

116TH CONGRESS
1ST SESSION

H. R. 4000

To establish the use of ranked choice voting in elections for Representatives in Congress, to require each State with more than one Representative to establish multi-member congressional districts, to require States to conduct congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. BEYER (for himself, Mr. RASKIN, Mr. MCGOVERN, Mr. KHANNA, Mr. COOPER, and Mr. PETERS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the use of ranked choice voting in elections for Representatives in Congress, to require each State with more than one Representative to establish multi-member congressional districts, 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 “Fair Representation Act”.

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—RANKED CHOICE VOTING

Sec. 101. Requiring ranked choice voting for election of Representatives.

“Subtitle C—Ranked Choice Voting

“PART 1—REQUIRING RANKED CHOICE VOTING FOR ELECTION OF
REPRESENTATIVES

“Sec. 321. Requiring ranked choice voting for election of Representatives.
“Sec. 322. Application to District of Columbia and territories.
“Sec. 323. Treatment of States not holding primary elections prior to date
of general election.

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat congressional elections.
“Sec. 332. Tabulation for multi-seat congressional elections.
“Sec. 333. Exclusion of inactive ballots.
“Sec. 334. Batch elimination.
“Sec. 335. Treatment of ties between candidates.
“Sec. 336. Continuing candidate defined.

“PART 3—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

“Sec. 341. Payments to States to implement ranked choice voting.
Sec. 102. Applicability of enforcement provisions of Help America Vote Act of
2002.
Sec. 103. Effective date.

TITLE II—MULTI-MEMBER DISTRICTS

Sec. 201. Requiring use of multi-member districts in certain States.
Sec. 202. Requiring certain States to elect all Representatives at large.
Sec. 203. Establishing minimum number of candidates in general election.
Sec. 204. Conforming amendments.
Sec. 205. Exception for States in which use of multi-member districts will re-
sult in diminishment of voting rights.
Sec. 206. Effective date.

TITLE III—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Subtitle A—General Requirements

- Sec. 301. Requiring congressional redistricting to be conducted through plan of independent State commission.
- Sec. 302. Limit on congressional redistricting after an apportionment.

Subtitle B—Independent Redistricting Commissions

- Sec. 311. Independent redistricting commission.
- Sec. 312. Establishment of selection pool of individuals eligible to serve as members of commission.
- Sec. 313. Criteria for redistricting plan by independent commission; public notice and input.
- Sec. 314. Establishment of related entities.
- Sec. 315. Report on diversity of memberships of independent redistricting commissions.

Subtitle C—Role of Courts in Development of Redistricting Plans

- Sec. 321. Enactment of plan developed by 3-judge court.
- Sec. 322. Special rule for redistricting conducted under order of Federal court.

Subtitle D—Administrative and Miscellaneous Provisions

- Sec. 331. Payments to States for carrying out redistricting.
- Sec. 332. Civil enforcement.
- Sec. 333. State apportionment notice defined.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. No effect on elections for State and local office.
- Sec. 402. Severability.
- Sec. 403. Effective date.

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

2 Congress finds that it has the authority to establish

3 the terms and conditions States must follow in carrying

4 out congressional redistricting after an apportionment of

5 Members of the House of Representatives and in admin-

6 istering elections for the House of Representatives be-

7 cause—

8 (1) the authority granted to Congress under ar-

9 ticle I, section 4 of the Constitution of the United

10 States gives Congress the power to enact laws gov-

11 erning the time, place, and manner of elections for

12 Members of the House of Representatives; and

1 (2) the authority granted to Congress under
 2 section 5 of the 14th Amendment to the Constitu-
 3 tion gives Congress the power to enact laws to en-
 4 force section 2 of such amendment, which requires
 5 Representatives to be apportioned among the several
 6 States according to their number.

7 **TITLE I—RANKED CHOICE** 8 **VOTING**

9 **SEC. 101. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
 10 **TION OF REPRESENTATIVES.**

11 (a) IN GENERAL.—Title III of the Help America
 12 Vote Act of 2001 (52 U.S.C. 21081 et seq.) is amended
 13 by adding at the end the following new subtitle:

14 **“Subtitle C—Ranked Choice Voting**
 15 **“PART 1—REQUIRING RANKED CHOICE VOTING**
 16 **FOR ELECTION OF REPRESENTATIVES**

17 **“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
 18 **TION OF REPRESENTATIVES.**

19 “(a) RANKED CHOICE VOTING.—Each State shall
 20 carry out elections for the office of Representative in Con-
 21 gress using a system of ranked choice voting under which
 22 each voter shall rank the candidates for the office in the
 23 order of the voter’s preference, in accordance with the fol-
 24 lowing:

1 “(1) In any single-seat election, the State shall
2 carry out the election using single-seat ranked choice
3 voting as described in section 331.

4 “(2) In any multi-seat election, the State shall
5 carry out the election using multi-seat ranked choice
6 voting as described in section 332.

7 “(b) BALLOT DESIGN.—Each State shall ensure that
8 the ballot used in an election carried out using a system
9 of ranked choice voting under this title meets each of the
10 following requirements:

11 “(1) The ballot shall be simple and easy to un-
12 derstand.

13 “(2) The ballot shall include all qualified can-
14 didates for the election and (to the extent permitted
15 under State law) options for voters to select write-
16 in candidates. If feasible, the ballot shall permit vot-
17 ers to rank every candidate in the election. If it is
18 not feasible for the ballot to permit voters to rank
19 every candidate, the State may limit the number of
20 candidates who may be ranked on the ballot to not
21 fewer than six.

22 “(3) The ballot shall include such instructions
23 as the State considers necessary to enable the voter
24 to rank candidates and successfully cast the ballot
25 under the system.

1 “(c) DEFINITION.—In this title—

2 “(1) the term ‘single-seat election’ means any
3 primary election in which exactly one candidate in
4 the primary election will advance to the general elec-
5 tion, any special election for exactly one seat, and
6 any general election in which only one Representa-
7 tive is elected at large; and

8 “(2) the term ‘multi-seat election’ means any
9 primary election in which more than one candidate
10 in the primary election will advance to the general
11 election, any special election for more than one seat,
12 and any general election in which more than one
13 Representative is elected at large or in a multi-mem-
14 ber district.

15 **“SEC. 322. APPLICATION TO DISTRICT OF COLUMBIA AND**
16 **TERRITORIES.**

17 “(a) ELECTION OF DELEGATES AND RESIDENT COM-
18 MISSIONER.—In this subtitle, the term ‘Representative’ in-
19 cludes a Delegate or Resident Commissioner to the Con-
20 gress.

21 “(b) APPLICATION TO NORTHERN MARIANA IS-
22 LANDS.—This subtitle shall apply with respect to the
23 Commonwealth of the Northern Mariana Islands in the
24 same manner as this subtitle applies to a State.

1 **“SEC. 323. TREATMENT OF STATES NOT HOLDING PRIMARY**
 2 **ELECTIONS PRIOR TO DATE OF GENERAL**
 3 **ELECTION.**

4 “Nothing in this title shall be construed to require
 5 a State to hold a primary election for the office of Rep-
 6 resentative in Congress prior to the date established under
 7 section 25 of the Revised Statutes of the United States
 8 (2 U.S.C. 7) for the regularly scheduled general election
 9 for such office, so long as the determination of the can-
 10 didates who are elected to such office is based solely on
 11 the votes cast with respect to the election held on such
 12 date, as determined in accordance with the system of
 13 ranked choice voting under this title.

14 **“PART 2—TABULATION PROCESS**

15 **“SEC. 331. TABULATION FOR SINGLE-SEAT CONGRES-**
 16 **SIONAL ELECTIONS.**

17 “(a) IN GENERAL.—

18 “(1) DETERMINATION OF CANDIDATE’S NUM-
 19 BER OF VOTES.—In the case of a single-seat elec-
 20 tion, the number of votes received by a candidate in
 21 either the initial tabulation or in an additional round
 22 of tabulation shall be equal to the number of ballots
 23 on which that candidate is the highest ranked con-
 24 tinuing candidate.

25 “(2) CRITERIA FOR ELECTION.—In the case of
 26 a single-seat election, a candidate shall be elected to

1 the office of Representative in Congress (or, in the
2 case of a primary election, shall advance to the gen-
3 eral election for such office as provided under the
4 law of the State involved) if—

5 “(A) in the initial tabulation of ballots, the
6 candidate receives a number of votes greater
7 than 50 percent of the number of ballots cast
8 in the election; or

9 “(B) if the election official carries out an
10 additional round of tabulation under subsection
11 (b), the candidate receives the greatest number
12 of votes of the 2 remaining continuing can-
13 didates (as described in such subsection).

14 “(b) PROCESS IN CASE NO CANDIDATE ELECTED
15 UNDER INITIAL TABULATION.—

16 “(1) ADDITIONAL ROUNDS OF TABULATION.—
17 If, under the initial tabulation of ballots, no can-
18 didate is elected to office (or, in the case of a pri-
19 mary election, no candidate advances to the general
20 election for such office) under the criteria described
21 in subsection (a)(2)(A), the election official shall
22 carry out additional rounds of tabulation in accord-
23 ance with paragraph (2) until only two continuing
24 candidates remain.

1 “(2) TREATMENT OF BALLOTS IN ADDITIONAL
2 ROUNDS.—In each additional round of tabulation
3 carried out under this subsection—

4 “(A) the candidate receiving the fewest
5 number of votes among all candidates (or, in
6 the case of a State which applies batch elimi-
7 nation under section 334, each candidate in the
8 batch elimination group) shall be treated as a
9 defeated candidate;

10 “(B) for each ballot cast for a defeated
11 candidate, the election official shall determine
12 the highest-ranked candidate on the ballot who
13 is a continuing candidate; and

14 “(C) the vote cast on the ballot shall be
15 transferred to, and added to the total number
16 of votes received by, the highest-ranked con-
17 tinuing candidate determined under subpara-
18 graph (B).

19 **“SEC. 332. TABULATION FOR MULTI-SEAT CONGRESSIONAL**
20 **ELECTIONS.**

21 “(a) IN GENERAL.—

22 “(1) VOTES COUNTED IN ROUNDS.—In the case
23 of a multi-seat election, the votes shall be counted in
24 a series of rounds of tabulation until the number of
25 winning candidates equals the required number of

1 winning candidates with respect to the election, as
2 described in paragraph (4).

