115TH CONGRESS
1ST SESSION

H. R. ______

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

IN THE HOUSE OF REPRESENTATIVES

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 Representatives in Congress, to require each State with more than one Representative to establish multi-member Congressional districts, to require States to conduct Congressional redistricting through independent commissions, and for other purposes.

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

“Subtitle C—Ranked Choice Voting

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

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

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat Congressional elections.
“Sec. 332. Tabulation for multi-seat Congressional elections.
“Sec. 333. Exclusion of inactive ballots.
“Sec. 334. Treatment of ties between candidates.

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

“Sec. 341. Payments to States to implement ranked choice voting.
Sec. 103. Effective date.

TITLE II—MULTI-MEMBER DISTRICTS

Sec. 201. Requiring use of multi-member districts in certain States.
Sec. 202. Requiring certain States to elect all Representatives at large.
Sec. 203. Establishing minimum number of candidates in general election.
Sec. 204. Conforming amendments.
Sec. 205. Effective date.

TITLE III—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Subtitle A—General Requirements

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

Subtitle B—Independent Redistricting Commissions
Sec. 311. Independent redistricting commission.
Sec. 312. Establishment of selection pool of individuals eligible to serve as members of commission.
Sec. 313. Criteria for redistricting plan by independent commission; public notice and input.
Sec. 314. Establishment of related entities.

Subtitle C—Role of Courts in Development of Redistricting Plans

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

Subtitle D—Administrative and Miscellaneous Provisions

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

TITLE IV—GENERAL PROVISIONS

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

1 SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.

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 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 Members of the House of Representatives; and

(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.

TITLE I—RANKED CHOICE VOTING

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

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

“(a) RANKED CHOICE VOTING.—Each State shall carry out elections for the office of Representative in Congress, including primary, special, and runoff elections for such office, using a system of ranked choice voting under which each voter shall rank the candidates for the office in the order of the voter’s preference, in accordance with this title.

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

“(1) The ballot shall be simple and easy to understand.

“(2) 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. If feasible, the ballot shall permit voters to rank every candidate in the election. If it is not feasible for the ballot to permit voters to rank every candidate, the State may limit the number of candidates who may be ranked on the ballot to not fewer than 6.

“(3) 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.

“SEC. 322. 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.

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

“Nothing in this title shall be construed to require a State to hold a primary election for the office of 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.

“PART 2—TABULATION PROCESS

“SEC. 331. TABULATION FOR SINGLE-SEAT CONGRESSIONAL ELECTIONS.

“(a) IN GENERAL.—

“(1) DETERMINATION OF CANDIDATE’S NUMBER OF VOTES.—In a single-seat election, the number of votes received by a candidate shall be equal to the sum of—
“(A) the number of ballots cast in the election on which the candidate was the highest-ranked candidate; and

“(B) the number of votes transferred to the candidate under subsection (b)(2).

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

“(A) the candidate receives a number of votes greater than 50% of the number of ballots cast in the election; or

“(B) if the election official carries out an additional round of tabulation under subsection (b), the candidate receives the greatest number of votes of the 2 remaining continuing candidates (as described in such subsection).

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

“(1) ADDITIONAL ROUNDS OF TABULATION.— If, under the initial tabulation of ballots in a single-seat election, no candidate is elected to office (or, in the case of a primary election, no candidate ad-
vances to the general election for such office) under
the criteria described in subsection (a)(2)(A), the
election official shall carry out additional rounds of
tabulation in accordance with paragraph (2) until
only 2 continuing candidates remain.

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

“(A) the candidate receiving the fewest
number of votes among all candidates (or, in
the case of a State which applies batch elimi-
nation under paragraph (3), each candidate in
the batch elimination group) shall be treated as
a defeated candidate;

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

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

“(3) PERMITTING STATE TO USE BATCH ELIMI-
NATION TO DETERMINE MULTIPLE DEFEATED CAN-
DIDATES.—At the option of the State, with respect to any additional round of tabulation carried out under this subsection, a State may use batch elimination to treat multiple candidates as defeated candidates for purposes of paragraph (2) if such candidates may be placed in a batch elimination group described as follows:

“(A) If a candidate is in the group, the group includes each candidate who has received a total number of votes which is less than or equal to the total number of votes received by the candidate.

“(B) The total number of votes received by all candidates in the group is less than the number of votes received by any candidate who is not in the group.

“(C) At least 2 candidates are not in the group.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘continuing candidate’ means, with respect to an additional round of tabulation conducted under subsection (b), a candidate who is not treated as a defeated candidate during the tabulation of ballots under this section; and

“(2) the term ‘single-seat election’ means—
“(A) a general election in which one Representative shall be elected; or

“(B) a primary election in which one candidate shall advance to the general election.

“SEC. 332. TABULATION FOR MULTI-SEAT CONGRESSIONAL ELECTIONS.

