      process and to elect representatives of their choice.

13      (c) VACANCY.—A vacancy in the commission shall be  
14      filled in the manner in which the original appointment was  
15      made.

16      (d) DEADLINE.—

17           (1) IN GENERAL.—Each State shall establish a  
18      commission under this section, and the members of  
19      the commission shall appoint the commission's chair,  
20      not later than the first February 1 which occurs  
21      after the chief executive of a State receives the State  
22      apportionment notice.

23           (2) APPOINTMENT OF CHAIR REQUIRED PRIOR  
24      TO DEVELOPMENT OF REDISTRICTING PLAN.—The  
25      commission may not take any action to develop a re-

1        districting plan for the State under section 5 until  
2        the appointment of the commission's chair.

3        (e) REQUIRING MAJORITY APPROVAL FOR AC-  
4 TIONS.—The independent redistricting commission of a  
5 State may not submit a redistricting plan to the State leg-  
6 islature, or take any other action, without the approval  
7 of at least a majority of its members given at a meeting  
8 at which at least a majority of its members are present.

9        (f) TERMINATION.—

10            (1) IN GENERAL.—The independent redis-  
11 tricting commission of a State shall terminate on the  
12 day after the date of the first regularly scheduled  
13 general election for Federal office which occurs after  
14 the chief executive of the State receives the State  
15 apportionment notice.

16            (2) PRESERVATION OF RECORDS.—The State  
17 shall ensure that the records of the independent re-  
18 districting commission are retained in the appro-  
19 priate State archive in such manner as may be nec-  
20 essary to enable the State to respond to any civil ac-  
21 tion brought with respect to Congressional redis-  
22 tricting in the State.

1 **SEC. 5. DEVELOPMENT OF REDISTRICTING PLAN BY INDE-**  
2 **PENDENT COMMISSION; PUBLIC NOTICE AND**  
3 **INPUT.**

4 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

5 (1) CRITERIA.—The independent redistricting  
6 commission of a State shall develop a redistricting  
7 plan for the State in accordance with the following  
8 criteria:

9 (A) Districts shall comply with the Con-  
10 stitution of the United States and the Voting  
11 Rights Act of 1965 (42 U.S.C. 1971 et seq.).  
12 The plan shall neither disperse nor concentrate  
13 minority populations protected under the Vot-  
14 ing Rights Act in a manner that has an adverse  
15 effect on their ability to elect their candidate of  
16 choice.

17 (B) District boundaries shall respect com-  
18 munities of interest to the extent practicable.  
19 Communities of interest shall include, but not  
20 be limited to, shared socio-economic status  
21 characteristics, history of joint governmental co-  
22 operation, housing characteristics, language at  
23 home, educational attainment levels, and neigh-  
24 borhoods. Communities of interest shall not be  
25 defined as representation by a particular legis-  
26 lator.

1 (C) Districts shall each have equal popu-  
2 lation per representative, to the extent prac-  
3 ticable, and in accordance with federal constitu-  
4 tional standards.

5 (D) Districts shall be geographically con-  
6 tiguous.

7 (E) To the extent practicable, district lines  
8 shall use visible geographic features and shall  
9 remain within geographic boundaries.

10 (F) To the extent practicable and con-  
11 sistent with subparagraphs (A), (B), (C), (D),  
12 and (E), district lines shall use city and county  
13 boundaries, or undivided census tracts or block  
14 groups.

15 (G) To the extent practicable, districts  
16 shall be geographically compact.

17 (2) FACTORS PROHIBITED FROM CONSIDER-  
18 ATION.—In developing the redistricting plan for the  
19 State, the independent redistricting commission may  
20 not take into consideration any of the following fac-  
21 tors, except to the extent necessary to comply with  
22 the Voting Rights Act of 1965:

23 (A) The voting history of the population of  
24 a Congressional district, except that the com-  
25 mission may take such history into consider-

1           ation to the extent necessary to comply with  
2           any State law which requires the establishment  
3           of competitive Congressional districts.

4                 (B) The political party affiliation of the  
5           population of a district.

6                 (C) The residence of incumbent Members  
7           of the House of Representatives in the State.

