

119TH CONGRESS  
1ST SESSION

# H. R. 5426

To prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2025

Mr. COHEN introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such 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,*

3       **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**  
4       **AUTHORITY.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “John Tanner and Jim Cooper Fairness and Independ-  
7       ence in Redistricting Act”.

1 (b) FINDING.—Congress finds that it has the author-  
2 ity to establish the terms and conditions States must fol-  
3 low in carrying out Congressional redistricting after an  
4 apportionment of Members of the House of Representa-  
5 tives 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; and

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 **SEC. 2. LIMIT ON CONGRESSIONAL REDISTRICTING AFTER**  
18 **AN APPORTIONMENT.**

19 The Act entitled “An Act for the relief of Doctor Ri-  
20 cardo Vallejo Samala and to provide for congressional re-  
21 districting”, approved December 14, 1967 (2 U.S.C. 2c),  
22 is amended by adding at the end the following: “A State  
23 which has been redistricted in the manner provided by law  
24 after an apportionment under section 22(a) of the Act en-  
25 titled ‘An Act to provide for the fifteenth and subsequent

1 decennial censuses and to provide for an apportionment  
 2 of Representatives in Congress', approved June 18, 1929  
 3 (2 U.S.C. 2a), may not be redistricted again until after  
 4 the next apportionment of Representatives under such sec-  
 5 tion, unless a court requires the State to conduct such  
 6 subsequent redistricting to comply with the Constitution  
 7 or to enforce the Voting Rights Act of 1965 (52 U.S.C.  
 8 10301 et seq.).”.

9 **SEC. 3. REQUIRING REDISTRICTING TO BE CONDUCTED**  
 10 **THROUGH PLAN OF INDEPENDENT STATE**  
 11 **COMMISSION OR PLAN OF HIGHEST STATE**  
 12 **COURT.**

13 (a) USE OF PLAN REQUIRED.—

14 (1) IN GENERAL.—Notwithstanding any other  
 15 provision of law, any Congressional redistricting con-  
 16 ducted by a State shall be conducted in accordance  
 17 with—

18 (A) the redistricting plan developed by the  
 19 independent redistricting commission estab-  
 20 lished in the State, in accordance with section  
 21 4; or

22 (B) if the plan developed by such commis-  
 23 sion is not enacted into law, the redistricting  
 24 plan selected by the highest court in the State

1 or developed by a United States district court,  
2 in accordance with section 5.

3 (2) TREATMENT OF COMMISSIONS ESTAB-  
4 LISHED PURSUANT TO LAWS ENACTED PRIOR TO EN-  
5 ACTMENT.—If Congressional redistricting in a State  
6 is conducted in accordance with a redistricting plan  
7 developed by a commission which was established in  
8 the State pursuant to a law enacted prior to the  
9 date of the enactment of this Act, the redistricting  
10 shall be deemed to meet the requirement of subpara-  
11 graph (A) of paragraph (1).

12 (3) OTHER CRITERIA AND PROCEDURES PER-  
13 MITTED.—Nothing in this Act or the amendments  
14 made by this Act may be construed to prohibit a  
15 State from conducting Congressional redistricting in  
16 accordance with such criteria and procedures as the  
17 State considers appropriate, to the extent that such  
18 criteria and procedures are consistent with the appli-  
19 cable requirements of this Act and the amendments  
20 made by this Act.

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

1 “in the manner provided by the law thereof” and insert-  
2 ing: “in the manner provided by the John Tanner and Jim  
3 Cooper Fairness and Independence in Redistricting Act”.

4 **SEC. 4. INDEPENDENT REDISTRICTING COMMISSION.**

5 (a) ADMINISTRATIVE MATTERS.—

6 (1) APPOINTMENT OF MEMBERS.—Each State  
7 shall establish an independent redistricting commis-  
8 sion composed of—

9 (A) a chair, who shall be appointed by ma-  
10 jority vote of the other members of the commis-  
11 sion; and

12 (B) an equal number of members (but not  
13 fewer than one) from each of the following cat-  
14 egories:

15 (i) Members appointed by a member  
16 of the upper house of the State legislature  
17 who represents the political party with the  
18 greatest number of seats in that house.