3 “(2) CRITERIA FOR ELECTION.—In the case of
4 a multi-seat election, a candidate shall be considered
5 a winning candidate and shall be elected to one of
6 the offices of Representative in the congressional
7 district (or, in the case of a primary election, shall
8 advance to the general election for such offices as
9 provided under the law of State involved) if—

10 “(A) in any round, the candidate has a
11 vote total that exceeds the multi-seat election
12 threshold, as determined under this section; or

13 “(B) the candidate is a continuing can-
14 didate and the number of remaining continuing
15 candidates plus the number of candidates al-
16 ready designated as winning candidates is equal
17 to or less than the required number of winning
18 candidates with respect to the election.

19 “(3) DETERMINATION OF MULTI-SEAT ELEC-
20 TION THRESHOLD.—The multi-seat election thresh-
21 old with respect to an election shall be equal to the
22 total number of valid votes cast in the election di-
23 vided by the sum of the number one and the re-
24 quired number of winning candidates with respect to
25 the election, rounded up to four decimal places.

1 “(4) TABULATION PROCESS.—In the case of a
2 multi-seat election, the votes shall be counted in a
3 series of rounds, beginning with the initial round,
4 under which each candidate has a number of votes
5 equal to the number of votes cast in the election in
6 which the candidate was the highest-ranked can-
7 didate, and proceeding as follows:

8 “(A) If, following any round of counting,
9 the number of winning and continuing can-
10 didates combined is greater than the required
11 number of winning candidates with respect to
12 the election, and at least one candidate has a
13 vote total that exceeds the multi-seat election
14 threshold, as determined under this section,
15 then the following round shall be a surplus tab-
16 ulation round.

17 “(B) If, following any round of counting,
18 the number of winning and continuing can-
19 didates combined is greater than the required
20 number of winning candidates with respect to
21 the election, and no candidate has a vote total
22 that exceeds the multi-seat election threshold,
23 as determined under this section, then the fol-
24 lowing round shall be a candidate elimination
25 round.

1 “(C) If, following any round of counting,
2 the number of winning and continuing can-
3 didates combined is equal to or less than the re-
4 quired number of winning candidates with re-
5 spect to the election, then the remaining con-
6 tinuing candidates shall be designated as win-
7 ning candidates, and the tabulation is complete.

8 “(5) TABULATION ROUNDS DESCRIBED.—

9 “(A) SURPLUS TABULATION ROUND.—In
10 this section, a ‘surplus tabulation round’ is a
11 tabulation round under which each candidate
12 with a vote total greater than the multi-seat
13 election threshold is designated as a winning
14 candidate and the surplus votes for such can-
15 didate are transferred to other candidates, as
16 described in subsection (b)(2).

17 “(B) CANDIDATE ELIMINATION ROUND.—
18 In this section, a ‘candidate elimination round’
19 is a tabulation round under which the candidate
20 with the fewest votes is designated as defeated
21 and votes for that candidate are transferred to
22 other candidates, as described in subsection
23 (b)(3).

24 “(b) PROCESS FOR TRANSFERRING VOTES.—

1 “(1) SURPLUS TABULATION ROUNDS.—In a
2 surplus tabulation round, each candidate with a vote
3 total that exceeds the multi-seat election threshold
4 shall be designated as a winning candidate, and the
5 election official shall transfer the surplus votes for
6 each such candidate to other candidates as follows:

7 “(A) The official shall determine the sur-
8 plus fraction for each candidate designated as a
9 winning candidate at the beginning of the
10 round by taking the difference between the can-
11 didate’s vote total at the beginning of the round
12 and the multi-seat election threshold, and divid-
13 ing that difference by the candidate’s vote total
14 at the beginning of the round.

15 “(B) The official shall reweight each vote
16 counting for each candidate designated as a
17 winning candidate at the beginning of the
18 round by multiplying the vote’s current weight
19 (equal to one if the vote has not been re-
20 weighted in any prior surplus tabulation round)
21 by the surplus fraction determined with respect
22 to the candidate under subparagraph (A),
23 rounding down to four decimal places.

24 “(C) The official shall transfer each vote
25 counting for each candidate designated as a

1 winning candidate at the beginning of the
2 round to the highest ranked continuing can-
3 didate on the ballot on which the vote was cast,
4 counting the vote as a fraction of a vote equal
5 to its new weight as determined under subpara-
6 graph (B).

7 “(D) For all subsequent surplus tabulation
8 rounds, the official shall set the vote total of
9 each candidate designated as a winning can-
10 didate at the beginning of the round to be equal
11 to the multi-seat election threshold.

12 “(2) CANDIDATE ELIMINATION ROUNDS.—In a
13 candidate elimination round, the candidate with the
14 fewest votes (or, in the case of a State which applies
15 batch elimination under section 334, each candidate
16 in the batch elimination group) shall be designated
17 as defeated, and the election official shall transfer
18 the votes for such candidate to other candidates as
19 follows:

20 “(A) The official shall transfer each vote
21 counting for the candidate designated as de-
22 feated at the beginning of the round to the
23 highest ranked continuing candidate on the bal-
24 lot on which the vote was cast, except that if
25 the vote was counted as a fraction of a vote due

1 to being reweighted in a prior surplus transfer
 2 round, it shall continue to count as the same
 3 fraction of a vote in the subsequent candidate
 4 elimination round.

5 “(B) For all subsequent candidate elimi-
 6 nation rounds, the official shall set the vote
 7 total of each candidate designated as defeated
 8 at the beginning of the round to zero votes.

9 **“SEC. 333. EXCLUSION OF INACTIVE BALLOTS.**

10 “(a) INITIAL TABULATION.—In the initial tabulation
 11 of ballots under section 331 or the initial round of tabula-
 12 tion under section 332, if a vote is cast on an inactive
 13 ballot, no vote on the ballot shall be counted for any can-
 14 didate.

15 “(b) ADDITIONAL ROUNDS OF TABULATION.—

16 “(1) SINGLE-SEAT ELECTIONS.—In any addi-
 17 tional round of tabulation conducted with respect to
 18 a single-seat election under section 331(b), if a vote
 19 cast for a defeated candidate is cast on an inactive
 20 ballot, no vote on the ballot may be transferred to
 21 a continuing candidate under section 331(b).

22 “(2) MULTI-SEAT ELECTIONS.—In any addi-
 23 tional round of tabulation conducted with respect to
 24 a multi-seat election under section 332(b)—

1 “(A) if a vote cast for the winning can-
2 didate is cast on an inactive ballot, no portion
3 of the surplus vote on such ballot may be trans-
4 ferred to a continuing candidate under any sur-
5 plus vote tabulation round described in para-
6 graph (2) of section 332(b); and

7 “(B) if a vote cast for a defeated candidate
8 is cast on an inactive ballot, the vote may not
9 be transferred to any continuing candidate
10 under any candidate elimination round de-
11 scribed in paragraph (3) of section 332(b).

12 “(c) INACTIVE BALLOT DEFINED.—In this sub-
13 section, the term ‘inactive ballot’ means—

14 “(1) a ballot on which the voter does not rank
15 any of the continuing candidates in order of pref-
16 erence;

17 “(2) a ballot on which the voter ranked more
18 than one continuing candidate at the highest order
19 of preference; or

20 “(3) a ballot on which the voter skips two or
21 more consecutive numerical rankings prior to the
22 ranking for the continuing candidate at the highest
23 order of preference.

1 **“SEC. 334. BATCH ELIMINATION.**

2 “At the option of the State, with respect to any can-
3 didate elimination round carried out under this subsection,
4 a State may use batch elimination to treat multiple can-
5 didates as defeated candidates for purposes of section
6 331(b)(2) and section 332(b)(2). A continuing candidate
7 is in the elimination batch if the number of winning and
8 continuing candidates with more votes than that candidate
9 is greater than the number of winning candidates required
10 with respect to the election, and it is mathematically im-
11 possible for that candidate to be a winning candidate in
12 the election for any of the following reasons:

13 “(1) The candidate’s vote total in the initial
14 tabulation of ballots plus all of the votes that could
15 possibly be transferred to the candidate in the addi-
16 tional rounds of tabulation would not be enough to
17 equal or surpass the continuing candidate with the
18 next highest vote total in the initial tabulation of
19 ballots.

20 “(2) The candidate has a lower current vote
21 total than a continuing candidate who is described
22 by paragraph (1).

23 **“SEC. 335. TREATMENT OF TIES BETWEEN CANDIDATES.**

24 “If a tie occurs between candidates with the greatest
25 number of votes or the fewest number of votes at any point
26 in the tabulation of ballots under this part and the tabula-

tion cannot proceed until the tie is resolved, the tie shall
be resolved in accordance with State law.

“SEC. 336. CONTINUING CANDIDATE DEFINED.

“In this part, the term ‘continuing candidate’ means,
with respect to any round of tabulation under this part,
a candidate who is neither a winning candidate nor a can-
didate who is treated as a defeated candidate under such
subsection during the tabulation of ballots under that
round of tabulation.

**“PART 3—PAYMENTS TO STATES TO IMPLEMENT
RANKED CHOICE VOTING**

**“SEC. 341. PAYMENTS TO STATES TO IMPLEMENT RANKED
CHOICE VOTING.**

“(a) PAYMENTS.—Not later than June 1, 2021, the
Commission shall make a payment to the State in an
amount equal to—

“(1) in the case of the District of Columbia, the
Commonwealth of Puerto Rico, American Samoa,
Guam, the United States Virgin Islands, and the
Commonwealth of the Northern Mariana Islands,
\$1,500,000; or

“(2) in the case of any other State, the sum of
\$1,000,000 and the product of—

“(A) the number of Representatives to
which the State is entitled under the reappor-

1 tionment of Representatives resulting from the
 2 regular decennial census conducted during
 3 2020; and

4 “(B) \$500,000.

5 “(b) USE OF FUNDS.—A State shall use the payment
 6 made under subsection (a) to implement ranked choice
 7 voting under this subtitle, including educating voters
 8 about ranked choice voting, and to otherwise carry out
 9 elections for Federal office in the State.

10 “(c) NO EFFECT ON REQUIREMENTS PAYMENTS.—
 11 The receipt or use of the payment made under this section
 12 shall not affect a State’s eligibility for or use of a require-
 13 ments payment made under part 1 of subtitle D of title
 14 II.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated such sums as may be
 17 necessary for payments under this section.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 of such Act is amended by adding at the end of the item
 20 relating to title III the following:

“Subtitle C—Ranked Choice Voting

“PART 1—REQUIRING RANKED CHOICE VOTING FOR ELECTION OF
 REPRESENTATIVES

“Sec. 321. Requiring ranked choice voting for election of Representatives.

“Sec. 322. Application to District of Columbia and territories.

“Sec. 323. Treatment of States not holding primary elections prior to date
 of general election.

