

[DISCUSSION DRAFT]

FEBRUARY 4, 2021

117TH CONGRESS
1ST 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 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 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 through independent commissions, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Fair Representation Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Finding of constitutional authority.

TITLE I—RANKED CHOICE VOTING

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

“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. Application to District of Columbia and territories.

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

“PART 2—TABULATION PROCESS

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

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

“Sec. 333. Exclusion of inactive ballots.

“Sec. 334. Batch elimination.

“Sec. 335. Treatment of ties between candidates.

“Sec. 336. Continuing candidate defined.

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

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

Sec. 102. Applicability of enforcement provisions of Help America Vote Act of 2002.

Sec. 103. Effective date.

TITLE II—MULTI-MEMBER DISTRICTS

Sec. 201. Requiring use of multi-member districts in certain States.

Sec. 202. Requiring certain States to elect all Representatives at large.

Sec. 203. Establishing minimum number of candidates in general election.

Sec. 204. Conforming amendments.

Sec. 205. Exception for States in which use of multi-member districts will result in diminishment of voting rights.

Sec. 206. Effective date.

TITLE III—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Subtitle A—General Requirements

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

Subtitle B—Independent Redistricting Commissions

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

Subtitle C—Role of Courts in Development of Redistricting Plans

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

Subtitle D—Administrative and Miscellaneous Provisions

- Sec. 331. Payments to States for carrying out redistricting.
- Sec. 332. Civil enforcement.
- Sec. 333. State apportionment notice defined.
- Sec. 334. Special rules for redistricting pursuant to 2020 decennial census.

TITLE IV—GENERAL PROVISIONS

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

1 SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.

2 Congress finds that it has the authority to establish
3 the terms and conditions States must follow in carrying
4 out congressional redistricting after an apportionment of
5 Members of the House of Representatives and in admin-
6 istering elections for the Senate and House of Representa-
7 tives because—

8 (1) the authority granted to Congress under ar-
9 ticle I, section 4 of the Constitution of the United
10 States gives Congress the power to enact laws gov-

1 erning the time, place, and manner of elections for
2 Senators and Members of the House of Representa-
3 tives; and

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

10 **TITLE I—RANKED CHOICE** 11 **VOTING**

12 **SEC. 101. REQUIRING RANKED CHOICE VOTING FOR ELEC-** 13 **TION OF SENATORS AND REPRESENTATIVES.**

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

17 **“Subtitle C—Ranked Choice Voting** 18 **“PART 1—REQUIRING RANKED CHOICE VOTING** 19 **FOR ELECTION OF SENATORS AND REP-** 20 **RESENTATIVES**

21 **“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELEC-** 22 **TION OF SENATORS AND REPRESENTATIVES.**

23 “(a) RANKED CHOICE VOTING.—Each State shall
24 carry out elections for the office of Senator and the office
25 of Representative in Congress using a system of ranked

1 choice voting under which each voter shall rank the can-
2 didates for the office in the order of the voter's preference,
3 in accordance with the following:

4 “(1) In any single-seat election and any election
5 for the office of Senator, the State shall carry out
6 the election using single-seat ranked choice voting as
7 described in section 331.

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

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

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

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

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

5 “(c) DEFINITION.—In this title—

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

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

20 **“SEC. 322. APPLICATION TO DISTRICT OF COLUMBIA AND**
21 **TERRITORIES.**

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

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

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

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

18 **“PART 2—TABULATION PROCESS**

19 **“SEC. 331. TABULATION FOR SINGLE-SEAT CONGRES-**
20 **SIONAL ELECTIONS.**

21 “(a) IN GENERAL.—

22 “(1) DETERMINATION OF CANDIDATE’S NUM-
23 BER OF VOTES.—In the case of a single-seat elec-
24 tion, the number of votes received by a candidate in
25 either the initial tabulation or in an additional round

1 of tabulation shall be equal to the number of ballots
2 on which that candidate is the highest ranked con-
3 tinuing candidate.

4 “(2) CRITERIA FOR ELECTION.—In the case of
5 a single-seat election, a candidate shall be elected to
6 the office of Senator or Representative in Congress
7 (or, in the case of a primary election, shall advance
8 to the general election for such office as provided
9 under the law of the State involved) if—

10 “(A) in the initial tabulation of ballots, the
11 candidate receives a number of votes greater
12 than 50 percent of the number of ballots cast
13 in the election; or

14 “(B) if the election official carries out an
15 additional round of tabulation under subsection
16 (b), the candidate receives the greatest number
17 of votes of the 2 remaining continuing can-
18 didates (as described in such subsection).

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

21 “(1) ADDITIONAL ROUNDS OF TABULATION.—
22 If, under the initial tabulation of ballots, no can-
23 didate is elected to office (or, in the case of a pri-
24 mary election, no candidate advances to the general
25 election for such office) under the criteria described

1 in subsection (a)(2)(A), the election official shall
2 carry out additional rounds of tabulation in accord-
3 ance with paragraph (2) until only two continuing
4 candidates remain.

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

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

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

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

23 **“SEC. 332. TABULATION FOR MULTI-SEAT CONGRESSIONAL**
24 **ELECTIONS.**

25 “(a) IN GENERAL.—

1 “(1) VOTES COUNTED IN ROUNDS.—In the case
2 of a multi-seat election, the votes shall be counted in
3 a series of rounds of tabulation until the number of
4 winning candidates equals the required number of
5 winning candidates with respect to the election, as
6 described in paragraph (4).

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

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

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

23 “(3) DETERMINATION OF MULTI-SEAT ELEC-
24 TION THRESHOLD.—The multi-seat election thresh-
25 old with respect to an election shall be equal to the

1 total number of valid votes cast in the election di-
2 vided by the sum of the number one and the re-
3 quired number of winning candidates with respect to
4 the election, rounded up to four decimal places.

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

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

21 “(B) If, following any round of counting,
22 the number of winning and continuing can-
23 didates combined is greater than the required
24 number of winning candidates with respect to
25 the election, and no candidate has a vote total

1 that exceeds the multi-seat election threshold,
2 as determined under this section, then the fol-
3 lowing round shall be a candidate elimination
4 round.

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

12 “(5) TABULATION ROUNDS DESCRIBED.—

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

21 “(B) CANDIDATE ELIMINATION ROUND.—
22 In this section, a ‘candidate elimination round’
23 is a tabulation round under which the candidate
24 with the fewest votes is designated as defeated
25 and votes for that candidate are transferred to

1 other candidates, as described in subsection
2 (b)(3).

3 “(b) PROCESS FOR TRANSFERRING VOTES.—

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

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

18 “(B) The official shall reweight each vote
19 counting for each candidate designated as a
20 winning candidate at the beginning of the
21 round by multiplying the vote’s current weight
22 (equal to one if the vote has not been re-
23 weighted in any prior surplus tabulation round)
24 by the surplus fraction determined with respect

1 to the candidate under subparagraph (A),
2 rounding down to four decimal places.