8           (3) PUBLIC NOTICE AND INPUT.—

9                 (A) PUBLIC HEARINGS; SOLICITATION OF  
10          INPUT FROM PUBLIC.—The commission shall  
11          hold each of its meetings in public, and shall so-  
12          licit and take into consideration comments from  
13          the public in developing the redistricting plan  
14          for the State. The commission shall notify the  
15          public through the publication of notice in  
16          newspapers of general circulation throughout  
17          the State, and through a public Internet site of  
18          the State government, of the time and place of  
19          its meetings, of its solicitation of public com-  
20          ments, and of the means by which the public  
21          should submit comments to the commission.

22                 (B) NOTICE OF PLANS.—At the time the  
23          commission submits a redistricting plan to the  
24          legislature of the State under subsection (b)(1),  
25          the commission shall notify the public through

1 the publication of notice in newspapers of gen-  
2 eral circulation throughout the State, and shall  
3 publish a detailed version of the plan (including  
4 a map showing each Congressional district es-  
5 tablished under the plan and the voting age  
6 population by race of each such district) on a  
7 public Internet site of the State government.  
8 The commission shall provide such public notice  
9 of any redistricting plan it develops for a min-  
10 imum of four weeks prior to submission of that  
11 plan to the legislature as provided for in sub-  
12 section (b).

13 (b) SUBMISSION OF PLANS TO LEGISLATURE.—

14 (1) IN GENERAL.—At any time prior to the  
15 first November 1 which occurs after the chief execu-  
16 tive of the State receives the State apportionment  
17 notice, the commission may submit redistricting  
18 plans developed by the commission under this sec-  
19 tion to the legislature of the State.

20 (2) CONSIDERATION OF PLAN BY LEGISLA-  
21 TURE.—After receiving any redistricting plan under  
22 paragraph (1), the legislature of a State may—

23 (A) approve the plan as submitted by the  
24 commission without amendment and forward  
25 the plan to the chief executive of the State; or

1 (B) reject the plan.

2 (3) ENACTMENT OF PLAN.—

3 (A) IN GENERAL.—A redistricting plan de-  
4 veloped by the commission shall be considered  
5 to be enacted into law only if the plan is for-  
6 warded to the chief executive of the State pur-  
7 suant to paragraph (2)(A) and—

8 (i) the chief executive approves the  
9 plan as forwarded by the legislature with-  
10 out amendment; or

11 (ii) the chief executive vetoes the plan  
12 and the legislature overrides the veto in ac-  
13 cordance with the applicable law of the  
14 State, except that at no time may the plan  
15 be amended.

16 (B) SPECIAL RULE.—In the case of a  
17 State in which the chief executive is prohibited  
18 under State law from acting on a redistricting  
19 plan, a redistricting plan developed by the com-  
20 mission shall be considered to be enacted into  
21 law if—

22 (i) the plan is submitted to the legisla-  
23 ture of the State; and



1 (ii) the legislature approves the plan  
2 as submitted by the commission without  
3 amendment.

4 **SEC. 6. SELECTION OF PLAN BY COURTS.**

5 (a) STATE COURT.—

6 (1) SUBMISSION AND SELECTION OF PLAN.—If  
7 a redistricting plan developed by the independent re-  
8 districting commission of a State is not enacted into  
9 law under section 5(b)(3) by the first November 1  
10 which occurs after the chief executive of the State  
11 receives the State apportionment notice, the commis-  
12 sion may submit redistricting plans developed by the  
13 commission in accordance with section 5 to the high-  
14 est court of the State, which may select and publish  
15 one of the submitted plans to serve as the redis-  
16 tracting plan for the State.

17 (2) NO MODIFICATION OF PLAN PERMITTED.—  
18 The highest court of a State may not modify any re-  
19 districting plan submitted under this subsection.

20 (b) FEDERAL COURT.—

21 (1) FAILURE OF STATE COURT TO SELECT  
22 PLAN.—

23 (A) NOTICE TO COURT IF PLAN NOT SE-  
24 LECTED BY STATE COURT.—If a State court to  
25 whom redistricting plans have been submitted

1 under subsection (a) does not select a plan to  
2 serve as the redistricting plan for the State  
3 under such subsection on or before the first De-  
4 cember 1 which occurs after the chief executive  
5 of the State receives the State apportionment  
6 notice, the State shall file a notice with the  
7 United States district court for the district in  
8 which the capital of the State is located.

