

119TH CONGRESS
1ST SESSION

S. 2885

To require congressional redistricting conducted by a State to be conducted in accordance with a redistricting plan developed and enacted into law by an independent redistricting commission established by the State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 16), 2025

Mr. PADILLA (for himself, Mr. WARNOCK, Mr. KING, and Mr. SCHIFF) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require congressional redistricting conducted by a State to be conducted in accordance with a redistricting plan developed and enacted into law by an independent redistricting commission established by the State, 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,*

3 **SECTION 1. SHORT TITLE; STATEMENT OF CONSTITU-**
4 **TIONAL AUTHORITY; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Redistricting Reform Act of 2025”.

1 (b) FINDING OF CONSTITUTIONAL AUTHORITY.—

2 Congress finds that it has the authority to establish the
3 terms and conditions States must follow in carrying out
4 congressional redistricting after an apportionment of
5 Members of the House of Representatives because—

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

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

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

1 (4) of the authority granted to Congress to en-
 2 force article IV, section 4, of the Constitution, and
 3 the guarantee of a Republican Form of Government
 4 to every State, which Federal courts have not en-
 5 forced because they understand such enforcement to
 6 be committed to Congress by the Constitution; and

7 (5) requiring States to use uniform redistricting
 8 criteria is an appropriate and important exercise of
 9 such authority.

10 (c) TABLE OF CONTENTS.—The table of contents of
 11 this Act is as follows:

Sec. 1. Short title; statement of constitutional authority; table of contents.

TITLE I—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 101. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 102. Ban on mid-decade redistricting.

Sec. 103. Criteria for redistricting.

TITLE II—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 201. Independent redistricting commission.

Sec. 202. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 203. Public notice and input.

Sec. 204. Establishment of related entities.

Sec. 205. Report on diversity of memberships of independent redistricting commissions.

TITLE III—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 301. Failure by State to enact plan.

Sec. 302. Special rule for redistricting conducted under order of Federal court.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 401. Payments to States for carrying out redistricting.

Sec. 402. Civil enforcement.

Sec. 403. State apportionment notice defined.

Sec. 404. No effect on elections for State and local office.

Sec. 405. Effective date.

1 **TITLE I—REQUIREMENTS FOR**
 2 **CONGRESSIONAL REDIS-**
 3 **TRICTING**

4 **SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO**
 5 **BE CONDUCTED THROUGH PLAN OF INDE-**
 6 **PENDENT STATE COMMISSION.**

7 (a) USE OF PLAN REQUIRED.—Notwithstanding any
 8 other provision of law, and except as provided in sub-
 9 section (c) and subsection (d), any congressional redis-
 10 tricting conducted by a State shall be conducted in accord-
 11 ance with—

12 (1) the redistricting plan developed and enacted
 13 into law by the independent redistricting commission
 14 established in the State, in accordance with title II;
 15 or

16 (2) if a plan developed by such commission is
 17 not enacted into law, the redistricting plan developed
 18 and enacted into law by a 3-judge court, in accord-
 19 ance with section 301.

20 (b) CONFORMING AMENDMENT.—Section 22(c) of
 21 the Act entitled “An Act to provide for the fifteenth and
 22 subsequent decennial censuses and to provide for an ap-
 23 portionment of Representatives in Congress”, approved
 24 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
 25 “in the manner provided by the law thereof” and insert-

1 ing: “in the manner provided by the Redistricting Reform
2 Act of 2025”.

3 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
4 Subsection (a) does not apply to any State in which, under
5 law in effect continuously on and after the date of the
6 enactment of this Act, congressional redistricting is car-
7 ried out in accordance with a plan developed and approved
8 by an independent redistricting commission which is in
9 compliance with each of the following requirements:

10 (1) PUBLICLY AVAILABLE APPLICATION PROC-
11 ESS.—Membership on the commission is open to citi-
12 zens of the State through a publicly available appli-
13 cation process.

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

23 (3) SCREENING FOR CONFLICTS.—Individuals
24 who apply to serve on the commission are screened
25 through a process that excludes persons with con-

1 flicts of interest from the pool of potential commis-
2 sioners.

3 (4) MULTI-PARTISAN COMPOSITION.—Member-
4 ship on the commission represents those who are af-
5 filiated with the two political parties whose can-
6 didates received the most votes in the most recent
7 statewide election for Federal office held in the
8 State, as well as those who are unaffiliated with any
9 party or who are affiliated with political parties
10 other than the two political parties whose candidates
11 received the most votes in the most recent statewide
12 election for Federal office held in the State.

13 (5) CRITERIA FOR REDISTRICTING.—Members
14 of the commission are required to meet certain cri-
15 teria in the map drawing process, including mini-
16 mizing the division of communities of interest and a
17 ban on drawing maps to favor a political party.

18 (6) PUBLIC INPUT.—Public hearings are held
19 and comments from the public are accepted before
20 a final map is approved.

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

1 (A) Members who are affiliated with the
 2 political party whose candidate received the
 3 most votes in the most recent statewide election
 4 for Federal office held in the State.

5 (B) Members who are affiliated with the
 6 political party whose candidate received the sec-
 7 ond most votes in the most recent statewide
 8 election for Federal office held in the State.

9 (C) Members who are not affiliated with
 10 any political party or who are affiliated with po-
 11 litical parties other than the political parties de-
 12 scribed in subparagraphs (A) and (B).

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

23 **SEC. 102. BAN ON MID-DECADE REDISTRICTING.**

24 (a) BAN.—A State that has been redistricted in ac-
 25 cordance with this Act and a State described in section

1 101(c) or section 101(d) may not be redistricted again
2 until after the next apportionment of Representatives
3 under section 22(a) of the Act entitled “An Act to provide
4 for the fifteenth and subsequent decennial censuses and
5 to provide for an apportionment of Representatives in
6 Congress”, approved June 18, 1929 (2 U.S.C. 2a), unless
7 a court requires the State to conduct such subsequent re-
8 districting to comply with the Constitution of the United
9 States, the Voting Rights Act of 1965 (52 U.S.C. 10301
10 et seq.), the Constitution of the State, or the terms or
11 conditions of this Act.

12 (b) APPLICABILITY OF REMEDIES FOR NONCOMPLI-
13 ANCE.—Section 402 applies with respect to a violation of
14 subsection (a) in the same manner as such section applies
15 with respect to a violation of any other provision of this
16 Act, and the remedies available pursuant to such section
17 may be applied with respect to a violation of subsection
18 (a).

19 (c) EFFECTIVE DATE.—This section shall apply with
20 respect to redistricting carried out pursuant to the decen-
21 nial census conducted during 2020 or any succeeding de-
22 cennial census.

1 **SEC. 103. CRITERIA FOR REDISTRICTING.**

2 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A
3 State may not use a congressional redistricting plan that
4 is not in compliance with this section.

5 (b) **RANKED CRITERIA.**—Under the redistricting plan
6 of a State, there shall be established single-member con-
7 gressional districts using the following criteria as set forth
8 in the following order of priority:

9 (1) Districts shall comply with the United
10 States Constitution, including the requirement that
11 they substantially equalize total population.

