

111TH CONGRESS
2D SESSION

H. R. 5596

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2010

Ms. ZOE LOFGREN of California (for herself, Ms. ESHOO, Mrs. CAPPS, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Mr. COSTA, Mr. HONDA, Mr. STARK, Ms. LEE of California, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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 “Redistricting Reform Act of 2010”.

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 (42 U.S.C.
 8 1973 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 5; 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 6.

3 (2) OTHER CRITERIA AND PROCEDURES PER-
4 MITTED.—Nothing in this Act or the amendments
5 made by this Act may be construed to prohibit a
6 State from conducting Congressional redistricting in
7 accordance with such criteria and procedures as the
8 State considers appropriate, to the extent that such
9 criteria and procedures are consistent with the appli-
10 cable requirements of this Act and the amendments
11 made by this Act.

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

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

21 (a) APPOINTMENT OF MEMBERS.—

22 (1) IN GENERAL.—Each State shall establish
23 an independent redistricting commission composed
24 of the following members, each of whom is among

1 the pool of nominees presented to the legislature by
2 the Governor of the State under subsection (b)(1):

3 (A) A number of members who are affili-
4 ated with the political party with the largest
5 percentage of the registered voters in the State
6 who are affiliated with a political party and a
7 number of members who are affiliated with the
8 political party with the second largest percent-
9 age of the registered voters in the State who
10 are affiliated with a political party (as deter-
11 mined with respect to the most recent State-
12 wide election for Federal office held in the
13 State for which such information is available),
14 such that the percentage of the members of the
15 commission who are affiliated with each such
16 party is (to the greatest extent practicable)
17 equal to the percentage of registered voters in
18 the State who are affiliated with such party, ap-
19 pointed with the approval of at least 2 of the
20 following:

21 (i) The leader of the party with the
22 greatest number of seats in the upper
23 house of the State legislature.

1 (ii) The leader of the party with the
2 second greatest number of seats in the
3 upper house of the State legislature.

4 (iii) The leader of the party with the
5 greatest number of seats in the lower
6 house of the State legislature.

7 (iv) The leader of the party with the
8 second greatest number of seats in the
9 lower house of the State legislature.

10 (B) A number of members who are not af-
11 filiated with any of the political parties referred
12 to in subparagraph (A), who shall be appointed
13 by not fewer than $\frac{2}{3}$ of the members appointed
14 under subparagraph (A), such that the percent-
15 age of the members of the commission who are
16 appointed under this subparagraph is (to the
17 greatest extent practicable) equal to the per-
18 centage of registered voters in the State who
19 are not affiliated with any of the political par-
20 ties referred to in subparagraph (A) (with re-
21 spect to the most recent statewide election for
22 Federal office held in the State for which such
23 information is available).

24 (2) SPECIAL RULE FOR STATES WITH UNICAM-
25 ERAL LEGISLATURE.—In the case of a State with a

1 unicameral legislature, the independent redistricting
2 commission established under this subsection shall
3 be composed of the following members, each of
4 whom is among the pool of nominees presented to
5 the legislature by the Governor of the State under
6 subsection (b)(1):

7 (A) A number of members who are affili-
8 ated with the political party with the largest
9 percentage of the registered voters in the State
10 who are affiliated with a political party and a
11 number of members who are affiliated with the
12 political party with the second largest percent-
13 age of the registered voters in the State who
14 are affiliated with a political party (as deter-
15 mined with respect to the most recent State-
16 wide election for Federal office held in the
17 State for which such information is available),
18 such that the percentage of the members of the
19 commission who are affiliated with each such
20 party is (to the greatest extent practicable)
21 equal to the percentage of registered voters in
22 the State who are affiliated with such party, ap-
23 pointed with the approval of at least one of the
24 following:

1 (i) The leader of the party with the
2 greatest number of seats in the legislature.

3 (ii) The leader of the party with the
4 second greatest number of seats in the leg-
5 islature.

6 (B) A number of members who are not af-
7 filiated with any of the political parties referred
8 to in subparagraph (A), who shall be appointed
9 by not fewer than $\frac{2}{3}$ of the members appointed
10 under subparagraph (A), such that the percent-
11 age of the members of the commission who are
12 appointed under this subparagraph is (to the
13 greatest extent practicable) equal to the per-
14 centage of registered voters in the State who
15 are not affiliated with any of the political par-
16 ties referred to in subparagraph (A) (with re-
17 spect to the most recent statewide election for
18 Federal office held in the State for which such
19 information is available).

