To establish the use of ranked choice voting in elections for Senators and 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 according to nonpartisan criteria, and for other purposes.

INA BILL

To establish the use of ranked choice voting in elections for Senators and 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 according to nonpartisan criteria, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Fair Representation Act”.

(b) Table of Contents.—The table of contents of 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 Senators and Representatives.
Sec. 103. Effective date.

TITLE II—MULTI-MEMBER DISTRICTS

Sec. 201. Requiring use of multi-member districts in certain States.
Sec. 202. Election of representatives at large in certain States.
Sec. 203. Establishing minimum number of candidates in general election.
Sec. 204. Conforming amendments.
Sec. 205. Prohibition on winner-take-all elections.
Sec. 206. Exception for States in which use of multi-member or at large districts will result in diminishment of voting rights.
Sec. 207. Effective date.

TITLE III—NONPARTISAN REDISTRICTING REFORM

Sec. 301. Requiring congressional redistricting plans to comply with nonpartisan criteria.
Sec. 302. Ban on mid-decade redistricting.
Sec. 303. Criteria for redistricting.
Sec. 304. Development of plan.
Sec. 305. Failure by State to enact plan.
Sec. 306. Civil enforcement.
Sec. 307. Effective date.

TITLE IV—GENERAL PROVISIONS

Sec. 401. No effect on elections for State and local office.
Sec. 402. Severability.

SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.

Congress finds that it has the authority to establish the terms and conditions States must follow in carrying out congressional redistricting after an apportionment of...
Members of the House of Representatives and in administering elections for the Senate and House of Representatives because—

(1) the authority granted to Congress under article I, section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Senators and Members of the House of Representatives;

(2) the authority granted to Congress under section 5 of the Fourteenth Amendment to the Constitution gives Congress the power to enact laws to enforce section 2 of such amendment, which requires Representatives to be apportioned among the several States according to their number; and

(3) the authority granted to Congress under section 5 of the Fourteenth Amendment to the Constitution gives Congress the power to enact laws to enforce section 1 of such amendment, including protections against excessive partisan gerrymandering that Federal courts have not enforced because they understand such enforcement to be committed to Congress by the Constitution.
TITLE I—RANKED CHOICE VOTING

SEC. 101. REQUIRING RANKED CHOICE VOTING FOR ELECTION OF SENATORS AND REPRESENTATIVES.

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

“Subtitle C—Ranked Choice Voting

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

“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELECTION OF SENATORS AND REPRESENTATIVES.

“(a) Ranked Choice Voting.—Except as provided in section 205 of the Fair Representation Act, each State shall carry out elections for the office of Senator and the office of Representative in Congress using ranked choice voting, a system under which each voter may rank the candidates for the office in the order of the voter’s preference, and ballots are tabulated, in accordance with the following:

“(1) In any single-seat election and any election for the office of Senator, the State shall carry out the election using single-seat ranked choice voting as described in section 322(a).
“(2) In any multi-seat election, the State shall carry out the election using multi-seat ranked choice voting as described in section 322(b).

“(b) BALLOT DESIGN.—

“(1) IN GENERAL.—Each State shall ensure that the ballot used in an ranked choice voting election under this title meets each of the following requirements:

“(A) The ballot shall allow voters to rank candidates in order of choice.

“(B) The number of candidates whom a voter may rank in the election, as determined under paragraph (2), shall be uniform for all voters in the election within the State.

“(C) The ballot shall include all qualified candidates for the election and (to the extent permitted under State law) options for voters to select write-in candidates.

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

“(2) DETERMINATION OF NUMBER OF CANDIDATES VOTER MAY RANK.—The number of can-
didates a voter may rank in a ranked choice voting
election shall be determined as follows:

“(A) If feasible, the ballot shall permit vot-
ers to rank a number of candidates in the elec-
tion which is not fewer than the number of
seats in the election plus 4.

“(B) If the number of candidates in the
election is less than the number of ranking pro-
vided under subparagraph (A), the ballot shall
permit voters to rank a number of candidates
which is not fewer than the number of can-
didates in the election, including write-in can-
didates.

“(C) If it is not feasible for the ballot to
permit voters to rank as many candidates as re-
quired under subparagraphs (A) or (B), the
State may limit the number of candidates who
may be ranked for each election on the ballot
to a maximum feasible number established by
the State, except that such number may not be
less than 5 for any election on the ballot.

“SEC. 322. TABULATION OF BALLOTS.

“(a) Tabulation for Single-Seat Congres-
sional Elections.—
“(1) Process for Tabulation.—In the case of a single-seat election, each ballot cast in the election shall count as one vote for the highest-ranked active candidate on the ballot. Tabulation shall proceed in rounds as described in paragraphs (2) and (3).

“(2) Elimination of Candidates During Tabulation.—If there are more than two active candidates, the active candidate with the fewest votes is eliminated, each vote cast on a ballot for the eliminated candidate shall be counted for the next-ranked active candidate on the ballot, and a new round shall begin.

“(3) Completion of Tabulation; Election of Candidate.—When there are two or fewer active candidates—

“(A) tabulation is complete; and

“(B) the candidate receiving the greatest number of votes shall be elected to the office of Senator or Representative in Congress (or, in the case of a primary election, shall advance to the general election for such office as provided under the law of the State involved).