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat congressional elections.

“Sec. 332. Tabulation for multi-seat congressional elections.

“Sec. 333. Exclusion of inactive ballots.

“Sec. 334. Batch elimination.

“Sec. 335. Treatment of ties between candidates.

“Sec. 336. Continuing candidate defined.

“PART 3—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

“Sec. 341. Payments to States to implement ranked choice voting.

1 **SEC. 102. APPLICABILITY OF ENFORCEMENT PROVISIONS**

2 **OF HELP AMERICA VOTE ACT OF 2002.**

3 Section 401 of the Help America Vote Act of 2002
4 (52 U.S.C. 21111) is amended by striking “sections 301,
5 302, and 303” and inserting “title III”.

6 **SEC. 103. EFFECTIVE DATE.**

7 This title and the amendments made by this title
8 shall apply with respect to elections held pursuant to the
9 reapportionment of Representatives resulting from the
10 regular decennial census conducted during 2020 and all
11 subsequent elections.

12 **TITLE II—MULTI-MEMBER**
13 **DISTRICTS**

14 **SEC. 201. REQUIRING USE OF MULTI-MEMBER DISTRICTS**
15 **IN CERTAIN STATES.**

16 (a) RULES FOR STATES WITH SIX OR MORE REP-
17 RESENTATIVES.—If a State is entitled to six or more Rep-
18 resentatives in Congress under an apportionment made
19 under section 22(a) of the Act entitled “An Act to provide
20 for the fifteenth and subsequent decennial censuses and
21 to provide for an apportionment of Representatives in

1 Congress”, approved June 18, 1929 (2 U.S.C. 2a(a)), the
 2 State shall establish a number of districts for the election
 3 of Representatives in the State that is less than the num-
 4 ber of Representatives to which the State is entitled, and
 5 Representatives shall be elected only from districts so es-
 6 tablished.

7 (b) CRITERIA FOR NUMBER OF DISTRICTS.—In es-
 8 tablishing the number of districts for the State under sub-
 9 section (a), the State shall follow the following criteria:

10 (1) The State shall ensure that districts shall
 11 each have equal population per Representative as
 12 nearly as practicable, in accordance with the Con-
 13 stitution of the United States.

14 (2) The number of Representatives to be elected
 15 from any district may not be fewer than three or
 16 greater than five.

17 **SEC. 202. REQUIRING CERTAIN STATES TO ELECT ALL REP-**
 18 **RESENTATIVES AT LARGE.**

19 If a State is entitled to five or fewer Representatives
 20 in Congress under an apportionment made under section
 21 22(a) of the Act entitled “An Act to provide for the fif-
 22 teenth and subsequent decennial censuses and to provide
 23 for an apportionment of Representatives in Congress”, ap-
 24 proved June 18, 1929 (2 U.S.C. 2a(a)), the State shall
 25 elect all such Representatives at large.

1 **SEC. 203. ESTABLISHING MINIMUM NUMBER OF CAN-**
2 **DIDATES IN GENERAL ELECTION.**

3 (a) STATES WITH PARTISAN NOMINATING PRI-
4 MARIES.—

5 (1) IN GENERAL.—If, in a primary election for
6 the office of Representative, the candidates that ad-
7 vance to the general election do so by winning the
8 nomination of a political party (without regard to
9 whether or not the election is open or closed to vot-
10 ers on the basis of political party preference), the
11 State shall ensure that the number of candidates to
12 be nominated by each political party is equal to the
13 number of Representatives who will be elected from
14 the district involved.

15 (2) AUTHORITY OF POLITICAL PARTIES TO DE-
16 TERMINE NUMBER OF CANDIDATES ADVANCING IN
17 MULTI-SEAT ELECTIONS.—Notwithstanding para-
18 graph (1), in the case of a primary election de-
19 scribed in such paragraph which is a multi-seat pri-
20 mary election, a State may permit a political party
21 to adopt a rule that provides for such number of
22 nominees of that political party to advance to the
23 general election as the party considers appropriate,
24 so long as the number is not less than two.

25 (3) MULTI-SEAT PRIMARY ELECTION DE-
26 FINED.—In this subsection, the term “multi-seat

1 primary election” means a primary election held to
2 select the candidates for a general election in which
3 more than one Representative shall be elected.

4 (b) STATES WITH NONPARTISAN BLANKET PRI-
5 MARIES.—

6 (1) NUMBER OF CANDIDATES.—If a State uses
7 a nonpartisan blanket primary election to determine
8 which candidates will advance to the general election
9 for the office of Representative, the State shall en-
10 sure that the number of candidates who advance to
11 the general election for the office is not less than the
12 greater of—

13 (A) five;

14 (B) twice the number of Representatives
15 who will be elected from the district involved; or

16 (C) such greater number as the State may
17 establish by law.

18 (2) NONPARTISAN BLANKET PRIMARY ELEC-
19 TION DEFINED.—In this subsection, a “nonpartisan
20 blanket primary election” is a primary election for
21 the office of Representative conducted prior to the
22 date established under section 25 of the Revised
23 Statutes of the United States (2 U.S.C. 7) for the
24 regularly scheduled general election for such office,
25 under which—

1 (A) each candidate for such office, regard-
 2 less of the candidate's political party preference
 3 or lack thereof, shall appear on a single ballot;

4 (B) each voter in the State who is eligible
 5 to vote in elections for Federal office in the dis-
 6 trict involved may cast a ballot in the election,
 7 regardless of the voter's political party pref-
 8 erence or lack thereof; and

9 (C) the identification and number of can-
 10 didates who advance to the general election for
 11 the office is determined without regard to the
 12 candidates' political party preferences or lack
 13 thereof.

14 (c) EXCEPTION FOR STATES NOT HOLDING PRIMARY
 15 ELECTIONS PRIOR TO DATE OF REGULARLY SCHEDULED
 16 GENERAL ELECTION.—In the case of a State that does
 17 not hold primary elections for the office of Representative
 18 prior to the date established under section 25 of the Re-
 19 vised Statutes of the United States (2 U.S.C. 7) for the
 20 regularly scheduled general election for such offices, all
 21 seats shall be elected at the election taking place on such
 22 date.

23 **SEC. 204. CONFORMING AMENDMENTS.**

24 (a) ELECTION OF REPRESENTATIVES PRIOR TO RE-
 25 APPORTIONMENT.—Section 22(c) of the Act entitled “An

1 Act to provide for the fifteenth and subsequent decennial
2 censuses and to provide for an apportionment of Rep-
3 resentatives in Congress”, approved June 18, 1929 (2
4 U.S.C. 2a(c)), is amended by striking “Until a State” and
5 inserting “Except as provided in title II of the Fair Rep-
6 resentation Act, until a State”.

7 (b) NUMBER OF REPRESENTATIVES.—Section 22(b)
8 of the Act entitled “An Act to provide for apportioning
9 Representatives in Congress among the several States by
10 the equal proportions method”, approved November 15,
11 1941 (2 U.S.C. 2b), is amended by striking “Each State”
12 and inserting “Except as provided in title II of the Fair
13 Representation Act, each State”.

14 (c) NUMBER OF REPRESENTATIVES FROM EACH
15 DISTRICT.—The Act entitled “An Act for the relief of
16 Doctor Ricardo Vallejo Samala and to provide for congres-
17 sional redistricting”, approved December 14, 1967 (2
18 U.S.C. 2c), is amended by striking “In each State” and
19 inserting “Except as provided in title II of the Fair Rep-
20 resentation Act, in each State”.

21 (d) NOMINATION FOR REPRESENTATIVES AT
22 LARGE.—Section 5 of the Act entitled “An Act For the
23 apportionment of Representatives in Congress among the
24 several States under the Thirteenth Census”, approved
25 August 8, 1911 (2 U.S.C. 5), is amended by striking

1 “Candidates for Representative” and inserting “Except as
 2 provided in title II of the Fair Representation Act, can-
 3 didates for Representative”.

4 **SEC. 205. EXCEPTION FOR STATES IN WHICH USE OF**
 5 **MULTI-MEMBER DISTRICTS WILL RESULT IN**
 6 **DIMINISHMENT OF VOTING RIGHTS.**

7 (a) EXCEPTION.—If the written evaluation of any of
 8 the redistricting plans of the independent redistricting
 9 commission of a State under subtitle B of title III with
 10 respect to the apportionment of Representatives resulting
 11 from a decennial census, as developed and published under
 12 section 313(e), indicates that the redistricting plan will
 13 deny or abridge the right to vote by having the effect of
 14 diminishing the ability of any citizens of the United States
 15 on account of race or color, or in contravention of the
 16 guarantees set forth in section 4(f)(2) of the Voting
 17 Rights Act of 1965 (52 U.S.C. 10303(f)(2)), to elect their
 18 preferred candidates of choice—

19 (1) this title shall not apply with respect to any
 20 election held in the State which is based on the ap-
 21 portionment of Representatives to which such redis-
 22 tricting plan would apply; and

23 (2) the independent redistricting commission
 24 shall (in accordance with subtitle B of title III) de-
 25 velop and publish a redistricting plan for the State

1 for purposes of title III under which there are no
 2 multi-member districts in the State.

3 (b) NO EFFECT ON OTHER REQUIREMENTS.—Noth-
 4 ing in this section shall be construed to waive the applica-
 5 tion of any of the other titles of this Act or the amend-
 6 ments made by any of the other titles of this Act to a
 7 State for which there are no multi-member districts as a
 8 result of this section, including the requirement to use
 9 ranked choice voting as set forth in title I or the require-
 10 ment to carry out congressional redistricting in the State
 11 through the use of independent redistricting commissions
 12 as set forth in title III.

13 **SEC. 206. EFFECTIVE DATE.**

14 This title and the amendments made by this title
 15 shall apply with respect to the One Hundred Eighteenth
 16 Congress and each subsequent Congress.

17 **TITLE III—REQUIREMENTS FOR**
 18 **CONGRESSIONAL REDIS-**
 19 **TRICTING**

20 **Subtitle A—General Requirements**

21 **SEC. 301. REQUIRING CONGRESSIONAL REDISTRICTING TO**
 22 **BE CONDUCTED THROUGH PLAN OF INDE-**
 23 **PENDENT STATE COMMISSION.**

24 (a) USE OF PLAN REQUIRED.—Notwithstanding any
 25 other provision of law, and except as provided in sub-

1 section (c) and subsection (d), any congressional redis-
2 tricting conducted by a State shall be conducted in accord-
3 ance with—

4 (1) the redistricting plan developed and enacted
5 into law by the independent redistricting commission
6 established in the State, in accordance with subtitle
7 B; or

8 (2) if a plan developed by such commission is
9 not enacted into law, the redistricting plan developed
10 and enacted into law by a 3-judge court, in accord-
11 ance with section 321.