19 (ii) Members appointed by a member  
20 of the upper house of the State legislature  
21 who represents the political party with the  
22 second greatest number of seats in that  
23 house.

24 (iii) Members appointed by a member  
25 of the lower house of the State legislature

1           who represents the political party with the  
2           greatest number of seats in that house.

3           (iv) Members appointed by a member  
4           of the lower house of the State legislature  
5           who represents the political party with the  
6           second greatest number of seats in that  
7           house.

8           (2) SPECIAL RULE FOR STATES WITH UNICAM-  
9           ERAL LEGISLATURE.—In the case of a State with a  
10          unicameral legislature, the independent redistricting  
11          commission established under this subsection shall  
12          be composed of—

13                (A) a chair, who shall be appointed by ma-  
14                jority vote of the other members of the commis-  
15                sion; and

16                (B) an equal number of members (but not  
17                fewer than 2) from each of the following cat-  
18                egories:

19                   (i) Members appointed by a member  
20                   of the legislature who shall be selected by  
21                   the chair of the Government Affairs Com-  
22                   mittee of the legislature to represent the  
23                   State political party whose candidate for  
24                   chief executive of the State received the  
25                   greatest number of votes on average in the

1                   3 most recent general elections for that of-  
2                   fice.

3                   (ii) Members appointed by a member  
4                   of the legislature who shall be selected by  
5                   the chair of the Government Affairs Com-  
6                   mittee of the legislature to represent the  
7                   State political party whose candidate for  
8                   chief executive of the State received the  
9                   second greatest number of votes on aver-  
10                  age in the 3 most recent general elections  
11                  for that office.

12                  (3) ELIGIBILITY.—An individual is eligible to  
13                  serve as a member of an independent redistricting  
14                  commission if—

15                  (A) as of the date of appointment, the in-  
16                  dividual is registered to vote in elections for  
17                  Federal office held in the State, and was reg-  
18                  istered to vote in the 2 most recent general  
19                  elections for Federal office held in the State;

20                  (B) the individual did not hold public office  
21                  or run as a candidate for election for public of-  
22                  fice, or serve as an employee of a political party  
23                  or candidate for election for public office, at  
24                  any time during the 4-year period ending on the

1 December 31 preceding the date of appoint-  
2 ment; and

3 (C) the individual certifies that he or she  
4 will not run as a candidate for the office of  
5 Representative in the Congress until after the  
6 next apportionment of Representatives under  
7 section 22(a) of the Act entitled “An Act to  
8 provide for the fifteenth and subsequent decen-  
9 nial censuses and to provide for an apportion-  
10 ment of Representatives in Congress”, approved  
11 June 18, 1929 (2 U.S.C. 2a).

12 (4) VACANCY.—A vacancy in the commission  
13 shall be filled in the manner in which the original  
14 appointment was made.

15 (5) DEADLINE.—Each State shall establish a  
16 commission under this section, and the members of  
17 the commission shall appoint the commission’s chair,  
18 not later than the date on which the chief executive  
19 of a State receives the State apportionment notice.

20 (6) APPOINTMENT OF CHAIR REQUIRED PRIOR  
21 TO DEVELOPMENT OF REDISTRICTING PLAN.—The  
22 commission may not take any action to develop a re-  
23 districting plan for the State under subsection (b)  
24 until the appointment of the commission’s chair in  
25 accordance with paragraph (1)(E).



1           (7) REQUIRING ALL MEETINGS TO BE OPEN TO  
2 PUBLIC.—The commission shall hold each of its  
3 meetings in public.

4           (8) INTERNET SITE.—As soon as practicable  
5 after establishing the commission, the State shall es-  
6 tablish and maintain a public internet site for the  
7 commission which meets the following requirements:

8           (A) The site is updated continuously to  
9 provide advance notice of commission meetings  
10 and to otherwise provide timely information on  
11 the activities of the commission.