“(a) In General.—

“(1) Determination of Candidate’s Number of Votes.—In the case of a multi-seat election, the number of votes received by a candidate shall be equal to the sum of—

“(A) the number of ballots cast in the election on which the candidate was the highest-ranked candidate, based on the initial tabulation of ballots; and

“(B) the number of votes transferred and added with respect to the candidate under subsection (b).

“(2) Criteria for Election.—In the case of a multi-seat election, a candidate shall be considered to be a winning candidate and shall be elected to one of the offices of Representative in the Congressional district (or, in the case of a primary election, shall advance to the general election for such offices as provided under the law of the State involved) if—
“(A) the candidate receives a number of votes greater than the multi-seat election threshold, as determined under this section; or

“(B) the candidate is a continuing candidate and the total number of winning and continuing candidates is equal to or less than the required number of winning candidates with respect to the election.

“(b) PROCESS IN CASE OF INSUFFICIENT NUMBER OF WINNING CANDIDATES.—

“(1) ADDITIONAL ROUNDS OF TABULATION.—

“(A) IN GENERAL.—If under the initial tabulation of ballots in a multi-seat election, the number of winning candidates is less than the required number of winning candidates with respect to the election and there is at least one continuing candidate, the election official shall carry out additional rounds of tabulation in accordance with this subsection until the number of winning candidates is equal to such required number of winning candidates.

“(B) ADDITIONAL ROUNDS DESCRIBED.—The additional rounds of tabulation under this subsection are as follows:
“(i) Surplus vote tabulation rounds under which surplus votes cast for winning candidates are transferred to other candidates, as described in paragraph (2).

“(ii) Candidate elimination rounds under which votes cast for defeated candidates are transferred to other candidates, as described in paragraph (3).

“(2) SURPLUS VOTE TABULATION ROUNDS.—

“(A) Transfer of percentage of winning candidate’s votes to next-highest ranked candidate.—Under a surplus vote tabulation round carried out under this paragraph, the election official shall transfer to, and add to the total number of votes received by, each continuing candidate a number of votes equal to the product of—

“(i) the surplus vote allocation percentage for the winning candidate who has received the greatest number of votes as of the beginning of the surplus vote tabulation round (as determined under subparagraph (B)), excluding any candidate from whom surplus votes have been transferred
in any previous surplus vote tabulation round under this paragraph; and

“(ii) the number of ballots cast for such winning candidate on which such continuing candidate was the highest-ranked continuing candidate, as determined by the election official.

“(B) **DETERMINATION OF NUMBER OF VOTES RECEIVED BY CANDIDATE AS OF BEGINNING OF ROUND.**—For purposes of clause (i) of subparagraph (A), the number of votes received by a candidate as of the beginning of a surplus vote tabulation round under this paragraph shall be determined by taking into account—

“(i) the transfer of surplus votes to the candidate in a previous surplus tabulation round under this paragraph (if any), and

“(ii) the transfer of votes to the candidate in a candidate elimination round carried out under paragraph (3) (if any).

“(C) **ONE-TIME TRANSFER.**—After transferring votes cast with respect to a winning candidate during a surplus vote tabulation round under this paragraph, the election official
may not make any subsequent transfer of any
of such candidate’s votes during any subsequent
surplus vote tabulation round under this para-
graph.

“(D) **Surplus vote allocation percentage defined.**—In this paragraph, the
term ‘surplus vote percentage’ means, with re-
spect to a winning candidate, an amount (ex-
pressed as a percentage) equal to—

“(i) the difference between the total
number of votes received by the candidate,
as determined under subsection (a)(1), and
the multi-seat election threshold; divided
by

“(ii) the total number of votes re-
ceived by the candidate, as determined
under subsection (a)(1),

rounded to 4 decimal places.

“(3) **Candidate elimination rounds.**—

“(A) **Transfer of votes cast for
eliminated candidates.**—Subject to sub-
paragraph (C), the election official shall carry
out candidate elimination rounds under this
paragraph as follows:
“(i) The candidate receiving the fewest number of votes among all candidates as of the beginning of the round, after taking into account the transfer of surplus votes in any surplus vote tabulation round carried out under paragraph (2) and the transfer of votes cast for defeated candidates under any previous candidate elimination round carried out under this paragraph (or, in the case of a State which applies batch elimination under subparagraph (B), each candidate in the batch elimination group), shall be treated as a defeated candidate.

“(ii) For each ballot cast for a defeated candidate, the election official shall determine the highest-ranked candidate on the ballot who is a continuing candidate.

“(iii) The vote cast on the ballot shall be transferred to, and added to the total number of votes received by, the highest-ranked continuing candidate determined under clause (ii).