3 “(C) The official shall transfer each vote
4 counting for each candidate designated as a
5 winning candidate at the beginning of the
6 round to the highest ranked continuing can-
7 didate on the ballot on which the vote was cast,
8 counting the vote as a fraction of a vote equal
9 to its new weight as determined under subpara-
10 graph (B).

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

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

24 “(A) The official shall transfer each vote
25 counting for the candidate designated as de-

1 feated at the beginning of the round to the
2 highest ranked continuing candidate on the bal-
3 lot on which the vote was cast, except that if
4 the vote was counted as a fraction of a vote due
5 to being reweighted in a prior surplus transfer
6 round, it shall continue to count as the same
7 fraction of a vote in the subsequent candidate
8 elimination round.

9 “(B) For all subsequent candidate elimi-
10 nation rounds, the official shall set the vote
11 total of each candidate designated as defeated
12 at the beginning of the round to zero votes.

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

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

19 “(b) ADDITIONAL ROUNDS OF TABULATION.—

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

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

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

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

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

17 “(1) a ballot on which the voter does not rank
18 any of the continuing candidates in order of pref-
19 erence;

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

23 “(3) a ballot on which the voter skips two or
24 more consecutive numerical rankings prior to the

1 ranking for the continuing candidate at the highest
2 order of preference.

3 **“SEC. 334. BATCH ELIMINATION.**

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

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

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

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

2 “If a tie occurs between candidates with the greatest
3 number of votes or the fewest number of votes at any point
4 in the tabulation of ballots under this part and the tabula-
5 tion cannot proceed until the tie is resolved, the tie shall
6 be resolved in accordance with State law.

7 **“SEC. 336. CONTINUING CANDIDATE DEFINED.**

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

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

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

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

21 “(1) in the case of the District of Columbia, the
22 Commonwealth of Puerto Rico, American Samoa,
23 Guam, the United States Virgin Islands, and the
24 Commonwealth of the Northern Mariana Islands,
25 \$1,500,000; or

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

3 “(A) the number of Representatives to
4 which the State is entitled under the reapportionment of Representatives resulting from the
5 regular decennial census conducted during
6 2020; and
7 2020; and

8 “(B) \$500,000.

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

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

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

22 (b) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended by adding at the end of the item
24 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. Application to District of Columbia and territories.

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

“PART 2—TABULATION PROCESS

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

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

“Sec. 333. Exclusion of inactive ballots.

“Sec. 334. Batch elimination.

“Sec. 335. Treatment of ties between candidates.

“Sec. 336. Continuing candidate defined.

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

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

1 SEC. 102. APPLICABILITY OF ENFORCEMENT PROVISIONS
2 OF HELP AMERICA VOTE ACT OF 2002.

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

6 SEC. 103. EFFECTIVE DATE.

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

9 (1) elections for the office of Senator which are
10 held during 2022 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 2020 and all subsequent
15 elections.

1 **TITLE II—MULTI-MEMBER**
2 **DISTRICTS**

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

5 (a) RULES FOR STATES WITH SIX OR MORE REP-
6 REPRESENTATIVES.—If a State is entitled to six or more Rep-
7 resentatives in Congress under an apportionment made
8 under section 22(a) of the Act entitled “An Act to provide
9 for the fifteenth and subsequent decennial censuses and
10 to provide for an apportionment of Representatives in
11 Congress”, approved June 18, 1929 (2 U.S.C. 2a(a)), the
12 State shall establish a number of districts for the election
13 of Representatives in the State that is less than the num-
14 ber of Representatives to which the State is entitled, and
15 Representatives shall be elected only from districts so es-
16 tablished.

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

20 (1) The State shall ensure that districts shall
21 each have equal population per Representative as
22 nearly as practicable, in accordance with the Con-
23 stitution of the United States.

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

4 **SEC. 202. REQUIRING CERTAIN STATES TO ELECT ALL REP-**
5 **RESENTATIVES AT LARGE.**

6 If a State is entitled to five or fewer Representatives
7 in Congress under an apportionment made under section
8 22(a) of the Act entitled “An Act to provide for the fif-
9 teenth and subsequent decennial censuses and to provide
10 for an apportionment of Representatives in Congress”, ap-
11 proved June 18, 1929 (2 U.S.C. 2a(a)), the State shall
12 elect all such Representatives at large.

13 **SEC. 203. ESTABLISHING MINIMUM NUMBER OF CAN-**
14 **DIDATES IN GENERAL ELECTION.**

15 (a) STATES WITH PARTISAN NOMINATING PRI-
16 MARIES.—

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

1 number of Representatives who will be elected from
2 the district involved.

3 (2) AUTHORITY OF POLITICAL PARTIES TO DE-
4 TERMINE NUMBER OF CANDIDATES ADVANCING IN
5 MULTI-SEAT ELECTIONS.—Notwithstanding para-
6 graph (1), in the case of a primary election de-
7 scribed in such paragraph which is a multi-seat pri-
8 mary election, a State may permit a political party
9 to adopt a rule that provides for such number of
10 nominees of that political party to advance to the
11 general election as the party considers appropriate,
12 so long as the number is not less than two.

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

18 (b) STATES WITH NONPARTISAN BLANKET PRI-
19 MARIES.—

20 (1) NUMBER OF CANDIDATES.—If a State uses
21 a nonpartisan blanket primary election to determine
22 which candidates will advance to the general election
23 for the office of Representative, the State shall en-
24 sure that the number of candidates who advance to

1 the general election for the office is not less than the
2 greater of—

3 (A) five;

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

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

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

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

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

24 (C) the identification and number of can-
25 didates who advance to the general election for

1 the office is determined without regard to the
2 candidates' political party preferences or lack
3 thereof.

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

13 **SEC. 204. CONFORMING AMENDMENTS.**

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

22 (b) NUMBER OF REPRESENTATIVES.—Section 22(b)
23 of the Act entitled “An Act to provide for apportioning
24 Representatives in Congress among the several States by
25 the equal proportions method”, approved November 15,

1 1941 (2 U.S.C. 2b), is amended by striking “Each State”
2 and inserting “Except as provided in title II of the Fair
3 Representation Act, each State”.

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

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

19 **SEC. 205. EXCEPTION FOR STATES IN WHICH USE OF**
20 **MULTI-MEMBER DISTRICTS WILL RESULT IN**
21 **DIMINISHMENT OF VOTING RIGHTS.**

22 (a) EXCEPTION.—If the written evaluation of any of
23 the redistricting plans of the independent redistricting
24 commission of a State under subtitle B of title III with
25 respect to the apportionment of Representatives resulting

1 from a decennial census, as developed and published under
2 section 313(e), indicates that the redistricting plan will
3 deny or abridge the right to vote by having the effect of
4 diminishing the ability of any citizens of the United States
5 on account of race or color, or in contravention of the
6 guarantees set forth in section 4(f)(2) of the Voting
7 Rights Act of 1965 (52 U.S.C. 10303(f)(2)), to elect their
8 preferred candidates of choice—

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

13 (2) the independent redistricting commission
14 shall (in accordance with subtitle B of title III) de-
15 velop and publish a redistricting plan for the State
16 for purposes of title III under which there are no
17 multi-member districts in the State.