“(b) Tabulation for Multi-Seat Congressional Elections.—
“(1) PROCESS FOR TABULATION.—In the case of a multi-seat election, each ballot cast in the election shall count at its current transfer value for the highest-ranked active candidate on the ballot. Tabulation shall proceed as described in paragraphs (2), (3), and (4).

“(2) ELECTION OF CANDIDATES DURING TABULATION; SURPLUS-TRANSFER ROUND.—If any active candidate has a number of votes greater than or equal to the election threshold, that candidate shall be designated as elected, and the surplus votes shall be transferred to other candidates as follows:

“(A) Unless paragraph (4) applies, each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot’s current transfer value by the surplus fraction for the elected candidate, truncated after 4 decimal places.

“(B) Each candidate elected under this paragraph shall be deemed to have a number of votes equal to the election threshold for the contest in all future rounds, each ballot counting towards the elected candidate shall be transferred at its new transfer value to its next-
ranked active candidate, and a new round shall begin.

“(C) If two or more candidates have a number of votes greater than the election threshold, the surpluses shall be distributed simultaneously in the same round.

“(3) Elimination of Candidates During Tabulation; Elimination Round.—Unless paragraph (2) or paragraph (4) applies, the active candidate with the fewest votes is eliminated, each vote cast on a ballot for the eliminated candidate shall be counted for the next-ranked active candidate on the ballot, and a new round shall begin.

“(4) Completion of Tabulation.—Tabulation in a multi-seat election is complete if—

“(A) the number of elected candidates is equal to the number of seats to be filled and any remaining votes in excess of the election threshold have been counted for each ballot’s next-ranked active candidate; or

“(B) the sum of the number of elected candidates and the number of active candidates is less than or equal to the number of seats to be filled at any time.

“(c) Treatment of Certain Ballots.—
“(1) TREATMENT OF UNDERVOTES.—A ballot which is an undervote shall not be counted in any round of tabulation of ballots in an election under this section. For purposes of this paragraph, an ‘undervote’ is a ballot for which the voter does not rank any of the candidates in the election.

“(2) TREATMENT OF INACTIVE BALLOTS.—

“(A) IN GENERAL.—A ballot which becomes an inactive ballot shall no longer count for any candidate for the remainder of the tabulation of ballots in an election under this section after the ballot becomes inactive.

“(B) INACTIVE BALLOT DEFINED.—For purposes of this paragraph, an ‘inactive ballot’ is a ballot on which—

“(i) all of the ranked candidates on the ballot have become inactive; or

“(ii) the voter ranks more than one candidate at the same ranking and all candidates at a higher ranking have become inactive.

“(3) TREATMENT OF SKIPPED OR REPEATED RANKINGS.—

“(A) IN GENERAL.—A ballot which includes any skipped or repeated ranking shall re-
main active and continue to be counted for the highest-ranked active candidate in an election under this section.

“(B) Skipped and repeated rankings defined.—For purposes of this paragraph—

“(i) a ‘skipped ranking’ is a ranking a voter does not assign to any candidate while assigning a subsequent ranking to a candidate; and

“(ii) a ‘repeated ranking’ is a ranking for which the voter has assigned the same candidate that the voter assigned to another ranking.

“SEC. 323. TREATMENT OF TIES BETWEEN CANDIDATES.

“(a) Resolution by lot.—If a tie occurs between candidates with the greatest number of votes or the fewest number of votes at any point in the tabulation of ballots under this part and the tabulation cannot proceed until the tie is resolved, the tie shall be resolved by lot or by such other method as may be provided under State law.

“(b) Resolution prior to tabulation.—Prior to tabulation, the chief election official of the State may resolve prospective ties between candidates by lot or according to the method provided under State law, as described in subsection (a).
“(c) Use During Recount.— The result of the resolution of any tie shall be recorded and reused for purposes of any recount under State law.

“SEC. 324. DEFINITIONS.

“In this part, the following definitions apply:

“(1) The term ‘active candidate’ means, with respect to any round of tabulation under this part, a candidate who has not been elected or eliminated, and who is not a withdrawn candidate.

“(2) The term ‘election threshold’ means the number of votes sufficient for a candidate to be elected in a multi-seat election. Such number is equal to the total votes counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of seats to be filled, then increased by one, disregarding any fractions.

“(3) The term ‘highest-ranked active candidate’ means the active candidate assigned to a higher ranking than any other active candidate.

“(4) The term ‘multi-seat election’ means any primary election in which more than one candidate in the primary election will advance to the general election, any special election for more than one seat, and any general election in which more than one
Representative is elected at large or in a multi-member district.

“(5) The term ‘ranking’ means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate, with ‘1’ as the highest ranking and each succeeding positive number as the next highest ranking.

“(6) The term ‘single-seat election’ means any primary election in which exactly one candidate in the primary election will advance to the general election, any special election for exactly one seat, any general election for the office of Senator, and any general election in which only one Representative is elected at large.

“(7) The term ‘surplus fraction’ means, with respect to an elected candidate as described in section 322(b)(1), the number obtained by subtracting the election threshold from the candidate’s vote total, then dividing that number by the candidate’s vote total, truncated after four decimal places.

“(8) The term ‘transfer value’ means the proportion of a vote that a ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of 1. If a ballot contributes to the election of a candidate under section 322(b)(1),
the transfer value shall be the new transfer value assigned under such section.

“(9) The term ‘vote total’ means, with respect to a candidate in a round of counting, the total transfer value of all ballots counting for the candidate in the round.