20 (3) NUMBER OF MEMBERS.—A State's inde-
21 pendent redistricting commission established under
22 this subsection shall have such number of members
23 as the Governor of the State determines, except that
24 the commission may not have more than 19 mem-
25 bers.

1 (4) CHAIR.—Members of an independent redis-
 2 tricting commission established under this subsection
 3 shall select by majority vote one member to serve as
 4 chair of the commission.

5 (5) REPRESENTATION OF VARIOUS DEMO-
 6 GRAPHIC GROUPS.—The membership of a State’s
 7 independent redistricting commission established
 8 under this subsection shall reflect various demo-
 9 graphic groups of the State, including various ages,
 10 races, ethnicities, genders, and individuals from var-
 11 ious geographic regions of the State. Nothing in this
 12 paragraph shall be construed to establish a specific
 13 quota for the number of members of a commission
 14 who are affiliated with any demographic group.

15 (6) DETERMINATION OF POLITICAL PARTY AF-
 16 FILATION.—For purposes of this subsection, an in-
 17 dividual shall be considered to be affiliated with a
 18 political party if the individual is registered with the
 19 party with respect to each of the 3 most recent elec-
 20 tions for Federal office occurring prior to the indi-
 21 vidual’s appointment.

22 (b) ELIGIBILITY.—

23 (1) POOL OF NOMINEES.—

24 (A) DEVELOPMENT OF POOL BY GOV-
 25 ERNOR.—The Governor of each State shall de-

1 velop a pool of nominees for membership on the
2 State’s independent redistricting commission
3 and present that pool to the legislature of the
4 State.

5 (B) INDIVIDUALS WITHIN POOL.—The
6 Governor shall include an individual within the
7 pool of nominees under this paragraph if—

8 (i) the individual submits an applica-
9 tion to the Governor for inclusion in the
10 pool, at such time as the Governor may re-
11 quire; and

12 (ii) the individual meets the criteria
13 for eligibility under paragraph (2) for serv-
14 ice as a member of the independent redis-
15 tricting commission.

16 (C) PUBLICATION OF NAMES OF APPLI-
17 CANTS AND REASONS FOR REJECTION OF IN-
18 CLUSION.—The Governor shall make public—

19 (i) the name of each individual who
20 applies to be included in the pool under
21 this paragraph;

22 (ii) the name of each individual who is
23 included in the pool presented to the legis-
24 lature; and

1 (iii) in the case of any individual who
2 applies to be included in the pool but is not
3 included in the pool presented to the legis-
4 lature, the reasons for the failure of the
5 Governor to include the individual in the
6 pool.

7 (D) RIGHT TO REVIEW DECISION NOT TO
8 INCLUDE.—An individual who submits an appli-
9 cation for inclusion in the pool under this para-
10 graph and who is not included in the pool pre-
11 sented to the legislature may file an action in
12 the United States district court for the district
13 in which the capital of the State is located for
14 such declaratory and injunctive relief as may be
15 appropriate.

16 (2) IN GENERAL.—An individual is eligible to
17 serve as a member of an independent redistricting
18 commission if—

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

24 (B) the individual did not hold public office
25 or run as a candidate for election for public of-

1 fice, serve as an employee of a political party or
2 candidate for election for public office or elected
3 public official, or hold a position as a registered
4 lobbyist under the Lobbying Disclosure Act of
5 1995 (2 U.S.C. 1601 et seq.) or an equivalent
6 State or local law, at any time during the 10-
7 year period ending on the December 31 pre-
8 ceding the date of appointment;

9 (C) the individual is not an immediate
10 family member of a candidate for election for
11 public office or an elected public official; and

12 (D) the individual certifies that he or she
13 will not run as a candidate for the office of
14 Representative in the Congress until after the
15 next apportionment of Representatives under
16 section 22(a) of the Act entitled “An Act to
17 provide for the fifteenth and subsequent decen-
18 nial censuses and to provide for an apporportion-
19 ment of Representatives in Congress”, approved
20 June 18, 1929 (2 U.S.C. 2a).