18 (b) NO EFFECT ON OTHER REQUIREMENTS.—Noth-
19 ing in this section shall be construed to waive the applica-
20 tion of any of the other titles of this Act or the amend-
21 ments made by any of the other titles of this Act to a
22 State for which there are no multi-member districts as a
23 result of this section, including the requirement to use
24 ranked choice voting as set forth in title I or the require-
25 ment to carry out congressional redistricting in the State

1 through the use of independent redistricting commissions
2 as set forth in title III.

3 **SEC. 206. EFFECTIVE DATE.**

4 This title and the amendments made by this title
5 shall apply with respect to the One Hundred Eighteenth
6 Congress and each subsequent Congress.

7 **TITLE III—REQUIREMENTS FOR**
8 **CONGRESSIONAL REDIS-**
9 **TRICTING**

10 **Subtitle A—General Requirements**

11 **SEC. 301. REQUIRING CONGRESSIONAL REDISTRICTING TO**
12 **BE CONDUCTED THROUGH PLAN OF INDE-**
13 **PENDENT STATE COMMISSION.**

14 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
15 other provision of law, and except as provided in sub-
16 section (c) and subsection (d), any congressional redis-
17 tricting conducted by a State shall be conducted in accord-
18 ance with—

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

23 (2) if a plan developed by such commission is
24 not enacted into law, the redistricting plan developed

1 and enacted into law by a 3-judge court, in accord-
2 ance with section 321.

3 (b) CONFORMING AMENDMENT.—Section 22(c) of
4 the Act entitled “An Act to provide for the fifteenth and
5 subsequent decennial censuses and to provide for an ap-
6 portionment of Representatives in Congress”, approved
7 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
8 “in the manner provided by the law thereof” and insert-
9 ing: “in the manner provided by title III of the Fair Rep-
10 resentation Act”.

11 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
12 Subsection (a) does not apply to any State in which, under
13 law in effect continuously on and after the date of the
14 enactment of this Act, congressional redistricting is car-
15 ried out in accordance with a plan developed and approved
16 by an independent redistricting commission which is in
17 compliance with each of the following requirements:

18 (1) PUBLICLY AVAILABLE APPLICATION PROC-
19 ESS.—Membership on the commission is open to citi-
20 zens of the State through a publicly available appli-
21 cation process.

22 (2) DISQUALIFICATIONS FOR GOVERNMENT
23 SERVICE AND POLITICAL APPOINTMENT.—Individ-
24 uals who, for a covered period of time as established
25 by the State, hold or have held public office, individ-

1 uals who are or have been candidates for elected
2 public office, and individuals who serve or have
3 served as an officer, employee, or paid consultant of
4 a campaign committee of a candidate for public of-
5 fice are disqualified from serving on the commission.

6 (3) SCREENING FOR CONFLICTS.—Individuals
7 who apply to serve on the commission are screened
8 through a process that excludes persons with con-
9 flicts of interest from the pool of potential commis-
10 sioners.

11 (4) MULTI-PARTISAN COMPOSITION.—Member-
12 ship on the commission represents those who are af-
13 filiated with the two political parties whose can-
14 didates received the most votes in the most recent
15 statewide election for Federal office held in the
16 State, as well as those who are unaffiliated with any
17 party or who are affiliated with political parties
18 other than the two political parties whose candidates
19 received the most votes in the most recent statewide
20 election for Federal office held in the State.

21 (5) CRITERIA FOR REDISTRICTING.—Members
22 of the commission shall draw maps in accordance
23 with the criteria set forth in section 313(a).

1 (6) PUBLIC INPUT.—Public hearings are held
2 and comments from the public are accepted before
3 a final map is approved.

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

9 (A) Members who are affiliated with the
10 political party whose candidate received the
11 most votes in the most recent statewide election
12 for Federal office held in the State.

13 (B) Members who are affiliated with the
14 political party whose candidate received the sec-
15 ond most votes in the most recent statewide
16 election for Federal office held in the State.

17 (C) Members who not affiliated with any
18 political party or who are affiliated with polit-
19 ical parties other than the political parties de-
20 scribed in subparagraphs (A) and (B).

21 **SEC. 302. LIMIT ON CONGRESSIONAL REDISTRICTING**
22 **AFTER AN APPORTIONMENT.**

23 A State which has been redistricted in the manner
24 provided by law after an apportionment under section
25 22(a) of the Act entitled “An Act to provide for the fif-

1 tenth and subsequent decennial censuses and to provide
2 for an apportionment of Representatives in Congress”, ap-
3 proved June 18, 1929 (2 U.S.C. 2a), may not be redis-
4 tricted again until after the next apportionment of Rep-
5 resentatives under such section, unless a court requires
6 the State to conduct such subsequent redistricting to com-
7 ply with the Constitution, to enforce the Voting Rights
8 Act of 1965 (52 U.S.C. 10301 et seq.), to comply with
9 this Act, or to comply with any other applicable Federal
10 law.

11 **Subtitle B—Independent** 12 **Redistricting Commissions**

13 **SEC. 311. INDEPENDENT REDISTRICTING COMMISSION.**

14 (a) APPOINTMENT OF MEMBERS.—

15 (1) IN GENERAL.—The nonpartisan agency es-
16 tablished or designated by a State under section
17 314(a) shall establish an independent redistricting
18 commission for the State, which shall consist of 15
19 members appointed by the agency as follows:

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

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

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

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

13 (B) Not later than November 15 of a year
14 ending in the numeral zero, the members ap-
15 pointed by the agency under subparagraph (A)
16 shall, at a public meeting held not earlier than
17 15 days after notice of the meeting has been
18 given to the public, then appoint 9 members as
19 follows:

20 (i) The members shall appoint 3 mem-
21 bers from the majority category of the ap-
22 proved selection pool (as described in sec-
23 tion 312(b)(1)(A)).

24 (ii) The members shall appoint 3
25 members from the minority category of the

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

3 (iii) The members shall appoint 3
4 members from the independent category of
5 the approved selection pool (as described in
6 section 312(b)(1)(C)).

7 (2) RULES FOR APPOINTMENT OF MEMBERS
8 APPOINTED BY FIRST MEMBERS.—

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

24 (B) ENSURING DIVERSITY.—In appointing
25 the 9 members pursuant to subparagraph (B)

1 of paragraph (1), as well as in designating al-
2 ternates pursuant to subparagraph (B) of para-
3 graph (3) and in appointing alternates to fill
4 vacancies pursuant to subparagraph (B) of
5 paragraph (4), the first members of the inde-
6 pendent redistricting commission shall ensure
7 that the membership is representative of the de-
8 mographic groups (including racial, ethnic, eco-
9 nomic, and gender) and geographic regions of
10 the State, and provides racial, ethnic, and lan-
11 guage minorities protected under the Voting
12 Rights Act of 1965 with a meaningful oppor-
13 tunity to participate in the development of the
14 State's redistricting plan.