12 (b) CONFORMING AMENDMENT.—Section 22(c) of
13 the Act entitled “An Act to provide for the fifteenth and
14 subsequent decennial censuses and to provide for an ap-
15 portionment of Representatives in Congress”, approved
16 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
17 “in the manner provided by the law thereof” and insert-
18 ing: “in the manner provided by the Redistricting Reform
19 Act of 2019”.

20 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
21 Subsection (a) does not apply to any State in which, under
22 law in effect continuously on and after the date of the
23 enactment of this Act, congressional redistricting is car-
24 ried out in accordance with a plan developed and approved

1 by an independent redistricting commission which is in
2 compliance with each of the following requirements:

3 (1) PUBLICLY AVAILABLE APPLICATION PROC-
4 ESS.—Membership on the commission is open to citi-
5 zens of the State through a publicly available appli-
6 cation process.

7 (2) DISQUALIFICATIONS FOR GOVERNMENT
8 SERVICE AND POLITICAL APPOINTMENT.—Individ-
9 uals who, for a covered period of time as established
10 by the State, hold or have held public office, individ-
11 uals who are or have been candidates for elected
12 public office, and individuals who serve or have
13 served as an officer, employee, or paid consultant of
14 a campaign committee of a candidate for public of-
15 fice are disqualified from serving on the commission.

16 (3) SCREENING FOR CONFLICTS.—Individuals
17 who apply to serve on the commission are screened
18 through a process that excludes persons with con-
19 flicts of interest from the pool of potential commis-
20 sioners.

21 (4) MULTI-PARTISAN COMPOSITION.—Member-
22 ship on the commission represents those who are af-
23 filiated with the two political parties whose can-
24 didates received the most votes in the most recent
25 statewide election for Federal office held in the

1 State, as well as those who are unaffiliated with any
2 party or who are affiliated with political parties
3 other than the two political parties whose candidates
4 received the most votes in the most recent statewide
5 election for Federal office held in the State.

6 (5) CRITERIA FOR REDISTRICTING.—Members
7 of the commission are required to meet certain cri-
8 teria in the map drawing process, including mini-
9 mizing the division of communities of interest and a
10 ban on drawing maps to favor a political party.

11 (6) PUBLIC INPUT.—Public hearings are held
12 and comments from the public are accepted before
13 a final map is approved.

14 (7) BROAD-BASED SUPPORT FOR APPROVAL OF
15 FINAL PLAN.—The approval of the final redistricting
16 plan requires a majority vote of the members of the
17 commission, including the support of at least one
18 member of each of the following:

19 (A) Members who are affiliated with the
20 political party whose candidate received the
21 most votes in the most recent statewide election
22 for Federal office held in the State.

23 (B) Members who are affiliated with the
24 political party whose candidate received the sec-

1 ond most votes in the most recent statewide
2 election for Federal office held in the State.

3 (C) Members who not affiliated with any
4 political party or who are affiliated with polit-
5 ical parties other than the political parties de-
6 scribed in subparagraphs (A) and (B).

7 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)
8 does not apply to the State of Iowa, so long as congres-
9 sional redistricting in such State is carried out in accord-
10 ance with a plan developed by the Iowa Legislative Serv-
11 ices Agency with the assistance of a Temporary Redis-
12 tricting Advisory Commission, under law which was in ef-
13 fect for the most recent congressional redistricting carried
14 out in the State prior to the date of the enactment of this
15 Act and which remains in effect continuously on and after
16 the date of the enactment of this Act.

17 **SEC. 302. LIMIT ON CONGRESSIONAL REDISTRICTING**
18 **AFTER AN APPORTIONMENT.**

19 A State which has been redistricted in the manner
20 provided by law after an apportionment under section
21 22(a) of the Act entitled “An Act to provide for the fif-
22 teenth and subsequent decennial censuses and to provide
23 for an apportionment of Representatives in Congress”, ap-
24 proved June 18, 1929 (2 U.S.C. 2a), may not be redis-
25 tricted again until after the next apportionment of Rep-

1 representatives under such section, unless a court requires
 2 the State to conduct such subsequent redistricting to com-
 3 ply with the Constitution, to enforce the Voting Rights
 4 Act of 1965 (52 U.S.C. 10301 et seq.), to comply with
 5 this Act, or to comply with any other applicable Federal
 6 law.

7 **Subtitle B—Independent** 8 **Redistricting Commissions**

9 **SEC. 311. INDEPENDENT REDISTRICTING COMMISSION.**

10 (a) APPOINTMENT OF MEMBERS.—

11 (1) IN GENERAL.—The nonpartisan agency es-
 12 tablished or designated by a State under section
 13 314(a) shall establish an independent redistricting
 14 commission for the State, which shall consist of 15
 15 members appointed by the agency as follows:

16 (A) Not later than October 1 of a year
 17 ending in the numeral zero, the agency shall, at
 18 a public meeting held not earlier than 15 days
 19 after notice of the meeting has been given to
 20 the public, first appoint 6 members as follows:

21 (i) The agency shall appoint 2 mem-
 22 bers on a random basis from the majority
 23 category of the approved selection pool (as
 24 described in section 312(b)(1)(A)).

1 (ii) The agency shall appoint 2 mem-
2 bers on a random basis from the minority
3 category of the approved selection pool (as
4 described in section 312(b)(1)(B)).

5 (iii) The agency shall appoint 2 mem-
6 bers on a random basis from the inde-
7 pendent category of the approved selection
8 pool (as described in section 312(b)(1)(C)).

9 (B) Not later than November 15 of a year
10 ending in the numeral zero, the members ap-
11 pointed by the agency under subparagraph (A)
12 shall, at a public meeting held not earlier than
13 15 days after notice of the meeting has been
14 given to the public, then appoint 9 members as
15 follows:

16 (i) The members shall appoint 3 mem-
17 bers from the majority category of the ap-
18 proved selection pool (as described in sec-
19 tion 312(b)(1)(A)).

20 (ii) The members shall appoint 3
21 members from the minority category of the
22 approved selection pool (as described in
23 section 312(b)(1)(B)).

24 (iii) The members shall appoint 3
25 members from the independent category of

1 the approved selection pool (as described in
2 section 312(b)(1)(C)).

3 (2) RULES FOR APPOINTMENT OF MEMBERS
4 APPOINTED BY FIRST MEMBERS.—

5 (A) AFFIRMATIVE VOTE OF AT LEAST 4
6 MEMBERS.—The appointment of any of the 9
7 members of the independent redistricting com-
8 mission who are appointed by the first members
9 of the commission pursuant to subparagraph
10 (B) of paragraph (1), as well as the designation
11 of alternates for such members pursuant to
12 subparagraph (B) of paragraph (3) and the ap-
13 pointment of alternates to fill vacancies pursu-
14 ant to subparagraph (B) of paragraph (4), shall
15 require the affirmative vote of at least 4 of the
16 members appointed by the nonpartisan agency
17 under subparagraph (A) of paragraph (1), in-
18 cluding at least one member from each of the
19 categories referred to in such subparagraph.

20 (B) ENSURING DIVERSITY.—In appointing
21 the 9 members pursuant to subparagraph (B)
22 of paragraph (1), as well as in designating al-
23 ternates pursuant to subparagraph (B) of para-
24 graph (3) and in appointing alternates to fill
25 vacancies pursuant to subparagraph (B) of

1 paragraph (4), the first members of the inde-
2 pendent redistricting commission shall ensure
3 that the membership is representative of the de-
4 mographic groups (including racial, ethnic, eco-
5 nomic, and gender) and geographic regions of
6 the State, and provides racial, ethnic, and lan-
7 guage minorities protected under the Voting
8 Rights Act of 1965 with a meaningful oppor-
9 tunity to participate in the development of the
10 State's redistricting plan.

11 (3) DESIGNATION OF ALTERNATES TO SERVE
12 IN CASE OF VACANCIES.—

13 (A) MEMBERS APPOINTED BY AGENCY.—

14 At the time the agency appoints the members
15 of the independent redistricting commission
16 under subparagraph (A) of paragraph (1) from
17 each of the categories referred to in such sub-
18 paragraph, the agency shall, on a random basis,
19 designate 2 other individuals from such cat-
20 egory to serve as alternate members who may
21 be appointed to fill vacancies in the commission
22 in accordance with paragraph (4).

23 (B) MEMBERS APPOINTED BY FIRST MEM-
24 BERS.—At the time the members appointed by
25 the agency appoint the other members of the

1 independent redistricting commission under
2 subparagraph (B) of paragraph (1) from each
3 of the categories referred to in such subpara-
4 graph, the members shall, in accordance with
5 the special rules described in paragraph (2),
6 designate 2 other individuals from such cat-
7 egory to serve as alternate members who may
8 be appointed to fill vacancies in the commission
9 in accordance with paragraph (4).

10 (4) APPOINTMENT OF ALTERNATES TO SERVE
11 IN CASE OF VACANCIES.—

12 (A) MEMBERS APPOINTED BY AGENCY.—If
13 a vacancy occurs in the commission with respect
14 to a member who was appointed by the non-
15 partisan agency under subparagraph (A) of
16 paragraph (1) from one of the categories re-
17 ferred to in such subparagraph, the agency
18 shall fill the vacancy by appointing, on a ran-
19 dom basis, one of the 2 alternates from such
20 category who was designated under subpara-
21 graph (A) of paragraph (3). At the time the
22 agency appoints an alternate to fill a vacancy
23 under the previous sentence, the agency shall
24 designate, on a random basis, another indi-
25 vidual from the same category to serve as an al-

1 ternate member, in accordance with subpara-
2 graph (A) of paragraph (3).

3 (B) MEMBERS APPOINTED BY FIRST MEM-
4 BERS.—If a vacancy occurs in the commission
5 with respect to a member who was appointed by
6 the first members of the commission under sub-
7 paragraph (B) of paragraph (1) from one of the
8 categories referred to in such subparagraph, the
9 first members shall, in accordance with the spe-
10 cial rules described in paragraph (2), fill the va-
11 cancy by appointing one of the 2 alternates
12 from such category who was designated under
13 subparagraph (B) of paragraph (3). At the time
14 the first members appoint an alternate to fill a
15 vacancy under the previous sentence, the first
16 members shall, in accordance with the special
17 rules described in paragraph (2), designate an-
18 other individual from the same category to
19 serve as an alternate member, in accordance
20 with subparagraph (B) of paragraph (3).