12           (B) The site contains the most recent  
13 available information from the Bureau of the  
14 Census on voting-age population, voter registra-  
15 tion, and voting in the State, including pre-  
16 cinct-level and census tract-level data with re-  
17 spect to such information, as well as detailed  
18 maps reflecting such information.

19           (C) The site includes interactive software  
20 to enable any individual to design a redis-  
21 tricting plan for the State on the basis of the  
22 information described in subparagraph (B), in  
23 accordance with the criteria described in sub-  
24 section (b)(1).

1           (D) The site permits any individual to sub-  
2           mit a proposed redistricting plan to the com-  
3           mission, and to submit questions, comments,  
4           and other information with respect to the com-  
5           mission’s activities.

6           (b) DEVELOPMENT OF REDISTRICTING PLAN.—

7           (1) CRITERIA.—The independent redistricting  
8           commission of a State shall develop a redistricting  
9           plan for the State in accordance with the following  
10          criteria:

11           (A) Adherence to the “one person, one  
12           vote” standard and other requirements imposed  
13           under the Constitution of the United States.

14           (B) To the greatest extent mathematically  
15           possible, ensuring that the population of each  
16           Congressional district in the State does not  
17           vary from the population of any other Congres-  
18           sional district in the State (as determined on  
19           the basis of the total count of persons of the  
20           most recent decennial census conducted by the  
21           Bureau of the Census).

22           (C) Consistency with any applicable re-  
23           quirements of the Voting Rights Act of 1965  
24           and other Federal laws.

1 (D) To the greatest extent practicable, the  
2 maintenance of the geographic continuity of the  
3 political subdivisions of the State which are in-  
4 cluded in the same Congressional district, in the  
5 following order of priority:

6 (i) The continuity of counties or par-  
7 ishes.

8 (ii) The continuity of municipalities.

9 (iii) The continuity of neighborhoods  
10 (as determined on the basis of census  
11 tracts or other relevant information).

12 (E) To the greatest extent practicable,  
13 maintaining compact districts (in accordance  
14 with such standards as the commission may es-  
15 tablish).

16 (F) Ensuring that districts are contiguous  
17 (except to the extent necessary to include any  
18 area which is surrounded by a body of water).

19 (2) FACTORS PROHIBITED FROM CONSIDER-  
20 ATION.—In developing the redistricting plan for the  
21 State, the independent redistricting commission may  
22 not take into consideration any of the following fac-  
23 tors, except to the extent necessary to comply with  
24 the Voting Rights Act of 1965:

1 (A) The voting history of the population of  
2 a Congressional district, except that the com-  
3 mission may take such history into consider-  
4 ation to the extent necessary to comply with  
5 any State law which requires the establishment  
6 of competitive Congressional districts.

7 (B) The political party affiliation of the  
8 population of a district.

9 (C) The residence of incumbent Members  
10 of the House of Representatives in the State.

11 (3) SOLICITATION OF PUBLIC INPUT IN DEVEL-  
12 OPMENT OF PLANS.—The commission shall solicit  
13 and take into consideration comments from the pub-  
14 lic in developing the redistricting plan for the State  
15 by holding meetings in representative geographic re-  
16 gions of the State at which members of the public  
17 may provide such input, and by otherwise soliciting  
18 input from the public (including redistricting plans  
19 developed by members of the public) through the  
20 commission internet site and other methods.

21 (4) PUBLIC NOTICE OF PLANS PRIOR TO SUB-  
22 MISSION TO LEGISLATURE.—Not fewer than 7 days  
23 prior to submitting a redistricting plan to the legis-  
24 lature of the State under subsection (c)(1), the com-  
25 mission shall post on the commission internet site

1 and cause to have published in newspapers of gen-  
2 eral circulation throughout the State a notice con-  
3 taining the following information:

4 (A) A detailed version of the plan, includ-  
5 ing a map showing each Congressional district  
6 established under the plan and the voting age  
7 population by race of each such district.

8 (B) A statement providing specific infor-  
9 mation on how the adoption of the plan would  
10 serve the public interest.

11 (C) Any dissenting statements of any  
12 members of the commission who did not ap-  
13 prove of the submission of the plan to the legis-  
14 lature.

