

[DRAFT]

JANUARY 31, 2024

118TH CONGRESS
2D SESSION

H. R. _____

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 non-partisan criteria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on _____

A 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.

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 Senators and Representatives.
- 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. 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 non-partisan 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.

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

7 Congress finds that it has the authority to establish
8 the terms and conditions States must follow in carrying
9 out congressional redistricting after an apportionment of

1 Members of the House of Representatives and in admin-
2 istering elections for the Senate and House of Representa-
3 tives because—

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

10 (2) the authority granted to Congress under
11 section 5 of the Fourteenth Amendment to the Con-
12 stitution gives Congress the power to enact laws to
13 enforce section 2 of such amendment, which requires
14 Representatives to be apportioned among the several
15 States according to their number; and

16 (3) the authority granted to Congress under
17 section 5 of the Fourteenth Amendment to the Con-
18 stitution gives Congress the power to enact laws to
19 enforce section 1 of such amendment, including pro-
20 tections against excessive partisan gerrymandering
21 that Federal courts have not enforced because they
22 understand such enforcement to be committed to
23 Congress by the Constitution.

1 **TITLE I—RANKED CHOICE**
2 **VOTING**

3 **SEC. 101. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
4 **TION OF SENATORS AND REPRESENTATIVES.**

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

8 **“Subtitle C—Ranked Choice Voting**
9 **“PART 1—REQUIRING RANKED CHOICE VOTING**
10 **FOR ELECTION OF SENATORS AND REP-**
11 **RESENTATIVES**

12 **“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
13 **TION OF SENATORS AND REPRESENTATIVES.**

14 “(a) RANKED CHOICE VOTING.—Except as provided
15 in section 205 of the Fair Representation Act, each State
16 shall carry out elections for the office of Senator and the
17 office of Representative in Congress using ranked choice
18 voting, a system under which each voter may rank the can-
19 didates for the office in the order of the voter’s preference,
20 and ballots are tabulated, in accordance with the following:

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

1 “(2) In any multi-seat election, the State shall
2 carry out the election using multi-seat ranked choice
3 voting as described in section 322(b).

4 “(b) BALLOT DESIGN.—

5 “(1) IN GENERAL.—Each State shall ensure
6 that the ballot used in an ranked choice voting elec-
7 tion under this title meets each of the following re-
8 quirements:

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

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

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

19 “(D) The ballot shall include such instruc-
20 tions as the State considers necessary to enable
21 the voter to rank candidates and successfully
22 cast the ballot under the system.

23 “(2) DETERMINATION OF NUMBER OF CAN-
24 DIDATES VOTER MAY RANK.—The number of can-

1 didates a voter may rank in a ranked choice voting
2 election shall be determined as follows:

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

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

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

22 **“SEC. 322. TABULATION OF BALLOTS.**

23 “(a) TABULATION FOR SINGLE-SEAT CONGRES-
24 SIONAL ELECTIONS.—

1 “(1) PROCESS FOR TABULATION.—In the case
2 of a single-seat election, each ballot cast in the elec-
3 tion shall count as one vote for the highest-ranked
4 active candidate on the ballot. Tabulation shall pro-
5 ceed in rounds as described in paragraphs (2) and
6 (3).

7 “(2) ELIMINATION OF CANDIDATES DURING
8 TABULATION.—If there are more than two active
9 candidates, the active candidate with the fewest
10 votes is eliminated, each vote cast on a ballot for the
11 eliminated candidate shall be counted for the next-
12 ranked active candidate on the ballot, and a new
13 round shall begin.

14 “(3) COMPLETION OF TABULATION; ELECTION
15 OF CANDIDATE.—When there are two or fewer active
16 candidates—

17 “(A) tabulation is complete; and

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

24 “(b) TABULATION FOR MULTI-SEAT CONGRESSIONAL
25 ELECTIONS.—

1 “(1) PROCESS FOR TABULATION.—In the case
2 of a multi-seat election, each ballot cast in the elec-
3 tion shall count at its current transfer value for the
4 highest-ranked active candidate on the ballot. Tab-
5 ulation shall proceed as described in paragraphs (2),
6 (3), and (4).

7 “(2) ELECTION OF CANDIDATES DURING TAB-
8 ULATION; SURPLUS-TRANSFER ROUND.—If any ac-
9 tive candidate has a number of votes greater than or
10 equal to the election threshold, that candidate shall
11 be designated as elected, and the surplus votes shall
12 be transferred to other candidates as follows:

13 “(A) Unless paragraph (4) applies, each
14 ballot counting for an elected candidate shall be
15 assigned a new transfer value by multiplying
16 the ballot’s current transfer value by the sur-
17 plus fraction for the elected candidate, trun-
18 cated after 4 decimal places.

19 “(B) Each candidate elected under this
20 paragraph shall be deemed to have a number of
21 votes equal to the election threshold for the con-
22 test in all future rounds, each ballot counting
23 towards the elected candidate shall be trans-
24 ferred at its new transfer value to its next-

1 ranked active candidate, and a new round shall
2 begin.