21 (5) REMOVAL.—A member of the independent
22 redistricting commission may be removed by a ma-
23 jority vote of the remaining members of the commis-
24 sion if it is shown by a preponderance of the evi-

1 dence that the member is not eligible to serve on the
2 commission under section 312(a).

3 (b) PROCEDURES FOR CONDUCTING COMMISSION
4 BUSINESS.—

5 (1) CHAIR.—Members of an independent redistricting
6 commission established under this section
7 shall select by majority vote one member who was
8 appointed from the independent category of the approved
9 selection pool described in section
10 312(b)(1)(C) to serve as chair of the commission.
11 The commission may not take any action to develop
12 a redistricting plan for the State under section 313
13 until the appointment of the commission’s chair.

14 (2) REQUIRING MAJORITY APPROVAL FOR ACTIONS.—The
15 independent redistricting commission
16 of a State may not publish and disseminate any
17 draft or final redistricting plan, or take any other
18 action, without the approval of at least—

19 (A) a majority of the whole membership of
20 the commission; and

21 (B) at least one member of the commission
22 appointed from each of the categories of the approved
23 selection pool described in section
24 312(b)(1).

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

3 (c) STAFF; CONTRACTORS.—

4 (1) STAFF.—Under a public application process
5 in which all application materials are available for
6 public inspection, the independent redistricting com-
7 mission of a State shall appoint and set the pay of
8 technical experts, legal counsel, consultants, and
9 such other staff as it considers appropriate, subject
10 to State law.

11 (2) CONTRACTORS.—The independent redis-
12 tricting commission of a State may enter into such
13 contracts with vendors as it considers appropriate,
14 subject to State law, except that any such contract
15 shall be valid only if approved by the vote of a ma-
16 jority of the members of the commission, including
17 at least one member appointed from each of the cat-
18 egories of the approved selection pool described in
19 section 312(b)(1).

20 (3) REPORTS ON EXPENDITURES FOR POLIT-
21 ICAL ACTIVITY.—

22 (A) REPORT BY APPLICANTS.—Each indi-
23 vidual who applies for a position as an employee
24 of the independent redistricting commission and
25 each vendor who applies for a contract with the

1 commission shall, at the time of applying, file
2 with the commission a report summarizing—

3 (i) any expenditure for political activ-
4 ity made by such individual or vendor dur-
5 ing the 10 most recent calendar years; and

6 (ii) any income received by such indi-
7 vidual or vendor during the 10 most recent
8 calendar years which is attributable to an
9 expenditure for political activity.

10 (B) ANNUAL REPORTS BY EMPLOYEES
11 AND VENDORS.—Each person who is an em-
12 ployee or vendor of the independent redis-
13 tricting commission shall, not later than one
14 year after the person is appointed as an em-
15 ployee or enters into a contract as a vendor (as
16 the case may be) and annually thereafter for
17 each year during which the person serves as an
18 employee or a vendor, file with the commission
19 a report summarizing the expenditures and in-
20 come described in subparagraph (A) during the
21 10 most recent calendar years.

22 (C) EXPENDITURE FOR POLITICAL ACTIV-
23 ITY DEFINED.—In this paragraph, the term
24 “expenditure for political activity” means a dis-
25bursement for any of the following:

1 (i) An independent expenditure, as de-
2 fined in section 301(17) of the Federal
3 Election Campaign Act of 1971 (52 U.S.C.
4 30101(17)).

5 (ii) An electioneering communication,
6 as defined in section 304(f)(3) of such Act
7 (52 U.S.C. 30104(f)(3)) or any other pub-
8 lic communication, as defined in section
9 301(22) of such Act (52 U.S.C.
10 30101(22)) that would be an electioneering
11 communication if it were a broadcast,
12 cable, or satellite communication.

13 (iii) Any dues or other payments to
14 trade associations or organizations de-
15 scribed in section 501(c) of the Internal
16 Revenue Code of 1986 and exempt from
17 tax under section 501(a) of such Code that
18 are, or could reasonably be anticipated to
19 be, used or transferred to another associa-
20 tion or organization for a use described in
21 paragraph (1), (2), or (4) of section 501(c)
22 of such Code.

23 (4) GOAL OF IMPARTIALITY.—The commission
24 shall take such steps as it considers appropriate to
25 ensure that any staff appointed under this sub-

1 section, and any vendor with whom the commission
2 enters into a contract under this subsection, will
3 work in an impartial manner, and may require any
4 person who applies for an appointment to a staff po-
5 sition or for a vendor's contract with the commission
6 to provide information on the person's history of po-
7 litical activity beyond the information on the per-
8 son's expenditures for political activity provided in
9 the reports required under paragraph (3) (including
10 donations to candidates, political committees, and
11 political parties) as a condition of the appointment
12 or the contract.

13 (5) DISQUALIFICATION; WAIVER.—

14 (A) IN GENERAL.—The independent redis-
15 tricting commission may not appoint an indi-
16 vidual as an employee, and may not enter into
17 a contract with a vendor, if the individual or
18 vendor meets any of the criteria for the dis-
19 qualification of an individual from serving as a
20 member of the commission which are set forth
21 in section 312(a)(2).

22 (B) WAIVER.—The commission may by
23 unanimous vote of its members waive the appli-
24 cation of subparagraph (A) to an individual or
25 a vendor after receiving and reviewing the re-

1 port filed by the individual or vendor under
2 paragraph (3).

3 (d) TERMINATION.—

4 (1) IN GENERAL.—The independent redis-
5 tricting commission of a State shall terminate on the
6 earlier of—

7 (A) June 14 of the next year ending in the
8 numeral zero; or

9 (B) the day on which the nonpartisan
10 agency established or designated by a State
11 under section 314(a) has, in accordance with
12 section 312(b)(1), submitted a selection pool to
13 the Select Committee on Redistricting for the
14 State established under section 314(b).

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

22 **SEC. 312. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS**
23 **OF COMMISSION.**
24

25 (a) CRITERIA FOR ELIGIBILITY.—

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

5 (A) As of the date of appointment, the in-
6 dividual is registered to vote in elections for
7 Federal office held in the State.

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

13 (C) The individual submits to the non-
14 partisan agency established or designated by a
15 State under section 313, at such time and in
16 such form as the agency may require, an appli-
17 cation for inclusion in the selection pool under
18 this section, and includes with the application a
19 written statement, with an attestation under
20 penalty of perjury, containing the following in-
21 formation and assurances:

22 (i) The full current name and any
23 former names of, and the contact informa-
24 tion for, the individual, including an elec-
25 tronic mail address, the address of the in-

1 individual's residence, mailing address, and
2 telephone numbers.

3 (ii) The individual's race, ethnicity,
4 gender, age, date of birth, and household
5 income for the most recent taxable year.

6 (iii) The political party with which the
7 individual is affiliated, if any.

8 (iv) The reason or reasons the indi-
9 vidual desires to serve on the independent
10 redistricting commission, the individual's
11 qualifications, and information relevant to
12 the ability of the individual to be fair and
13 impartial, including, but not limited to—

14 (I) any involvement with, or fi-
15 nancial support of, professional, so-
16 cial, political, religious, or community
17 organizations or causes; and

18 (II) the individual's employment
19 and educational history.

20 (v) 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 (vi) 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 or of any political ac-
23 tion committee (as determined in accordance
24 with the law of the State).

1 (C) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual holds a position as a
5 registered lobbyist under the Lobbying Disclo-
6 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
7 equivalent State or local law.

8 (D) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual is an employee of an
12 elected public official, a contractor with the gov-
13 ernment of the State, or a donor to the cam-
14 paign of any candidate for public office or to
15 any political action committee (other than a
16 donor who, during any of such covered periods,
17 gives an aggregate amount of \$1,000 or less to
18 the campaigns of all candidates for all public
19 offices and to all political action committees).

20 (E) The individual or (in the case of the
21 covered periods described in subparagraphs (A)
22 and (B) of paragraph (3)) an immediate family
23 member of the individual paid a civil money
24 penalty or criminal fine, or was sentenced to a
25 term of imprisonment, for violating any provi-

1 sion of the Federal Election Campaign Act of
2 1971 (52 U.S.C. 30101 et seq.).

3 (F) The individual or (in the case of the
4 covered periods described in subparagraphs (A)
5 and (B) of paragraph (3)) an immediate family
6 member of the individual is an agent of a for-
7 eign principal under the Foreign Agents Reg-
8 istration Act of 1938, as amended (22 U.S.C.
9 611 et seq.).

10 (3) COVERED PERIODS DESCRIBED.—In this
11 subsection, the term “covered period” means, with
12 respect to the appointment of an individual to the
13 commission, any of the following:

14 (A) The 10-year period ending on the date
15 of the individual’s appointment.

16 (B) The period beginning on the date of
17 the individual’s appointment and ending on Au-
18 gust 14 of the next year ending in the numeral
19 one.

20 (C) The 10-year period beginning on the
21 day after the last day of the period described in
22 subparagraph (B).

23 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
24 this subsection, the term “immediate family mem-
25 ber” means, with respect to an individual, a father,

1 stepfather, mother, stepmother, son, stepson, daugh-
2 ter, stepdaughter, brother, stepbrother, sister, step-
3 sister, husband, wife, father-in-law, or mother-in-
4 law.

5 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
6 POOL.—

7 (1) IN GENERAL.—Not later than June 15 of
8 each year ending in the numeral zero, the non-
9 partisan agency established or designated by a State
10 under section 314(a) shall develop and submit to the
11 Select Committee on Redistricting for the State es-
12 tablished under section 314(b) a selection pool of 36
13 individuals who are eligible to serve as members of
14 the independent redistricting commission of the
15 State under this Act, consisting of individuals in the
16 following categories:

17 (A) A majority category, consisting of 12
18 individuals who are affiliated with the political
19 party whose candidate received the most votes
20 in the most recent statewide election for Fed-
21 eral office held in the State.

22 (B) A minority category, consisting of 12
23 individuals who are affiliated with the political
24 party whose candidate received the second most

1 votes in the most recent statewide election for
2 Federal office held in the State.

3 (C) An independent category, consisting of
4 12 individuals who are not affiliated with either
5 of the political parties described in subpara-
6 graph (A) or subparagraph (B).