“(B) PERMITTING STATE TO USE BATCH ELIMINATION TO DETERMINE MULTIPLE DE-
FEATED CANDIDATES.—At the option of the State, with respect to any candidate elimination round carried out under this subsection, a State may use batch elimination to treat multiple candidates as defeated candidates for purposes of subparagraph (A) if such candidates may be placed in a batch elimination group described as follows:

“(i) If a candidate is in the group, the group includes each continuing candidate who has received a total number of votes (after taking into account the transfer of surplus votes in any surplus vote tabulation round carried out under paragraph (2) and the transfer of votes cast for defeated candidates under any previous candidate elimination round carried out under this paragraph) which is less than or equal to the total number of votes received by the candidate (after taking into account such transfer).

“(ii) The total number of votes received by all candidates in the group (after taking into account such transfers of votes) is less than the number of votes re-
ceived by any other continuing candidate
(after taking into account such transfer).

“(iii) The total number of votes re-
ceived by all candidates in the group (after
taking into account such transfers of
votes) is less than the multi-seat election
threshold.

“(iv) The number of continuing can-
didates who are not in the group is equal
to or greater than the difference between
the number of candidates who have been
elected to office under the criteria de-
scribed in subsection (a)(2) and the num-
ber of Representatives to be elected from
the district.

“(C) CANDIDATE ELIMINATION ROUND
PERMITTED ONLY IF NO SURPLUS VOTE TAB-
ULATION ROUND POSSIBLE.—The election offi-
cial may not carry out a candidate elimination
round under this paragraph unless, as of the
beginning of the candidate elimination round,
there are no winning candidates from whom
surplus votes may be transferred under a sur-
plus vote tabulation round under paragraph (2).

“(e) OTHER DEFINITIONS.—In this section—
“(1) the term ‘continuing candidate’ means, with respect to an additional round of tabulation conducted under subsection (b), a candidate who is neither a winning candidate nor a candidate who is treated as a defeated candidate under such subsection during the tabulation of ballots under this section;

“(2) the ‘required number of winning candidates’ with respect to an election means—

“(A) in the case of a general election, the number of Representatives to be elected in the Congressional district involved, or

“(B) in the case of a primary election, the number of candidates required to advance to the general election for the offices of Representatives as provided under the law of the State involved;

“(3) the term ‘multi-seat election’ means—

“(A) a general election in which more than one Representative shall be elected, or

“(B) a primary election in which more than one candidate shall advance to the general election (without regard to the number of Representatives who shall be elected in that general election);
“(4) the term ‘multi-seat election threshold’ means, with respect to an election, an amount equal to—

“(A) the number of ballots cast in the election; divided by

“(B) the sum of one plus the required number of winning candidates required with respect to the election, rounded up to 4 decimal places; and

“(5) the term ‘winning candidate’ means a candidate who was elected to office (or, in the case of a primary election, who advanced to the general election for such office as provided under the law of the State involved) under the criteria described in subsection (a)(2) at any time during the tabulation of ballots under this section.

“SEC. 333. EXCLUSION OF INACTIVE BALLOTS.

“(a) INITIAL TABULATION.—In the initial tabulation of ballots under section 331 or section 332, a ballot shall be treated as an inactive ballot, and no vote on the ballot shall be counted for any candidate, if—

“(1) the voter does not rank any candidates on the ballot in order of preference;

“(2) the voter ranks more than one candidate at the highest order of preference; or
“(3) the voter skips two consecutive numerical rankings prior to the numerical ranking for the candidate the voter ranks at the highest order of preference.

“(b) ADDITIONAL ROUNDS OF TABULATION.—

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

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

“(A) if a vote cast for the winning candidate is cast on an inactive ballot, no portion of the surplus vote on such ballot may be transferred to a continuing candidate under any surplus vote tabulation round described in paragraph (2) of section 332(b); and

“(B) if a vote cast for a defeated candidate is cast on an inactive ballot, the vote may not be transferred to any continuing candidate under any candidate elimination round described in paragraph (3) of section 332(b).
“(3) INACTIVE BALLOT DEFINED.—In this subsection, the term ‘inactive ballot’ means, with respect to an additional round of tabulation under section 331 or section 332—

“(A) a ballot on which the voter does not rank any of the continuing candidates in order of preference;

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

“(C) a ballot on which the voter skips 2 or more consecutive numerical rankings prior to the ranking for the continuing candidate at the highest order of preference.

“SEC. 334. TREATMENT OF TIES BETWEEN CANDIDATES.

“(a) Establishment of Random Selection Algorithm.—For each election for Representative in Congress, the appropriate election official shall establish and publish a random selection algorithm prior to the tabulation of ballots under section 331 and section 332.

“(b) Designation of Winning Candidate.—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 section 331 or section 332 and the tabulation cannot proceed until the tie is resolved,
the candidate whose name is selected pursuant to the random selection algorithm established for that round under subsection (a) shall be considered to have the greatest number of votes among such candidates.