“(10) The term ‘withdrawn candidate’ means a candidate who, prior to the date of the election, files or has an authorized designee file a signed letter of withdrawal from the election, in accordance with such rules as the chief election official of the State may establish.

“PART 2—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

“SEC. 331. PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING.

“(a) Payments Described.—

“(1) Payments.—Not later than June 1, 2025, the Commission shall make a payment to each State in the amount determined with respect to the State under paragraph (2).

“(2) Amount determined on basis of number of registered voters.—

“(A) In general.—The amount determined under this paragraph is the product of—
“(i) the number of individuals registered to vote in elections for Federal office in the State, based on the most recently available information on voter registration in the State, as provided to the Commission by the State; and

“(ii) the per capita amount established by the Commission under subparagraph (B).

“(B) PER CAPITA AMOUNT.—For purposes of this paragraph, the Commission shall establish a separate, appropriate per capita payment amount for each State that may be no less than $4 and no more than $8, taking into account any reasonable demonstrated or estimated costs associated with the use of ranked choice voting, including costs related to voting equipment updates; election setup licensing costs; programming; ballot design and printing; training; processing, canvassing, centralization, and tabulation; preliminary and final results reporting and displaying; post-election audits and recounts; and voter information, education, and engagement.
“(b) Use of Funds.—A State shall use the payment made under subsection (a) to implement ranked choice voting under this subtitle, including educating voters about ranked choice voting, and to otherwise carry out elections for Federal office in the State.

“(c) No Effect on Requirements Payments.—The receipt or use of the payment made under this section shall not affect a State’s eligibility for or use of a requirements payment made under part 1 of subtitle D of title II.

“(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for payments under this section.

“PART 3—GENERAL PROVISIONS

“SEC. 341. TREATMENT OF STATES NOT HOLDING PRIMARY ELECTIONS PRIOR TO DATE OF GENERAL ELECTION.

“Nothing in this subtitle shall be construed to require a State to hold a primary election for the office of Senator or Representative in Congress prior to the date established under section 25 of the Revised Statutes of the United States (2 U.S.C. 7) for the regularly scheduled general election for such office, so long as the determination of the candidates who are elected to such office is based solely on the votes cast with respect to the election held on
such date, as determined in accordance with the system of ranked choice voting under this title.

"SEC. 342. APPLICATION TO DISTRICT OF COLUMBIA AND TERRitories.

“(a) Election of Delegates and Resident Commissioner.—In this subtitle, the term ‘Representative’ includes a Delegate or Resident Commissioner to the Congress.

“(b) Application to Northern Mariana Islands.—This subtitle shall apply with respect to the Commonwealth of the Northern Mariana Islands in the same manner as this subtitle applies to a State.”.

(b) Clerical Amendment.—The table of contents of such Act is amended by adding at the end of the item relating to title III the following:

"Subtitle C—Ranked Choice Voting

"PART 1—Requiring Ranked Choice Voting for Election of Senators and Representatives

"Sec. 321. Requiring ranked choice voting for election of Senators and Representatives.
"Sec. 322. Tabulation of ballots.
"Sec. 323. Treatment of ties between candidates.
"Sec. 324. Definitions.

"PART 2—Payments to States To Implement Ranked Choice Voting

"Sec. 331. Payments to States to implement ranked choice voting.

"PART 3—General Provisions

"Sec. 341. Treatment of States not holding primary elections prior to date of general election.
"Sec. 342. Application to District of Columbia and territories.
SEC. 102. APPLICABILITY OF ENFORCEMENT PROVISIONS OF HELP AMERICA VOTE ACT OF 2002.

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

SEC. 103. EFFECTIVE DATE.

This title and the amendments made by this title shall apply with respect to—

(1) elections for the office of Senator which are held during 2026 or any succeeding year; and

(2) elections for the office of Representative which are held pursuant to the reapportionment of Representatives resulting from the regular decennial census conducted during 2030 and all subsequent elections.

TITLE II—MULTI-MEMBER DISTRICTS

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

(a) Rules for States With Six or More Representatives.—Except as provided in section 202(b), if a State is entitled to six or more Representatives in Congress under an apportionment made under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved
June 18, 1929 (2 U.S.C. 2a(a)), the State shall establish a number of districts for the election of Representatives in the State that is less than the number of Representatives to which the State is entitled, and Representatives shall be elected only from districts so established.

(b) **Criteria for Number of Districts.**—In establishing the number of districts for the State under subsection (a), the State shall follow the following criteria:

1. The State shall ensure that districts shall each have equal population per Representative as nearly as practicable, in accordance with the Constitution of the United States.

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

**SEC. 202. ELECTION OF REPRESENTATIVES AT LARGE IN CERTAIN STATES.**

(a) **Mandatory Elections at Large.**—If a State is entitled to five or fewer Representatives in Congress under an apportionment made under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(a)), the State shall elect all such Representatives at large.
(b) Optional Elections at Large.—If a State is entitled to six or seven Representatives in Congress under an apportionment made under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(a)), the State may, at its option, elect all such Representatives at large.

SEC. 203. Establishing Minimum Number of Candidates in General Election.