12 (2) Districts shall comply with the Voting
13 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-
14 cluding by creating any districts where, if based
15 upon the totality of the circumstances, 2 or more po-
16 litically cohesive groups protected by such Act are
17 able to elect representatives of choice in coalition
18 with one another, and all applicable Federal laws.

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

1 whether or not such protected group constitutes a
2 majority of a district's citizen voting age population.

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

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

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

12 (iii) If there is racially polarized voting in
13 the relevant geographic region, whether the pre-
14 ferred candidates of the group nevertheless re-
15 ceive a sufficient amount of consistent crossover
16 support from other voters such that the group
17 is a functional majority with the ability to both
18 nominate candidates and elect representatives
19 of choice.

20 (4)(A) Districts shall be drawn to represent
21 communities of interest and neighborhoods to the
22 extent practicable after compliance with the require-
23 ments of paragraphs (1) through (3). A community
24 of interest is defined as an area for which the record
25 before the entity responsible for developing and

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

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

21 (c) NO FAVORING OR DISFAVORING OF POLITICAL
22 PARTIES.—

23 (1) PROHIBITION.—A State may not use a re-
24 districting plan to conduct an election that, when
25 considered on a statewide basis, has been drawn

1 with the intent or has the effect of materially favor-
2 ing or disfavoring any political party.

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

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

15 (B) An analysis of whether the redis-
16 tricting plan is statistically likely to result in
17 partisan advantage or disadvantage on a state-
18 wide basis, the degree of any such advantage or
19 disadvantage, and whether such advantage or
20 disadvantage is likely to be present under a
21 range of reasonably foreseeable electoral condi-
22 tions.

23 (C) A comparison of the modeled electoral
24 outcomes for the redistricting plan to the mod-
25 eled electoral outcomes for alternative plans

1 that demonstrably comply with the require-
2 ments of paragraphs (1), (2), and (3) of sub-
3 section (b) in order to determine whether rea-
4 sonable alternatives exist that would result in
5 materially lower levels of partisan advantage or
6 disadvantage on a statewide basis. For purposes
7 of this subparagraph, alternative plans consid-
8 ered may include both actual plans proposed
9 during the redistricting process and other plans
10 prepared for purposes of comparison.

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

19 (3) REBUTTABLE PRESUMPTION.—

20 (A) TRIGGER.—In any civil action brought
21 under section 402 in which a party asserts a
22 claim that a State has enacted a redistricting
23 plan which is in violation of this subsection, a
24 party may file a motion not later than 30 days
25 after the enactment of the plan (or, if later, not

1 later than 30 days after the effective date of
2 this Act) requesting that the court determine
3 whether a presumption of such a violation ex-
4 ists. If such a motion is timely filed, the court
5 shall hold a hearing not later than 15 days
6 after the date the motion is filed to assess
7 whether a presumption of such a violation ex-
8 ists.

9 (B) ASSESSMENT.—To conduct the assess-
10 ment required under subparagraph (A), the
11 court shall do the following:

12 (i) Determine the number of congres-
13 sional districts under the plan that would
14 have been carried by each political party's
15 candidates for the office of President and
16 the office of Senator in the 2 most recent
17 general elections for the office of President
18 and the 2 most recent general elections for
19 the office of Senator (other than special
20 general elections) immediately preceding
21 the enactment of the plan, except that if a
22 State conducts a primary election for the
23 office of Senator which is open to can-
24 didates of all political parties, the primary
25 election shall be used instead of the gen-

1 eral election and the number of districts
2 carried by a party's candidates for the of-
3 fice of Senator shall be determined on the
4 basis of the combined vote share of all can-
5 didates in the election who are affiliated
6 with such party.

7 (ii) Determine, for each of the 4 elec-
8 tions assessed under clause (i), whether
9 the number of districts that would have
10 been carried by any party's candidate as
11 determined under clause (i) results in par-
12 tisan advantage or disadvantage in excess
13 of 7 percent or one congressional district,
14 whichever is greater, as determined by
15 standard quantitative measures of partisan
16 fairness that relate a party's share of the
17 statewide vote to that party's share of
18 seats.

19 (C) PRESUMPTION OF VIOLATION.—A plan
20 is presumed to violate paragraph (1) if it ex-
21 ceeds the threshold described in clause (ii) of
22 subparagraph (B) with respect to 2 or more of
23 the 4 elections assessed under such subpara-
24 graph.

1 (D) STAY OF USE OF PLAN.—Notwith-
2 standing any other provision of this Act, in any
3 action under this paragraph, the following rules
4 shall apply:

5 (i) Upon filing of a motion under sub-
6 paragraph (A), a State's use of the plan
7 which is the subject of the motion shall be
8 automatically stayed pending resolution of
9 such motion.

10 (ii) If after considering the motion,
11 the court rules that the plan is presumed
12 under subparagraph (C) to violate para-
13 graph (1), a State may not use such plan
14 until and unless the court which is car-
15 rying out the determination of the effect of
16 the plan under paragraph (2) determines
17 that, notwithstanding the presumptive vio-
18 lation, the plan does not violate paragraph
19 (1).

20 (E) NO EFFECT ON OTHER ASSESS-
21 MENTS.—The absence of a presumption of a
22 violation with respect to a redistricting plan as
23 determined under this paragraph shall not af-
24 fect the determination of the effect of the plan
25 under paragraph (2).

1 (4) DETERMINATION OF INTENT.—A court may
2 rely on all available evidence when determining
3 whether a redistricting plan was drawn with the in-
4 tent to materially favor or disfavor a political party,
5 including evidence of the partisan effects of a plan,
6 the degree of support the plan received from mem-
7 bers of the entity responsible for developing and
8 adopting the plan, and whether the processes leading
9 to development and adoption of the plan were trans-
10 parent and equally open to all members of the entity
11 and to the public.

12 (5) NO VIOLATION BASED ON CERTAIN CRI-
13 TERIA.—No redistricting plan shall be found to be
14 in violation of paragraph (1) because of the proper
15 application of the criteria set forth in paragraphs
16 (1), (2), or (3) of subsection (b), unless one or more
17 alternative plans could have complied with such
18 paragraphs without having the effect of materially
19 favoring or disfavoring a political party.

20 (d) FACTORS PROHIBITED FROM CONSIDERATION.—
21 In developing the redistricting plan for the State, the
22 State may not take into consideration any of the following
23 factors, except as necessary to comply with the criteria
24 described in paragraphs (1) through (3) of subsection (b),
25 to achieve partisan fairness and comply with subsection

1 (b), and to enable the redistricting plan to be measured
 2 against the external metrics described in section 203(d):

3 (1) The residence of any Member of the House
 4 of Representatives or candidate.

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

7 (e) ADDITIONAL CRITERIA.—A State may not rely
 8 upon criteria not set forth in this section to justify non-
 9 compliance with the requirements of this section.