3 “(C) If two or more candidates have a
4 number of votes greater than the election
5 threshold, the surpluses shall be distributed si-
6 multaneously in the same round.

7 “(3) ELIMINATION OF CANDIDATES DURING
8 TABULATION; ELIMINATION ROUND.—Unless para-
9 graph (2) or paragraph (4) applies, the active can-
10 didate with the fewest votes is eliminated, each vote
11 cast on a ballot for the eliminated candidate shall be
12 counted for the next-ranked active candidate on the
13 ballot, and a new round shall begin.

14 “(4) COMPLETION OF TABULATION.—Tabula-
15 tion in a multi-seat election is complete if—

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

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

25 “(c) TREATMENT OF CERTAIN BALLOTS.—

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

7 “(2) TREATMENT OF INACTIVE BALLOTS.—

8 “(A) IN GENERAL.—A ballot which be-
9 comes an inactive ballot shall no longer count
10 for any candidate for the remainder of the tab-
11 ulation of ballots in an election under this sec-
12 tion after the ballot becomes inactive.

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

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

18 “(ii) the voter ranks more than one
19 candidate at the same ranking and all can-
20 didates at a higher ranking have become
21 inactive.

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

24 “(A) IN GENERAL.—A ballot which in-
25 cludes any skipped or repeated ranking shall re-

1 main active and continue to be counted for the
2 highest-ranked active candidate in an election
3 under this section.

4 “(B) SKIPPED AND REPEATED RANKINGS
5 DEFINED.—For purposes of this paragraph—

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

10 “(ii) a ‘repeated ranking’ is a ranking
11 for which the voter has assigned the same
12 candidate that the voter assigned to an-
13 other ranking.

14 **“SEC. 323. TREATMENT OF TIES BETWEEN CANDIDATES.**

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

21 “(b) RESOLUTION PRIOR TO TABULATION.—Prior to
22 tabulation, the chief election official of the State may re-
23 solve prospective ties between candidates by lot or accord-
24 ing to the method provided under State law, as described
25 in subsection (a).

1 “(c) USE DURING RECOUNT.— The result of the res-
2 olution of any tie shall be recorded and reused for pur-
3 poses of any recount under State law.

4 **“SEC. 324. DEFINITIONS.**

5 “In this part, the following definitions apply:

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

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

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

20 “(4) The term ‘multi-seat election’ means any
21 primary election in which more than one candidate
22 in the primary election will advance to the general
23 election, any special election for more than one seat,
24 and any general election in which more than one

1 Representative is elected at large or in a multi-member district.

2
3 “(5) The term ‘ranking’ means the number
4 available to be assigned by a voter to a candidate to
5 express the voter’s choice for that candidate, with ‘1’
6 as the highest ranking and each succeeding positive
7 number as the next highest ranking.

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

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

21 “(8) The term ‘transfer value’ means the pro-
22 portion of a vote that a ballot will contribute to its
23 highest-ranked active candidate. Each ballot begins
24 with a transfer value of 1. If a ballot contributes to
25 the election of a candidate under section 322(b)(1),

1 the transfer value shall be the new transfer value as-
2 signed under such section.

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

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

13 **“PART 2—PAYMENTS TO STATES TO IMPLEMENT**
14 **RANKED CHOICE VOTING**

15 **“SEC. 331. PAYMENTS TO STATES TO IMPLEMENT RANKED**
16 **CHOICE VOTING.**

17 “(a) PAYMENTS DESCRIBED.—

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

22 “(2) AMOUNT DETERMINED ON BASIS OF NUM-
23 BER OF REGISTERED VOTERS.—

24 “(A) IN GENERAL.—The amount deter-
25 mined under this paragraph is the product of—

1 “(i) the number of individuals reg-
2 istered to vote in elections for Federal of-
3 fice in the State, based on the most re-
4 cently available information on voter reg-
5 istration in the State, as provided to the
6 Commission by the State; and

7 “(ii) the per capita amount estab-
8 lished by the Commission under subpara-
9 graph (B).

10 “(B) PER CAPITA AMOUNT.—For purposes
11 of this paragraph, the Commission shall estab-
12 lish a separate, appropriate per capita payment
13 amount for each State that may be no less than
14 \$4 and no more than \$8, taking into account
15 any reasonable demonstrated or estimated costs
16 associated with the use of ranked choice voting,
17 including costs related to voting equipment up-
18 dates; election setup licensing costs; program-
19 ming; ballot design and printing; training; proc-
20 essing, canvassing, centralization, and tabula-
21 tion; preliminary and final results reporting and
22 displaying; post-election audits and recounts;
23 and voter information, education, and engage-
24 ment.

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

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

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

14 **“PART 3—GENERAL PROVISIONS**
15 **“SEC. 341. TREATMENT OF STATES NOT HOLDING PRIMARY**
16 **ELECTIONS PRIOR TO DATE OF GENERAL**
17 **ELECTION.**

18 “Nothing in this subtitle shall be construed to require
19 a State to hold a primary election for the office of Senator
20 or Representative in Congress prior to the date established
21 under section 25 of the Revised Statutes of the United
22 States (2 U.S.C. 7) for the regularly scheduled general
23 election for such office, so long as the determination of
24 the candidates who are elected to such office is based sole-
25 ly on the votes cast with respect to the election held on

1 such date, as determined in accordance with the system
2 of ranked choice voting under this title.