(a) States with Partisan Nominating Primaries.—

(1) In general.—If, in a primary election for the office of Representative, the candidates that advance to the general election do so by winning the nomination of a political party (without regard to whether or not the election is open or closed to voters on the basis of political party preference), the State shall ensure that the number of candidates to be nominated by each political party is equal to the lesser of—

(A) the number of Representatives who will be elected from the district involved; or

(B) the number of candidates in the primary election.
(2) Authority of political parties to determine number of candidates advancing in multi-seat elections.—Notwithstanding paragraph (1), in the case of a primary election described in such paragraph which is a multi-seat primary election, a State may permit a political party to adopt a rule that provides for such number of nominees of that political party to advance to the general election as the party considers appropriate.

(3) Multi-seat primary election defined.—In this subsection, the term “multi-seat primary election” means a primary election held to select the candidates for a general election in which more than one Representative shall be elected.

(b) States with nonpartisan blanket primaries.—

(1) Number of candidates.—If a State uses a nonpartisan blanket primary election to determine which candidates will advance to the general election for the office of Representative, the State shall ensure that the number of candidates who advance to the general election for the office is not less than the greater of—

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

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

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

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

(B) each voter in the State who is eligible
to vote in elections for Federal office in the dis-

tric involved may cast a ballot in the election,
regardless of the voter’s political party pref-
erence or lack thereof; and

(C) the identification and number of can-
didates who advance to the general election for
the office is determined without regard to the
candidates’ political party preferences or lack
thereof.
(c) Exception for States Not Holding Primary Elections Prior to Date of Regularly Scheduled General Election.—In the case of a State that does not hold primary elections for the office of Representative prior to the date established under section 25 of the Revised Statutes of the United States (2 U.S.C. 7) for the regularly scheduled general election for such offices, all seats shall be elected at the election taking place on such date.

SEC. 204. CONFORMING AMENDMENTS.

(a) Election of Representatives Prior to Reapportionment.—Section 22(c) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “Until a State” and inserting “Except as provided in title II of the Fair Representation Act, until a State”.

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

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(c) Number of Representatives from Each District.—The Act entitled “An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting”, approved December 14, 1967 (2 U.S.C. 2c), is amended by striking “In each State” and inserting “Except as provided in title II of the Fair Representation Act, in each State”.

(d) Nomination for Representatives at Large.—Section 5 of the Act entitled “An Act For the apportionment of Representatives in Congress among the several States under the Thirteenth Census”, approved August 8, 1911 (2 U.S.C. 5), is amended by striking “Candidates for Representative” and inserting “Except as provided in title II of the Fair Representation Act, candidates for Representative”.

SEC. 205. PROHIBITION ON WINNER-TAKE-ALL ELECTIONS.

If, for any reason, a State cannot use ranked choice voting under subtitle C of title III of the Help America Vote Act of 2002, as added by section 101, then in any election held at large or in a multi-winner district in which more than one Representative will be elected, all Representatives shall be elected using an election method that ensures the election of any candidate or any party or slate of candidates who earns a number of votes equal to or greater than the total votes counted for all candidates, di-
vided by the sum of one plus the number of seats to be filled, then increased by one, disregarding any fractions.

SEC. 206. EXCEPTION FOR STATES IN WHICH USE OF MULTI-MEMBER OR AT LARGE DISTRICTS WILL RESULT IN DIMINISHMENT OF VOTING RIGHTS.

(a) Exception.—If, in an action brought under section 306, the court determines that the use of multi-member or at large districts by a State, as set forth in the congressional redistricting plan of a State with respect to the apportionment of Representatives resulting from a decennial census, indicates that the redistricting plan will deny or abridge the right to vote by having the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) of the Voting Rights Act of 1965 (52 U.S.C. 10303(f)(2)), to elect their preferred candidates of choice—

(1) this title shall not apply with respect to any election held in the State which is based on the apportionment of Representatives to which such redistricting plan would apply; and

(2) subject to section 306(c), the court shall develop and publish a redistricting plan for the State which meets the requirements of title III and under
which there are no multi-member districts in the State.

(b) No Effect on Other Requirements.—Nothing in this section shall be construed to waive the application of any of the other titles of this Act or the amendments made by any of the other titles of this Act to a State for which there are no multi-member districts as a result of this section, including the requirement to use ranked choice voting as set forth in title I or the requirement that the congressional redistricting plan of a State meet the requirements of title III.

SEC. 207. EFFECTIVE DATE.
This title and the amendments made by this title shall apply with respect to the One Hundred Twenty-Third Congress and each subsequent Congress.

TITLE III—NONPARTISAN REDISTRICTING REFORM

SEC. 301. REQUIRING CONGRESSIONAL REDISTRICTING PLANS TO COMPLY WITH NONPARTISAN CRITERIA.
A State may not use a congressional redistricting plan enacted if such plan is not in compliance with section 303.
SEC. 302. BAN ON MID-DECADE REDISTRICTING.

A State that has been redistricted in accordance with this title may not be redistricted again until after the next apportionment of Representatives under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a), unless a court requires the State to conduct such subsequent redistricting to comply with the Constitution of the United States, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), or the terms or conditions of this title.

SEC. 303. CRITERIA FOR REDISTRICTING.

(a) RANKED CRITERIA.—The redistricting plan of a State shall be developed in accordance with the following criteria, as set forth in the following order of priority:

(1) Districts shall comply with the Constitution of the United States, including the requirement that they substantially equalize total population, without regard to age, citizenship status, or immigration status.

(2) Districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), and all applicable Federal laws.

(3)(A) Districts shall be drawn, to the extent that the totality of the circumstances warrant, to en-
sure the practical ability of a group protected under
the Voting Rights Act of 1965 (52 U.S.C. 10301 et
seq.), whether alone or in coalition with others, to
participate in the political process and to nominate
candidates and to elect representatives of choice is
not diluted or diminished.