10 (f) APPLICABILITY.—This section applies to any au-
 11 thority, whether appointed, elected, judicial, or otherwise,
 12 responsible for enacting the congressional redistricting
 13 plan of a State.

14 (g) SEVERABILITY OF CRITERIA.—If any of the cri-
 15 teria set forth in this section, or the application of such
 16 criteria to any person or circumstance, is held to be uncon-
 17 stitutional, the remaining criteria set forth in this section,
 18 and the application of such criteria to any person or cir-
 19 cumstance, shall not be affected by the holding.

20 **TITLE II—INDEPENDENT** 21 **REDISTRICTING COMMISSIONS**

22 **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

23 (a) APPOINTMENT OF MEMBERS.—

24 (1) IN GENERAL.—The nonpartisan agency es-
 25 tablished or designated by a State under section

1 204(a) shall establish an independent redistricting
2 commission for the State, which shall consist of 15
3 members appointed by the agency as follows:

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

9 (i) The agency shall appoint 2 mem-
10 bers on a random basis from the majority
11 category of the approved selection pool (as
12 described in section 202(b)(1)(A)).

13 (ii) The agency shall appoint 2 mem-
14 bers on a random basis from the minority
15 category of the approved selection pool (as
16 described in section 202(b)(1)(B)).

17 (iii) The agency shall appoint 2 mem-
18 bers on a random basis from the inde-
19 pendent category of the approved selection
20 pool (as described in section 202(b)(1)(C)).

21 (B) Not later than November 15 of a year
22 ending in the numeral zero, the members ap-
23 pointed by the agency under subparagraph (A)
24 shall, at a public meeting held not earlier than
25 15 days after notice of the meeting has been

given to the public, then appoint 9 members as follows:

(i) The members shall appoint 3 members from the majority category of the approved selection pool (as described in section 202(b)(1)(A)).

(ii) The members shall appoint 3 members from the minority category of the approved selection pool (as described in section 202(b)(1)(B)).

(iii) The members shall appoint 3 members from the independent category of the approved selection pool (as described in section 202(b)(1)(C)).

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

(A) AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS.—The appointment of any of the 9 members of the independent redistricting commission who are appointed by the first members of the commission pursuant to subparagraph (B) of paragraph (1), as well as the designation of alternates for such members pursuant to subparagraph (B) of paragraph (3) and the appointment of alternates to fill vacancies pursu-

1 ant to subparagraph (B) of paragraph (4), shall
2 require the affirmative vote of at least 4 of the
3 members appointed by the nonpartisan agency
4 under subparagraph (A) of paragraph (1), in-
5 cluding at least one member from each of the
6 categories referred to in such subparagraph.

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

23 (3) DESIGNATION OF ALTERNATES TO SERVE
24 IN CASE OF VACANCIES.—

1 (A) MEMBERS APPOINTED BY AGENCY.—

2 At the time the agency appoints the members
3 of the independent redistricting commission
4 under subparagraph (A) of paragraph (1) from
5 each of the categories referred to in such sub-
6 paragraph, the agency shall, on a random basis,
7 designate 2 other individuals from such cat-
8 egory to serve as alternate members who may
9 be appointed to fill vacancies in the commission
10 in accordance with paragraph (4).

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

23 (4) APPOINTMENT OF ALTERNATES TO SERVE
24 IN CASE OF VACANCIES.—

1 (A) MEMBERS APPOINTED BY AGENCY.—If
2 a vacancy occurs in the commission with respect
3 to a member who was appointed by the non-
4 partisan agency under subparagraph (A) of
5 paragraph (1) from one of the categories re-
6 ferred to in such subparagraph, the agency
7 shall fill the vacancy by appointing, on a ran-
8 dom basis, one of the 2 alternates from such
9 category who was designated under subpara-
10 graph (A) of paragraph (3). At the time the
11 agency appoints an alternate to fill a vacancy
12 under the previous sentence, the agency shall
13 designate, on a random basis, another indi-
14 vidual from the same category to serve as an al-
15 ternate member, in accordance with subpara-
16 graph (A) of paragraph (3).

17 (B) MEMBERS APPOINTED BY FIRST MEM-
18 BERS.—If a vacancy occurs in the commission
19 with respect to a member who was appointed by
20 the first members of the commission under sub-
21 paragraph (B) of paragraph (1) from one of the
22 categories referred to in such subparagraph, the
23 first members shall, in accordance with the spe-
24 cial rules described in paragraph (2), fill the va-
25 cancy by appointing one of the 2 alternates

1 from such category who was designated under
2 subparagraph (B) of paragraph (3). At the time
3 the first members appoint an alternate to fill a
4 vacancy under the previous sentence, the first
5 members shall, in accordance with the special
6 rules described in paragraph (2), designate an-
7 other individual from the same category to
8 serve as an alternate member, in accordance
9 with subparagraph (B) of paragraph (3).

10 (5) REMOVAL.—A member of the independent
11 redistricting commission may be removed by a ma-
12 jority vote of the remaining members of the commis-
13 sion if it is shown by a preponderance of the evi-
14 dence that the member is not eligible to serve on the
15 commission under section 202(a).

16 (b) PROCEDURES FOR CONDUCTING COMMISSION
17 BUSINESS.—

18 (1) CHAIR.—Members of an independent redis-
19 tricting commission established under this section
20 shall select by majority vote one member who was
21 appointed from the independent category of the ap-
22 proved selection pool described in section
23 202(b)(1)(C) to serve as chair of the commission.
24 The commission may not take any action to develop

1 a redistricting plan for the State under section 203
2 until the appointment of the commission's chair.

3 (2) REQUIRING MAJORITY APPROVAL FOR AC-
4 TIONS.—The independent redistricting commission
5 of a State may not publish and disseminate any
6 draft or final redistricting plan, or take any other
7 action, without the approval of at least—

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

10 (B) at least one member of the commission
11 appointed from each of the categories of the ap-
12 proved selection pool described in section
13 202(b)(1).

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

16 (c) STAFF; CONTRACTORS.—

17 (1) STAFF.—Under a public application process
18 in which all application materials are available for
19 public inspection, the independent redistricting com-
20 mission of a State shall appoint and set the pay of
21 technical experts, legal counsel, consultants, and
22 such other staff as it considers appropriate, subject
23 to State law.

24 (2) CONTRACTORS.—The independent redis-
25 tricting commission of a State may enter into such

1 contracts with vendors as it considers appropriate,
 2 subject to State law, except that any such contract
 3 shall be valid only if approved by the vote of a ma-
 4 jority of the members of the commission, including
 5 at least one member appointed from each of the cat-
 6 egories of the approved selection pool described in
 7 section 202(b)(1).