15 (3) DESIGNATION OF ALTERNATES TO SERVE
16 IN CASE OF VACANCIES.—

17 (A) MEMBERS APPOINTED BY AGENCY.—

18 At the time the agency appoints the members
19 of the independent redistricting commission
20 under subparagraph (A) of paragraph (1) from
21 each of the categories referred to in such sub-
22 paragraph, the agency shall, on a random basis,
23 designate 2 other individuals from such cat-
24 egory to serve as alternate members who may

1 be appointed to fill vacancies in the commission
2 in accordance with paragraph (4).

3 (B) MEMBERS APPOINTED BY FIRST MEM-
4 BERS.—At the time the members appointed by
5 the agency appoint the other members of the
6 independent redistricting commission under
7 subparagraph (B) of paragraph (1) from each
8 of the categories referred to in such subpara-
9 graph, the members shall, in accordance with
10 the special rules described in paragraph (2),
11 designate 2 other individuals from such cat-
12 egory to serve as alternate members who may
13 be appointed to fill vacancies in the commission
14 in accordance with paragraph (4).

15 (4) APPOINTMENT OF ALTERNATES TO SERVE
16 IN CASE OF VACANCIES.—

17 (A) MEMBERS APPOINTED BY AGENCY.—If
18 a vacancy occurs in the commission with respect
19 to a member who was appointed by the non-
20 partisan agency under subparagraph (A) of
21 paragraph (1) from one of the categories re-
22 ferred to in such subparagraph, the agency
23 shall fill the vacancy by appointing, on a ran-
24 dom basis, one of the 2 alternates from such
25 category who was designated under subpara-

1 graph (A) of paragraph (3). At the time the
2 agency appoints an alternate to fill a vacancy
3 under the previous sentence, the agency shall
4 designate, on a random basis, another indi-
5 vidual from the same category to serve as an al-
6 ternate member, in accordance with subpara-
7 graph (A) of paragraph (3).

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

1 (5) REMOVAL.—A member of the independent
2 redistricting commission may be removed by a ma-
3 jority vote of the remaining members of the commis-
4 sion if it is shown by a preponderance of the evi-
5 dence that the member is not eligible to serve on the
6 commission under section 312(a).

7 (b) PROCEDURES FOR CONDUCTING COMMISSION
8 BUSINESS.—

9 (1) CHAIR.—Members of an independent redis-
10 tricting commission established under this section
11 shall select by majority vote one member who was
12 appointed from the independent category of the ap-
13 proved selection pool described in section
14 312(b)(1)(C) to serve as chair of the commission.
15 The commission may not take any action to develop
16 a redistricting plan for the State under section 313
17 until the appointment of the commission’s chair.

18 (2) REQUIRING MAJORITY APPROVAL FOR AC-
19 TIONS.—The independent redistricting commission
20 of a State may not publish and disseminate any
21 draft or final redistricting plan, or take any other
22 action, without the approval of at least—

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

1 (B) at least one member of the commission
2 appointed from each of the categories of the ap-
3 proved selection pool described in section
4 312(b)(1).

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

7 (c) STAFF; CONTRACTORS.—

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

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

24 (3) REPORTS ON EXPENDITURES FOR POLIT-
25 ICAL ACTIVITY.—

1 (A) REPORT BY APPLICANTS.—Each indi-
2 vidual who applies for a position as an employee
3 of the independent redistricting commission and
4 each vendor who applies for a contract with the
5 commission shall, at the time of applying, file
6 with the commission a report summarizing—

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

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

14 (B) ANNUAL REPORTS BY EMPLOYEES
15 AND VENDORS.—Each person who is an em-
16 ployee or vendor of the independent redis-
17 tricting commission shall, not later than one
18 year after the person is appointed as an em-
19 ployee or enters into a contract as a vendor (as
20 the case may be) and annually thereafter for
21 each year during which the person serves as an
22 employee or a vendor, file with the commission
23 a report summarizing the expenditures and in-
24 come described in subparagraph (A) during the
25 10 most recent calendar years.

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

5 (i) An independent expenditure, as de-
6 fined in section 301(17) of the Federal
7 Election Campaign Act of 1971 (52 U.S.C.
8 30101(17)).

9 (ii) An electioneering communication,
10 as defined in section 304(f)(3) of such Act
11 (52 U.S.C. 30104(f)(3)) or any other pub-
12 lic communication, as defined in section
13 301(22) of such Act (52 U.S.C.
14 30101(22)) that would be an electioneering
15 communication if it were a broadcast,
16 cable, or satellite communication.

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

1 paragraph (1), (2), or (4) of section 501(c)
2 of such Code.

3 (4) GOAL OF IMPARTIALITY.—The commission
4 shall take such steps as it considers appropriate to
5 ensure that any staff appointed under this sub-
6 section, and any vendor with whom the commission
7 enters into a contract under this subsection, will
8 work in an impartial manner, and may require any
9 person who applies for an appointment to a staff po-
10 sition or for a vendor’s contract with the commission
11 to provide information on the person’s history of po-
12 litical activity beyond the information on the per-
13 son’s expenditures for political activity provided in
14 the reports required under paragraph (3) (including
15 donations to candidates, political committees, and
16 political parties) as a condition of the appointment
17 or the contract.

18 (5) DISQUALIFICATION; WAIVER.—

19 (A) IN GENERAL.—The independent redis-
20 tricting commission may not appoint an indi-
21 vidual as an employee, and may not enter into
22 a contract with a vendor, if the individual or
23 vendor meets any of the criteria for the dis-
24 qualification of an individual from serving as a

1 member of the commission which are set forth
2 in section 312(a)(2).

3 (B) WAIVER.—The commission may by
4 unanimous vote of its members waive the appli-
5 cation of subparagraph (A) to an individual or
6 a vendor after receiving and reviewing the re-
7 port filed by the individual or vendor under
8 paragraph (3).

9 (d) TERMINATION.—

10 (1) IN GENERAL.—The independent redis-
11 tricting commission of a State shall terminate on the
12 earlier of—

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

15 (B) the day on which the nonpartisan
16 agency established or designated by a State
17 under section 314(a) has, in accordance with
18 section 312(b)(1), submitted a selection pool to
19 the Select Committee on Redistricting for the
20 State established under section 314(b).

21 (2) PRESERVATION OF RECORDS.—The State
22 shall ensure that the records of the independent re-
23 districting commission are retained in the appro-
24 priate State archive in such manner as may be nec-
25 essary to enable the State to respond to any civil ac-

1 tion brought with respect to congressional redistricting in the State.

2
3 **SEC. 312. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**

4
5
6 (a) CRITERIA FOR ELIGIBILITY.—

7 (1) IN GENERAL.—An individual is eligible to
8 serve as a member of an independent redistricting
9 commission if the individual meets each of the following criteria:

10
11 (A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

12
13
14 (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.