3 **“SEC. 342. APPLICATION TO DISTRICT OF COLUMBIA AND**
4 **TERRITORIES.**

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

9 “(b) APPLICATION TO NORTHERN MARIANA IS-
10 LANDS.—This subtitle shall apply with respect to the
11 Commonwealth of the Northern Mariana Islands in the
12 same manner as this subtitle applies to a State.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 of such Act is amended by adding at the end of the item
15 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.

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—

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

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

16 **TITLE II—MULTI-MEMBER**
17 **DISTRICTS**

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

20 (a) RULES FOR STATES WITH SIX OR MORE REP-
21 RESENTATIVES.—Except as provided in section 202(b), if
22 a State is entitled to six or more Representatives in Con-
23 gress under an apportionment made under section 22(a)
24 of the Act entitled “An Act to provide for the fifteenth
25 and subsequent decennial censuses and to provide for an
26 apportionment of Representatives in Congress”, approved

1 June 18, 1929 (2 U.S.C. 2a(a)), the State shall establish
2 a number of districts for the election of Representatives
3 in the State that is less than the number of Representa-
4 tives to which the State is entitled, and Representatives
5 shall be elected only from districts so established.

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

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

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

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

18 (a) **MANDATORY ELECTIONS AT LARGE.**—If a State
19 is entitled to five or fewer Representatives in Congress
20 under an apportionment made under section 22(a) of the
21 Act entitled “An Act to provide for the fifteenth and sub-
22 sequent decennial censuses and to provide for an appor-
23 tionment of Representatives in Congress”, approved June
24 18, 1929 (2 U.S.C. 2a(a)), the State shall elect all such
25 Representatives at large.

1 (b) OPTIONAL ELECTIONS AT LARGE.—If a State is
2 entitled to six or seven Representatives in Congress under
3 an apportionment made under section 22(a) of the Act
4 entitled “An Act to provide for the fifteenth and subse-
5 quent decennial censuses and to provide for an apportion-
6 ment of Representatives in Congress”, approved June 18,
7 1929 (2 U.S.C. 2a(a)), the State may, at its option, elect
8 all such Representatives at large.

9 **SEC. 203. ESTABLISHING MINIMUM NUMBER OF CAN-**
10 **DIDATES IN GENERAL ELECTION.**

11 (a) STATES WITH PARTISAN NOMINATING PRI-
12 MARIES.—

13 (1) IN GENERAL.—If, in a primary election for
14 the office of Representative, the candidates that ad-
15 vance to the general election do so by winning the
16 nomination of a political party (without regard to
17 whether or not the election is open or closed to vot-
18 ers on the basis of political party preference), the
19 State shall ensure that the number of candidates to
20 be nominated by each political party is equal to the
21 lesser of—

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

24 (B) the number of candidates in the pri-
25 mary election.

1 (2) AUTHORITY OF POLITICAL PARTIES TO DE-
2 TERMINE NUMBER OF CANDIDATES ADVANCING IN
3 MULTI-SEAT ELECTIONS.—Notwithstanding para-
4 graph (1), in the case of a primary election de-
5 scribed in such paragraph which is a multi-seat pri-
6 mary election, a State may permit a political party
7 to adopt a rule that provides for such number of
8 nominees of that political party to advance to the
9 general election as the party considers appropriate.

10 (3) MULTI-SEAT PRIMARY ELECTION DE-
11 FINED.—In this subsection, the term “multi-seat
12 primary election” means a primary election held to
13 select the candidates for a general election in which
14 more than one Representative shall be elected.

15 (b) STATES WITH NONPARTISAN BLANKET PRI-
16 MARIES.—

17 (1) NUMBER OF CANDIDATES.—If a State uses
18 a nonpartisan blanket primary election to determine
19 which candidates will advance to the general election
20 for the office of Representative, the State shall en-
21 sure that the number of candidates who advance to
22 the general election for the office is not less than the
23 greater of—

24 (A) five;

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

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

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

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

16 (B) each voter in the State who is eligible
17 to vote in elections for Federal office in the dis-
18 trict involved may cast a ballot in the election,
19 regardless of the voter’s political party pref-
20 erence or lack thereof; and

21 (C) the identification and number of can-
22 didates who advance to the general election for
23 the office is determined without regard to the
24 candidates’ political party preferences or lack
25 thereof.

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

10 **SEC. 204. CONFORMING AMENDMENTS.**

11 (a) ELECTION OF REPRESENTATIVES PRIOR TO RE-
12 APPORTIONMENT.—Section 22(c) of the Act entitled “An
13 Act to provide for the fifteenth and subsequent decennial
14 censuses and to provide for an apportionment of Rep-
15 resentatives in Congress”, approved June 18, 1929 (2
16 U.S.C. 2a(c)), is amended by striking “Until a State” and
17 inserting “Except as provided in title II of the Fair Rep-
18 resentation Act, until a State”.