8 (3) REPORTS ON EXPENDITURES FOR POLIT-
 9 ICAL ACTIVITY.—

10 (A) REPORT BY APPLICANTS.—Each indi-
 11 vidual who applies for a position as an employee
 12 of the independent redistricting commission and
 13 each vendor who applies for a contract with the
 14 commission shall, at the time of applying, file
 15 with the commission a report summarizing—

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

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

23 (B) ANNUAL REPORTS BY EMPLOYEES
 24 AND VENDORS.—Each person who is an em-
 25 ployee or vendor of the independent redis-

1 tricting commission shall, not later than 1 year
2 after the person is appointed as an employee or
3 enters into a contract as a vendor (as the case
4 may be) and annually thereafter for each year
5 during which the person serves as an employee
6 or a vendor, file with the commission a report
7 summarizing the expenditures and income de-
8 scribed in subparagraph (A) during the 10 most
9 recent calendar years.

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

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

18 (ii) An electioneering communication,
19 as defined in section 304(f)(3) of such Act
20 (52 U.S.C. 30104(f)(3)) or any other pub-
21 lic communication, as defined in section
22 301(22) of such Act (52 U.S.C.
23 30101(22)) that would be an electioneering
24 communication if it were a broadcast,
25 cable, or satellite communication.

1 (iii) Any dues or other payments to
 2 trade associations or organizations de-
 3 scribed in section 501(c) of the Internal
 4 Revenue Code of 1986 and exempt from
 5 tax under section 501(a) of such Code that
 6 are, or could reasonably be anticipated to
 7 be, used or transferred to another associa-
 8 tion or organization for a use described in
 9 paragraph (1), (2), or (4) of section 501(c)
 10 of such Code.

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

1 (5) DISQUALIFICATION; WAIVER.—

2 (A) IN GENERAL.—The independent redis-
 3 tricting commission may not appoint an indi-
 4 vidual as an employee, and may not enter into
 5 a contract with a vendor, if the individual or
 6 vendor meets any of the criteria for the dis-
 7 qualification of an individual from serving as a
 8 member of the commission which are set forth
 9 in section 202(a)(2).

10 (B) WAIVER.—The commission may by
 11 unanimous vote of its members waive the appli-
 12 cation of subparagraph (A) to an individual or
 13 a vendor after receiving and reviewing the re-
 14 port filed by the individual or vendor under
 15 paragraph (3).

16 (d) TERMINATION.—

17 (1) IN GENERAL.—The independent redis-
 18 tricting commission of a State shall terminate on the
 19 earlier of—

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

22 (B) the day on which the nonpartisan
 23 agency established or designated by a State
 24 under section 204(a) has, in accordance with
 25 section 202(b)(1), submitted a selection pool to

1 the Select Committee on Redistricting for the
2 State established under section 204(b).

3 (2) PRESERVATION OF RECORDS.—The State
4 shall ensure that the records of the independent re-
5 districting commission are retained in the appro-
6 priate State archive in such manner as may be nec-
7 essary to enable the State to respond to any civil ac-
8 tion brought with respect to congressional redis-
9 tricting in the State.

10 **SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDI-**
11 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
12 **OF COMMISSION.**

13 (a) CRITERIA FOR ELIGIBILITY.—

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

18 (A) As of the date of appointment, the in-
19 dividual is registered to vote in elections for
20 Federal office held in the State.

21 (B) During the 3-year period ending on
22 the date of the individual's appointment, the in-
23 dividual has been continuously registered to
24 vote with the same political party, or has not
25 been registered to vote with any political party.

1 (C) The individual submits to the non-
2 partisan agency established or designated by a
3 State under section 204, at such time and in
4 such form as the agency may require, an appli-
5 cation for inclusion in the selection pool under
6 this section, and includes with the application a
7 written statement, with an attestation under
8 penalty of perjury, containing the following in-
9 formation and assurances:

10 (i) The full current name and any
11 former names of, and the contact informa-
12 tion for, the individual, including an elec-
13 tronic mail address, the address of the in-
14 dividual's residence, mailing address, and
15 telephone numbers.

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

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

21 (iv) The reason or reasons the indi-
22 vidual desires to serve on the independent
23 redistricting commission, the individual's
24 qualifications, and information relevant to

the ability of the individual to be fair and impartial, including, but not limited to—

(I) any involvement with, or financial support of, professional, social, political, religious, or community organizations or causes; and

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

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

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

(2) DISQUALIFICATIONS.—An individual is not eligible to serve as a member of the commission if any of the following applies during any of the covered periods described in paragraph (3):

1 (A) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual holds public office or
5 is a candidate for election for public office.

6 (B) 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 serves as an officer of
10 a political party or as an officer, employee, or
11 paid consultant of a campaign committee of a
12 candidate for public office or of any political ac-
13 tion committee (as determined in accordance
14 with the law of the State).

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

22 (D) 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 is an employee of an

1 elected public official, a contractor with the gov-
2 ernment of the State, or a donor to the cam-
3 paign of any candidate for public office or to
4 any political action committee (other than a
5 donor who, during any of such covered periods,
6 gives an aggregate amount of \$1,000 or less to
7 the campaigns of all candidates for all public
8 offices and to all political action committees).

9 (E) The individual paid a civil money pen-
10 alty or criminal fine, or was sentenced to a
11 term of imprisonment, for violating any provi-
12 sion of the Federal Election Campaign Act of
13 1971 (52 U.S.C. 30101 et seq.).

14 (F) The individual or (in the case of the
15 covered periods described in subparagraphs (A)
16 and (B) of paragraph (3)) an immediate family
17 member of the individual is an agent of a for-
18 eign principal under the Foreign Agents Reg-
19 istration Act of 1938, as amended (22 U.S.C.
20 611 et seq.).

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

1 (A) The 10-year period ending on the date
2 of the individual's appointment.

3 (B) The period beginning on the date of
4 the individual's appointment and ending on Au-
5 gust 14 of the next year ending in the numeral
6 one.

7 (C) The 10-year period beginning on the
8 day after the last day of the period described in
9 subparagraph (B).

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

17 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
18 POOL.—

19 (1) IN GENERAL.—Not later than June 15 of
20 each year ending in the numeral zero, the non-
21 partisan agency established or designated by a State
22 under section 204(a) shall develop and submit to the
23 Select Committee on Redistricting for the State es-
24 tablished under section 204(b) a selection pool of 36
25 individuals who are eligible to serve as members of

1 the independent redistricting commission of the
2 State under this Act, consisting of individuals in the
3 following categories:

4 (A) A majority category, consisting of 12
5 individuals who are affiliated with the political
6 party whose candidate received the most votes
7 in the most recent statewide election for Fed-
8 eral office held in the State.

9 (B) A minority category, consisting of 12
10 individuals who are affiliated with the political
11 party whose candidate received the second most
12 votes in the most recent statewide election for
13 Federal office held in the State.

14 (C) An independent category, consisting of
15 12 individuals who are not affiliated with either
16 of the political parties described in subpara-
17 graph (A) or subparagraph (B).