(B) For purposes of subparagraph (A), the as-
assessment of whether a protected group has the prac-
tical ability to nominate candidates and to elect rep-
resentatives of choice shall require the consideration
of the following factors:

(i) Whether the group is politically cohe-
sive.

(ii) Whether there is racially polarized vot-
ing in the relevant geographic region.

(iii) If there is racially polarized voting in
the relevant geographic region, whether the pre-
ferred candidates of the group nevertheless re-
ceive a sufficient amount of consistent crossover
support from other voters such that the group
has a real opportunity to both nominate can-
didates and elect representatives of choice.

(4) To the extent practicable, districts shall re-
fect the diversity of political opinion in the State
such that no district in the State—
(A) elects exactly 3 Representatives and the nominee of one political party for President received at least 75 percent of the votes cast in the geographic area covered by the district in 2 of the 3 most recent Presidential elections;

(B) elects exactly 4 Representatives and the nominee of one political party for President received at least 80 percent of the votes cast in the geographic area covered by the district in 2 of the 3 most recent Presidential elections; or

(C) elects exactly 5 Representatives and the nominee of one political party for President received at least 83 percent of the votes cast in the geographic area covered by the district in 2 of the 3 most recent Presidential elections.

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

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

(7)(A) Districts shall be drawn to represent communities of interest and neighborhoods to the extent practicable after compliance with the requirements of paragraphs (1) through (6). A community
of interest is defined as an area for which the record
before the entity responsible for developing and
adopting the redistricting plan demonstrates the ex-
estistence of broadly shared interests and representa-
tional needs, including shared interests and rep-
resentational needs rooted in common ethnic, racial,
economic, Indian, social, cultural, geographic, or his-
toric identities, or arising from similar socioeconomic
conditions. The term communities of interest may, if
the record warrants, include political subdivisions
such as counties, municipalities, Indian lands, or
school districts, but shall not include common rela-
tionships with political parties or political can-
didates.

(B) For purposes of subparagraph (A), in con-
sidering the needs of multiple, overlapping commu-
nities of interest, the entity responsible for devel-
oping and adopting the redistricting plan shall give
greater weight to those communities of interest
whose representational needs would most benefit
from the community’s inclusion in a single congres-
sional district.

(b) No Favoring or Disfavoring of Political
Parties.—
(1) Prohibition.—A State may not use a redistricting plan to conduct an election if the plan’s congressional districts, when considered cumulatively on a statewide basis, have been drawn with the intent or have the effect of materially favoring or disfavoring any political party.

(2) Determination of Effect.—The determination of whether a redistricting plan has the effect of materially favoring or disfavoring a political party shall be based on an evaluation of the totality of circumstances which, at a minimum, shall involve consideration of each of the following factors:

(A) Computer modeling based on relevant statewide general elections for Federal office held over the 8 years preceding the adoption of the redistricting plan setting forth the probable electoral outcomes for the plan under a range of reasonably foreseeable conditions.

(B) An analysis of whether the redistricting plan is statistically likely to result in partisan advantage or disadvantage on a statewide basis, the degree of any such advantage or disadvantage, and whether such advantage or disadvantage is likely to be present under a
range of reasonably foreseeable electoral conditions.

(C) A comparison of the modeled electoral outcomes for the redistricting plan to the modeled electoral outcomes for alternative plans that demonstrably comply with the requirements of paragraphs (1) through (6) of subsection (a) in order to determine whether reasonable alternatives exist that would result in materially lower levels of partisan advantage or disadvantage on a statewide basis. For purposes of this subparagraph, alternative plans considered may include both actual plans proposed during the redistricting process and other plans prepared for purposes of comparison.

(D) Any other relevant information, including how broad support for the redistricting plan was among members of the entity responsible for developing and adopting the plan and whether the processes leading to the development and adoption of the plan were transparent and equally open to all members of the entity and to the public.

(3) DETERMINATION OF INTENT.—A court may rely on all available evidence when determining
whether a redistricting plan was drawn with the intent to materially favor or disfavor a political party, including evidence of the partisan effects of a plan, the degree of support the plan received from members of the entity responsible for developing and adopting the plan, and whether the processes leading to development and adoption of the plan were transparent and equally open to all members of the entity and to the public.

(4) No violation based on certain criteria.—No redistricting plan shall be found to be in violation of paragraph (1) because of the proper application of the criteria set forth in paragraphs (1) through (6) of subsection (a), unless one or more alternative plans could have complied with such paragraphs without having the effect of materially favoring or disfavoring a political party.

(e) Factors prohibited from consideration.—In developing the redistricting plan for the State, the State may not take into consideration any of the following factors, except as necessary to comply with the criteria described in paragraphs (1) through (6) of subsection (a), to achieve partisan fairness and comply with subsection (b), and to enable the redistricting plan to be measured against the external metrics described in section 304(c):
(1) The residence of any Member of the House of Representatives, candidate, or any other individual who is eligible to serve as a Member of the House of Representatives from the State.

(2) The political party affiliation or voting history of the population of a district.

(d) ADDITIONAL CRITERIA.—A State may not rely upon criteria, districting principles, or other policies of the State which are not set forth in this section to justify non-compliance with the requirements of this section.

(e) APPLICABILITY.—

(1) IN GENERAL.—This section applies to any authority, whether appointed, elected, judicial, or otherwise, responsible for enacting the congressional redistricting plan of a State.

