

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6250

To establish the terms and conditions States must follow in carrying out  
Congressional redistricting.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. NUNES introduced the following bill; which was referred to the Committee  
on the Judiciary

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## A BILL

To establish the terms and conditions States must follow  
in carrying out Congressional redistricting.

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

3 **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**

4 **AUTHORITY.**

5 (a) **SHORT TITLE.**—This Act may be cited as the  
6 “Congressional Redistricting Formula Act”.

7 (b) **FINDING.**—Congress finds that it has the author-  
8 ity to establish the terms and conditions States must fol-  
9 low in carrying out congressional redistricting after an ap-

1 portionment of Members of the House of Representatives  
2 because—

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

8 (2) the authority granted to Congress under  
9 section 5 of the 14th amendment to the Constitution  
10 gives Congress the power to enact laws to enforce  
11 section 2 of such amendment, which requires Rep-  
12 resentatives to be apportioned among the several  
13 States according to their number.

14 **SEC. 2. STANDARDS FOR ESTABLISHMENT OF CONGRES-**  
15 **SIONAL DISTRICTS.**

16 (a) **REQUIRING REDISTRICTING TO FOLLOW STAND-**  
17 **ARDS.—**

18 (1) **IN GENERAL.—**Notwithstanding any other  
19 provision of law, any Congressional redistricting con-  
20 ducted by a State after an apportionment of Rep-  
21 resentatives shall be conducted in accordance with a  
22 plan—

23 (A) which meets the standards described in  
24 subsection (b); and

1 (B) is enacted in accordance with the pub-  
2 lic notice requirements of subsection (c).

3 (2) PRIORITY IN CASE OF CONFLICT.—To the  
4 extent that it is inconsistent for a State to apply  
5 each of the standards described in subsection (b) in  
6 the case of a Congressional district, the State shall  
7 give priority to the standards in the order in which  
8 they are listed in subsection (b).

9 (b) STANDARDS DESCRIBED.—

10 (1) EQUAL POPULATION.—The number of per-  
11 sons in each Congressional district in a State shall  
12 be as nearly equal to the number of persons in each  
13 other district in the State as is practicable.

14 (2) BASIS FOR DETERMINING POPULATION.—  
15 The enumeration made pursuant to section 2 of arti-  
16 cle I of the Constitution shall be the sole basis for  
17 determining population.

18 (3) CONTIGUITY OF TERRITORY.—Congres-  
19 sional districts in the State shall be comprised of  
20 contiguous territory, including adjoining insular ter-  
21 ritory.

22 (4) CONSISTENCY WITH VOTING RIGHTS ACT.—  
23 Congressional districts in the State shall be estab-  
24 lished in conformance with the requirements of the  
25 Voting Rights Act of 1965.

1           (5) NO DILUTION OF VOTING STRENGTH.—Con-  
2           gressional districts in the State may not be estab-  
3           lished with the major purpose of diluting the voting  
4           strength of any person, or group, including any po-  
5           litical party, except as necessary to comply with the  
6           requirements of the Voting Rights Act of 1965.

7           (6) AVOIDING DIVISION OF UNITS OF LOCAL  
8           GOVERNMENT.—

9           (A) IN GENERAL.—Except as necessary to  
10          comply with the requirements of the Voting  
11          Rights Act of 1965, the boundaries of Congres-  
12          sional districts in the State shall be drawn so  
13          as to avoid the unnecessary division of units of  
14          local government and, to the greatest extent  
15          possible, shall be drawn in accordance with the  
16          following specific standards:

17               (i) No more than one Congressional  
18               district shall cross the common boundary  
19               between any 2 counties, townships, towns,  
20               villages, cities, or any other units of local  
21               government.

22               (ii) No Congressional district shall  
23               contain more than 2 fragments of counties,  
24               townships, towns, villages, cities, or any  
25               other units of local government.

1 (iii) No county, township, town, vil-  
2 lage, city, or other unit of local government  
3 shall contain more than 2 Congressional  
4 district fragments.