18 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
19 OPING POOL.—In selecting individuals for the selec-
20 tion pool under this subsection, the nonpartisan
21 agency shall—

22 (A) ensure that the pool is representative
23 of the demographic groups (including racial,
24 ethnic, economic, and gender) and geographic
25 regions of the State, and includes applicants

1 who would allow racial, ethnic, and language
2 minorities protected under the Voting Rights
3 Act of 1965 a meaningful opportunity to par-
4 ticipate in the development of the State's redis-
5 tricting plan; and

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

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

22 (4) DETERMINATION OF POLITICAL PARTY AF-
23 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
24 For purposes of this section, an individual shall be
25 considered to be affiliated with a political party only

1 if the nonpartisan agency is able to verify (to the
2 greatest extent possible) the information the indi-
3 vidual provides in the application submitted under
4 subsection (a)(1)(C), including by considering addi-
5 tional information provided by other persons with
6 knowledge of the individual's history of political ac-
7 tivity.

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

19 (6) REPORT ON ESTABLISHMENT OF SELEC-
20 TION POOL.—At the time the nonpartisan agency
21 submits the selection pool to the Select Committee
22 on Redistricting under paragraph (1), it shall pub-
23 lish and post on the agency's public website a report
24 describing the process by which the pool was devel-
25 oped, and shall include in the report a description of

1 how the individuals in the pool meet the eligibility
 2 criteria of subsection (a) and of how the pool reflects
 3 the factors the agency is required to take into con-
 4 sideration under paragraph (2).

5 (7) PUBLIC COMMENT ON SELECTION POOL.—

6 During the 14-day period which begins on the date
 7 the nonpartisan agency publishes the report under
 8 paragraph (6), the agency shall accept comments
 9 from the public on the individuals included in the se-
 10 lection pool. The agency shall post all such com-
 11 ments contemporaneously on the nonpartisan agen-
 12 cy's website and shall transmit them to the Select
 13 Committee on Redistricting immediately upon the
 14 expiration of such period.

15 (8) ACTION BY SELECT COMMITTEE.—

16 (A) IN GENERAL.—Not earlier than 15
 17 days and not later than 21 days after receiving
 18 the selection pool from the nonpartisan agency
 19 under paragraph (1), the Select Committee on
 20 Redistricting shall, by majority vote—

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 201(a)(1);
 25 or

1 (ii) reject the pool, in which case the
 2 nonpartisan agency shall develop and sub-
 3 mit a replacement selection pool in accord-
 4 ance with subsection (c).

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

11 (c) DEVELOPMENT OF REPLACEMENT SELECTION
 12 POOL.—

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

1 in the replacement pool was not included in such re-
 2 jected pool.

3 (2) ACTION BY SELECT COMMITTEE.—

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

9 (i) approve the pool as submitted by
 10 the nonpartisan agency, in which case the
 11 pool shall be considered the approved selec-
 12 tion pool for purposes of section 201(a)(1);
 13 or

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

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

24 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
 25 LECTION POOL.—

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

18 (2) ACTION BY SELECT COMMITTEE.—

19 (A) IN GENERAL.—Not earlier than 15
20 days and not later than 14 days after receiving
21 the second replacement selection pool from the
22 nonpartisan agency under paragraph (1), the
23 Select Committee on Redistricting shall, by ma-
24 jority vote—

1 (i) approve the pool as submitted by
 2 the nonpartisan agency, in which case the
 3 pool shall be considered the approved selec-
 4 tion pool for purposes of section 201(a)(1);
 5 or

6 (ii) reject the pool.

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

13 (C) EFFECT OF REJECTION.—If the Select
 14 Committee on Redistricting rejects the second
 15 replacement pool from the nonpartisan agency
 16 under paragraph (1), the redistricting plan for
 17 the State shall be developed and enacted in ac-
 18 cordance with title III.

19 **SEC. 203. PUBLIC NOTICE AND INPUT.**

20 (a) PUBLIC NOTICE AND INPUT.—

21 (1) USE OF OPEN AND TRANSPARENT PROC-
 22 ESS.—The independent redistricting commission of a
 23 State shall hold each of its meetings in public, shall
 24 solicit and take into consideration comments from
 25 the public, including proposed maps, throughout the

1 process of developing the redistricting plan for the
2 State, and shall carry out its duties in an open and
3 transparent manner which provides for the widest
4 public dissemination reasonably possible of its pro-
5 posed and final redistricting plans.

6 (2) WEBSITE.—

7 (A) FEATURES.—The commission shall
8 maintain a public internet site which is not af-
9 filiated with or maintained by the office of any
10 elected official and which includes the following
11 features:

12 (i) General information on the com-
13 mission, its role in the redistricting proc-
14 ess, and its members, including contact in-
15 formation.

16 (ii) An updated schedule of commis-
17 sion hearings and activities, including
18 deadlines for the submission of comments.

19 (iii) All draft redistricting plans devel-
20 oped by the commission under subsection
21 (b) and the final redistricting plan devel-
22 oped under subsection (c), including the
23 accompanying written evaluation under
24 subsection (d).

1 (iv) All comments received from the
2 public on the commission's activities, in-
3 cluding any proposed maps submitted
4 under paragraph (1).

5 (v) Live streaming of commission
6 hearings and an archive of previous meet-
7 ings, including any documents considered
8 at any such meeting, which the commission
9 shall post not later than 24 hours after the
10 conclusion of the meeting.

11 (vi) Access in an easily useable format
12 to the demographic and other data used by
13 the commission to develop and analyze the
14 proposed redistricting plans, together with
15 access to any software used to draw maps
16 of proposed districts and to any reports
17 analyzing and evaluating any such maps.

18 (vii) A method by which members of
19 the public may submit comments and pro-
20 posed maps directly to the commission.

21 (viii) All records of the commission,
22 including all communications to or from
23 members, employees, and contractors re-
24 garding the work of the commission.

1 (ix) A list of all contractors receiving
2 payment from the commission, together
3 with the annual disclosures submitted by
4 the contractors under section 201(c)(3).

5 (x) A list of the names of all individ-
6 uals who submitted applications to serve
7 on the commission, together with the appli-
8 cations submitted by individuals included
9 in any selection pool, except that the com-
10 mission may redact from such applications
11 any financial or other personally sensitive
12 information.

13 (B) SEARCHABLE FORMAT.—The commis-
14 sion shall ensure that all information posted
15 and maintained on the site under this para-
16 graph, including information and proposed
17 maps submitted by the public, shall be main-
18 tained in an easily searchable format.

19 (C) DEADLINE.—The commission shall en-
20 sure that the public internet site under this
21 paragraph is operational (in at least a prelimi-
22 nary format) not later than January 1 of the
23 year ending in the numeral one.

24 (3) PUBLIC COMMENT PERIOD.—The commis-
25 sion shall solicit, accept, and consider comments

1 from the public with respect to its duties, activities,
 2 and procedures at any time during the period—

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

5 (B) which ends 7 days before the date of
 6 the meeting at which the commission shall vote
 7 on approving the final redistricting plan for en-
 8 actment into law under subsection (c)(2).