15
16
17
18
19 (C) The individual submits to the non-partisan 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, with an attestation under

1 penalty of perjury, containing the following in-
2 formation and assurances:

3 (i) The full current name and any
4 former names of, and the contact informa-
5 tion for, the individual, including an elec-
6 tronic mail address, the address of the in-
7 dividual's residence, mailing address, and
8 telephone numbers.

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

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

14 (iv) The reason or reasons the indi-
15 vidual desires to serve on the independent
16 redistricting commission, the individual's
17 qualifications, and information relevant to
18 the ability of the individual to be fair and
19 impartial, including, but not limited to—

20 (I) any involvement with, or fi-
21 nancial support of, professional, so-
22 cial, political, religious, or community
23 organizations or causes; and

24 (II) the individual's employment
25 and educational history.

1 (v) An assurance that the individual
2 shall commit to carrying out the individ-
3 ual's duties under this Act in an honest,
4 independent, and impartial fashion, and to
5 upholding public confidence in the integrity
6 of the redistricting process.

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

13 (2) DISQUALIFICATIONS.—An individual is not
14 eligible to serve as a member of the commission if
15 any of the following applies during any of the cov-
16 ered periods described in paragraph (3):

17 (A) The individual or (in the case of the
18 covered periods described in subparagraphs (A)
19 and (B) of paragraph (3)) an immediate family
20 member of the individual holds public office or
21 is a candidate for election for public office.

22 (B) The individual or (in the case of the
23 covered periods described in subparagraphs (A)
24 and (B) of paragraph (3)) an immediate family
25 member of the individual serves as an officer of

1 a political party or as an officer, employee, or
2 paid consultant of a campaign committee of a
3 candidate for public office or of any political ac-
4 tion committee (as determined in accordance
5 with the law of the State).

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

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

1 (E) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual paid a civil money
5 penalty or criminal fine, or was sentenced to a
6 term of imprisonment, for violating any provi-
7 sion of the Federal Election Campaign Act of
8 1971 (52 U.S.C. 30101 et seq.).

9 (F) The individual or (in the case of the
10 covered periods described in subparagraphs (A)
11 and (B) of paragraph (3)) an immediate family
12 member of the individual is an agent of a for-
13 eign principal under the Foreign Agents Reg-
14 istration Act of 1938, as amended (22 U.S.C.
15 611 et seq.).

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

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

22 (B) The period beginning on the date of
23 the individual’s appointment and ending on Au-
24 gust 14 of the next year ending in the numeral
25 one.

1 (C) The 10-year period beginning on the
2 day after the last day of the period described in
3 subparagraph (B).

4 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
5 this subsection, the term “immediate family mem-
6 ber” means, with respect to an individual, a father,
7 stepfather, mother, stepmother, son, stepson, daugh-
8 ter, stepdaughter, brother, stepbrother, sister, step-
9 sister, husband, wife, father-in-law, or mother-in-
10 law.

11 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
12 POOL.—

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

23 (A) A majority category, consisting of 12
24 individuals who are affiliated with the political
25 party whose candidate received the most votes

1 in the most recent statewide election for Fed-
2 eral office held in the State.

3 (B) A minority category, consisting of 12
4 individuals who are affiliated with the political
5 party whose candidate received the second most
6 votes in the most recent statewide election for
7 Federal office held in the State.

8 (C) An independent category, consisting of
9 12 individuals who are not affiliated with either
10 of the political parties described in subpara-
11 graph (A) or subparagraph (B).

12 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
13 OPING POOL.—In selecting individuals for the selec-
14 tion pool under this subsection, the nonpartisan
15 agency shall—

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

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

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

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

1 knowledge of the individual's history of political ac-
2 tivity.

3 (5) ENCOURAGING RESIDENTS TO APPLY FOR
4 INCLUSION IN POOL.—The nonpartisan agency shall
5 take such steps as may be necessary to ensure that
6 residents of the State across various geographic re-
7 gions and demographic groups are aware of the op-
8 portunity to serve on the independent redistricting
9 commission, including publicizing the role of the
10 panel and using newspapers, broadcast media, and
11 online sources, including ethnic media, to encourage
12 individuals to apply for inclusion in the selection
13 pool developed under this subsection.

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

1 (7) PUBLIC COMMENT ON SELECTION POOL.—
2 During the 14-day period which begins on the date
3 the nonpartisan agency publishes the report under
4 paragraph (6), the agency shall accept comments
5 from the public on the individuals included in the se-
6 lection pool. The agency shall post all such com-
7 ments contemporaneously on the nonpartisan agen-
8 cy’s website and shall transmit them to the Select
9 Committee on Redistricting immediately upon the
10 expiration of such period.

11 (8) ACTION BY SELECT COMMITTEE.—

12 (A) IN GENERAL.—Not earlier than 15
13 days and not later than 21 days after receiving
14 the selection pool from the nonpartisan agency
15 under paragraph (1), the Select Committee on
16 Redistricting shall—

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

22 (ii) reject the pool, in which case the
23 nonpartisan agency shall develop and sub-
24 mit a replacement selection pool in accord-
25 ance with subsection (c).

1 (B) INACTION DEEMED REJECTION.—If
2 the Select Committee on Redistricting fails to
3 approve or reject the pool within the deadline
4 set forth in subparagraph (A), the Select Com-
5 mittee shall be deemed to have rejected the pool
6 for purposes of such subparagraph.

7 (c) DEVELOPMENT OF REPLACEMENT SELECTION
8 POOL.—

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

24 (2) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not later than 21 days
2 after receiving the replacement selection pool
3 from the nonpartisan agency under paragraph
4 (1), the Select Committee on Redistricting
5 shall—

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

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

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

21 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
22 LECTION POOL.—

23 (1) IN GENERAL.—If the Select Committee on
24 Redistricting rejects the replacement selection pool
25 submitted by the nonpartisan agency under sub-

1 section (c), not later than 14 days after the rejec-
2 tion, the nonpartisan agency shall develop and sub-
3 mit to the Select Committee a second replacement
4 selection pool, under the same terms and conditions
5 that applied to the development and submission of
6 the selection pool under paragraphs (1) through (7)
7 of subsection (b). The second replacement selection
8 pool submitted under this paragraph may include in-
9 dividuals who were included in the rejected selection
10 pool submitted under subsection (b) or the rejected
11 replacement selection pool submitted under sub-
12 section (c), so long as at least one of the individuals
13 in the replacement pool was not included in either
14 such rejected pool.

15 (2) ACTION BY SELECT COMMITTEE.—

16 (A) IN GENERAL.—Not earlier than 15
17 days and not later than 14 days after receiving
18 the second replacement selection pool from the
19 nonpartisan agency under paragraph (1), the
20 Select Committee on Redistricting shall—

21 (i) approve the pool as submitted by
22 the nonpartisan agency, in which case the
23 pool shall be considered the approved selec-
24 tion pool for purposes of section 311(a)(1);
25 or

1 (ii) reject the pool.

2 (B) INACTION DEEMED REJECTION.—If
3 the Select Committee on Redistricting fails to
4 approve or reject the pool within the deadline
5 set forth in subparagraph (A), the Select Com-
6 mittee shall be deemed to have rejected the pool
7 for purposes of such subparagraph.