19 (b) NUMBER OF REPRESENTATIVES.—Section 22(b)
20 of the Act entitled “An Act to provide for apportioning
21 Representatives in Congress among the several States by
22 the equal proportions method”, approved November 15,
23 1941 (2 U.S.C. 2b), is amended by striking “Each State”
24 and inserting “Except as provided in title II of the Fair
25 Representation Act, each State”.

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

8 (d) NOMINATION FOR REPRESENTATIVES AT
9 LARGE.—Section 5 of the Act entitled “An Act For the
10 apportionment of Representatives in Congress among the
11 several States under the Thirteenth Census”, approved
12 August 8, 1911 (2 U.S.C. 5), is amended by striking
13 “Candidates for Representative” and inserting “Except as
14 provided in title II of the Fair Representation Act, can-
15 didates for Representative”.

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

17 If, for any reason, a State cannot use ranked choice
18 voting under subtitle C of title III of the Help America
19 Vote Act of 2002, as added by section 101, then in any
20 election held at large or in a multi-winner district in which
21 more than one Representative will be elected, all Rep-
22 resentatives shall be elected using an election method that
23 ensures the election of any candidate or any party or slate
24 of candidates who earns a number of votes equal to or
25 greater than the total votes counted for all candidates, di-

1 vided by the sum of one plus the number of seats to be
2 filled, then increased by one, disregarding any fractions..

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

7 (a) EXCEPTION.—If, in an action brought under sec-
8 tion 306, the court determines that the use of multi-mem-
9 ber or at large districts by a State, as set forth in the
10 congressional redistricting plan of a State with respect to
11 the apportionment of Representatives resulting from a de-
12 cennial census, 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 tracting plan would apply; and

23 (2) subject to section 306(c), the court shall de-
24 velop and publish a redistricting plan for the State
25 which meets the requirements of title III and under

1 which there are no multi-member districts in the
2 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 that the congressional redistricting plan of a State
11 meet the requirements of title III.

12 **SEC. 207. EFFECTIVE DATE.**

13 This title and the amendments made by this title
14 shall apply with respect to the One Hundred Twenty-
15 Third Congress and each subsequent Congress.

16 **TITLE III—NONPARTISAN**
17 **REDISTRICTING REFORM**

18 **SEC. 301. REQUIRING CONGRESSIONAL REDISTRICTING**
19 **PLANS TO COMPLY WITH NONPARTISAN CRI-**
20 **TERIA.**

21 A State may not use a congressional redistricting
22 plan enacted if such plan is not in compliance with section
23 303.

1 **SEC. 302. BAN ON MID-DECADE REDISTRICTING.**

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

13 **SEC. 303. CRITERIA FOR REDISTRICTING.**

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

17 (1) Districts shall comply with the Constitution
18 of the United States, including the requirement that
19 they substantially equalize total population, without
20 regard to age, citizenship status, or immigration sta-
21 tus.

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

25 (3)(A) Districts shall be drawn, to the extent
26 that the totality of the circumstances warrant, to en-

1 sure the practical ability of a group protected under
2 the Voting Rights Act of 1965 (52 U.S.C. 10301 et
3 seq.), whether alone or in coalition with others, to
4 participate in the political process and to nominate
5 candidates and to elect representatives of choice is
6 not diluted or diminished.

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

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

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

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

23 (4) To the extent practicable, districts shall re-
24 flect the diversity of political opinion in the State
25 such that no district in the State—

1 (A) elects exactly 3 Representatives and
2 the nominee of one political party for President
3 received at least 75 percent of the votes cast in
4 the geographic area covered by the district in 2
5 of the 3 most recent Presidential elections;

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

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

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

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

22 (7)(A) Districts shall be drawn to represent
23 communities of interest and neighborhoods to the
24 extent practicable after compliance with the require-
25 ments of paragraphs (1) through (6). A community

1 of interest is defined as an area for which the record
2 before the entity responsible for developing and
3 adopting the redistricting plan demonstrates the ex-
4 istence of broadly shared interests and representa-
5 tional needs, including shared interests and rep-
6 resentational needs rooted in common ethnic, racial,
7 economic, Indian, social, cultural, geographic, or his-
8 toric identities, or arising from similar socioeconomic
9 conditions. The term communities of interest may, if
10 the record warrants, include political subdivisions
11 such as counties, municipalities, Indian lands, or
12 school districts, but shall not include common rela-
13 tionships with political parties or political can-
14 didates.

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

23 (b) NO FAVORING OR DISFAVORING OF POLITICAL
24 PARTIES.—

1 (1) PROHIBITION.—A State may not use a re-
2 districting plan to conduct an election if the plan’s
3 congressional districts, when considered cumulatively
4 on a statewide basis, have been drawn with the in-
5 tent or have the effect of materially favoring or
6 disfavoring any political party.