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

14 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
 15 ALL NOTICES.—The commission shall make each no-
 16 tice which is required to be posted and published
 17 under this section available in any language in which
 18 the State (or any jurisdiction in the State) is re-
 19 quired to provide election materials under section
 20 203 of the Voting Rights Act of 1965 (52 U.S.C.
 21 10503).

22 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
 23 NARY REDISTRICTING PLAN.—

24 (1) IN GENERAL.—Prior to developing and pub-
 25 lishing a final redistricting plan under subsection

(c), the independent redistricting commission of a State shall develop and publish a preliminary redistricting plan.

(2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

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

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior to the date of each hearing held under this paragraph, the commission shall post notices of the hearing on the website maintained under subsection (a)(2), and shall provide for the publication of such notices in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

1 (C) SUBMISSION OF PLANS AND MAPS BY

2 MEMBERS OF THE PUBLIC.—Any member of
3 the public may submit maps or portions of
4 maps for consideration by the commission. As
5 provided under subsection (a)(2)(A), any such
6 map shall be made publicly available on the
7 commission’s website and open to comment.

8 (3) PUBLICATION OF PRELIMINARY PLAN.—

9 (A) IN GENERAL.—The commission shall
10 post the preliminary redistricting plan devel-
11 oped under this subsection, together with a re-
12 port that includes the commission’s responses
13 to any public comments received under sub-
14 section (a)(3), on the website maintained under
15 subsection (a)(2), and shall provide for the pub-
16 lication of each such plan in newspapers of gen-
17 eral circulation throughout the State.

18 (B) MINIMUM PERIOD FOR NOTICE PRIOR

19 TO PUBLICATION.—Not fewer than 14 days
20 prior to the date on which the commission posts
21 and publishes the preliminary plan under this
22 paragraph, the commission shall notify the pub-
23 lic through the website maintained under sub-
24 section (a)(2), as well as through publication of
25 notice in newspapers of general circulation

1 throughout the State, of the pending publica-
2 tion of the plan.

3 (4) MINIMUM POST-PUBLICATION PERIOD FOR
4 PUBLIC COMMENT.—The commission shall accept
5 and consider comments from the public (including
6 through the website maintained under subsection
7 (a)(2)) with respect to the preliminary redistricting
8 plan published under paragraph (3), including pro-
9 posed revisions to maps, for not fewer than 30 days
10 after the date on which the plan is published.

11 (5) POST-PUBLICATION HEARINGS.—

12 (A) 3 HEARINGS REQUIRED.—After post-
13 ing and publishing the preliminary redistricting
14 plan under paragraph (3), the commission shall
15 hold not fewer than 3 public hearings in dif-
16 ferent geographic areas of the State at which
17 members of the public may provide input and
18 comments regarding the preliminary plan.

19 (B) MINIMUM PERIOD FOR NOTICE PRIOR
20 TO HEARINGS.—Not fewer than 14 days prior
21 to the date of each hearing held under this
22 paragraph, the commission shall post notices of
23 the hearing on the website maintained under
24 subsection (a)(2), and shall provide for the pub-
25 lication of such notices in newspapers of general

1 circulation throughout the State. Each such no-
2 tice shall specify the date, time, and location of
3 the hearing.

4 (6) PERMITTING MULTIPLE PRELIMINARY
5 PLANS.—At the option of the commission, after de-
6 veloping and publishing the preliminary redistricting
7 plan under this subsection, the commission may de-
8 velop and publish subsequent preliminary redis-
9 tricting plans, so long as the process for the develop-
10 ment and publication of each such subsequent plan
11 meets the requirements set forth in this subsection
12 for the development and publication of the first pre-
13 liminary redistricting plan.

14 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
15 TRICTING PLAN.—

16 (1) IN GENERAL.—After taking into consider-
17 ation comments from the public on any preliminary
18 redistricting plan developed and published under
19 subsection (b), the independent redistricting commis-
20 sion of a State shall develop and publish a final re-
21 districting plan for the State.

22 (2) MEETING; FINAL VOTE.—Not later than the
23 deadline specified in subsection (e), the commission
24 shall hold a public hearing at which the members of

1 the commission shall vote on approving the final
2 plan for enactment into law.

3 (3) PUBLICATION OF PLAN AND ACCOMPANYING
4 MATERIALS.—Not fewer than 14 days before the
5 date of the meeting under paragraph (2), the com-
6 mission shall provide the following information to
7 the public through the website maintained under
8 subsection (a)(2), as well as through newspapers of
9 general circulation throughout the State:

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

12 (B) A report by the commission to accom-
13 pany the plan which provides the background
14 for the plan and the commission's reasons for
15 selecting the plan as the final redistricting plan,
16 including responses to the public comments re-
17 ceived on any preliminary redistricting plan de-
18 veloped and published under subsection (b).

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

22 (4) ENACTMENT.—Subject to paragraph (5),
23 the final redistricting plan developed and published
24 under this subsection shall be deemed to be enacted

1 into law upon the expiration of the 45-day period
2 which begins on the date on which—

3 (A) such final plan is approved by a major-
4 ity of the whole membership of the commission;
5 and

6 (B) at least one member of the commission
7 appointed from each of the categories of the ap-
8 proved selection pool described in section
9 202(b)(1) approves such final plan.

10 (5) REVIEW BY DEPARTMENT OF JUSTICE.—

11 (A) REQUIRING SUBMISSION OF PLAN FOR
12 REVIEW.—The final redistricting plan shall not
13 be deemed to be enacted into law unless the
14 State submits the plan to the Department of
15 Justice for an administrative review to deter-
16 mine if the plan is in compliance with the cri-
17 teria described in subsections (b) and (c) of sec-
18 tion 103.

19 (B) TERMINATION OF REVIEW.—The De-
20 partment of Justice shall terminate any admin-
21 istrative review under subparagraph (A) if, dur-
22 ing the 45-day period which begins on the date
23 the plan is enacted into law, an action is filed
24 in a United States district court alleging that
25 the plan is not in compliance with the criteria

1 described in subsections (b) and (c) of section
2 103.

3 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
4 TERNAL METRICS.—The independent redistricting com-
5 mission shall include with each redistricting plan devel-
6 oped and published under this section a written evaluation
7 that measures each such plan against external metrics
8 which cover the criteria set forth in section 103(a), includ-
9 ing the impact of the plan on the ability of communities
10 of color to elect candidates of choice, measures of partisan
11 fairness using multiple accepted methodologies, and the
12 degree to which the plan preserves or divides communities
13 of interest.

14 (e) TIMING.—The independent redistricting commis-
15 sion of a State may begin its work on the redistricting
16 plan of the State upon receipt of relevant population infor-
17 mation from the Bureau of the Census, and shall approve
18 a final redistricting plan for the State in each year ending
19 in the numeral one not later than 8 months after the date
20 on which the State receives the State apportionment notice
21 or October 1, whichever occurs later.

22 **SEC. 204. ESTABLISHMENT OF RELATED ENTITIES.**

23 (a) ESTABLISHMENT OR DESIGNATION OF NON-
24 PARTISAN AGENCY OF STATE LEGISLATURE.—

1 (1) IN GENERAL.—Each State shall establish a
2 nonpartisan agency in the legislative branch of the
3 State government to appoint the members of the
4 independent redistricting commission for the State
5 in accordance with section 201.