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

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

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

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

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

“(A) the number of Representatives to which the State is entitled under the reapportionment of Representatives resulting from the regular decennial census conducted during 2020; and

“(B) $500,000.
“(b) USE OF FUNDS.—A State shall use the payment made under subsection (a) to implement ranked choice voting under this subtitle 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 effect 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.”.

(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 REPRESENTATIVES

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

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat Congressional elections.
“Sec. 332. Tabulation for multi-seat Congressional elections.
“Sec. 333. Exclusion of exhausted ballots.
“Sec. 334. Treatment of ties between candidates.

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

“Sec. 341. Payments to States to implement ranked choice voting.”.
SEC. 102. APPLICABILITY OF ENFORCEMENT PROVISIONS OF HELP AMERICA VOTE ACT OF 2002.

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 elections held pursuant to the reapportionment of Representatives resulting from the regular decennial census conducted during 2020 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.—If a State is entitled to 6 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))—

(1) 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
(2) the State may not elect any of its Representatives at large.

(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 3 or greater than 5.

SEC. 202. REQUIRING CERTAIN STATES TO ELECT ALL REPRESENTATIVES AT LARGE.

If a State is entitled to 5 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.

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 identification and number of candidates who will advance to the general election for such office is based on the candidates’ political party preferences (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 in the election who advance to the general election for the office with a particular political party preference is equal to the number of Representatives who will be elected from the district involved.

(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 candidates of that political party to advance to the general election as the party considers appropriate, so long as the number is not less than 2.

(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 Nominating Pri-
maries.—

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

(A) 5;

(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 Nominating Primary Elec-
tion Defined.—In this subsection, a “nonpartisan
nominating primary election” is a primary election
for the office of Representative 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-
strict involved may cast a ballot in the election, regardless of the voter’s political party preference or lack thereof; and

(C) the identification and number of candidates who advance to the general election for the office is determined without regard to the candidates’ political party preferences or lack thereof.

(e) Exception for States Not Holding Primary Elections Prior to Date of Regularly Scheduled General Elections.—This section does not apply 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 Revised Statutes of the United States (2 U.S.C. 7) for the regularly scheduled general election for such offices.

SEC. 204. CONFORMING AMENDMENTS.

The following provisions of law are hereby repealed:

(1) 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(e)).

(2) The Act entitled “An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for

(3) 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).

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall apply with respect to the One Hundred Seventeenth Congress and each subsequent Congress.

TITLE III—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Subtitle A—General Requirements

SEC. 301. LIMIT ON CONGRESSIONAL REDISTRICTING AFTER AN APPORTIONMENT.

A State which has been redistricted in the manner provided by law after an apportionment 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), may not be redistricted again until after the next apportionment of Representatives under such section, unless a court requires the State to conduct such subsequent redistricting to com-
ply with the Constitution, to enforce the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), to comply with this Act, or to comply with any other applicable Federal law.

SEC. 302. REQUIRING CONGRESSIONAL REDISTRICTING TO BE CONDUCTED THROUGH PLAN OF INDEPENDENT STATE COMMISSION.

Notwithstanding any other provision of law, any Congressional redistricting conducted by a State shall be conducted in accordance with—

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

(2) if a plan developed by such commission is not enacted into law, the redistricting plan developed and enacted into law by a 3-judge court of the United States District Court for the District of Columbia, in accordance with section 301.

Subtitle B—Independent Redistricting Commissions

SEC. 311. INDEPENDENT REDISTRICTING COMMISSION.

(a) APPOINTMENT OF MEMBERS.—

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

(A) The agency shall appoint 4 members on a random basis from the majority category of the approved selection pool (as described in section 312(b)(1)(A)).

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

(C) The agency shall appoint 4 members on a random basis from the independent category of the approved selection pool (as described in section 312(b)(1)(C)).

(2) Appointment of Alternates to Serve in Case of Vacancies.—At the time the agency appoints the members of the independent redistricting commission under paragraph (1) from each of the categories referred to in such paragraph, the agency shall, on a random basis, designate 2 other individuals from such category to serve as alternate members who may be appointed to fill vacancies in the commission in accordance with paragraph (3).
(3) VACANCY.—If a vacancy occurs in the commission with respect to a member who was appointed from one of the categories referred to in paragraph (1), the nonpartisan agency shall fill the vacancy by appointing, on a random basis, one of the 2 alternates from such category who was designated under paragraph (2). At the time the agency appoints an alternate to fill a vacancy under the previous sentence, the agency shall designate, on a random basis, another individual from the same category to serve as an alternate member, in accordance with paragraph (2).

(b) PROCEDURES FOR CONDUCTING COMMISSION BUSINESS.—

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

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

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

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

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

(c) STAFF; CONTRACTORS.—

(1) STAFF.—The independent redistricting
commission of a State may appoint and set the pay
of such staff as it considers appropriate, subject to
State law.