7 (2) DETERMINATION OF EFFECT.—The deter-
8 mination of whether a redistricting plan has the ef-
9 fect of materially favoring or disfavoring a political
10 party shall be based on an evaluation of the totality
11 of circumstances which, at a minimum, shall involve
12 consideration of each of the following factors:

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

19 (B) An analysis of whether the redis-
20 tricting plan is statistically likely to result in
21 partisan advantage or disadvantage on a state-
22 wide basis, the degree of any such advantage or
23 disadvantage, and whether such advantage or
24 disadvantage is likely to be present under a

1 range of reasonably foreseeable electoral condi-
2 tions.

3 (C) A comparison of the modeled electoral
4 outcomes for the redistricting plan to the mod-
5 eled electoral outcomes for alternative plans
6 that demonstrably comply with the require-
7 ments of paragraphs (1) through (6) of sub-
8 section (a) in order to determine whether rea-
9 sonable alternatives exist that would result in
10 materially lower levels of partisan advantage or
11 disadvantage on a statewide basis. For purposes
12 of this subparagraph, alternative plans consid-
13 ered may include both actual plans proposed
14 during the redistricting process and other plans
15 prepared for purposes of comparison.

16 (D) Any other relevant information, includ-
17 ing how broad support for the redistricting plan
18 was among members of the entity responsible
19 for developing and adopting the plan and
20 whether the processes leading to the develop-
21 ment and adoption of the plan were transparent
22 and equally open to all members of the entity
23 and to the public.

24 (3) DETERMINATION OF INTENT.—A court may
25 rely on all available evidence when determining

1 whether a redistricting plan was drawn with the in-
2 tent to materially favor or disfavor a political party,
3 including evidence of the partisan effects of a plan,
4 the degree of support the plan received from mem-
5 bers of the entity responsible for developing and
6 adopting the plan, and whether the processes leading
7 to development and adoption of the plan were trans-
8 parent and equally open to all members of the entity
9 and to the public.

10 (4) NO VIOLATION BASED ON CERTAIN CRI-
11 TERIA.—No redistricting plan shall be found to be
12 in violation of paragraph (1) because of the proper
13 application of the criteria set forth in paragraphs (1)
14 through (6) of subsection (a), unless one or more al-
15 ternative plans could have complied with such para-
16 graphs without having the effect of materially favor-
17 ing or disfavoring a political party.

18 (c) FACTORS PROHIBITED FROM CONSIDERATION.—
19 In developing the redistricting plan for the State, the
20 State may not take into consideration any of the following
21 factors, except as necessary to comply with the criteria
22 described in paragraphs (1) through (6) of subsection (a),
23 to achieve partisan fairness and comply with subsection
24 (b), and to enable the redistricting plan to be measured
25 against the external metrics described in section 304(c):

1 (1) The residence of any Member of the House
2 of Representatives, candidate, or any other indi-
3 vidual who is eligible to serve as a Member of the
4 House of Representatives from the State.

5 (2) The political party affiliation or voting his-
6 tory of the population of a district.

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

11 (e) APPLICABILITY.—

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

16 (2) DATE OF ENACTMENT.—This section ap-
17 plies to any congressional redistricting plan enacted
18 following the regular decennial census conducted
19 during 2030.

20 (f) SEVERABILITY OF CRITERIA.—If any provision of
21 this section, or the application of any such provision to
22 any person or circumstance, is held to be unconstitutional,
23 the remainder of this section, and the application of such
24 provision to any other person or circumstance, shall not
25 be affected by the holding.

1 **SEC. 304. DEVELOPMENT OF PLAN.**

2 (a) PUBLIC NOTICE AND INPUT.—

3 (1) USE OF OPEN AND TRANSPARENT PROC-
4 ESS.—The entity responsible for developing and
5 adopting the congressional redistricting plan of a
6 State shall solicit and take into consideration com-
7 ments from the public throughout the process of de-
8 veloping the plan, and shall carry out its duties in
9 an open and transparent manner which provides for
10 the widest public dissemination reasonably possible
11 of its proposed and final redistricting plans.

12 (2) WEBSITE.—

13 (A) FEATURES.—The entity shall maintain
14 a public Internet site which is not affiliated
15 with or maintained by the office of any elected
16 official and which includes the following fea-
17 tures:

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

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

24 (iii) Access in an easily usable format
25 to the demographic and other data used by
26 the entity to develop and analyze the pro-

1 posed redistricting plans, together with any
2 reports analyzing and evaluating such
3 plans and access to software that members
4 of the public may use to draw maps of pro-
5 posed districts.

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

9 (B) **SEARCHABLE FORMAT.**—The entity
10 shall ensure that all information posted and
11 maintained on the site under this paragraph,
12 including information and proposed maps sub-
13 mitted by the public, shall be maintained in an
14 easily searchable format.

15 (3) **MULTIPLE LANGUAGE REQUIREMENTS FOR**
16 **ALL NOTICES.**—The entity responsible for developing
17 and adopting the plan shall make each notice which
18 is required to be posted and published under this
19 section available in any language in which the State
20 (or any jurisdiction in the State) is required to pro-
21 vide election materials under section 203 of the Vot-
22 ing Rights Act of 1965 (52 U.S.C. 10503).