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

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

11 (B) is required to maintain impartiality;
12 and

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

15 (3) TRAINING OF MEMBERS APPOINTED TO
16 COMMISSION.—Not later than January 15 of a year
17 ending in the numeral one, the nonpartisan agency
18 established or designated under this subsection shall
19 provide the members of the independent redistricting
20 commission with initial training on their obligations
21 as members of the commission, including obligations
22 under the Voting Rights Act of 1965 (52 U.S.C.
23 10301 et seq.) and other applicable laws.

24 (4) REGULATIONS.—The nonpartisan agency
25 established or designated under this subsection shall

1 adopt and publish regulations, after notice and op-
2 portunity for comment, establishing the procedures
3 that the agency will follow in fulfilling its duties
4 under this Act, including the procedures to be used
5 in vetting the qualifications and political affiliation
6 of applicants and in creating the selection pools, the
7 randomized process to be used in selecting the initial
8 members of the independent redistricting commis-
9 sion, and the rules that the agency will apply to en-
10 sure that the agency carries out its duties under this
11 Act in a maximally transparent, publicly accessible,
12 and impartial manner.

13 (5) DESIGNATION OF EXISTING AGENCY.—At
14 its option, a State may designate an existing agency
15 in the legislative branch of its government to appoint
16 the members of the independent redistricting com-
17 mission plan for the State under this Act, so long
18 as the agency meets the requirements for non-
19 partisanship under this subsection.

20 (6) TERMINATION OF AGENCY SPECIFICALLY
21 ESTABLISHED FOR REDISTRICTING.—If a State does
22 not designate an existing agency under paragraph
23 (5) but instead establishes a new agency to serve as
24 the nonpartisan agency under this section, the new

1 agency shall terminate upon the enactment into law
2 of the redistricting plan for the State.

3 (7) PRESERVATION OF RECORDS.—The State
4 shall ensure that the records of the nonpartisan
5 agency are retained in the appropriate State archive
6 in such manner as may be necessary to enable the
7 State to respond to any civil action brought with re-
8 spect to congressional redistricting in the State.

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

12 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
13 DISTRICTING.—

14 (1) IN GENERAL.—Each State shall appoint a
15 Select Committee on Redistricting to approve or dis-
16 approve a selection pool developed by the inde-
17 pendent redistricting commission for the State under
18 section 202.

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

22 (A) One member of the upper 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 upper house.

1 (B) One member of the upper 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 upper house.

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

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

13 (3) SPECIAL RULE FOR STATES WITH UNICAM-
 14 ERAL LEGISLATURE.—In the case of a State with a
 15 unicameral legislature, the Select Committee on Re-
 16 districting for the State under this subsection shall
 17 consist of the following members:

18 (A) Two members of the State legislature
 19 appointed by the chair of the political party of
 20 the State whose candidate received the highest
 21 percentage of votes in the most recent statewide
 22 election for Federal office held in the State.

23 (B) Two members of the State legislature
 24 appointed by the chair of the political party
 25 whose candidate received the second highest

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

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

6 (5) RULE OF CONSTRUCTION.—Nothing in this
 7 subsection may be construed to prohibit the leader
 8 of any political party in a legislature from appoint-
 9 ment to the Select Committee on Redistricting.

10 **SEC. 205. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
 11 **INDEPENDENT REDISTRICTING COMMIS-**
 12 **SIONS.**

13 Not later than May 15 of a year ending in the nu-
 14 meral one, the Comptroller General of the United States
 15 shall submit to Congress a report on the extent to which
 16 the memberships of independent redistricting commissions
 17 for States established under this title with respect to the
 18 immediately preceding year ending in the numeral zero
 19 meet the diversity requirements as provided for in sections
 20 201(a)(2)(B) and 202(b)(2).

1 **TITLE III—ROLE OF COURTS IN**
2 **DEVELOPMENT OF REDIS-**
3 **TRICTING PLANS**

4 **SEC. 301. FAILURE BY STATE TO ENACT PLAN.**

5 (a) DEADLINE FOR ENACTMENT OF PLAN.—Each
6 State shall enact a final congressional redistricting plan
7 following transmission of a notice of apportionment to the
8 President by the earliest of—

9 (1) the deadline set forth in State law;

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

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

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

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

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

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

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

20 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

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

1 be) to the development of a plan by the State under
2 section 103.

3 (2) ACCESS TO INFORMATION AND RECORDS.—

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

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

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

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

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

1 (e) PUBLICATION OF PLAN.—

2 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—

3 Upon completing the development of one or more
4 initial redistricting plans, the court shall make the
5 plans available to the public at no cost, and shall
6 also make available the underlying data used to de-
7 velop the plans and a written evaluation of the plans
8 against external metrics (as described in section
9 203(d)).

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

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

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

5 (g) APPEALS.—Review on appeal of any final or in-
 6 terim plan adopted by the court in accordance with this
 7 section shall be governed by the appellate process in sec-
 8 tion 402.

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

14 **SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED**
 15 **UNDER ORDER OF FEDERAL COURT.**

16 If a Federal court requires a State to conduct redis-
 17 tricting subsequent to an apportionment of Representa-
 18 tives in the State in order to comply with the Constitution
 19 or to enforce the Voting Rights Act of 1965, section 203
 20 shall apply with respect to the redistricting, except that
 21 the court may revise any of the deadlines set forth in such
 22 section if the court determines that a revision is appro-
 23 priate in order to provide for a timely enactment of a new
 24 redistricting plan for the State.

1 **TITLE IV—ADMINISTRATIVE AND**
2 **MISCELLANEOUS PROVISIONS**

3 **SEC. 401. PAYMENTS TO STATES FOR CARRYING OUT RE-**
4 **DISTRICTING.**

5 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
6 section (d), not later than 30 days after a State receives
7 a State apportionment notice, the Election Assistance
8 Commission shall, subject to the availability of appropria-
9 tions provided pursuant to subsection (e), make a payment
10 to the State in an amount equal to the product of—

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

13 (2) \$150,000.

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

19 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
20 BER.—The Election Assistance Commission shall not
21 make a payment under this section to any State which
22 is not entitled to more than one Representative under its
23 State apportionment notice.

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

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2) and paragraph (3), the Election As-
3 sistance Commission may not make a payment to a
4 State under this section until the State certifies to
5 the Commission that the nonpartisan agency estab-
6 lished or designated by a State under section 204(a)
7 has, in accordance with section 202(b)(1), submitted
8 a selection pool to the Select Committee on Redis-
9 tricting for the State established under section
10 204(b).

11 (2) EXCEPTION FOR STATES WITH EXISTING
12 COMMISSIONS.—In the case of a State which, pursu-
13 ant to section 101(c), is exempt from the require-
14 ments of section 101(a), the Commission may not
15 make a payment to the State under this section until
16 the State certifies to the Commission that its redis-
17 tricting commission meets the requirements of sec-
18 tion 101(c).