8 (C) EFFECT OF REJECTION.—If the Select
9 Committee on Redistricting rejects the second
10 replacement pool from the nonpartisan agency
11 under paragraph (1), the redistricting plan for
12 the State shall be developed and enacted in ac-
13 cordance with subtitle C.

14 **SEC. 313. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
15 **PENDENT COMMISSION; PUBLIC NOTICE AND**
16 **INPUT.**

17 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

18 (1) CRITERIA.—In addition to the criteria set
19 forth in section 311(b), the independent redistricting
20 commission of a State shall develop a redistricting
21 plan for the State in accordance with the following
22 criteria, prioritized according to the following order:

23 (A) Districts shall comply with the United
24 States Constitution, including the requirement

1 that they equalize total population per Rep-
2 resentative elected.

3 (B) Districts shall be established in a man-
4 ner consistent with the Voting Rights Act of
5 1965 (52 U.S.C. 10301 et seq.) and all applica-
6 ble Federal laws.

7 (C) Districts shall provide racial, ethnic,
8 and language minorities with an equal oppor-
9 tunity to participate in the political process and
10 to elect candidates of choice and shall not dilute
11 or diminish their ability to elect candidates of
12 choice whether alone or in coalition with others.

13 (D) To the extent practicable, districts
14 shall reflect the diversity of political opinion in
15 the State such that no district in the State—

16 (i) elects exactly 3 Representatives
17 and the nominee of one political party for
18 President received at least 75 percent of
19 the votes cast in the geographic area cov-
20 ered by the district in 2 of the 3 most re-
21 cent Presidential elections;

22 (ii) elects exactly 4 Representatives
23 and the nominee of one political party for
24 President received at least 80 percent of
25 the votes cast in the geographic area cov-

1 ered by the district in 2 of the 3 most re-
2 cent Presidential elections; or

3 (iii) elects exactly 5 Representatives
4 and the nominee of one political party for
5 President received at least 83 percent of
6 the votes cast in the geographic area cov-
7 ered by the district in 2 of the 3 most re-
8 cent Presidential elections.

9 (E) To the greatest extent practicable the
10 State shall minimize the number of districts
11 electing 4 Representatives.

12 (F) To the greatest extent practicable the
13 State shall maximize the number of districts
14 electing 5 Representatives.

15 (G) To the extent practicable, districts
16 shall minimize the division of any community of
17 interest, municipality, county, or neighborhood.
18 In this subparagraph, the term “community of
19 interest” means an area with recognized simi-
20 larities of interests, including but not limited to
21 ethnic, economic, social, cultural, geographic, or
22 historic identities. Such term may, in cir-
23 cumstances, include political subdivisions such
24 as counties, municipalities, or school districts,
25 but shall not include common relationships with

1 political parties, officeholders, or political can-
2 didates.

3 (2) NO FAVORING OR DISFAVORING OF POLIT-
4 ICAL PARTIES.—The redistricting plan developed by
5 the independent redistricting commission shall not,
6 when considered on a statewide basis, unduly favor
7 or disfavor any political party.

8 (3) PROHIBITING CONSIDERATION OF RESI-
9 DENCE OF MEMBER OR OTHER CANDIDATE.—In de-
10 veloping the redistricting plan for the State, the
11 independent redistricting commission may not take
12 into consideration the residence of any Member of
13 the House of Representatives or candidate.

14 (b) PUBLIC NOTICE AND INPUT.—

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

25 (2) WEBSITE.—

1 (A) FEATURES.—The commission shall
2 maintain a public internet site which is not af-
3 filiated with or maintained by the office of any
4 elected official and which includes the following
5 features:

6 (i) General information on the com-
7 mission, its role in the redistricting proc-
8 ess, and its members, including contact in-
9 formation.

10 (ii) An updated schedule of commis-
11 sion hearings and activities, including
12 deadlines for the submission of comments.

13 (iii) All draft redistricting plans devel-
14 oped by the commission under subsection
15 (c) and the final redistricting plan devel-
16 oped under subsection (d), including the
17 accompanying written evaluation under
18 subsection (e).

19 (iv) All comments received from the
20 public on the commission's activities, in-
21 cluding any proposed maps submitted
22 under paragraph (1).

23 (v) Live streaming of commission
24 hearings and an archive of previous meet-
25 ings, including any documents considered

1 at any such meeting, which the commission
2 shall post not later than 24 hours after the
3 conclusion of the meeting.

4 (vi) Access in an easily useable format
5 to the demographic and other data used by
6 the commission to develop and analyze the
7 proposed redistricting plans, together with
8 access to any software used to draw maps
9 of proposed districts and to any reports
10 analyzing and evaluating any such maps.

11 (vii) A method by which members of
12 the public may submit comments and pro-
13 posed maps directly to the commission.

14 (viii) All records of the commission,
15 including all communications to or from
16 members, employees, and contractors re-
17 garding the work of the commission.

18 (ix) A list of all contractors receiving
19 payment from the commission, together
20 with the annual disclosures submitted by
21 the contractors under section 311(c)(3).

22 (x) A list of the names of all individ-
23 uals who submitted applications to serve
24 on the commission, together with the appli-
25 cations submitted by individuals included

1 in any selection pool, except that the com-
2 mission may redact from such applications
3 any financial or other personally sensitive
4 information.

5 (B) SEARCHABLE FORMAT.—The commis-
6 sion shall ensure that all information posted
7 and maintained on the site under this para-
8 graph, including information and proposed
9 maps submitted by the public, shall be main-
10 tained in an easily searchable format.

11 (C) DEADLINE.—The commission shall en-
12 sure that the public internet site under this
13 paragraph is operational (in at least a prelimi-
14 nary format) not later than January 1 of the
15 year ending in the numeral one.

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

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

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

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

6 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
7 ALL NOTICES.—The commission shall make each no-
8 tice which is required to be posted and published
9 under this section available in any language in which
10 the State (or any jurisdiction in the State) is re-
11 quired to provide election materials under section
12 203 of the Voting Rights Act of 1965.

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

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

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

22 (A) 3 HEARINGS REQUIRED.—Prior to de-
23 veloping a preliminary redistricting plan under
24 this subsection, the commission shall hold not
25 fewer than 3 public hearings at which members

1 of the public may provide input and comments
2 regarding the potential contents of redistricting
3 plans for the State and the process by which
4 the commission will develop the preliminary
5 plan under this subsection.

6 (B) MINIMUM PERIOD FOR NOTICE PRIOR
7 TO HEARINGS.—Not fewer than 14 days prior
8 to the date of each hearing held under this
9 paragraph, the commission shall post notices of
10 the hearing in on the website maintained under
11 subsection (b)(2), and shall provide for the pub-
12 lication of such notices in newspapers of general
13 circulation throughout the State. Each such no-
14 tice shall specify the date, time, and location of
15 the hearing.