(2) CONTRACTORS.—The independent redis-
istricting commission of a State may enter into such
contracts with vendors as it considers appropriate,
subject to State law, except that any such contract
shall be valid only if approved by the vote of a ma-
majority of the members of the commission, including
at least one member appointed from each of the cat-
egories of the approved selection pool described in
section 312(b)(1).
(3) **GOAL OF IMPARTIALITY.**—The commission shall take such steps as it considers appropriate to ensure that any staff appointed under this subsection, and any vendor with whom the commission enters into a contract under this subsection, will work in an impartial manner, and may require any person who applies for an appointment to a staff position or for a vendor’s contract with the commission to provide information on the person’s history of political activity (including donations to candidates, political committees, and political parties) as a condition of the appointment or the contract.

(d) **TERMINATION.**—

(1) **IN GENERAL.**—The independent redistricting commission of a State shall terminate on the earlier of—

(A) June 14 of the following year ending in the numeral zero; or

(B) the day on which the nonpartisan agency established or designated by a State under section 314(a) has, in accordance with section 312(b)(1), submitted a selection pool to the Select Committee on Redistricting for the State established under section 314(b).
(2) Preservation of Records.—The State shall ensure that the records of the independent redistricting commission are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to Congressional redistricting in the State.

SEC. 312. Establishment of Selection Pool of Individuals Eligible to Serve as Members of Commission.

(a) Criteria for Eligibility.—

(1) In general.—An individual is eligible to serve as a member of an independent redistricting commission if the individual meets each of the following criteria:

(A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

(B) During the 3-year period ending on the date of the individual’s appointment, the individual has been continuously registered to vote with the same political party, or has not been registered to vote with any political party.

(C) The individual submits to the nonpartisan agency established or designated by a
State under section 313, at such time and in such form as the agency may require, an application for inclusion in the selection pool under this section, and includes with the application a written statement containing the following information and assurances:

(i) A statement of the political party with which the individual is affiliated, if any.

(ii) An assurance that the individual shall commit to carrying out the individual’s duties under this title in an honest, independent, and impartial fashion, and to upholding public confidence in the integrity of the redistricting process.

(iii) An assurance that, during the covered periods described in paragraph (3), the individual has not taken and will not take any action which would disqualify the individual from serving as a member of the commission under paragraph (2).

(2) DISQUALIFICATIONS.—An individual is not eligible to serve as a member of the commission if any of the following applies during any of the covered periods described in paragraph (3):
(A) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual holds public office or is a candidate for election for public office.

(B) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual serves as an officer of a political party or as an officer, employee, or paid consultant of a campaign committee of a candidate for public office.

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

(D) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual is an employee of an elected public official, a contractor with the legislature of the State, or a donor to the cam-
campaign of any candidate for public office (other than a donor who, during any of such covered periods, gives an aggregate amount of $20,000 or less to the campaigns of all candidates for all public offices).

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

(A) The 5-year period ending on the date of the individual’s appointment.

(B) The period beginning on the date of the individual’s appointment and ending on August 14 of the next year ending in the numeral one.

(C) The 5-year period beginning on the day after the last day of the period described in subparagraph (B).

(4) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term “immediate family member” means, with respect to an individual, a father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, husband, wife, father-in-law, or mother-in-law.
(b) Development and Submission of Selection Pool.—

(1) In general.—Not later than June 15 of each year ending in the numeral zero, the non-partisan agency established or designated by a State under section 314(a) shall develop and submit to the Select Committee on Redistricting for the State established under section 314(b) a selection pool of 36 individuals who are eligible to serve as members of the independent redistricting commission of the State under this title, consisting of individuals in the following categories:

(A) A majority category, consisting of 12 individuals who are affiliated with the political party with the largest percentage of the registered voters in the State who are affiliated with a political party (as determined with respect to the most recent Statewide election for Federal office held in the State for which such information is available).

(B) A minority category, consisting of 12 individuals who are affiliated with the political party with the second largest percentage of the registered voters in the State who are affiliated with a political party (as so determined).
(C) An independent category, consisting of 12 individuals who are not affiliated with either of the political parties described in subparagraph (A) or subparagraph (B).

(2) FACTORS TAKEN INTO ACCOUNT IN DEVELOPING POOL.—In selecting individuals for the selection pool under this subsection, the nonpartisan agency shall—

(A) to the maximum extent practicable, ensure that the pool reflects the representative demographic groups (including races, ethnicities, and genders) and geographic regions of the State; and

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

(3) DETERMINATION OF POLITICAL PARTY AFFILIATION OF INDIVIDUALS IN SELECTION POOL.—For purposes of this section, an individual shall be considered to be affiliated with a political party on the basis of the information the individual provides
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in the application submitted under subsection
(a)(1)(D).

(4) Encouraging residents to apply for
inclusion in pool.—The nonpartisan agency shall
take such steps as may be necessary to ensure that
residents of the State across various geographic re-
gions and demographic groups are aware of the op-
portunity to serve on the independent redistricting
commission, including publicizing the role of the
panel and using newspapers, broadcast media, and
online sources, including ethnic media, to encourage
individuals to apply for inclusion in the selection
pool developed under this subsection.

