

111TH CONGRESS
2D SESSION

H. R. 4918

To require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2010

Mr. TANNER (for himself and Mr. CASTLE) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, 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 “Redistricting Transparency Act of 2010”.

1 (b) FINDING.—Congress finds that it has the author-
 2 ity to require States to follow certain procedures in car-
 3 rying out Congressional redistricting after an apportion-
 4 ment of Members of the House of Representatives be-
 5 cause—

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 14th Amendment to the Constitu-
 13 tion gives Congress the power to enact laws to en-
 14 force section 2 of such Amendment, which requires
 15 Representatives to be apportioned among the several
 16 States according to their number.

17 **SEC. 2. REQUIRING REDISTRICTING TO BE CONDUCTED**
 18 **UNDER PROCEDURES PROVIDING OPPOR-**
 19 **TUNITY FOR PUBLIC PARTICIPATION.**

20 (a) REQUIREMENT.—

21 (1) IN GENERAL.—Notwithstanding any other
 22 provision of law, any Congressional redistricting con-
 23 ducted by a State shall be conducted in accordance
 24 with a process under which the entity responsible for
 25 developing Congressional redistricting plans in the

1 State (hereafter in this Act referred to as the “State
2 redistricting entity”)—

3 (A) in accordance with section 3, estab-
4 lishes and operates an Internet site;

5 (B) in accordance with section 4, provides
6 opportunities for participation by members of
7 the public in the initial development of such
8 plans;

9 (C) in accordance with section 5, provides
10 opportunities for members of the public to re-
11 spond to the proposed final Congressional redis-
12 tricting plan; and

13 (D) in accordance with section 6, notifies
14 members of the public regarding the final Con-
15 gressional redistricting plan adopted for the
16 State.

17 (2) OTHER PROCEDURES PERMITTED.—Noth-
18 ing in this Act or the amendments made by this Act
19 may be construed to prohibit a State from con-
20 ducting Congressional redistricting in accordance
21 with such procedures as the State considers appro-
22 priate, to the extent that such procedures are con-
23 sistent with the applicable requirements of this Act
24 and the amendments made by this Act.

1 (3) NO EFFECT ON REDISTRICTING FOR STATE
2 OR LOCAL ELECTIONS.—Nothing in this Act or the
3 amendments made by this Act may be construed to
4 affect any procedures a State or a unit of local gov-
5 ernment in a State may use to conduct redistricting
6 with respect to elections for State or local offices.

7 (b) CONFORMING AMENDMENT.—Section 22(c) of
8 the Act entitled “An Act to provide for the fifteenth and
9 subsequent decennial censuses and to provide for an ap-
10 portionment of Representatives in Congress”, approved
11 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
12 “in the manner provided by the law thereof” and insert-
13 ing: “in a manner consistent with the requirements of the
14 Redistricting Transparency Act of 2010”.

15 **SEC. 3. PUBLIC INTERNET SITE FOR STATE REDISTRICTING**
16 **ENTITY.**

17 (a) ESTABLISHMENT AND OPERATION OF SITE.—
18 Each State redistricting entity shall establish and main-
19 tain a public Internet site which meets the following re-
20 quirements:

21 (1) The site is updated continuously to provide
22 advance notice of meetings held by the entity and to
23 otherwise provide timely information on the entity’s
24 activities.

1 (2) The site contains the most recent available
2 information from the Bureau of the Census on vot-
3 ing-age population, voter registration, and voting re-
4 sults in the State, including precinct-level and cen-
5 sus tract-level data with respect to such information,
6 as well as detailed maps reflecting such information.

7 (3) The site permits any individual to submit
8 comments on any plan proposed by the entity, and
9 to submit questions, comments, and other informa-
10 tion with respect to the entity's activities.

11 (4) The site includes any other information the
12 entity is required to post under this Act.

13 (b) DEADLINE FOR POSTING OF COMMENTS SUB-
14 MITTED BY PUBLIC.—The State redistricting entity shall
15 ensure that any comment submitted by a member of the
16 public to the site established under this section, including
17 a comment on any plan proposed by the entity or any
18 other person, and any other comment relating to Congres-
19 sional redistricting in the State, is posted on the site not
20 later than 72 hours after submission.

21 (c) UPDATING OF INFORMATION.—The State redis-
22 tricting entity shall take all actions necessary to ensure
23 that the site established under this section is updated con-
24 tinuously to provide timely advance notice of the entity's

1 meetings and to otherwise provide timely information on
 2 the entity's activities.

3 (d) DEADLINE.—The State redistricting entity shall
 4 establish the site under this section as soon as practicable
 5 after the completion of the regular decennial census, but
 6 in no case later than the final deadline provided under
 7 section 22(b) of the Act entitled “An Act to provide for
 8 the fifteenth and subsequent decennial censuses and to
 9 provide for an apportionment of Representatives in Con-
 10 gress”, approved June 18, 1929 (2 U.S.C. 2a), for the
 11 Clerk of the House of Representatives to transmit to the
 12 State the notice of the number of Representatives to which
 13 the State is entitled in the following Congress.