23 (b) **DEVELOPMENT OF PLAN.**—

24 (1) **HEARINGS.**—The entity responsible for de-
25 veloping and adopting the congressional redistricting

1 plan shall hold hearings both before and after releas-
2 ing proposed plans in order to solicit public input on
3 the content of such plans. These hearings shall—

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

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

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

1 (c) RELEASE OF WRITTEN EVALUATION OF PLAN
2 AGAINST EXTERNAL METRICS REQUIRED PRIOR TO
3 VOTE.—The entity responsible for developing and adopt-
4 ing the congressional redistricting plan for a State may
5 not hold a vote on a proposed redistricting plan, including
6 a vote in a committee, unless at least 48 hours prior to
7 holding the vote the State has released a written evalua-
8 tion that measures each such plan against external metrics
9 which cover the criteria set forth in section 303(b), includ-
10 ing the impact of the plan on the ability of members of
11 a class of citizens protected by the Voting Rights Act of
12 1965 (52 U.S.C. 10301 et seq.) to elect candidates of
13 choice, the degree to which the plan preserves or divides
14 communities of interest, and any analysis used by the
15 State to assess compliance with the requirements of sec-
16 tion 303(a) and (b).

17 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
18 sponsible for developing and adopting the congressional
19 redistricting plan for a State shall make all public com-
20 ments received about potential plans, including alternative
21 plans, available to the public on the Internet site required
22 under subsection (a)(2), at no cost, not later than 24
23 hours prior to holding a vote on final adoption of a plan.

1 **SEC. 305. FAILURE BY STATE TO ENACT PLAN.**

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

7 (1) the deadline set forth in State law, includ-
8 ing any extension to the deadline provided in accord-
9 ance with State law;

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

13 (3) 90 days before the date of the next regu-
14 larly scheduled primary election for Federal office
15 held in the State.

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

22 (1) any citizen of the State may file an action
23 in the United States district court for the applicable
24 venue asking the district court to assume jurisdic-
25 tion;

1 (2) the United States district court for the ap-
2 plicable venue, acting through a 3-judge court con-
3 vened pursuant to section 2284 of title 28, United
4 States Code, shall have the exclusive authority to de-
5 velop and publish the congressional redistricting
6 plan for the State; and

7 (3) the final congressional redistricting plan de-
8 veloped and published by the court under this sec-
9 tion shall be deemed to be enacted on the date on
10 which the court publishes the final congressional re-
11 districting plan, as described in subsection (e).

12 (c) APPLICABLE VENUE.—For purposes of this sec-
13 tion, the “applicable venue” with respect to a State is the
14 District of Columbia or the judicial district in which the
15 capital of the State is located, as selected by the first party
16 to file with the court sufficient evidence that a State has
17 failed to, or is reasonably likely to fail to, enact a final
18 redistricting plan for the State prior to the expiration of
19 the applicable deadline set forth in subsection (a).

20 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

21 (1) CRITERIA.—In developing a redistricting
22 plan for a State under this section, the court shall
23 adhere to the same terms and conditions that ap-
24 plied (or that would have applied, as the case may

1 be) to the development of a plan by the State under
2 section 303.

3 (2) ACCESS TO INFORMATION AND RECORDS.—

4 The court shall have access to any information,
5 data, software, or other records and material that
6 was used (or that would have been used, as the case
7 may be) by the State in carrying out its duties
8 under this title.

9 (3) HEARING; PUBLIC PARTICIPATION.—In de-
10 veloping a redistricting plan for a State, the court
11 shall—

12 (A) hold one or more evidentiary hearings
13 at which interested members of the public may
14 appear and be heard and present testimony, in-
15 cluding expert testimony, in accordance with
16 the rules of the court; and

17 (B) consider other submissions and com-
18 ments by the public, including proposals for re-
19 districting plans to cover the entire State or
20 any portion of the State.

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

1 (e) PUBLICATION OF PLAN.—

2 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—

3 Upon completing the development of one or more
4 initial redistricting plans, the court shall make the
5 plans available to the public at no cost, and shall
6 also make available the underlying data used to de-
7 velop the plans and a written evaluation of the plans
8 against external metrics (as described in section
9 304(c)).

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

18 (f) USE OF INTERIM PLAN.—In the event that the
19 court is not able to develop and publish a final redis-
20 tricting plan for the State with sufficient time for an up-
21 coming election to proceed, the court may develop and
22 publish an interim redistricting plan which shall serve as
23 the redistricting plan for the State until the court develops
24 and publishes a final plan in accordance with this section.
25 Nothing in this subsection may be construed to limit or

1 otherwise affect the authority or discretion of the court
2 to develop and publish the final redistricting plan, includ-
3 ing the discretion to make any changes the court deems
4 necessary to an interim redistricting plan.

5 (g) APPEALS.—Review on appeal of any final or in-
6 terim plan adopted by the court in accordance with this
7 section shall be governed by the appellate process in sec-
8 tion 306.