9 (B) DEVELOPMENT AND SELECTION OF  
10 PLAN BY FEDERAL COURT.—Not later than 30  
11 days after receiving a notice from a State under  
12 subparagraph (A), the court shall develop and  
13 publish a final redistricting plan for the State.

14 (2) FAILURE OF STATE TO ESTABLISH COMMIS-  
15 SION.—

16 (A) IN GENERAL.—If a State does not es-  
17 tablish an independent redistricting commission  
18 under section 4 by the first September 1 which  
19 occurs after the chief executive of the State re-  
20 ceives the State apportionment notice—

21 (i) the State may not establish the  
22 commission; and

23 (ii) the United States district court  
24 for the district in which the capital of the  
25 State is located shall develop and publish

1 a final redistricting plan for the State not  
2 later than the first December 1 which oc-  
3 curs after the chief executive of the State  
4 receives the State apportionment notice.

5 (B) DETERMINATION OF FAILURE TO ES-  
6 TABLISH COMMISSION.—For purposes of sub-  
7 paragraph (A), a State shall be considered to  
8 have failed to establish an independent redis-  
9 tricting commission by the date referred to in  
10 such subparagraph if a chair of the commission  
11 has not been appointed on or before such date.

12 (3) CRITERIA.—It is the sense of Congress  
13 that, in developing a redistricting plan for a State  
14 under this subsection, the district court should ad-  
15 here to the same terms and conditions that applied  
16 to the development of the plan of the commission  
17 under section 5(a).

18 (c) ACCESS TO INFORMATION AND RECORDS OF  
19 COMMISSION.—A court which is required to select, pub-  
20 lish, or develop a redistricting plan for a State under this  
21 section shall have access to any information, data, soft-  
22 ware, or other records and material used by the inde-  
23 pendent redistricting commission of the State in carrying  
24 out its duties under this Act.

1 **SEC. 7. SPECIAL RULE FOR REDISTRICTING CONDUCTED**  
2 **UNDER ORDER OF FEDERAL COURT.**

3 If a Federal court requires a State to conduct redis-  
4 tricting subsequent to an apportionment of Representa-  
5 tives in the State in order to comply with the Constitution  
6 or to enforce the Voting Rights Act of 1965, sections 5  
7 and 6 shall apply with respect to the redistricting, except  
8 that—

9 (1) the deadline for the establishment of the  
10 independent redistricting commission and the ap-  
11 pointment of the commission's chair (as described in  
12 section 4(d)(1)) shall be the expiration of the 30-day  
13 period which begins on the date of the final order of  
14 the Federal court to conduct the redistricting;

15 (2) the deadline for the submission of redis-  
16 tricting plans to the legislature by the commission,  
17 and the date of the termination of the commission  
18 (as described in section 4(f)) shall be the expiration  
19 of the 150-day period which begins on the date of  
20 the final order of the Federal court to conduct the  
21 redistricting;

22 (3) the deadline for the selection and publica-  
23 tion of the plan by the highest court of the State (as  
24 described in section 6(a)) shall be the expiration of  
25 the 180-day period which begins on the date of the

1 final order of the Federal court to conduct the redis-  
2 tricting; and

3 (4) the deadline for the selection and publica-  
4 tion of the plan by the district court of the United  
5 States (as described in section 6(b)) shall be the ex-  
6 piration of the 210-day period which begins on the  
7 date of the final order of the Federal court to con-  
8 duct the redistricting.

9 **SEC. 8. PAYMENTS TO STATES FOR CARRYING OUT REDIS-**  
10 **TRICTING.**

11 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-  
12 section (d), not later than 30 days after a State receives  
13 a State apportionment notice, the Election Assistance  
14 Commission shall make a payment to the State in an  
15 amount equal to the product of—

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

18 (2) \$150,000.

19 (b) **USE OF FUNDS.**—A State shall use the payment  
20 made under this section to establish and operate the  
21 State’s independent redistricting commission, to imple-  
22 ment the State redistricting plan, and to otherwise carry  
23 out Congressional redistricting in the State.