16 (C) SUBMISSION OF PLANS AND MAPS BY
17 MEMBERS OF THE PUBLIC.—Any member of
18 the public may submit maps or portions of
19 maps for consideration by the commission. As
20 provided under subsection (b)(2)(A), any such
21 map shall be made publicly available on the
22 commission's website and open to comment.

23 (3) PUBLICATION OF PRELIMINARY PLAN.—

24 (A) IN GENERAL.—The commission shall
25 post the preliminary redistricting plan devel-

1 oped under this subsection, together with a re-
2 port that includes the commission's responses
3 to any public comments received under sub-
4 section (b)(3), on the website maintained under
5 subsection (b)(2), and shall provide for the pub-
6 lication of each such plan in newspapers of gen-
7 eral circulation throughout the State.

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

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

1 (5) POST-PUBLICATION HEARINGS.—

2 (A) 3 HEARINGS REQUIRED.—After post-
3 ing and publishing the preliminary redistricting
4 plan under paragraph (3), the commission shall
5 hold not fewer than 3 public hearings in dif-
6 ferent geographic areas of the State at which
7 members of the public may provide input and
8 comments regarding the preliminary plan.

9 (B) MINIMUM PERIOD FOR NOTICE PRIOR
10 TO HEARINGS.—Not fewer than 14 days prior
11 to the date of each hearing held under this
12 paragraph, the commission shall post notices of
13 the hearing in on the website maintained under
14 subsection (b)(2), and shall provide for the pub-
15 lication of such notices in newspapers of general
16 circulation throughout the State. Each such no-
17 tice shall specify the date, time, and location of
18 the hearing.

19 (6) PERMITTING MULTIPLE PRELIMINARY
20 PLANS.—At the option of the commission, after de-
21 veloping and publishing the preliminary redistricting
22 plan under this subsection, the commission may de-
23 velop and publish subsequent preliminary redis-
24 tricting plans, so long as the process for the develop-
25 ment and publication of each such subsequent plan

1 meets the requirements set forth in this subsection
2 for the development and publication of the first pre-
3 liminary redistricting plan.

4 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
5 TRICTING PLAN.—

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

12 (2) MEETING; FINAL VOTE.—Not later than the
13 deadline specified in subsection (h), the commission
14 shall hold a public hearing at which the members of
15 the commission shall vote on approving the final
16 plan for enactment into law.

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

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

1 (B) A report by the commission to accom-
2 pany the plan which provides the background
3 for the plan and the commission's reasons for
4 selecting the plan as the final redistricting plan,
5 including responses to the public comments re-
6 ceived on any preliminary redistricting plan de-
7 veloped and published under subsection (c).

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

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

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

16 (B) at least one member of the commission
17 appointed from each of the categories of the ap-
18 proved selection pool described in section
19 312(b)(1) approves the plan.

20 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-
21 TERNAL METRICS.—The independent redistricting com-
22 mission shall include with each redistricting plan devel-
23 oped and published under this section a written evaluation
24 that measures each such plan against external metrics
25 which cover the criteria set forth in paragraph (1) of sub-

1 section (a), including the impact of the plan on the ability
2 of communities of color to elect candidates of choice,
3 measures of partisan fairness using multiple accepted
4 methodologies, and the degree to which the plan preserves
5 or divides communities of interest.

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

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

15 (a) **ESTABLISHMENT OR DESIGNATION OF NON-**
16 **PARTISAN AGENCY OF STATE LEGISLATURE.**—

17 (1) **IN GENERAL.**—Each State shall establish a
18 nonpartisan agency in the legislative branch of the
19 State government to appoint the members of the
20 independent redistricting commission for the State
21 in accordance with section 311.

22 (2) **NONPARTISANSHIP DESCRIBED.**—For pur-
23 poses of this subsection, an agency shall be consid-
24 ered to be nonpartisan if under law the agency—

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

3 (B) is required to maintain impartiality;
4 and

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

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

16 (4) REGULATIONS.—The nonpartisan agency
17 established or designated under this subsection shall
18 adopt and publish regulations, after notice and op-
19 portunity for comment, establishing the procedures
20 that the agency will follow in fulfilling its duties
21 under this Act, including the procedures to be used
22 in vetting the qualifications and political affiliation
23 of applicants and in creating the selection pools, the
24 randomized process to be used in selecting the initial
25 members of the independent redistricting commis-

1 sion, and the rules that the agency will apply to en-
2 sure that the agency carries out its duties under this
3 Act in a maximally transparent, publicly accessible,
4 and impartial manner.

5 (5) DESIGNATION OF EXISTING AGENCY.—At
6 its option, a State may designate an existing agency
7 in the legislative branch of its government to appoint
8 the members of the independent redistricting com-
9 mission plan for the State under this Act, so long
10 as the agency meets the requirements for non-
11 partisanship under this subsection.

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

19 (7) PRESERVATION OF RECORDS.—The State
20 shall ensure that the records of the nonpartisan
21 agency are retained in the appropriate State archive
22 in such manner as may be necessary to enable the
23 State to respond to any civil action brought with re-
24 spect to congressional redistricting in the State.

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

4 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
5 DISTRICTING.—

6 (1) IN GENERAL.—Each State shall appoint a
7 Select Committee on Redistricting to approve or dis-
8 approve a selection pool developed by the inde-
9 pendent redistricting commission for the State under
10 section 312.

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

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

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

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

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

5 (3) SPECIAL RULE FOR STATES WITH UNICAM-
6 ERAL LEGISLATURE.—In the case of a State with a
7 unicameral legislature, the Select Committee on Re-
8 districting for the State under this subsection shall
9 consist of the following members:

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

15 (B) Two members of the State legislature
16 appointed by the chair of the political party
17 whose candidate received the second highest
18 percentage of votes in the most recent statewide
19 election for Federal office held in the State.

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

1 **SEC. 315. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
2 **INDEPENDENT REDISTRICTING COMMIS-**
3 **SIONS.**

4 Not later than May 15 of a year ending in the nu-
5 meral one, the Comptroller General of the United States
6 shall submit to Congress a report on the extent to which
7 the memberships of independent redistricting commissions
8 for States established under this subtitle with respect to
9 the immediately preceding year ending in the numeral zero
10 meet the diversity requirements as provided for in sections
11 311(a)(2)(B) and 312(b)(2).

12 **Subtitle C—Role of Courts in**
13 **Development of Redistricting Plans**

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

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

19 (1) not later than December 15 of the year in
20 which the triggering event occurs, the United States
21 district court for the applicable venue, acting
22 through a 3-judge Court convened pursuant to sec-
23 tion 2284 of title 28, United States Code, shall de-
24 velop and publish the congressional redistricting
25 plan for the State; and

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

5 (b) APPLICABLE VENUE DESCRIBED.—For purposes
6 of this section, the “applicable venue” with respect to a
7 State is the District of Columbia or the judicial district
8 in which the capital of the State is located, as selected
9 by the first party to file with the court sufficient evidence
10 of the occurrence of a triggering event described in sub-
11 section (f).