(5) Report on establishment of selection pool.—At the time the nonpartisan agency
submits the selection pool to the Select Committee
on Redistricting under paragraph (1), it shall pub-
lish a report describing the process by which the
pool was developed, and shall include in the report
a description of how the individuals in the pool meet
the eligibility criteria of subsection (a) and of how
the pool reflects the factors the agency is required
to take into consideration under paragraph (2).

(6) Action by select committee.—
(A) In general.—Not later than 14 days after receiving the selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 311(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a replacement selection pool in accordance with subsection (c).

(B) Inaction deemed rejection.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(c) Development of replacement selection pool.—

(1) In general.—If the Select Committee on Redistricting rejects the selection pool submitted by the nonpartisan agency under subsection (b), not later than 14 days after the rejection, the non-
partisan agency shall develop and submit to the Select Committee a replacement selection pool, under the same terms and conditions that applied to the development and submission of the selection pool under paragraphs (1) through (5) of subsection (b). The replacement pool submitted under this paragraph may include individuals who were included in the rejected selection pool submitted under subsection (b), so long as at least one of the individuals in the replacement pool was not included in such rejected pool.

(2) ACTION BY SELECT COMMITTEE.—

(A) IN GENERAL.—Not later than 14 days after receiving the replacement selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 311(a)(1); or

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

(B) Inaction Deemed Rejection.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(d) Development of Second Replacement Selection Pool.—

(1) In General.—If the Select Committee on Redistricting rejects the replacement selection pool submitted by the nonpartisan agency under subsection (c), not later than 14 days after the rejection, the nonpartisan agency shall develop and submit to the Select Committee a second replacement selection pool, under the same terms and conditions that applied to the development and submission of the selection pool under paragraphs (1) through (5) of subsection (b). The second replacement selection pool submitted under this paragraph may include individuals who were included in the rejected selection pool submitted under subsection (b) or the rejected replacement selection pool submitted under subsection (c), so long as at least one of the individuals
in the replacement pool was not included in either such rejected pool.

(2) Action by select committee.—

(A) In general.—Not later than 14 days after receiving the second replacement selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 311(a)(1); or

(ii) reject the pool, in which case—

(I) the nonpartisan agency shall not develop or submit any other selection pool for purposes of this title; and

(II) the United States District Court for the District of Columbia shall develop and enact the redistricting plan for the State, in accordance with section 301.

(B) Inaction deemed rejection.—If the Select Committee on Redistricting fails to
approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

SEC. 313. CRITERIA FOR REDISTRICTING PLAN BY INDEPENDENT COMMISSION; PUBLIC NOTICE AND INPUT.

(a) Development of Redistricting Plan.—

(1) Criteria.—In addition to the criteria set forth in section 201(b), the independent redistricting commission of a State shall develop a redistricting plan for the State in accordance with the following criteria, prioritized according to the following order:

(A) To the extent practicable, districts shall be contiguous (except to the extent necessary to include any area which is surrounded by a body of water).

(B) Districts shall be established in a manner consistent with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) and other Federal law.

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

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

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

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

(E) To the greatest extent practicable the
State shall maximize the number of districts
electing 5 Representatives.
(F) To the extent practicable, district boundaries shall minimize the division of any community of interest, municipality, county, or neighborhood. For purposes of this subparagraph, a community of interest is a contiguous population which shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbent officeholders, or political candidates.

(G) To the extent practicable, districts shall be geographically compact such that nearby areas of population are not bypassed for more distant areas of population.
To the extent practicable, the boundaries of districts shall follow visible geographic features.

(2) Prohibiting Consideration of Residence of Member or Other Candidate.—In developing the redistricting plan for the State, the independent redistricting commission may not take into consideration the residence of any Member of the House of Representatives or candidate.

(b) Public Notice and Input.—

(1) Use of Open and Transparent Process.—The independent redistricting commission of a State shall hold each of its meetings in public, shall solicit and take into consideration comments from the public throughout the process of developing the redistricting plan for the State, 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.—The commission 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:
(A) General information on the commission and its members, including contact information.

(B) An updated schedule of commission hearings and activities, including deadlines for the submission of comments.

(C) All draft redistricting plans developed by the commission under subsection (c) and the final redistricting plan developed under subsection (d).

(D) Live streaming of commission hearings and an archive of previous meetings and other commission records.

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

(F) Access to the demographic data used by the commission to develop the proposed redistricting plans, together with any software used to draw maps of proposed districts.

(3) PUBLIC COMMENT PERIOD.—The commission shall solicit, accept, and consider comments from the public with respect to its duties, activities, and procedures at any time during the period—

(A) which begins on January 1 of the year ending in the numeral one; and
(B) which ends 7 days before the date of
the meeting at which the commission shall vote
on approving the final redistricting plan for en-
actment into law under subsection (d)(2).