24 (c) **NO PAYMENT TO STATES WITH SINGLE MEM-**  
25 **BER.**—The Election Assistance Commission shall not

1 make a payment under this section to any State which  
2 is not entitled to more than one Representative under its  
3 State apportionment notice.

4 (d) REQUIRING ESTABLISHMENT OF COMMISSION AS  
5 CONDITION OF PAYMENT.—The Election Assistance Com-  
6 mission may not make a payment to a State under this  
7 section until the State certifies to the Commission that  
8 the State has established an independent redistricting  
9 commission, and that a chair of the commission has been  
10 appointed, in accordance with section 4.

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

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

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

1 **SEC. 10. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF AC-**  
2 **TION.**

3 (a) ATTORNEY GENERAL.—The Attorney General  
4 may bring a civil action in an appropriate district court  
5 for such declaratory or injunctive relief as is necessary to  
6 carry out this Act.

7 (b) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—

8 (1) ACTION CHALLENGING CONTENTS OF STATE  
9 REDISTRICTING PLAN.—A person who is aggrieved  
10 by a violation of this Act which consists of the fail-  
11 ure of a State redistricting plan enacted into law  
12 under section 5(b)(3) to be in compliance with para-  
13 graph (1) or paragraph (2) of section 5(a) may  
14 bring a civil action in an appropriate district court  
15 for declaratory or injunctive relief.

16 (2) OTHER ACTIONS.—A person who is ag-  
17 grieved by a violation of this Act which is not de-  
18 scribed in paragraph (1) may bring a civil action in  
19 an appropriate district court for declaratory or in-  
20 junctive relief with respect to the violation if—

21 (A) the person provides written notice of  
22 the violation to the chair of the independent re-  
23 districting commission of the State involved;

24 (B) the violation is not corrected during  
25 the 90-day period which begins on the date of  
26 the receipt of the written notice; and

1 (C) the person brings the action not later  
2 than 30 days after the expiration of the 90-day  
3 period referred to in clause (ii).

4 (3) STATUTE OF LIMITATIONS.—No civil action  
5 may be brought under this subsection with respect  
6 to a State after the expiration of the 30-day period  
7 which begins on the date the State redistricting plan  
8 is enacted into law under section 5(b)(3).

9 (c) EXPEDITED JUDICIAL REVIEW.—In any action  
10 brought for declaratory or injunctive relief under this sec-  
11 tion, the following rules shall apply:

12 (1) The action shall be filed in the appropriate  
13 United States district court and shall be heard by a  
14 3-judge court convened pursuant to section 2284 of  
15 title 28, United States Code.

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

19 (3) A copy of the complaint shall be delivered  
20 promptly to the Clerk of the House of Representa-  
21 tives and the Secretary of the Senate.

22 (4) A final decision in the action shall be re-  
23 viewable only by appeal directly to the Supreme  
24 Court of the United States. Such appeal shall be  
25 taken by the filing of a notice of appeal within 10



1 days, and the filing of a jurisdictional statement  
2 within 30 days, of the entry of the final decision.

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

7 (d) LOCATION OF COURT.—For purposes of an action  
8 under this section, the appropriate district court shall be  
9 the district court of the United States for the district  
10 which includes the capital of the State involved.

11 (e) ATTORNEY'S FEES.—In a civil action under this  
12 section, the court may allow the prevailing party (other  
13 than the United States) reasonable attorney fees, includ-  
14 ing litigation expenses, and costs.

15 (f) RELATION TO OTHER LAWS.—(1) The rights and  
16 remedies established by this section are in addition to all  
17 other rights and remedies provided by law, and neither  
18 the rights and remedies established by this section nor any  
19 other provision of this Act shall supersede, restrict, or  
20 limit the application of the Voting Rights Act of 1965 (42  
21 U.S.C. 1973 et seq.).

22 (2) Nothing in this Act authorizes or requires con-  
23 duct that is prohibited by the Voting Rights Act of 1965  
24 (42 U.S.C. 1973 et seq.).

1 **SEC. 11. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 become effective upon the date of enactment.

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