(2) DATE OF ENACTMENT.—This section applies to any congressional redistricting plan enacted following the regular decennial census conducted during 2030.

(f) SEVERABILITY OF CRITERIA.—If any provision of this section, or the application of any such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section, and the application of such provision to any other person or circumstance, shall not be affected by the holding.
SEC. 304. DEVELOPMENT OF PLAN.

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The entity responsible for developing and adopting the congressional redistricting plan of a State shall solicit and take into consideration comments from the public throughout the process of developing the plan, and shall carry out its duties in an open and transparent manner which provides for the widest public dissemination reasonably possible of its proposed and final redistricting plans.

(2) WEBSITE.—

(A) FEATURES.—The entity shall maintain a public internet site which is not affiliated with or maintained by the office of any elected official and which includes the following features:

(i) All proposed redistricting plans and the final redistricting plan, including the accompanying written evaluation under subsection (c).

(ii) All comments received from the public submitted under paragraph (1).

(iii) Access in an easily usable format to the demographic and other data used by the entity to develop and analyze the proposed redistricting plans, together with any
reports analyzing and evaluating such plans and access to software that members of the public may use to draw maps of proposed districts.

(iv) A method by which members of the public may submit comments directly to the entity.

(B) Searchable Format.—The entity shall ensure that all information posted and maintained on the site under this paragraph, including information and proposed maps submitted by the public, shall be maintained in an easily searchable format.

(3) Multiple Language Requirements for All Notices.—The entity responsible for developing and adopting the plan shall make each notice which is required to be posted and published under this section available in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

(b) Development of Plan.—

(1) Hearings.—The entity responsible for developing and adopting the congressional redistricting plan shall hold hearings both before and after releas-
ing proposed plans in order to solicit public input on
the content of such plans. These hearings shall—

(A) be held in different regions of the
State and streamed live on the public internet
site maintained under subsection (a)(2);

(B) be sufficient in number, scheduled at
times and places, and noticed and conducted in
a manner to ensure that all members of the
public, including members of racial, ethnic, and
language minorities protected under the Voting
Rights Act of 1965, have a meaningful oppor-
tunity to attend and provide input both before
and after the entity releases proposed plans.

(2) POSTING OF MAPS.—The entity responsible
for developing and adopting the congressional redis-
stricting plan shall make proposed plans, amend-
ments to proposed plans, and the data needed to
analyze such plans for compliance with the criteria
of this title available for public review, including on
the public internet site required under subsection
(a)(2), for a period of not less than 5 days before
any vote or hearing is held on any such plan or any
amendment to such a plan.

(c) RELEASE OF WRITTEN EVALUATION OF PLAN
AGAINST EXTERNAL METRICS REQUIRED PRIOR TO
VOTE.—The entity responsible for developing and adopting the congressional redistricting plan for a State may not hold a vote on a proposed redistricting plan, including a vote in a committee, unless at least 48 hours prior to holding the vote the State has released a written evaluation that measures each such plan against external metrics which cover the criteria set forth in section 303(b), including the impact of the plan on the ability of members of a class of citizens protected by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) to elect candidates of choice, the degree to which the plan preserves or divides communities of interest, and any analysis used by the State to assess compliance with the requirements of section 303(a) and (b).

(d) PUBLIC INPUT AND COMMENTS.—The entity responsible for developing and adopting the congressional redistricting plan for a State shall make all public comments received about potential plans, including alternative plans, available to the public on the internet site required under subsection (a)(2), at no cost, not later than 24 hours prior to holding a vote on final adoption of a plan.

SEC. 305. FAILURE BY STATE TO ENACT PLAN.

(a) DEADLINE FOR ENACTMENT OF PLAN.—Except as provided in paragraph (2), each State shall enact a final congressional redistricting plan following trans-
mission of a notice of apportionment to the President by
the earliest of—

(1) the deadline set forth in State law, including any extension to the deadline provided in accordance with State law;

(2) February 15 of the year in which regularly scheduled general elections for Federal office are held in the State; or

(3) 90 days before the date of the next regularly scheduled primary election for Federal office held in the State.

(b) DEVELOPMENT OF PLAN BY COURT IN CASE OF MISSED DEADLINE.—If a State has not enacted a final congressional redistricting plan by the applicable deadline under subsection (a), or it appears reasonably likely that a State will fail to enact a final congressional redistricting plan by such deadline—

(1) any citizen of the State may file an action in the United States district court for the applicable venue asking the district court to assume jurisdiction;

(2) the United States district court for the applicable venue, acting through a 3-judge court convened pursuant to section 2284 of title 28, United States Code, shall have the exclusive authority to de-
velop and publish the congressional redistricting plan for the State; and

(3) the final congressional redistricting plan developed and published by the court under this section shall be deemed to be enacted on the date on which the court publishes the final congressional redistricting plan, as described in subsection (e).

(c) Applicable Venue.—For purposes of this section, the “applicable venue” with respect to a State is the District of Columbia or the judicial district in which the Capital of the State is located, as selected by the first party to file with the court sufficient evidence that a State has failed to, or is reasonably likely to fail to, enact a final redistricting plan for the State prior to the expiration of the applicable deadline set forth in subsection (a).

(d) Procedures for Development of Plan.—

(1) Criteria.—In developing a redistricting plan for a State under this section, the court shall adhere to the same terms and conditions that applied (or that would have applied, as the case may be) to the development of a plan by the State under section 303.