21 (3) DISCRIMINATION.—The membership of the
22 Commission shall not be selected in a manner which
23 results in a denial or abridgement of the right of any
24 citizen of the United States to vote on account of
25 race or color. A violation of this paragraph is estab-

1 lished if, based on the totality of circumstances, it
2 is shown that the membership of the Commission is
3 not equally open to participation by members of a
4 class of citizens protected by this paragraph in that
5 its members have less opportunity than other mem-
6 bers of the electorate to participate in the political
7 process and to elect representatives of their choice.

8 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
9 paragraph (2)(C), the term “immediate family mem-
10 ber” means, with respect to an individual, a father,
11 mother, son, daughter, brother, sister, husband,
12 wife, father-in-law, or mother-in-law.

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

16 (d) DEADLINE.—

17 (1) IN GENERAL.—Each State shall establish a
18 commission under this section, and the members of
19 the commission shall appoint the commission’s chair,
20 not later than the first February 1 which occurs
21 after the chief executive of a State receives the State
22 apportionment notice.

23 (2) APPOINTMENT OF CHAIR REQUIRED PRIOR
24 TO DEVELOPMENT OF REDISTRICTING PLAN.—The
25 commission may not take any action to develop a re-

1 districting plan for the State under section 5 until
2 the appointment of the commission's chair.

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

9 (f) TERMINATION.—

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

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

1 **SEC. 5. DEVELOPMENT OF REDISTRICTING PLAN BY INDE-**
2 **PENDENT COMMISSION; PUBLIC NOTICE AND**
3 **INPUT.**

4 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

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

9 (A) Districts shall comply with the Con-
10 stitution of the United States and the Voting
11 Rights Act of 1965 (42 U.S.C. 1973 et seq.).
12 The plan shall neither disperse nor concentrate
13 minority populations protected under the Vot-
14 ing Rights Act in a manner that has an adverse
15 effect on their ability to elect their candidate of
16 choice.

17 (B) District boundaries shall keep commu-
18 nities of interest to the extent practicable. Com-
19 munities of interest may be based on, but are
20 not limited to, trade areas, natural resources,
21 population density, shared infrastructure, local-
22 ities with a history of joint governmental co-
23 operation, and other interests articulated by
24 residents in governmental forums.

25 (C) Districts shall each have equal popu-
26 lation per representative, to the extent prac-

1 ticable, and in accordance with Federal con-
2 stitutional standards.

3 (D) Districts shall be geographically con-
4 tiguous.

5 (E) To the extent practicable, district lines
6 shall use visible geographic features and shall
7 remain within geographic boundaries.

8 (F) To the extent practicable and con-
9 sistent with subparagraphs (A), (B), (C), (D),
10 and (E), district lines shall use city and county
11 boundaries, or undivided census tracts or block
12 groups.

13 (G) To the extent practicable, districts
14 shall be geographically compact.

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

21 (A) The voting history of the population of
22 a Congressional district, except that the com-
23 mission may take such history into consider-
24 ation to the extent necessary to comply with

1 any State law which requires the establishment
2 of competitive Congressional districts.

3 (B) The political party affiliation of the
4 population of a district.

5 (C) The residence of incumbent Members
6 of the House of Representatives in the State.

7 (3) PUBLIC NOTICE AND INPUT.—

8 (A) PUBLIC HEARINGS; SOLICITATION OF
9 INPUT FROM PUBLIC.—The commission shall
10 hold each of its meetings in public, and shall so-
11 licit and take into consideration comments from
12 the public in developing the redistricting plan
13 for the State. The commission shall notify the
14 public through the publication of notice in
15 newspapers of general circulation throughout
16 the State, and through a public Internet site of
17 the State government, of the time and place of
18 its meetings, of its solicitation of public com-
19 ments, and of the means by which the public
20 should submit comments to the commission.

21 (B) NOTICE OF PLANS.—At the time the
22 commission submits a redistricting plan to the
23 legislature of the State under subsection (b)(1),
24 the commission shall notify the public through
25 the publication of notice in newspapers of gen-

1 eral circulation throughout the State, and shall
2 publish a detailed version of the plan (including
3 a map showing each Congressional district es-
4 tablished under the plan and the voting age
5 population by race of each such district) on a
6 public Internet site of the State government.
7 The commission shall provide such public notice
8 of any redistricting plan it develops for a min-
9 imum of four weeks prior to submission of that
10 plan to the legislature as provided for in sub-
11 section (b).