7 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
8 OPING POOL.—In selecting individuals for the selec-
9 tion pool under this subsection, the nonpartisan
10 agency shall—

11 (A) ensure that the pool is representative
12 of the demographic groups (including racial,
13 ethnic, economic, and gender) and geographic
14 regions of the State, and includes applicants
15 who would allow racial, ethnic, and language
16 minorities protected under the Voting Rights
17 Act of 1965 a meaningful opportunity to par-
18 ticipate in the development of the State’s redis-
19 tricting plan; and

20 (B) take into consideration the analytical
21 skills of the individuals selected in relevant
22 fields (including mapping, data management,
23 law, community outreach, demography, and the
24 geography of the State) and their ability to
25 work on an impartial basis.

1 (3) INTERVIEWS OF APPLICANTS.—To assist
2 the nonpartisan agency in developing the selection
3 pool under this subsection, the nonpartisan agency
4 shall conduct interviews of applicants under oath. If
5 an individual is included in a selection pool devel-
6 oped under this section, all of the interviews of the
7 individual shall be transcribed and the transcriptions
8 made available on the nonpartisan agency’s website
9 contemporaneously with release of the report under
10 paragraph (6).

11 (4) DETERMINATION OF POLITICAL PARTY AF-
12 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
13 For purposes of this section, an individual shall be
14 considered to be affiliated with a political party only
15 if the nonpartisan agency is able to verify (to the
16 greatest extent possible) the information the indi-
17 vidual provides in the application submitted under
18 subsection (a)(1)(D), including by considering addi-
19 tional information provided by other persons with
20 knowledge of the individual’s history of political ac-
21 tivity.

22 (5) ENCOURAGING RESIDENTS TO APPLY FOR
23 INCLUSION IN POOL.—The nonpartisan agency shall
24 take such steps as may be necessary to ensure that
25 residents of the State across various geographic re-

1 regions and demographic groups are aware of the op-
2 portunity to serve on the independent redistricting
3 commission, including publicizing the role of the
4 panel and using newspapers, broadcast media, and
5 online sources, including ethnic media, to encourage
6 individuals to apply for inclusion in the selection
7 pool developed under this subsection.

8 (6) REPORT ON ESTABLISHMENT OF SELEC-
9 TION POOL.—At the time the nonpartisan agency
10 submits the selection pool to the Select Committee
11 on Redistricting under paragraph (1), it shall pub-
12 lish and post on the agency’s public website a report
13 describing the process by which the pool was devel-
14 oped, and shall include in the report a description of
15 how the individuals in the pool meet the eligibility
16 criteria of subsection (a) and of how the pool reflects
17 the factors the agency is required to take into con-
18 sideration under paragraph (2).

19 (7) PUBLIC COMMENT ON SELECTION POOL.—
20 During the 14-day period which begins on the date
21 the nonpartisan agency publishes the report under
22 paragraph (6), the agency shall accept comments
23 from the public on the individuals included in the se-
24 lection pool. The agency shall post all such com-
25 ments contemporaneously on the nonpartisan agen-

1 cy's website and shall transmit them to the Select
2 Committee on Redistricting immediately upon the
3 expiration of such period.

4 (8) ACTION BY SELECT COMMITTEE.—

5 (A) IN GENERAL.—Not earlier than 15
6 days and not later than 21 days after receiving
7 the selection pool from the nonpartisan agency
8 under paragraph (1), the Select Committee on
9 Redistricting shall—

10 (i) approve the pool as submitted by
11 the nonpartisan agency, in which case the
12 pool shall be considered the approved selec-
13 tion pool for purposes of section 311(a)(1);
14 or

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

19 (B) INACTION DEEMED REJECTION.—If
20 the Select Committee on Redistricting fails to
21 approve or reject the pool within the deadline
22 set forth in subparagraph (A), the Select Com-
23 mittee shall be deemed to have rejected the pool
24 for purposes of such subparagraph.

1 (c) DEVELOPMENT OF REPLACEMENT SELECTION
2 POOL.—

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

18 (2) ACTION BY SELECT COMMITTEE.—

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

24 (i) approve the pool as submitted by
25 the nonpartisan agency, in which case the

1 pool shall be considered the approved selec-
 2 tion pool for purposes of section 311(a)(1);
 3 or

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

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

14 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
 15 LECTION POOL.—

16 (1) IN GENERAL.—If the Select Committee on
 17 Redistricting rejects the replacement selection pool
 18 submitted by the nonpartisan agency under sub-
 19 section (c), not later than 14 days after the rejec-
 20 tion, the nonpartisan agency shall develop and sub-
 21 mit to the Select Committee a second replacement
 22 selection pool, under the same terms and conditions
 23 that applied to the development and submission of
 24 the selection pool under paragraphs (1) through (7)
 25 of subsection (b). The second replacement selection

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

8 (2) ACTION BY SELECT COMMITTEE.—

9 (A) IN GENERAL.—Not earlier than 15
10 days and not later than 14 days after receiving
11 the second replacement selection pool from the
12 nonpartisan agency under paragraph (1), the
13 Select Committee on Redistricting shall—

14 (i) approve the pool as submitted by
15 the nonpartisan agency, in which case the
16 pool shall be considered the approved selec-
17 tion pool for purposes of section 311(a)(1);
18 or

19 (ii) reject the pool.

20 (B) INACTION DEEMED REJECTION.—If
21 the Select Committee on Redistricting fails to
22 approve or reject the pool within the deadline
23 set forth in subparagraph (A), the Select Com-
24 mittee shall be deemed to have rejected the pool
25 for purposes of such subparagraph.

1 (C) EFFECT OF REJECTION.—If the Select
2 Committee on Redistricting rejects the second
3 replacement pool from the nonpartisan agency
4 under paragraph (1), the redistricting plan for
5 the State shall be developed and enacted in ac-
6 cordance with subtitle C.

7 **SEC. 313. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
8 **PENDENT COMMISSION; PUBLIC NOTICE AND**
9 **INPUT.**

10 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

11 (1) CRITERIA.—In addition to the criteria set
12 forth in section 311(b), the independent redistricting
13 commission of a State shall develop a redistricting
14 plan for the State in accordance with the following
15 criteria, prioritized according to the following order:

16 (A) Districts shall comply with the United
17 States Constitution, including the requirement
18 that they equalize total population per Rep-
19 resentative elected.

20 (B) Districts shall be established in a man-
21 ner consistent with the Voting Rights Act of
22 1965 (52 U.S.C. 10301 et seq.) and all applica-
23 ble Federal laws.

24 (C) Districts shall provide racial, ethnic,
25 and language minorities with an equal oppor-

1 tunity to participate in the political process and
2 to elect candidates of choice and shall not dilute
3 or diminish their ability to elect candidates of
4 choice whether alone or in coalition with others.

5 (D) To the extent practicable, districts
6 shall reflect the diversity of political opinion in
7 the State such that no district in the State—

8 (i) elects exactly 3 Representatives
9 and the nominee of one political party for
10 President received at least 75 percent of
11 the votes cast in the geographic area cov-
12 ered by the district in 2 of the 3 most re-
13 cent Presidential elections;

14 (ii) elects exactly 4 Representatives
15 and the nominee of one political party for
16 President received at least 80 percent of
17 the votes cast in the geographic area cov-
18 ered by the district in 2 of the 3 most re-
19 cent Presidential elections; or

20 (iii) elects exactly 5 Representatives
21 and the nominee of one political party for
22 President received at least 83 percent of
23 the votes cast in the geographic area cov-
24 ered by the district in 2 of the 3 most re-
25 cent Presidential elections.

1 (E) To the greatest extent practicable the
2 State shall minimize the number of districts
3 electing 4 Representatives.

4 (F) To the greatest extent practicable the
5 State shall maximize the number of districts
6 electing 5 Representatives.

7 (G) To the extent practicable, districts
8 shall minimize the division of any community of
9 interest, municipality, county, or neighborhood.
10 In this subparagraph, the term “community of
11 interest” means an area with recognized simi-
12 larities of interests, including but not limited to
13 ethnic, economic, social, cultural, geographic, or
14 historic identities. Such term may, in cir-
15 cumstances, include political subdivisions such
16 as counties, municipalities, or school districts,
17 but shall not include common relationships with
18 political parties, officeholders, or political can-
19 didates.

20 (2) NO FAVORING OR DISFAVORING OF POLIT-
21 ICAL PARTIES.—The redistricting plan developed by
22 the independent redistricting commission shall not,
23 when considered on a statewide basis, unduly favor
24 or disfavor any political party.

1 (3) PROHIBITING CONSIDERATION OF RESI-
2 DENCE OF MEMBER OR OTHER CANDIDATE.—In de-
3 veloping the redistricting plan for the State, the
4 independent redistricting commission may not take
5 into consideration the residence of any Member of
6 the House of Representatives or candidate.

7 (b) PUBLIC NOTICE AND INPUT.—

8 (1) USE OF OPEN AND TRANSPARENT PROC-
9 ESS.—The independent redistricting commission of a
10 State shall hold each of its meetings in public, shall
11 solicit and take into consideration comments from
12 the public, including proposed maps, throughout the
13 process of developing the redistricting plan for the
14 State, and shall carry out its duties in an open and
15 transparent manner which provides for the widest
16 public dissemination reasonably possible of its pro-
17 posed and final redistricting plans.

18 (2) WEBSITE.—

19 (A) FEATURES.—The commission shall
20 maintain a public internet site which is not af-
21 filiated with or maintained by the office of any
22 elected official and which includes the following
23 features:

24 (i) General information on the com-
25 mission, its role in the redistricting proc-

1 ess, and its members, including contact in-
2 formation.

3 (ii) An updated schedule of commis-
4 sion hearings and activities, including
5 deadlines for the submission of comments.

6 (iii) All draft redistricting plans devel-
7 oped by the commission under subsection
8 (c) and the final redistricting plan devel-
9 oped under subsection (d), including the
10 accompanying written evaluation under
11 subsection (e).

12 (iv) All comments received from the
13 public on the commission's activities, in-
14 cluding any proposed maps submitted
15 under paragraph (1).

16 (v) Live streaming of commission
17 hearings and an archive of previous meet-
18 ings, including any documents considered
19 at any such meeting, which the commission
20 shall post not later than 24 hours after the
21 conclusion of the meeting.

22 (vi) Access in an easily useable format
23 to the demographic and other data used by
24 the commission to develop and analyze the
25 proposed redistricting plans, together with

1 access to any software used to draw maps
2 of proposed districts and to any reports
3 analyzing and evaluating any such maps.

4 (vii) A method by which members of
5 the public may submit comments and pro-
6 posed maps directly to the commission.

7 (viii) All records of the commission,
8 including all communications to or from
9 members, employees, and contractors re-
10 garding the work of the commission.

11 (ix) A list of all contractors receiving
12 payment from the commission, together
13 with the annual disclosures submitted by
14 the contractors under section 311(c)(3).