(2) Access to Information and Records.—The court shall have access to any information, data, software, or other records and material that
was used (or that would have been used, as the case may be) by the State in carrying out its duties under this title.

(3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the court shall—

(A) hold one or more evidentiary hearings at which interested members of the public may appear and be heard and present testimony, including expert testimony, in accordance with the rules of the court; and

(B) consider other submissions and comments by the public, including proposals for redistricting plans to cover the entire State or any portion of the State.

(4) USE OF SPECIAL MASTER.—To assist in the development and publication of a redistricting plan for a State under this section, the court shall appoint a special master to make recommendations to the court on possible plans for the State.

(e) PUBLICATION OF PLAN.—

(1) PUBLIC AVAILABILITY OF INITIAL PLAN.—Upon completing the development of one or more initial redistricting plans, the court shall make the plans available to the public at no cost, and shall
also make available the underlying data used to de-
velop the plans and a written evaluation of the plans
against external metrics (as described in section
304(e)).

(2) PUBLICATION OF FINAL PLAN.—At any
time after the expiration of the 14-day period which
begins on the date the court makes the plans avail-
able to the public under paragraph (1), and taking
into consideration any submissions and comments by
the public which are received during such period, the
court shall develop and publish the final redistricting
plan for the State.

(f) USE OF INTERIM PLAN.—In the event that the
court is not able to develop and publish a final redis-
tricting plan for the State with sufficient time for an up-
coming election to proceed, the court may develop and
publish an interim redistricting plan which shall serve as
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 or
otherwise affect the authority or discretion of the court
to develop and publish the final redistricting plan, includ-
ing the discretion to make any changes the court deems
necessary to an interim redistricting plan.
(g) Appeals.—Review on appeal of any final or interim plan adopted by the court in accordance with this section shall be governed by the appellate process in section 306.

(h) Stay of State Proceedings.—The filing of an action under this section shall act as a stay of any proceedings in State court with respect to the State’s congressional redistricting plan unless otherwise ordered by the court.

SEC. 306. CIVIL ENFORCEMENT.

(a) Civil Enforcement.—

(1) Actions by Attorney General.—The Attorney General may bring a civil action for such relief as may be appropriate to carry out this title.

(2) Availability of Private Right of Action.—

(A) In General.—Any person residing or domiciled in a State who is aggrieved by the failure of the State to meet the requirements of the Constitution or Federal law, including this title, with respect to the State’s congressional redistricting, may bring a civil action in the United States district court for the applicable venue for such relief as may be appropriate to remedy the failure.
(B) **Special rule for claims relating to partisan advantage.**—For purposes of subparagraph (A), a person who is aggrieved by the failure of a State to meet the requirements of section 303(b) may include—

(i) any political party or committee in the State; and

(ii) any registered voter in the State who resides in a congressional district that the voter alleges was drawn in a manner that contributes to a violation of such section.

(C) **No awarding of damages to prevailing party.**—Except for an award of attorney’s fees under subsection (d), a court in a civil action under this section shall not award the prevailing party any monetary damages, compensatory, punitive, or otherwise.

(3) **Delivery of complaint to House and Senate.**—In any action brought under this section, a copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(4) **Exclusive jurisdiction and applicable venue.**—The district courts of the United States
shall have exclusive jurisdiction to hear and determine claims asserting that a congressional redistricting plan violates the requirements of the Constitution or Federal law, including this title. The applicable venue for such an action shall be the United States District Court for the District of Columbia or for the judicial district in which the Capital of the State is located, as selected by the person bringing the action. In a civil action that includes a claim that a redistricting plan is in violation of subsection (a) or (b) of section 303, the United States District Court for the District of Columbia shall have jurisdiction over any defendant who has been served in any United States judicial district in which the defendant resides, is found, or has an agent, or in the United States judicial district in which the Capital of the State is located. Process may be served in any United States judicial district where a defendant resides, is found, or has an agent, or in the United States judicial district in which the Capital of the State is located.

(5) USE OF 3-JUDGE COURT.—If an action under this section raises statewide claims under the Constitution or this title, the action shall be heard
by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(6) REVIEW OF FINAL DECISION.—A final decision in an action brought under this section shall be reviewable on appeal by the United States Court of Appeals for the District of Columbia Circuit, which shall hear the matter sitting en bane. There shall be no right of appeal in such proceedings to any other court of appeals. Such appeal shall be taken by the filing of a notice of appeal within 10 days of the entry of the final decision. A final decision by the Court of Appeals may be reviewed by the Supreme Court of the United States by writ of certiorari.

(b) EXPEDITED CONSIDERATION.—In any action brought under this section, it shall be the duty of the district court, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States (if it chooses to hear the action) to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(c) REMEDIES.—

(1) ADOPTION OF REPLACEMENT PLAN.—

(A) IN GENERAL.—If the district court in an action under this section finds that the congressional redistricting plan of a State violates,
in whole or in part, the requirements of this title—

(i) the court shall adopt a replacement congressional redistricting plan for the State in accordance with the process set forth in section 305; or

(ii) if circumstances warrant and no delay to an upcoming regularly scheduled election for the House of Representatives in the State would result, the district court, in its discretion, may allow a State to develop and propose a remedial congressional redistricting plan for review by the court to determine whether the plan is in compliance with this title, except that—

(I) the State may not develop and propose a remedial plan under this clause if the court determines that the congressional redistricting plan of the State was enacted with discriminatory intent in violation of the Constitution or section 303(b); and

(II) nothing in this clause may be construed to permit a State to use
such a remedial plan which has not
been approved by the court.