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

1 Agency with the assistance of a Temporary Redis-
2 tricting Advisory Commission, as provided under the
3 law described in section 101(d).

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

7 **SEC. 402. CIVIL ENFORCEMENT.**

8 (a) CIVIL ENFORCEMENT.—

9 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
10 torney General may bring a civil action for such re-
11 lief as may be appropriate to carry out this Act.

12 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
13 TION.—Any citizen of a State who is aggrieved by
14 the failure of the State to meet the requirements of
15 the Constitution or Federal law, including this Act,
16 with respect to the State’s congressional redis-
17 tricting, may bring a civil action in the United
18 States district court for the applicable venue for
19 such relief as may be appropriate to remedy the fail-
20 ure.

21 (3) DELIVERY OF COMPLAINT TO HOUSE AND
22 SENATE.—In any action brought under this section,
23 a copy of the complaint shall be delivered promptly
24 to the Clerk of the House of Representatives and the
25 Secretary of the Senate.

1 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
2 VENUE.—The district courts of the United States
3 shall have exclusive jurisdiction to hear and deter-
4 mine claims asserting that a congressional redistricting
5 plan violates the requirements of the Con-
6 stitution or Federal law, including this Act. The ap-
7 plicable venue for such an action shall be the United
8 States District Court for the District of Columbia or
9 for the judicial district in which the capital of the
10 State is located, as selected by the person bringing
11 the action, except that the applicable venue for a
12 civil action that includes a claim that a redistricting
13 plan is in violation of section 103(c) shall be the
14 District of Columbia.

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

20 (6) REVIEW OF FINAL DECISION.—A final deci-
21 sion in an action brought under this section shall be
22 reviewable on appeal by the United States Court of
23 Appeals for the District of Columbia Circuit. There
24 shall be no right of appeal in such proceedings to
25 any other court of appeals. Such appeal shall be

1 taken by the filing of a notice of appeal within 10
 2 days of the entry of the final decision. A final deci-
 3 sion by the Court of Appeals may be reviewed by the
 4 Supreme Court of the United States by writ of cer-
 5 tiorari.

6 (b) EXPEDITED CONSIDERATION.—In any action
 7 brought under this section, it shall be the duty of the dis-
 8 trict court, the United States Court of Appeals for the
 9 District of Columbia Circuit, and the Supreme Court of
 10 the United States (if it chooses to hear the action) to ad-
 11 vance on the docket and to expedite to the greatest pos-
 12 sible extent the disposition of the action and appeal.

13 (c) REMEDIES.—

14 (1) ADOPTION OF REPLACEMENT PLAN.—

15 (A) IN GENERAL.—If the district court in
 16 an action under this section finds that the con-
 17 gressional redistricting plan of a State violates,
 18 in whole or in part, the requirements of this
 19 Act—

20 (i) the court shall adopt a replacement
 21 congressional redistricting plan for the
 22 State in accordance with the process set
 23 forth in section 301; or

24 (ii) if circumstances warrant and no
 25 delay to an upcoming regularly scheduled

1 election for the House of Representatives
2 in the State would result, the district
3 court, in its discretion, may allow a State
4 to develop and propose a remedial congress-
5 sional redistricting plan for review by the
6 court to determine whether the plan is in
7 compliance with this Act, except that—

8 (I) the State may not develop
9 and propose a remedial plan under
10 this clause if the court determines
11 that the congressional redistricting
12 plan of the State was enacted with
13 discriminatory intent in violation of
14 the Constitution or section 103(b);
15 and

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

20 (B) PROHIBITING USE OF PLANS IN VIOLA-
21 TION OF REQUIREMENTS.—No court shall order
22 a State to use a congressional redistricting plan
23 which violates, in whole or in part, the require-
24 ments of this Act, or to conduct an election

1 under terms and conditions which violate, in
2 whole or in part, the requirements of this Act.

3 (C) SPECIAL RULE IN CASE FINAL ADJU-
4 DICATION NOT EXPECTED WITHIN 3 MONTHS
5 OF ELECTION.—If final adjudication of an ac-
6 tion under this section is not reasonably ex-
7 pected to be completed at least 3 months prior
8 to the next regularly scheduled primary election
9 for the House of Representatives in the State,
10 the district court shall, as the balance of equi-
11 ties warrant—

12 (i) develop, adopt, and order the use
13 of an interim congressional redistricting
14 plan in accordance with section 301(f) to
15 address any claims under this Act for
16 which a party seeking relief has dem-
17 onstrated a substantial likelihood of suc-
18 cess; and

19 (ii) order adjustments to the timing of
20 primary elections for the House of Rep-
21 resentatives and other related deadlines, as
22 needed, to allow sufficient opportunity for
23 adjudication of the matter and adoption of
24 a remedial or replacement plan for use in

1 the next regularly scheduled general elec-
2 tions for the House of Representatives.

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

16 (3) SPECIAL AUTHORITY OF COURT OF AP-
17 PEALS.—

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

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

23 (4) EFFECT OF ENACTMENT OF REPLACEMENT
24 PLAN.—A State’s enactment of a redistricting plan
25 which replaces a plan which is the subject of an ac-

1 tion under this section shall not be construed to
2 limit or otherwise affect the authority of the court
3 to adjudicate or grant relief with respect to any
4 claims or issues not addressed by the replacement
5 plan, including claims that the plan which is the
6 subject of the action was enacted, in whole or in
7 part, with discriminatory intent, or claims to con-
8 sider whether relief should be granted under section
9 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
10 10302(c)) based on the plan which is the subject of
11 the action.

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

16 (e) RELATION TO OTHER LAWS.—

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

1 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
2 this Act authorizes or requires conduct that is pro-
3 hibited by the Voting Rights Act of 1965 (52 U.S.C.
4 10301 et seq.).

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

11 (g) REMOVAL.—

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

23 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
24 SUPPLEMENTAL JURISDICTION.—If a civil action re-
25 moved in accordance with paragraph (1) contains

1 claims not within the original or supplemental juris-
2 diction of the district court, the district court shall
3 sever all such claims and remand them to the State
4 court from which the action was removed.

5 **SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.**

6 In this Act, the “State apportionment notice” means,
7 with respect to a State, the notice sent to the State from
8 the Clerk of the House of Representatives under section
9 22(b) of the Act entitled “An Act to provide for the fif-
10 teenth and subsequent decennial censuses and to provide
11 for an apportionment of Representatives in Congress”, ap-
12 proved June 18, 1929 (2 U.S.C. 2a), of the number of
13 Representatives to which the State is entitled.

14 **SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND**
15 **LOCAL OFFICE.**

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

21 **SEC. 405. EFFECTIVE DATE.**

22 Except as provided in section 102, this Act and the
23 amendments made by this Act shall apply with respect to
24 redistricting carried out pursuant to the decennial census

- 1 conducted during 2030 or any succeeding decennial cen-
- 2 sus.