9 (h) STAY OF STATE PROCEEDINGS.—The filing of an
10 action under this section shall act as a stay of any pro-
11 ceedings in State court with respect to the State’s congres-
12 sional redistricting plan unless otherwise ordered by the
13 court.

14 **SEC. 306. CIVIL ENFORCEMENT.**

15 (a) CIVIL ENFORCEMENT.—

16 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
17 torney General may bring a civil action for such re-
18 lief as may be appropriate to carry out this title.

19 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
20 TION.—

21 (A) IN GENERAL.—Any person residing or
22 domiciled in a State who is aggrieved by the
23 failure of the State to meet the requirements of
24 the Constitution or Federal law, including this
25 title, with respect to the State’s congressional

1 redistricting, may bring a civil action in the
2 United States district court for the applicable
3 venue for such relief as may be appropriate to
4 remedy the failure.

5 (B) SPECIAL RULE FOR CLAIMS RELATING
6 TO PARTISAN ADVANTAGE.—For purposes of
7 subparagraph (A), a person who is aggrieved by
8 the failure of a State to meet the requirements
9 of section 303(b) may include—

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

12 (ii) any registered voter in the State
13 who resides in a congressional district that
14 the voter alleges was drawn in a manner
15 that contributes to a violation of such sec-
16 tion.

17 (C) NO AWARDING OF DAMAGES TO PRE-
18 VAILING PARTY.—Except for an award of attor-
19 ney’s fees under subsection (d), a court in a
20 civil action under this section shall not award
21 the prevailing party any monetary damages,
22 compensatory, punitive, or otherwise.

23 (3) DELIVERY OF COMPLAINT TO HOUSE AND
24 SENATE.—In any action brought under this section,
25 a copy of the complaint shall be delivered promptly

1 to the Clerk of the House of Representatives and the
2 Secretary of the Senate.

3 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
4 VENUE.—The district courts of the United States
5 shall have exclusive jurisdiction to hear and deter-
6 mine claims asserting that a congressional redistricting
7 plan violates the requirements of the Con-
8 stitution or Federal law, including this title. The ap-
9 plicable venue for such an action shall be the United
10 States District Court for the District of Columbia or
11 for the judicial district in which the capital of the
12 State is located, as selected by the person bringing
13 the action. In a civil action that includes a claim
14 that a redistricting plan is in violation of subsection
15 (a) or (b) of section 303, the United States District
16 Court for the District of Columbia shall have juris-
17 diction over any defendant who has been served in
18 any United States judicial district in which the de-
19 fendant resides, is found, or has an agent, or in the
20 United States judicial district in which the capital of
21 the State is located. Process may be served in any
22 United States judicial district where a defendant re-
23 sides, is found, or has an agent, or in the United
24 States judicial district in which the capital of the
25 State is located.

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

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

17 (b) EXPEDITED CONSIDERATION.—In any action
18 brought under this section, it shall be the duty of the dis-
19 trict court, the United States Court of Appeals for the
20 District of Columbia Circuit, and the Supreme Court of
21 the United States (if it chooses to hear the action) to ad-
22 vance on the docket and to expedite to the greatest pos-
23 sible extent the disposition of the action and appeal.

24 (c) REMEDIES.—

25 (1) ADOPTION OF REPLACEMENT PLAN.—

1 (A) IN GENERAL.—If the district court in
2 an action under this section finds that the con-
3 gressional redistricting plan of a State violates,
4 in whole or in part, the requirements of this
5 title—

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

10 (ii) if circumstances warrant and no
11 delay to an upcoming regularly scheduled
12 election for the House of Representatives
13 in the State would result, the district
14 court, in its discretion, may allow a State
15 to develop and propose a remedial congres-
16 sional redistricting plan for review by the
17 court to determine whether the plan is in
18 compliance with this title, except that—

19 (I) the State may not develop
20 and propose a remedial plan under
21 this clause if the court determines
22 that the congressional redistricting
23 plan of the State was enacted with
24 discriminatory intent in violation of

1 the Constitution or section 303(b);
2 and

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

7 (B) PROHIBITING USE OF PLANS IN VIOLA-
8 TION OF REQUIREMENTS.—No court shall order
9 a State to use a congressional redistricting plan
10 which violates, in whole or in part, the require-
11 ments of this title, or to conduct an election
12 under terms and conditions which violate, in
13 whole or in part, the requirements of this title.

14 (C) SPECIAL RULE IN CASE FINAL ADJU-
15 DICATION NOT EXPECTED WITHIN 3 MONTHS
16 OF ELECTION.—

17 (i) DUTY OF COURT.—If final adju-
18 dication of an action under this section is
19 not reasonably expected to be completed at
20 least 3 months prior to the next regularly
21 scheduled primary election for the House
22 of Representatives in the State, the district
23 court shall—

24 (I) develop, adopt, and order the
25 use of an interim congressional redis-

1 tricting plan in accordance with sec-
2 tion 305(f) to address any claims
3 under this title for which a party
4 seeking relief has demonstrated a sub-
5 stantial likelihood of success; or

6 (II) order adjustments to the
7 timing of primary elections for the
8 House of Representatives and other
9 related deadlines, as needed, to allow
10 sufficient opportunity for adjudication
11 of the matter and adoption of a reme-
12 dial or replacement plan for use in the
13 next regularly scheduled general elec-
14 tions for the House of Representa-
15 tives.