(B) Prohibiting use of plans in violation of requirements.—No court shall order
a State to use a congressional redistricting plan
which violates, in whole or in part, the require-
ments of this title, or to conduct an election
under terms and conditions which violate, in
whole or in part, the requirements of this title.

(C) Special rule in case final adjudication not expected within 3 months
of election.—

(i) Duty of court.—If final adjudication of an action under this section is
not reasonably expected to be completed at
least 3 months prior to the next regularly
scheduled primary election for the House
of Representatives in the State, the district
court shall—

(I) develop, adopt, and order the
use of an interim congressional redis-
stricting plan in accordance with sec-
tion 305(f) to address any claims
under this title for which a party
seeking relief has demonstrated a substantial likelihood of success; or

(II) order adjustments to the timing of primary elections for the House of Representatives and other related deadlines, as needed, to allow sufficient opportunity for adjudication of the matter and adoption of a remedial or replacement plan for use in the next regularly scheduled general elections for the House of Representatives.

(ii) Prohibiting failure to act on grounds of pendency of election.—The court may not refuse to take any action described in clause (i) on the grounds of the pendency of the next election held in the State or the potential for disruption, confusion, or additional burdens with respect to the administration of the election in the State.

(2) No stay pending appeal.—Notwithstanding the appeal of an order finding that a congressional redistricting plan of a State violates, in whole or in part, the requirements of this title, no
stay shall issue which shall bar the development or
adoption of a replacement or remedial plan under
this subsection, as may be directed by the district
court, pending such appeal. If such a replacement or
remedial plan has been adopted, no appellate court
may stay or otherwise enjoin the use of such plan
during the pendency of an appeal, except upon an
order holding, based on the record, that adoption of
such plan was an abuse of discretion.

(3) Special authority of court of ap-
peals.—

(A) Ordering of new remedial
plan.—If, upon consideration of an appeal
under this title, the Court of Appeals deter-
mines that a plan does not comply with the re-
quirements of this title, it shall direct that the
District Court promptly develop a new remedial
plan with assistance of a special master for con-
sideration by the Court of Appeals.

(B) Failure of district court to
take timely action.—If, at any point during
the pendency of an action under this section,
the District Court fails to take action necessary
to permit resolution of the case prior to the
next regularly scheduled election for the House
of Representatives in the State or fails to grant
the relief described in paragraph (1)(C), any
party may seek a writ of mandamus from the
Court of Appeals for the District of Columbia
Circuit. The Court of Appeals shall have juris-
diction over the motion for a writ of mandamus
and shall establish an expedited briefing and
hearing schedule for resolution of the motion. If
the Court of Appeals determines that a writ
should be granted, the Court of Appeals shall
take any action necessary, including developing
a congressional redistricting plan with assist-
ance of a special master to ensure that a reme-
dial plan is adopted in time for use in the next
regularly scheduled election for the House of
Representatives in the State.

(4) Effect of enactment of replacement
plan.—A State’s enactment of a redistricting plan
which replaces a plan which is the subject of an ac-
tion under this section shall not be construed to
limit or otherwise affect the authority of the court
to adjudicate or grant relief with respect to any
claims or issues not addressed by the replacement
plan, including claims that the plan which is the
subject of the action was enacted, in whole or in
part, with discriminatory intent, or claims to consider whether relief should be granted under section 3(c) of the Voting Rights Act of 1965 (52 U.S.C. 10302(c)) based on the plan which is the subject of the action.

(d) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(e) RELATION TO OTHER LAWS.—

(1) RIGHTS AND REMEDIES ADDITIONAL TO OTHER RIGHTS AND REMEDIES.—The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this title shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) VOTING RIGHTS ACT OF 1965.—Nothing in this title authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(f) LEGISLATIVE PRIVILEGE.—No person, legislature, or State may claim legislative privilege under either State or Federal law in a civil action brought under this
section or in any other legal challenge, under either State
or Federal law, to a redistricting plan enacted under this
title.

(g) Removal.—

(1) In general.—At any time, a civil action
brought in a State court which asserts a claim for
which the district courts of the United States have
exclusive jurisdiction under this title may be re-
moved by any party in the case, including an inter-
venor, by filing, in the district court for an applica-
ble venue under this section, a notice of removal
signed pursuant to Rule 11 of the Federal Rules of
Civil Procedure containing a short and plain state-
ment of the grounds for removal. Consent of parties
shall not be required for removal.

(2) Claims not within the original or
supplemental jurisdiction.—If a civil action re-
moved in accordance with paragraph (1) contains
claims not within the original or supplemental juris-
diction of the district court, the district court shall
sever all such claims and remand them to the State
court from which the action was removed.

SEC. 307. EFFECTIVE DATE.

This title and the amendments made by such title
shall apply with respect to redistricting carried out pursu-
ant to the decennial census conducted during 2030 or any succeeding decennial census.

TITLE IV—GENERAL PROVISIONS

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

Nothing in this Act or in any amendment made by this Act may be construed to affect the manner in which a State carries out elections for State or local office, including the process by which a State establishes the districts used in such elections.

SEC. 402. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision of this Act or an amendment made by this Act to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any person or circumstance, shall not be affected by the holding.