15 (x) A list of the names of all individ-
16 uals who submitted applications to serve
17 on the commission, together with the appli-
18 cations submitted by individuals included
19 in any selection pool, except that the com-
20 mission may redact from such applications
21 any financial or other personally sensitive
22 information.

23 (B) SEARCHABLE FORMAT.—The commis-
24 sion shall ensure that all information posted
25 and maintained on the site under this para-

1 graph, including information and proposed
2 maps submitted by the public, shall be main-
3 tained in an easily searchable format.

4 (C) DEADLINE.—The commission shall en-
5 sure that the public internet site under this
6 paragraph is operational (in at least a prelimi-
7 nary format) not later than January 1 of the
8 year ending in the numeral one.

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

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

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

19 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
20 GRAPHIC LOCATIONS.—To the greatest extent prac-
21 ticable, the commission shall hold its meetings and
22 hearings in various geographic regions and locations
23 throughout the State.

24 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
25 ALL NOTICES.—The commission shall make each no-

1 tice which is required to be posted and published
2 under this section available in any language in which
3 the State (or any jurisdiction in the State) is re-
4 quired to provide election materials under section
5 203 of the Voting Rights Act of 1965.

6 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
7 NARY REDISTRICTING PLAN.—

8 (1) IN GENERAL.—Prior to developing and pub-
9 lishing a final redistricting plan under subsection
10 (d), the independent redistricting commission of a
11 State shall develop and publish a preliminary redis-
12 tricting plan.

13 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
14 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

15 (A) 3 HEARINGS REQUIRED.—Prior to de-
16 veloping a preliminary redistricting plan under
17 this subsection, the commission shall hold not
18 fewer than 3 public hearings at which members
19 of the public may provide input and comments
20 regarding the potential contents of redistricting
21 plans for the State and the process by which
22 the commission will develop the preliminary
23 plan under this subsection.

24 (B) MINIMUM PERIOD FOR NOTICE PRIOR
25 TO HEARINGS.—Not fewer than 14 days prior

1 to the date of each hearing held under this
2 paragraph, the commission shall post notices of
3 the hearing in on the website maintained under
4 subsection (b)(2), and shall provide for the pub-
5 lication of such notices in newspapers of general
6 circulation throughout the State. Each such no-
7 tice shall specify the date, time, and location of
8 the hearing.

9 (C) SUBMISSION OF PLANS AND MAPS BY
10 MEMBERS OF THE PUBLIC.—Any member of
11 the public may submit maps or portions of
12 maps for consideration by the commission. As
13 provided under subsection (b)(2)(A), any such
14 map shall be made publicly available on the
15 commission’s website and open to comment.

16 (3) PUBLICATION OF PRELIMINARY PLAN.—

17 (A) IN GENERAL.—The commission shall
18 post the preliminary redistricting plan devel-
19 oped under this subsection, together with a re-
20 port that includes the commission’s responses
21 to any public comments received under sub-
22 section (b)(3), on the website maintained under
23 subsection (b)(2), and shall provide for the pub-
24 lication of each such plan in newspapers of gen-
25 eral circulation throughout the State.

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

11 (4) MINIMUM POST-PUBLICATION PERIOD FOR
12 PUBLIC COMMENT.—The commission shall accept
13 and consider comments from the public (including
14 through the website maintained under subsection
15 (b)(2)) with respect to the preliminary redistricting
16 plan published under paragraph (3), including pro-
17 posed revisions to maps, for not fewer than 30 days
18 after the date on which the plan is published.

19 (5) POST-PUBLICATION HEARINGS.—

20 (A) 3 HEARINGS REQUIRED.—After post-
21 ing and publishing the preliminary redistricting
22 plan under paragraph (3), the commission shall
23 hold not fewer than 3 public hearings in dif-
24 ferent geographic areas of the State 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.—Not fewer than 14 days prior
5 to the date of each hearing held under this
6 paragraph, the commission shall post notices of
7 the hearing in on the website maintained under
8 subsection (b)(2), and shall provide for the pub-
9 lication of such notices in newspapers of general
10 circulation throughout the State. Each such no-
11 tice shall specify the date, time, and location of
12 the hearing.

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

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

1 (1) IN GENERAL.—After taking into consider-
2 ation comments from the public on any preliminary
3 redistricting plan developed and published under
4 subsection (c), the independent redistricting commis-
5 sion of a State shall develop and publish a final re-
6 districting plan for the State.

7 (2) MEETING; FINAL VOTE.—Not later than the
8 deadline specified in subsection (h), the commission
9 shall hold a public hearing at which the members of
10 the commission shall vote on approving the final
11 plan for enactment into law.

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

19 (A) The final redistricting plan, including
20 all relevant maps.

21 (B) A report by the commission to accom-
22 pany the plan which provides the background
23 for the plan and the commission's reasons for
24 selecting the plan as the final redistricting plan,
25 including responses to the public comments re-

1 ceived on any preliminary redistricting plan de-
2 veloped and published under subsection (c).

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

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

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

11 (B) at least one member of the commission
12 appointed from each of the categories of the ap-
13 proved selection pool described in section
14 312(b)(1) approves the plan.

15 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-
16 TERNAL METRICS.—The independent redistricting com-
17 mission shall include with each redistricting plan devel-
18 oped and published under this section a written evaluation
19 that measures each such plan against external metrics
20 which cover the criteria set forth in paragraph (1) of sub-
21 section (a), including the impact of the plan on the ability
22 of communities of color to elect candidates of choice,
23 measures of partisan fairness using multiple accepted
24 methodologies, and the degree to which the plan preserves
25 or divides communities of interest.

1 (f) TIMING.—The independent redistricting commis-
2 sion of a State may begin its work on the redistricting
3 plan of the State upon receipt of relevant population infor-
4 mation from the Bureau of the Census, and shall approve
5 a final redistricting plan for the State in each year ending
6 in the numeral one not later than 8 months after the date
7 on which the State receives the State apportionment notice
8 or October 1, whichever occurs later.

9 **SEC. 314. ESTABLISHMENT OF RELATED ENTITIES.**

10 (a) ESTABLISHMENT OR DESIGNATION OF NON-
11 PARTISAN AGENCY OF STATE LEGISLATURE.—

12 (1) IN GENERAL.—Each State shall establish a
13 nonpartisan agency in the legislative branch of the
14 State government to appoint the members of the
15 independent redistricting commission for the State
16 in accordance with section 311.

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

20 (A) is required to provide services on a
21 nonpartisan basis;

22 (B) is required to maintain impartiality;
23 and

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

1 (3) TRAINING OF MEMBERS APPOINTED TO
2 COMMISSION.—Not later than January 15 of a year
3 ending in the numeral one, the nonpartisan agency
4 established or designated under this subsection shall
5 provide the members of the independent redistricting
6 commission with initial training on their obligations
7 as members of the commission, including obligations
8 under the Voting Rights Act of 1965 and other ap-
9 plicable laws.

10 (4) REGULATIONS.—The nonpartisan agency
11 established or designated under this subsection shall
12 adopt and publish regulations, after notice and op-
13 portunity for comment, establishing the procedures
14 that the agency will follow in fulfilling its duties
15 under this Act, including the procedures to be used
16 in vetting the qualifications and political affiliation
17 of applicants and in creating the selection pools, the
18 randomized process to be used in selecting the initial
19 members of the independent redistricting commis-
20 sion, and the rules that the agency will apply to en-
21 sure that the agency carries out its duties under this
22 Act in a maximally transparent, publicly accessible,
23 and impartial manner.

24 (5) DESIGNATION OF EXISTING AGENCY.—At
25 its option, a State may designate an existing agency

1 in the legislative branch of its government to appoint
2 the members of the independent redistricting com-
3 mission plan for the State under this Act, so long
4 as the agency meets the requirements for non-
5 partisanship under this subsection.

6 (6) TERMINATION OF AGENCY SPECIFICALLY
7 ESTABLISHED FOR REDISTRICTING.—If a State does
8 not designate an existing agency under paragraph
9 (5) but instead establishes a new agency to serve as
10 the nonpartisan agency under this section, the new
11 agency shall terminate upon the enactment into law
12 of the redistricting plan for the State.

13 (7) PRESERVATION OF RECORDS.—The State
14 shall ensure that the records of the nonpartisan
15 agency are retained in the appropriate State archive
16 in such manner as may be necessary to enable the
17 State to respond to any civil action brought with re-
18 spect to congressional redistricting in the State.

19 (8) DEADLINE.—The State shall meet the re-
20 quirements of this subsection not later than each
21 October 15 of a year ending in the numeral nine.

22 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
23 DISTRICTING.—

24 (1) IN GENERAL.—Each State shall appoint a
25 Select Committee on Redistricting to approve or dis-

1 approve a selection pool developed by the inde-
2 pendent redistricting commission for the State under
3 section 312.

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

7 (A) One member of the upper house of the
8 State legislature, who shall be appointed by the
9 leader of the party with the greatest number of
10 seats in the upper house.

11 (B) One member of the upper house of the
12 State legislature, who shall be appointed by the
13 leader of the party with the second greatest
14 number of seats in the upper house.

15 (C) One member of the lower house of the
16 State legislature, who shall be appointed by the
17 leader of the party with the greatest number of
18 seats in the lower house.

19 (D) One member of the lower house of the
20 State legislature, who shall be appointed by the
21 leader of the party with the second greatest
22 number of seats in the lower house.

23 (3) SPECIAL RULE FOR STATES WITH UNICAM-
24 ERAL LEGISLATURE.—In the case of a State with a
25 unicameral legislature, the Select Committee on Re-

1 districting for the State under this subsection shall
 2 consist of the following members:

3 (A) Two members of the State legislature
 4 appointed by the chair of the political party of
 5 the State whose candidate received the highest
 6 percentage of votes in the most recent statewide
 7 election for Federal office held in the State.

8 (B) Two members of the State legislature
 9 appointed by the chair of the political party
 10 whose candidate received the second highest
 11 percentage of votes in the most recent statewide
 12 election for Federal office held in the State.

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

16 **SEC. 315. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
 17 **INDEPENDENT REDISTRICTING COMMIS-**
 18 **SIONS.**

19 Not later than May 15 of a year ending in the nu-
 20 meral one, the Comptroller General of the United States
 21 shall submit to Congress a report on the extent to which
 22 the memberships of independent redistricting commissions
 23 for States established under this subtitle with respect to
 24 the immediately preceding year ending in the numeral zero

1 meet the diversity requirements as provided for in sections
 2 311(a)(2)(B) and 312(b)(2).