14 **SEC. 4. OPPORTUNITIES FOR PARTICIPATION IN INITIAL**
 15 **DEVELOPMENT OF CONGRESSIONAL REDIS-**
 16 **TRICTING PLANS.**

17 During the 60-day period which begins on the date
 18 the State receives the notice referred to in section 3(d),
 19 the State redistricting entity shall solicit the input of
 20 members of the public in its work to develop initial Con-
 21 gressional redistricting plans for the State by carrying out
 22 the following activities:

23 (1) Publishing and posting on the Internet site
 24 established under section 3 the criteria which the en-

1 tity will use to develop the Congressional redis-
2 tricting plan for the State.

3 (2) Holding at least one hearing in the State at
4 which members of the public may provide comments
5 on such criteria and any other issues relating to
6 Congressional redistricting in the State.

7 (3) Publishing and posting the transcript of
8 each such hearing, or posting a link to a video re-
9 cording of each such hearing, on the Internet site
10 not later than 7 days after the conclusion of the
11 hearing.

12 **SEC. 5. OPPORTUNITIES TO RESPOND TO PROPOSED FINAL**
13 **CONGRESSIONAL REDISTRICTING PLAN**
14 **ADOPTED BY REDISTRICTING ENTITY.**

15 (a) NOTICE OF FINAL PLAN.—Not later than 10
16 days prior to adopting a final Congressional redistricting
17 plan for the State, the State redistricting entity shall post
18 on the Internet site established under section 3 (and, if
19 practicable, cause to have published in newspapers of gen-
20 eral circulation throughout the State) the following infor-
21 mation:

22 (1) A detailed version of the proposed final
23 plan, including—

24 (A) a map showing each Congressional dis-
25 trict established under the plan;

1 (B) a statement of the voting age popu-
2 lation by race and membership in a language
3 minority group of each such district; and

4 (C) a statement of the number of reg-
5 istered voters in each such district, broken
6 down by political party affiliation to the extent
7 that such information is available under State
8 law.

9 (2) A statement explaining the entity's reasons
10 for adopting the proposed final plan and the reasons
11 why the adoption of the plan will best serve the pub-
12 lic interest.

13 (3) Any dissenting statement of any member of
14 the entity who did not approve the proposed final
15 plan.

16 (4) A statement that members of the public
17 may submit comments regarding the proposed final
18 plan through the Internet site, together with infor-
19 mation on how members of the public may submit
20 such comments to the entity through other methods.

21 (b) PUBLIC HEARING PRIOR TO ADOPTION OF FINAL
22 PLAN.—Not later than 7 days prior to adopting the final
23 Congressional redistricting plan for the State, the State
24 redistricting entity shall hold at least one hearing in the
25 State at which members of the public may provide com-

1 ments on the plan and members of the entity may explain
2 the reasons why the adoption of the plan will best serve
3 the public interest. The entity shall publish and post the
4 transcript of each such hearing, or post a link to a video
5 recording of each such hearing, on the Internet site estab-
6 lished under section 3.

7 (c) TREATMENT OF AMENDED AND NEW PLANS.—
8 If, in response to public comment or for any other reason,
9 the State redistricting entity posts an amended version of
10 the proposed final Congressional redistricting plan which
11 is posted on the Internet site under subsection (a) or posts
12 a new proposed final Congressional redistricting plan, sub-
13 sections (a) and (b) shall apply with respect to the amend-
14 ed version of the plan or the new plan in the same manner
15 as such subsections apply with respect to the proposed
16 final plan which is first posted under subsection (a), ex-
17 cept to the extent that the application of such subsections
18 would require the entity to violate a deadline established
19 by State law for the submission of a final Congressional
20 redistricting plan to the State legislature.

21 **SEC. 6. NOTICE OF FINAL ADOPTED CONGRESSIONAL RE-**
22 **DISTRICTING PLAN.**

23 Not later than 7 days after the State redistricting
24 entity adopts the final Congressional redistricting plan for
25 the State, the entity shall post on the Internet site estab-

1 lished under section 3 (and, if practicable, cause to have
2 published in newspapers of general circulation throughout
3 the State) the following information:

4 (1) A detailed version of the plan, including—

5 (A) a map showing each Congressional dis-
6 trict established under the plan;

7 (B) a statement for each such district of
8 the total population and voting age population
9 by race and membership in a language minority
10 group; and

11 (C) a statement of the number of reg-
12 istered voters in each such district, broken
13 down by political party affiliation to the extent
14 that such information is available under State
15 law.

16 (2) To the extent that the State maintains data
17 on the number of registered voters by race and
18 membership in a language minority group, a state-
19 ment for each such district of the number of reg-
20 istered voters by race and membership in a language
21 minority group.

22 (3) A statement explaining the entity's reasons
23 for adopting the plan and the reasons why the adop-
24 tion of the plan will best serve the public interest.

1 (4) Any dissenting statements of any members
2 of the entity who did not approve the plan.

3 **SEC. 7. EFFECTIVE DATE.**

4 This Act and the amendments made by this Act shall
5 apply with respect to any Congressional redistricting
6 which occurs after the regular decennial census conducted
7 during 2010.

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