5 (B) FRAGMENT DEFINED.—For purposes  
6 of subparagraph (A), the term “fragment”  
7 means, with respect to a Congressional district,  
8 county, township, town, village, city, or other  
9 unit of local government, a portion of the unit  
10 which does not contain all the population of the  
11 Congressional district or unit of local govern-  
12 ment (as the case may be). For purposes of this  
13 specific standard, a unit of local government in-  
14 cludes the area and population entirely sur-  
15 rounded by that unit’s outer boundary, includ-  
16 ing the area and population of any other units  
17 of local government within that boundary.

18 (7) PROMOTING COMPACTNESS OF DIS-  
19 TRICTS.—

20 (A) IN GENERAL.—Congressional districts  
21 in a State shall be compact in form, and the  
22 boundaries of districts shall be drawn so that  
23 nearby populations are not bypassed in favor of  
24 more distant populations, in accordance with  
25 the following criteria:

1 (i) Each district shall contain no less  
2 than 60 percent of the population con-  
3 tained in that figure drawn around that  
4 district, bounded by only straight lines,  
5 with the shortest possible perimeter.

6 (ii) The average of the sum of per-  
7 centages calculated under clause (i) for all  
8 the districts in the State shall not be less  
9 than 75 percent.

10 (iii) Only the population within the  
11 State in which each district is located shall  
12 be used in making the calculations de-  
13 scribed in clauses (i) and (ii), except that  
14 the population of offshore islands may be  
15 excluded in making these calculations.

16 (B) COMPUTATION OF PERCENTAGES.—

17 For purposes of computing the percentages de-  
18 scribed in subparagraph (A), the total popu-  
19 lations of a census block shall be deemed within  
20 a Congressional district or figure surrounding  
21 that Congressional district if the geographic  
22 center of that block falls within the district or  
23 the figure drawn around the district. For pur-  
24 poses of the previous sentence, the geographic  
25 center of a census block shall be defined as the

1 point contained within the boundaries of the  
2 census block which is normally calculated to  
3 display a label in that block when generating a  
4 map.

5 (c) PUBLIC NOTICE REQUIREMENTS.—

6 (1) SOLICITATION OF COMMENTS PRIOR TO EN-  
7 ACTMENT.—A State may not enact a plan for Con-  
8 gressional redistricting unless, during a period of at  
9 least 2 weeks preceding the enactment of the plan—

10 (A) the State makes available on the Inter-  
11 net and publishes detailed maps showing the  
12 exact boundaries of each proposed Congres-  
13 sional district and a detailed analysis of the  
14 population of each proposed Congressional dis-  
15 trict; and

16 (B) the State solicits comments and ques-  
17 tions on the plan from the public, under such  
18 methods as the State may select which provide  
19 the greatest opportunity practicable for public  
20 input.

21 (2) SHARING OF INFORMATION USED TO DE-  
22 VELOP PLANS.—

23 (A) POSTING OF INFORMATION.—During  
24 the period described in subparagraph (B), the  
25 entity of the government of a State which re-

1           sponsible for conducting Congressional redistricting in the State shall make available on the  
2           Internet (on a continuously updated basis) all  
3           of the population and demographic data which  
4           is used by the State to develop Congressional  
5           redistricting plans.  
6

7           (B) PERIOD DESCRIBED.—The period described in this subparagraph is the period—  
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9           (i) which begins on the final deadline  
10          provided under section 22(b) of the Act entitled “An Act to provide for the fifteenth  
11          and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18,  
12          1929 (2 U.S.C. 2a), for the Clerk of the House of Representatives to transmit to  
13          the State the notice of the number of Representatives to which the State is entitled  
14          in the following Congress; and  
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20          (ii) which ends on the date on which  
21          the State enacts the Congressional redistricting plan.  
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1 **SEC. 3. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL**  
2 **OFFICE.**

3 Nothing in this Act may be construed to affect the  
4 manner in which a State carries out elections for State  
5 or local office, including the process by which a State es-  
6 tablishes the districts used in such elections.

7 **SEC. 4. EFFECTIVE DATE.**

8 This Act shall apply with respect to any congressional  
9 redistricting which occurs after the regular decennial cen-  
10 sus conducted during 2010.

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