3 **Subtitle C—Role of Courts in** 4 **Development of Redistricting Plans**

5 **SEC. 321. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE** 6 **COURT.**

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

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

17 (2) the final plan developed and published by
 18 the Court under this section shall be deemed to be
 19 enacted on the date on which the Court publishes
 20 the final plan, as described in subsection (d).

21 (b) APPLICABLE VENUE DESCRIBED.—For purposes
 22 of this section, the “applicable venue” with respect to a
 23 State is the District of Columbia or the judicial district
 24 in which the capital of the State is located, as selected
 25 by the first party to file with the court sufficient evidence

1 of the occurrence of a triggering event described in sub-
2 section (f).

3 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—In developing a redistricting
5 plan for a State under this section, the Court shall
6 adhere to the same terms and conditions that ap-
7 plied (or that would have applied, as the case may
8 be) to the development of a plan by the independent
9 redistricting commission of the State under section
10 313(a).

11 (2) ACCESS TO INFORMATION AND RECORDS OF
12 COMMISSION.—The Court shall have access to any
13 information, data, software, or other records and
14 material that was used (or that would have been
15 used, as the case may be) by the independent redis-
16 tricting commission of the State in carrying out its
17 duties under this Act.

18 (3) HEARING; PUBLIC PARTICIPATION.—In de-
19 veloping a redistricting plan for a State, the Court
20 shall—

21 (A) hold one or more evidentiary hearings
22 at which interested members of the public may
23 appear and be heard and present testimony, in-
24 cluding expert testimony, in accordance with
25 the rules of the Court; and

1 (B) consider other submissions and com-
2 ments by the public, including proposals for re-
3 districting plans to cover the entire State or
4 any portion of the State.

5 (4) USE OF SPECIAL MASTER.—To assist in the
6 development and publication of a redistricting plan
7 for a State under this section, the Court may ap-
8 point a special master to make recommendations to
9 the Court on possible plans for the State.

10 (d) PUBLICATION OF PLAN.—

11 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
12 Upon completing the development of one or more
13 initial redistricting plans, the Court shall make the
14 plans available to the public at no cost, and shall
15 also make available the underlying data used by the
16 Court to develop the plans and a written evaluation
17 of the plans against external metrics (as described in
18 section 313(e)).

19 (2) PUBLICATION OF FINAL PLAN.—At any
20 time after the expiration of the 14-day period which
21 begins on the date the Court makes the plans avail-
22 able to the public under paragraph (1), and taking
23 into consideration any submissions and comments by
24 the public which are received during such period, the

1 Court shall develop and publish the final redistricting plan for the State.

3 (e) USE OF INTERIM PLAN.—In the event that the
4 Court is not able to develop and publish a final redistricting plan for the State with sufficient time for an upcoming election to proceed, the Court may develop and
6 publish an interim redistricting plan which shall serve as
8 the redistricting plan for the State until the Court develops and publishes a final plan in accordance with this section. Nothing in this subsection may be construed to limit
11 or otherwise affect the authority or discretion of the Court
12 to develop and publish the final redistricting plan, including but not limited to the discretion to make any changes
14 the Court deems necessary to an interim redistricting
15 plan.

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

18 (1) The failure of the State to establish or designate a nonpartisan agency of the State legislature
20 under section 314(a) prior to the expiration of the
21 deadline set forth in section 314(a)(5).

22 (2) The failure of the State to appoint a Select
23 Committee on Redistricting under section 314(b)
24 prior to the expiration of the deadline set forth in
25 section 314(b)(4).

1 (3) The failure of the Select Committee on Re-
2 districting to approve any selection pool under sec-
3 tion 312 prior to the expiration of the deadline set
4 forth for the approval of the second replacement se-
5 lection pool in section 312(d)(2).

6 (4) The failure of the independent redistricting
7 commission of the State to approve a final redis-
8 tricting plan for the State prior to the expiration of
9 the deadline set forth in section 313(f).

10 **SEC. 322. SPECIAL RULE FOR REDISTRICTING CONDUCTED**
11 **UNDER ORDER OF FEDERAL COURT.**

12 If a Federal court requires a State to conduct redis-
13 tricting subsequent to an apportionment of Representa-
14 tives in the State in order to comply with the Constitution
15 or to enforce the Voting Rights Act of 1965, section 313
16 shall apply with respect to the redistricting, except that
17 the court may revise any of the deadlines set forth in such
18 section if the court determines that a revision is appro-
19 priate in order to provide for a timely enactment of a new
20 redistricting plan for the State.

1 **Subtitle D—Administrative and**
2 **Miscellaneous Provisions**

3 **SEC. 331. PAYMENTS TO STATES FOR CARRYING OUT RE-**
4 **DISTRICTING.**

5 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
6 sections (c) and (d), not later than 30 days after a State
7 receives a State apportionment notice, the Election Assist-
8 ance Commission shall make a payment to the State in
9 an amount equal to the product of—

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

12 (2) \$150,000.

13 (b) USE OF FUNDS.—A State shall use the payment
14 made under this section to establish and operate the
15 State’s independent redistricting commission, to imple-
16 ment the State redistricting plan, and to otherwise carry
17 out congressional redistricting in the State.

18 (c) NO PAYMENT TO STATES ELECTING MEMBERS
19 AT LARGE.—The Election Assistance Commission shall
20 not make a payment under this section to any State which,
21 under the apportionment notice, will elect all of its Rep-
22 resentatives at large.

23 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
24 CONDITION OF PAYMENT.—

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2) and paragraph (3), the Election As-
3 sistance Commission may not make a payment to a
4 State under this section until the State certifies to
5 the Commission that the nonpartisan agency estab-
6 lished or designated by a State under section 314(a)
7 has, in accordance with section 312(b)(1), submitted
8 a selection pool to the Select Committee on Redis-
9 tricting for the State established under section
10 314(b).

11 (2) EXCEPTION FOR STATES WITH EXISTING
12 COMMISSIONS.—In the case of a State which, pursu-
13 ant to section 301(c), is exempt from the require-
14 ments of section 301(a), the Commission may not
15 make a payment to the State under this section until
16 the State certifies to the Commission that its redis-
17 tricting commission meets the requirements of sec-
18 tion 301(c).

19 (3) EXCEPTION FOR STATE OF IOWA.—In the
20 case of the State of Iowa, the Commission may not
21 make a payment to the State under this section until
22 the State certifies to the Commission that it will
23 carry out congressional redistricting pursuant to the
24 State’s apportionment notice in accordance with a
25 plan developed by the Iowa Legislative Services

1 Agency with the assistance of a Temporary Redis-
2 tricting Advisory Commission, as provided under the
3 law described in section 301(d).

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

7 **SEC. 332. CIVIL ENFORCEMENT.**

8 (a) CIVIL ENFORCEMENT.—

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

13 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
14 TION.—Any citizen of a State who is aggrieved by
15 the failure of the State to meet the requirements of
16 this Act may bring a civil action in the United
17 States district court for the applicable venue for
18 such relief as may be appropriate to remedy the fail-
19 ure. For purposes of this section, the “applicable
20 venue” is the District of Columbia or the judicial
21 district in which the capital of the State is located,
22 as selected by the person who brings the civil action.

23 (b) EXPEDITED CONSIDERATION.—In any action
24 brought forth under this section, the following rules shall
25 apply:

1 (1) The action shall be filed in the district court
2 of the United States for the District of Columbia or
3 for the judicial district in which the capital of the
4 State is located, as selected by the person bringing
5 the action.

6 (2) The action shall be heard by a 3-judge
7 court convened pursuant to section 2284 of title 28,
8 United States Code.

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

12 (4) A copy of the complaint shall be delivered
13 promptly to the Clerk of the House of Representa-
14 tives and the Secretary of the Senate.

15 (5) A final decision in the action shall be re-
16 viewable only by appeal directly to the Supreme
17 Court of the United States. Such appeal shall be
18 taken by the filing of a notice of appeal within 10
19 days, and the filing of a jurisdictional statement
20 within 30 days, of the entry of the final decision.

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

1 (c) ATTORNEY’S FEES.—In a civil action under this
 2 section, the court may allow the prevailing party (other
 3 than the United States) reasonable attorney fees, includ-
 4 ing litigation expenses, and costs.

5 (d) RELATION TO OTHER LAWS.—

6 (1) RIGHTS AND REMEDIES ADDITIONAL TO
 7 OTHER RIGHTS AND REMEDIES.—The rights and
 8 remedies established by this section are in addition
 9 to all other rights and remedies provided by law, and
 10 neither the rights and remedies established by this
 11 section nor any other provision of this Act shall su-
 12 persede, restrict, or limit the application of the Vot-
 13 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

14 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
 15 this Act authorizes or requires conduct that is pro-
 16 hibited by the Voting Rights Act of 1965 (52 U.S.C.
 17 10301 et seq.).

18 **SEC. 333. STATE APPORTIONMENT NOTICE DEFINED.**

19 In this title, the “State apportionment notice” means,
 20 with respect to a State, the notice sent to the State from
 21 the Clerk of the House of Representatives under section
 22 22(b) of the Act entitled “An Act to provide for the fif-
 23 teenth and subsequent decennial censuses and to provide
 24 for an apportionment of Representatives in Congress”, ap-

1 proved June 18, 1929 (2 U.S.C. 2a(b)), of the number
2 of Representatives to which the State is entitled.

3 **TITLE IV—GENERAL** 4 **PROVISIONS**

5 **SEC. 401. NO EFFECT ON ELECTIONS FOR STATE AND** 6 **LOCAL OFFICE.**

7 Nothing in this Act or in any amendment made by
8 this Act may be construed to affect the manner in which
9 a State carries out elections for State or local office, in-
10 cluding the process by which a State establishes the dis-
11 tricts used in such elections.

12 **SEC. 402. SEVERABILITY.**

13 If any provision of this Act or any amendment made
14 by this Act, or the application of a provision of this Act
15 or an amendment made by this Act to any person or cir-
16 cumstance, is held to be unconstitutional, the remainder
17 of this Act, and the application of the provisions to any
18 person or circumstance, shall not be affected by the hold-
19 ing.

20 **SEC. 403. EFFECTIVE DATE.**

21 (a) REDISTRICTING.—Title III and the amendments
22 made by such title shall apply with respect to redistricting
23 carried out pursuant to the decennial census conducted
24 during 2020 or any succeeding decennial census.

1 (b) RANKED CHOICE VOTING; USE OF MULTI-MEM-
2 BER DISTRICTS.—Titles I and II and the amendments
3 made by such titles shall apply with respect to elections
4 for Federal office held in 2022 and each succeeding year.

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