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

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

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

(2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-
VELOPMENT.—

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

(B) Minimum period for notice prior to hearings.—The commission shall notify the public through the website maintained under subsection (b)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the date, time, and location of each of the hearings held under this paragraph not fewer than 14 days prior to the date of the hearing.

(3) Publication of preliminary plan.—

(A) In general.—The commission shall post the preliminary redistricting plan developed under this subsection, together with a report that includes the commission’s responses to any public comments received under subsection (b)(3), on the website maintained under subsection (b)(2), and shall provide for the publication of each such plan in newspapers of general circulation throughout the State.

(B) Minimum period for notice prior to publication.—Not fewer than 14 days prior to the date on which the commission posts and publishes the preliminary plan under this
paragraph, the commission shall notify the public through the website maintained under subsection (b)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the pending publication of the plan.

(4) Minimum period for public comment after publication of plan.—The commission shall accept and consider comments from the public with respect to the preliminary redistricting plan published under paragraph (3) for not fewer than 30 days after the date on which the plan is published.

(5) Post-publication hearings.—

(A) 3 hearings required.—After posting and publishing the preliminary redistricting plan under paragraph (3), the commission shall hold not fewer than 3 public hearings at which members of the public may provide input and comments regarding the preliminary plan.

(B) Minimum period for notice prior to hearings.—The commission shall notify the public through the website maintained under subsection (b)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the date, time,
and location of each of the hearings held under
this paragraph not fewer than 14 days prior to
the date of the hearing.

(6) Permitting multiple preliminary
plans.—At the option of the commission, after de-
veloping and publishing the preliminary redistricting
plan under this subsection, the commission may de-
velop and publish subsequent preliminary redis-
tricting plans, so long as the process for the develop-
ment and publication of each such subsequent plan
meets the requirements set forth in this subsection
for the development and publication of the first pre-
liminary redistricting plan.

(d) Process for enactment of final redis-
tricting plan.—

(1) In general.—After taking into consider-
ation comments from the public on any preliminary
redistricting plan developed and published under
subsection (e), the independent redistricting com-
mission of a State shall develop and publish a final re-
districting plan for the State.

(2) Meeting; final vote.—Not later than
August 15 of each year ending in the numeral one,
the commission shall hold a public hearing at which
the members of the commission shall vote on approving the final plan for enactment into law.

(3) Publication of plan and accompanying materials.—Not fewer than 14 days before the date of the meeting under paragraph (2), the commission shall provide the following information to the public through the website maintained under subsection (b)(2), as well as through newspapers of general circulation throughout the State:

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

(B) A report by the commission to accompany the plan which provides the background for the plan and the commission’s reasons for selecting the plan as the final redistricting plan, including responses to the public comments received on any preliminary redistricting plan developed and published under subsection (c).

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

(4) Enactment.—The final redistricting plan developed and published under this subsection shall be deemed to be enacted into law if—
(A) the plan is approved by a majority of
the whole membership of the commission; and

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

(e) Deadline.—The independent redistricting com-
mission of a State shall approve a final redistricting plan
for the State not later than August 15 of each year ending
in the numeral one.

SEC. 314. ESTABLISHMENT OF RELATED ENTITIES.

(a) Establishment or Designation of Non-
partisan Agency of State Legislature.—

(1) In general.—Each State shall establish a
nonpartisan agency in the legislative branch of the
State government to appoint the members of the
independent redistricting commission for the State
in accordance with section 311.

(2) Nonpartisanship described.—For pur-
poses of this subsection, an agency shall be consid-
ered to be nonpartisan if under law the agency—

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

(B) is required to maintain impartiality;
(C) is prohibited from advocating for the adoption or rejection of any legislative proposal.

(3) DESIGNATION OF EXISTING AGENCY.—At its option, a State may designate an existing agency in the legislative branch of its government to appoint the members of the independent redistricting commission plan for the State under this title, so long as the agency meets the requirements for non-partisanship under this subsection.

(4) TERMINATION OF AGENCY SPECIFICALLY ESTABLISHED FOR REDISTRICTING.—If a State does not designate an existing agency under paragraph (3) but instead establishes a new agency to serve as the nonpartisan agency under this section, the new agency shall terminate upon the enactment into law of the redistricting plan for the State.

(5) DEADLINE.—The State shall meet the requirements of this subsection not later than each August 15 of a year ending in the numeral nine.

(b) ESTABLISHMENT OF SELECT COMMITTEE ON REDISTRICTING.—

(1) IN GENERAL.—Each State shall appoint a Select Committee on Redistricting to approve or disapprove a selection pool developed by the non-partisan agency under section 312.
(2) APPOINTMENT.—The Select Committee on Redistricting for a State under this subsection shall consist of the following members:

(A) 1 member of the upper house of the State legislature, who shall be appointed by the leader of the party with the greatest number of seats in the upper house.