15 (c) SUBMISSION OF PLANS TO LEGISLATURE.—

16 (1) IN GENERAL.—At any time prior to the  
17 first November 1 which occurs after the chief execu-  
18 tive of the State receives the State apportionment  
19 notice, the commission may submit redistricting  
20 plans developed by the commission under this sec-  
21 tion to the legislature of the State.

22 (2) CONSIDERATION OF PLAN BY LEGISLA-  
23 TURE.—After receiving any redistricting plan under  
24 paragraph (1), the legislature of a State may—

1 (A) approve the plan as submitted by the  
2 commission without amendment and forward  
3 the plan to the chief executive of the State; or

4 (B) reject the plan.

5 (3) ENACTMENT OF PLAN.—

6 (A) IN GENERAL.—A redistricting plan de-  
7 veloped by the commission shall be considered  
8 to be enacted into law only if the plan is for-  
9 warded to the chief executive of the State pur-  
10 suant to paragraph (2)(A) and—

11 (i) the chief executive approves the  
12 plan as forwarded by the legislature with-  
13 out amendment; or

14 (ii) the chief executive vetoes the plan  
15 and the legislature overrides the veto in ac-  
16 cordance with the applicable law of the  
17 State, except that at no time may the plan  
18 be amended.

19 (B) SPECIAL RULE.—In the case of a  
20 State in which the chief executive is prohibited  
21 under State law from acting on a redistricting  
22 plan, a redistricting plan developed by the com-  
23 mission shall be considered to be enacted into  
24 law if—

1 (i) the plan is submitted to the legisla-  
2 ture of the State; and

3 (ii) the legislature approves the plan  
4 as submitted by the commission without  
5 amendment.

6 (d) REQUIRING MAJORITY APPROVAL FOR AC-  
7 TIONS.—The independent redistricting commission of a  
8 State may not submit a redistricting plan to the State leg-  
9 islature, or take any other action, without the approval  
10 of at least a majority of its members given at a meeting  
11 at which at least a majority of its members are present.

12 (e) TERMINATION.—

13 (1) IN GENERAL.—The independent redis-  
14 tricting commission of a State shall terminate on the  
15 day after the date of the first regularly scheduled  
16 general election for Federal office which occurs after  
17 the chief executive of the State receives the State  
18 apportionment notice.

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

1 **SEC. 5. SELECTION OF PLAN BY COURTS.**

2 (a) STATE COURT.—

3 (1) SUBMISSION AND SELECTION OF PLAN.—If  
4 a redistricting plan developed by the independent re-  
5 districting commission of a State is not enacted into  
6 law under section 4(c)(3) by the first November 1  
7 which occurs after the chief executive of the State  
8 receives the State apportionment notice, the commis-  
9 sion may submit redistricting plans developed by the  
10 commission in accordance with section 4 to the high-  
11 est court of the State, which may select and publish  
12 one of the submitted plans to serve as the redis-  
13 tricting plan for the State.

14 (2) NO MODIFICATION OF PLAN PERMITTED.—  
15 The highest court of a State may not modify any re-  
16 districting plan submitted under this subsection.

17 (b) FEDERAL COURT.—

18 (1) FAILURE OF STATE COURT TO SELECT  
19 PLAN.—

20 (A) NOTICE TO COURT IF PLAN NOT SE-  
21 LECTED BY STATE COURT.—If a State court to  
22 whom redistricting plans have been submitted  
23 under subsection (a) does not select a plan to  
24 serve as the redistricting plan for the State  
25 under such subsection on or before the first De-  
26 cember 1 which occurs after the chief executive



1 of the State receives the State apportionment  
2 notice, the State shall file a notice with the  
3 United States district court for the district in  
4 which the capital of the State is located.

5 (B) DEVELOPMENT AND SELECTION OF  
6 PLAN BY FEDERAL COURT.—Not later than 30  
7 days after receiving a notice from a State under  
8 subparagraph (A), the court shall develop and  
9 publish a final redistricting plan for the State.