12 (b) SUBMISSION OF PLANS TO LEGISLATURE.—

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

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

22 (A) approve the plan as submitted by the
23 commission without amendment and forward
24 the plan to the chief executive of the State; or

25 (B) reject the plan.

1 (3) ENACTMENT OF PLAN.—

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

7 (i) the chief executive approves the
8 plan as forwarded by the legislature with-
9 out amendment; or

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

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

21 (i) the plan is submitted to the legisla-
22 ture of the State; and

23 (ii) the legislature approves the plan
24 as submitted by the commission without
25 amendment.

1 **SEC. 6. 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 5(b)(3) by the first December 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 5 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 31 which occurs after the chief execu-

1 tive of the State receives the State apportion-
2 ment notice, the State shall file a notice with
3 the United States district court for the district
4 in 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 5(a).

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. 7. 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 5
2 and 6 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(d)(1)) 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(f)) shall be the expiration
14 of the 150-day period which begins on the date of
15 the final order of the Federal court to conduct the
16 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 6(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 6(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. 8. 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. 9. 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. 10. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF AC-**
19 **TION.**

20 (a) ATTORNEY GENERAL.—The Attorney General
21 may bring a civil action in an appropriate district court
22 for such declaratory or injunctive relief as is necessary to
23 carry out this Act.

24 (b) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—

1 (1) ACTION CHALLENGING CONTENTS OF STATE
2 REDISTRICTING PLAN.—A person who is aggrieved
3 by a violation of this Act which consists of the fail-
4 ure of a State redistricting plan enacted into law
5 under section 5(b)(3) to be in compliance with para-
6 graph (1) or paragraph (2) of section 5(a) may
7 bring a civil action in an appropriate district court
8 for declaratory or injunctive relief.

9 (2) OTHER ACTIONS.—A person who is ag-
10 grieved by a violation of this Act which is not de-
11 scribed in paragraph (1) may bring a civil action in
12 an appropriate district court for declaratory or in-
13 junctive relief with respect to the violation if—

14 (A) the person provides written notice of
15 the violation to the chair of the independent re-
16 districting commission of the State involved;

17 (B) the violation is not corrected during
18 the 90-day period which begins on the date of
19 the receipt of the written notice; and

20 (C) the person brings the action not later
21 than 30 days after the expiration of the 90-day
22 period referred to in clause (ii).

23 (3) STATUTE OF LIMITATIONS.—No civil action
24 may be brought under this subsection with respect
25 to a State after the expiration of the 30-day period

1 which begins on the date the State redistricting plan
2 is enacted into law under section 5(b)(3).

3 (c) EXPEDITED JUDICIAL REVIEW.—In any action
4 brought for declaratory or injunctive relief under this sec-
5 tion, the following rules shall apply:

6 (1) The action shall be filed in the appropriate
7 United States district court and shall be heard by a
8 3-judge court convened pursuant to section 2284 of
9 title 28, United States Code.

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

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

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

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

1 (d) LOCATION OF COURT.—For purposes of an action
2 under this section, the appropriate district court shall be
3 the district court of the United States for the district
4 which includes the capital of the State involved.

5 (e) ATTORNEY’S FEES.—In a civil action under this
6 section, the court may allow the prevailing party (other
7 than the United States) reasonable attorney fees, includ-
8 ing litigation expenses, and costs.

9 (f) RELATION TO OTHER LAWS.—(1) The rights and
10 remedies established by this section are in addition to all
11 other rights and remedies provided by law, and neither
12 the rights and remedies established by this section nor any
13 other provision of this Act shall supersede, restrict, or
14 limit the application of the Voting Rights Act of 1965 (42
15 U.S.C. 1973 et seq.).

16 (2) Nothing in this Act authorizes or requires con-
17 duct that is prohibited by the Voting Rights Act of 1965
18 (42 U.S.C. 1973 et seq.).

19 **SEC. 11. EFFECTIVE DATE.**

20 This Act and the amendments made by this Act shall
21 become effective upon the date of enactment.