12 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

13 (1) CRITERIA.—In developing a redistricting
14 plan for a State under this section, the Court shall
15 adhere to the same terms and conditions that ap-
16 plied (or that would have applied, as the case may
17 be) to the development of a plan by the independent
18 redistricting commission of the State under section
19 313(a).

20 (2) ACCESS TO INFORMATION AND RECORDS OF
21 COMMISSION.—The Court shall have access to any
22 information, data, software, or other records and
23 material that was used (or that would have been
24 used, as the case may be) by the independent redis-

1 tricting commission of the State in carrying out its
2 duties under this Act.

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

6 (A) hold one or more evidentiary hearings
7 at which interested members of the public may
8 appear and be heard and present testimony, in-
9 cluding expert testimony, in accordance with
10 the rules of the Court; and

11 (B) consider other submissions and com-
12 ments by the public, including proposals for re-
13 districting plans to cover the entire State or
14 any portion of the State.

15 (4) USE OF SPECIAL MASTER.—To assist in the
16 development and publication of a redistricting plan
17 for a State under this section, the Court may ap-
18 point a special master to make recommendations to
19 the Court on possible plans for the State.

20 (d) PUBLICATION OF PLAN.—

21 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
22 Upon completing the development of one or more
23 initial redistricting plans, the Court shall make the
24 plans available to the public at no cost, and shall
25 also make available the underlying data used by the

1 Court to develop the plans and a written evaluation
2 of the plans against external metrics (as described in
3 section 313(e)).

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

12 (e) USE OF INTERIM PLAN.—In the event that the
13 Court is not able to develop and publish a final redistricting
14 plan for the State with sufficient time for an up-
15 coming election to proceed, the Court may develop and
16 publish an interim redistricting plan which shall serve as
17 the redistricting plan for the State until the Court develops
18 and publishes a final plan in accordance with this section.
19 Nothing in this subsection may be construed to limit
20 or otherwise affect the authority or discretion of the Court
21 to develop and publish the final redistricting plan, including
22 but not limited to the discretion to make any changes
23 the Court deems necessary to an interim redistricting
24 plan.

1 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-
2 gering events” described in this subsection are as follows:

3 (1) The failure of the State to establish or des-
4 ignate a nonpartisan agency of the State legislature
5 under section 314(a) prior to the expiration of the
6 deadline set forth in section 314(a)(8).

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

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

16 (4) The failure of the independent redistricting
17 commission of the State to approve a final redis-
18 tricting plan for the State prior to the expiration of
19 the deadline set forth in section 313(f).

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

22 If a Federal court requires a State to conduct redis-
23 tricting subsequent to an apportionment of Representa-
24 tives in the State in order to comply with the Constitution
25 or to enforce the Voting Rights Act of 1965, section 313

1 shall apply with respect to the redistricting, except that
2 the court may revise any of the deadlines set forth in such
3 section if the court determines that a revision is appro-
4 priate in order to provide for a timely enactment of a new
5 redistricting plan for the State.

6 **Subtitle D—Administrative and**
7 **Miscellaneous Provisions**

8 **SEC. 331. PAYMENTS TO STATES FOR CARRYING OUT RE-**
9 **DISTRICTING.**

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

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

17 (2) \$150,000.

18 (b) USE OF FUNDS.—A State shall use the payment
19 made under this section to establish and operate the
20 State’s independent redistricting commission, to imple-
21 ment the State redistricting plan, and to otherwise carry
22 out congressional redistricting in the State.

23 (c) NO PAYMENT TO STATES ELECTING MEMBERS
24 AT LARGE.—The Election Assistance Commission shall
25 not make a payment under this section to any State which,

1 under the apportionment notice, will elect all of its Rep-
2 resentatives at large.

3 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
4 CONDITION OF PAYMENT.—

5 (1) REQUIREMENT.—Except as provided in
6 paragraph (2) and paragraph (3), the Election As-
7 sistance Commission may not make a payment to a
8 State under this section until the State certifies to
9 the Commission that the nonpartisan agency estab-
10 lished or designated by a State under section 314(a)
11 has, in accordance with section 312(b)(1), submitted
12 a selection pool to the Select Committee on Redis-
13 tricting for the State established under section
14 314(b).

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

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

1 **SEC. 332. CIVIL ENFORCEMENT.**

2 (a) CIVIL ENFORCEMENT.—

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

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

17 (b) EXPEDITED CONSIDERATION.—In any action
18 brought forth under this section, the following rules shall
19 apply:

20 (1) The action shall be filed in the district court
21 of the United States for the District of Columbia or
22 for the judicial district in which the capital of the
23 State is located, as selected by the person bringing
24 the action.

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

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

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

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

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

20 (c) ATTORNEY'S FEES.—In a civil action under this
21 section, the court may allow the prevailing party (other
22 than the United States) reasonable attorney fees, includ-
23 ing litigation expenses, and costs.

24 (d) RELATION TO OTHER LAWS.—

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

9 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
10 this Act authorizes or requires conduct that is pro-
11 hibited by the Voting Rights Act of 1965 (52 U.S.C.
12 10301 et seq.).

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

14 In this title, the “State apportionment notice” means,
15 with respect to a State, the notice sent to the State from
16 the Clerk of the House of Representatives under section
17 22(b) of the Act entitled “An Act to provide for the fif-
18 teenth and subsequent decennial censuses and to provide
19 for an apportionment of Representatives in Congress”, ap-
20 proved June 18, 1929 (2 U.S.C. 2a(b)), of the number
21 of Representatives to which the State is entitled.

22 **SEC. 334. SPECIAL RULES FOR REDISTRICTING PURSUANT**
23 **TO 2020 DECENNIAL CENSUS.**

24 Notwithstanding any other provision of this Act, in
25 the case of congressional redistricting conducted by a

1 State pursuant to the 2020 decennial census, the following
2 shall apply:

3 (1) The independent redistricting commission of
4 the State shall enact the congressional redistricting
5 plan for the State not later than January 15, 2022.

6 (2) The State may waive or modify any of the
7 deadlines described in subtitle B if the State deter-
8 mines that waiving or modifying the deadline is ap-
9 propriate to ensure that the State meets the dead-
10 line described in paragraph (1).

11 (3) None of triggering events described in sub-
12 section (f) of section 321 (relating to the authority
13 of a United States district court to develop and pub-
14 lish the plan) shall apply.

15 (4) The failure of the State to enact the plan
16 by the deadline described in paragraph (1) shall be
17 treated as a triggering event under subsection (f) of
18 section 321, and the United States district court for
19 the applicable venue shall develop and publish the
20 congressional redistricting plan for the State in ac-
21 cordance with such section.

1 **TITLE IV—GENERAL**
2 **PROVISIONS**

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

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

10 **SEC. 402. SEVERABILITY.**

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

18 **SEC. 403. EFFECTIVE DATE.**

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

23 (b) **RANKED CHOICE VOTING; USE OF MULTI-MEM-**
24 **BER DISTRICTS.**—Titles I and II and the amendments

- 1 made by such titles shall apply with respect to elections
- 2 for Federal office held in 2022 and each succeeding year.