10 (2) FAILURE OF STATE TO ESTABLISH COMMIS-  
11 SION.—

12 (A) IN GENERAL.—If a State does not es-  
13 tablish an independent redistricting commission  
14 under section 4 by the first September 1 which  
15 occurs after the chief executive of the State re-  
16 ceives the State apportionment notice—

17 (i) the State may not establish the  
18 commission; and

19 (ii) the United States district court  
20 for the district in which the capital of the  
21 State is located shall develop and publish  
22 a final redistricting plan for the State not  
23 later than the first December 1 which oc-  
24 curs after the chief executive of the State  
25 receives the State apportionment notice.

1 (B) DETERMINATION OF FAILURE TO ES-  
2 TABLISH COMMISSION.—For purposes of sub-  
3 paragraph (A), a State shall be considered to  
4 have failed to establish an independent redistricting  
5 commission by the date referred to in  
6 such subparagraph if a chair of the commission  
7 has not been appointed on or before such date.

8 (3) CRITERIA.—It is the sense of Congress  
9 that, in developing a redistricting plan for a State  
10 under this subsection, the district court should adhere  
11 here to the same terms and conditions that applied  
12 to the development of the plan of the commission  
13 under section 4(b).

14 (c) ACCESS TO INFORMATION AND RECORDS OF  
15 COMMISSION.—A court which is required to select, publish,  
16 or develop a redistricting plan for a State under this  
17 section shall have access to any information, data, software,  
18 or other records and material used by the independent  
19 redistricting commission of the State in carrying  
20 out its duties under this Act.

21 **SEC. 6. SPECIAL RULE FOR REDISTRICTING CONDUCTED**  
22 **UNDER ORDER OF FEDERAL COURT.**

23 If a Federal court requires a State to conduct redistricting  
24 subsequent to an apportionment of Representatives in the State  
25 in order to comply with the Constitution

1 or to enforce the Voting Rights Act of 1965, sections 4  
2 and 5 shall apply with respect to the redistricting, except  
3 that—

4 (1) the deadline for the establishment of the  
5 independent redistricting commission and the ap-  
6 pointment of the commission's chair (as described in  
7 section 4(a)(5)) shall be the expiration of the 30-day  
8 period which begins on the date of the final order of  
9 the Federal court to conduct the redistricting;

10 (2) the deadline for the submission of redis-  
11 tricting plans to the legislature by the commission,  
12 and the date of the termination of the commission  
13 (as described in section 4(c)(1) and section 4(e))  
14 shall be the expiration of the 150-day period which  
15 begins on the date of the final order of the Federal  
16 court to conduct the redistricting;

17 (3) the deadline for the selection and publica-  
18 tion of the plan by the highest court of the State (as  
19 described in section 5(a)) shall be the expiration of  
20 the 180-day period which begins on the date of the  
21 final order of the Federal court to conduct the redis-  
22 tricting; and

23 (4) the deadline for the selection and publica-  
24 tion of the plan by the district court of the United  
25 States (as described in section 5(b)) shall be the ex-

1       piration of the 210-day period which begins on the  
2       date of the final order of the Federal court to con-  
3       duct the redistricting.

4   **SEC. 7. PAYMENTS TO STATES FOR CARRYING OUT REDIS-**  
5                   **TRICTING.**

6       (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-  
7       section (d), not later than 30 days after a State receives  
8       a State apportionment notice, the Election Assistance  
9       Commission shall make a payment to the State in an  
10      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 ESTABLISHMENT OF COMMISSION AS  
25      CONDITION OF PAYMENT.—The Election Assistance Com-

1 mission may not make a payment to a State under this  
2 section until the State certifies to the Commission that  
3 the State has established an independent redistricting  
4 commission, and that a chair of the commission has been  
5 appointed, in accordance with section 4.

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

9 **SEC. 8. STATE APPORTIONMENT NOTICE DEFINED.**

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

18 **SEC. 9. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL**  
19 **OFFICE.**

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

1 **SEC. 10. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 apply with respect to any Congressional redistricting  
4 which occurs after the regular decennial census conducted  
5 during 2030.

○