(B) 1 member of the upper house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the upper house.

(C) 1 member of the lower house of the State legislature, who shall be appointed by the leader of the party with the greatest number of seats in the lower house.

(D) 1 member of the lower house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the lower house.

(3) SPECIAL RULE FOR STATES WITH UNICAMERAL LEGISLATURE.—In the case of a State with a unicameral legislature, the Select Committee on Redistricting for the State under this subsection shall consist of the following members:
(A) 2 members of the State legislature appointed by the leader of the party with the greatest number of seats in the legislature.

(B) 2 members of the State legislature appointed by the leader of the party with the second greatest number of seats in legislature.

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

Subtitle C—Role of Courts in Development of Redistricting Plans

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

(a) DEVELOPMENT OF PLAN.—If any of the triggering events described in subsection (c) occur with respect to a State—

(1) not later than December 15 of the year in which the triggering event occurs, the United States District Court for the District of Columbia, acting through a 3-judge court convened pursuant to section 2284 of title 28, United States Code, shall develop and publish the congressional redistricting plan for the State; and

(2) the plan developed and published by the Court under this subsection shall be deemed to be
enacted on the date on which the Court publishes the plan.

(b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

(1) CRITERIA.—It is the sense of Congress that, in developing a redistricting plan for a State under this section, the Court should 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 independent redistricting commission of the State under section 313(a).

(2) ACCESS TO INFORMATION AND RECORDS OF COMMISSION.—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 independent redistricting commission of the State in carrying out its duties under this title.

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

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

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

(3) The failure of the Select Committee on Redistricting to approve any selection pool under section 312 prior to the expiration of the deadline set forth for the approval of the second replacement selection pool in section 312(d)(2).

(4) The failure of the independent redistricting commission of the State to approve a final redistricting plan for the State prior to the expiration of the deadline set forth in section 313(e).

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

If a Federal court requires a State to conduct redistricting subsequent to an apportionment of Representatives in the State in order to comply with the Constitution or to enforce the Voting Rights Act of 1965, section 313 shall apply with respect to the redistricting, except that the court may revise any of the deadlines set forth in such section if the court determines that a revision is appropriate in order to provide for a timely enactment of a new redistricting plan for the State.
Subtitle D—Administrative and Miscellaneous Provisions

SEC. 331. PAYMENTS TO STATES FOR CARRYING OUT REDISTRICTING.

(a) AUTHORIZATION OF PAYMENTS.—Subject to subsections (c) and (d), not later than 30 days after a State receives a State apportionment notice, the Election Assistance Commission shall make a payment to the State in an amount equal to the product of—

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

(2) $150,000.

(b) USE OF FUNDS.—A State shall use the payment made under this section to establish and operate the State’s independent redistricting commission, to implement the State redistricting plan, and to otherwise carry out Congressional redistricting in the State.

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

(d) REQUIRING SUBMISSION OF SELECTION POOL AS CONDITION OF PAYMENT.—The Election Assistance Commission may not make a payment to a State under this
section until the State certifies to the Commission that
the nonpartisan agency established or designated by a
State under section 314(a) has, in accordance with section
312(b)(1), submitted a selection pool to the Select Com-
mittee on Redistricting for the State established under
section 314(b).

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

SEC. 332. CIVIL ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—

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

(2) AVAILABILITY OF PRIVATE RIGHT OF AC-
tION.—Any citizen of a State who is aggrieved by
the failure of the State redistricting plan which is
enacted into law under section 313 to meet the re-
quirements for such a plan under this title may
bring a civil action in an appropriate district court
for such relief as may be appropriate to remedy the
failure, so long as the individual brings the action
during the 45-day period which begins on the date
on which the plan is enacted into law.
(b) EXPEDITED CONSIDERATION.—In any action
brought forth under this section, the following rules shall
apply:

(1) The action shall be filed in the United
States District Court for the District of Columbia
and shall be heard by a 3-judge court convened pur-
suant to section 2284 of title 28, United States
Code.

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

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

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

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

(d) 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.).

SEC. 333. STATE APPORTIONMENT NOTICE DEFINED.

In this title, the “State apportionment notice” means, with respect to a State, the notice sent to the State from the Clerk of the House of Representatives under section 22(b) 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”, ap-
proved June 18, 1929 (2 U.S.C. 2a(b)), of the number of Representatives to which the State is entitled.

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.

SEC. 403. EFFECTIVE DATE.

(a) Redistricting.—Title III and the amendments made by such title shall apply with respect to redistricting carried out pursuant to the decennial census conducted during 2020 or any succeeding decennial census.
(b) Ranked Choice Voting; Use of Multi-Member Districts.—Titles I and II and the amendments made by such titles shall apply with respect to elections for Federal office held in 2022 and each succeeding year.