16 (ii) PROHIBITING FAILURE TO ACT ON
17 GROUNDS OF PENDENCY OF ELECTION.—
18 The court may not refuse to take any ac-
19 tion described in clause (i) on the grounds
20 of the pendency of the next election held in
21 the State or the potential for disruption,
22 confusion, or additional burdens with re-
23 spect to the administration of the election
24 in the State.

1 (2) NO STAY PENDING APPEAL.—Notwith-
2 standing the appeal of an order finding that a con-
3 gressional redistricting plan of a State violates, in
4 whole or in part, the requirements of this title, no
5 stay shall issue which shall bar the development or
6 adoption of a replacement or remedial plan under
7 this subsection, as may be directed by the district
8 court, pending such appeal. If such a replacement or
9 remedial plan has been adopted, no appellate court
10 may stay or otherwise enjoin the use of such plan
11 during the pendency of an appeal, except upon an
12 order holding, based on the record, that adoption of
13 such plan was an abuse of discretion.

14 (3) SPECIAL AUTHORITY OF COURT OF AP-
15 PEALS.—

16 (A) ORDERING OF NEW REMEDIAL
17 PLAN.—If, upon consideration of an appeal
18 under this title, the Court of Appeals deter-
19 mines that a plan does not comply with the re-
20 quirements of this title, it shall direct that the
21 District Court promptly develop a new remedial
22 plan with assistance of a special master for con-
23 sideration by the Court of Appeals.

24 (B) FAILURE OF DISTRICT COURT TO
25 TAKE TIMELY ACTION.—If, at any point during

1 the pendency of an action under this section,
2 the District Court fails to take action necessary
3 to permit resolution of the case prior to the
4 next regularly scheduled election for the House
5 of Representatives in the State or fails to grant
6 the relief described in paragraph (1)(C), any
7 party may seek a writ of mandamus from the
8 Court of Appeals for the District of Columbia
9 Circuit. The Court of Appeals shall have juris-
10 diction over the motion for a writ of mandamus
11 and shall establish an expedited briefing and
12 hearing schedule for resolution of the motion. If
13 the Court of Appeals determines that a writ
14 should be granted, the Court of Appeals shall
15 take any action necessary, including developing
16 a congressional redistricting plan with assist-
17 ance of a special master to ensure that a reme-
18 dial plan is adopted in time for use in the next
19 regularly scheduled election for the House of
20 Representatives in the State.

21 (4) EFFECT OF ENACTMENT OF REPLACEMENT
22 PLAN.—A State’s enactment of a redistricting plan
23 which replaces a plan which is the subject of an ac-
24 tion under this section shall not be construed to
25 limit or otherwise affect the authority of the court

1 to adjudicate or grant relief with respect to any
2 claims or issues not addressed by the replacement
3 plan, including claims that the plan which is the
4 subject of the action was enacted, in whole or in
5 part, with discriminatory intent, or claims to con-
6 sider whether relief should be granted under section
7 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
8 10302(c)) based on the plan which is the subject of
9 the action.

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

14 (e) RELATION TO OTHER LAWS.—

15 (1) RIGHTS AND REMEDIES ADDITIONAL TO
16 OTHER RIGHTS AND REMEDIES.—The rights and
17 remedies established by this section are in addition
18 to all other rights and remedies provided by law, and
19 neither the rights and remedies established by this
20 section nor any other provision of this title shall su-
21 persede, restrict, or limit the application of the Vot-
22 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

23 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
24 this title authorizes or requires conduct that is pro-

1 hibited by the Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).

3 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
4 ture, or State may claim legislative privilege under either
5 State or Federal law in a civil action brought under this
6 section or in any other legal challenge, under either State
7 or Federal law, to a redistricting plan enacted under this
8 title.

9 (g) REMOVAL.—

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

21 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
22 SUPPLEMENTAL JURISDICTION.—If a civil action re-
23 moved in accordance with paragraph (1) contains
24 claims not within the original or supplemental juris-
25 diction of the district court, the district court shall

1 sever all such claims and remand them to the State
2 court from which the action was removed.

3 **SEC. 307. EFFECTIVE DATE.**

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

8 **TITLE IV—GENERAL**
9 **PROVISIONS**

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

12 Nothing in this Act or in any amendment made by
13 this Act may be construed to affect the manner in which
14 a State carries out elections for State or local office, in-
15 cluding the process by which a State establishes the dis-
16 tricts used in such elections.

17 **SEC. 402. SEVERABILITY.**

18 If any provision of this Act or any amendment made
19 by this Act, or the application of a provision of this Act
20 or an amendment made by this Act to any person or cir-
21 cumstance, is held to be unconstitutional, the remainder
22 of this Act, and the application of the provisions to any
23 person or circumstance, shall not be affected by the hold-
24 ing.