

113TH CONGRESS
1ST SESSION

H. R. 2978

To require States to conduct Congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

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

A BILL

To require States to conduct Congressional redistricting
through independent commissions, and for other purposes.

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

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

4 **AUTHORITY.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Let the People Draw the Lines Act of 2013”.

7 (b) FINDING.—Congress finds that it has the author-
8 ity to establish the terms and conditions States must fol-
9 low in carrying out Congressional redistricting after an

1 apportionment of Members of the House of Representa-
2 tives because—

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

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

14 **SEC. 2. LIMIT ON CONGRESSIONAL REDISTRICTING AFTER**
15 **AN APPORTIONMENT.**

16 The Act entitled “An Act for the relief of Doctor Ri-
17 cardo Vallejo Samala and to provide for congressional re-
18 districting”, approved December 14, 1967 (2 U.S.C. 2c),
19 is amended by adding at the end the following: “A State
20 which has been redistricted in the manner provided by law
21 after an apportionment under section 22(a) of the Act en-
22 titled ‘An Act to provide for the fifteenth and subsequent
23 decennial censuses and to provide for an apportionment
24 of Representatives in Congress’, approved June 18, 1929
25 (2 U.S.C. 2a), may not be redistricted again until after

1 the next apportionment of Representatives under such sec-
2 tion, unless a court requires the State to conduct such
3 subsequent redistricting to comply with the Constitution
4 or to enforce the Voting Rights Act of 1965 (42 U.S.C.
5 1973 et seq.).”.

6 **SEC. 3. REQUIRING CONGRESSIONAL REDISTRICTING TO**
7 **BE CONDUCTED THROUGH PLAN OF INDE-**
8 **PENDENT STATE COMMISSION.**

9 (a) USE OF PLAN REQUIRED.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, any Congressional redistricting con-
12 ducted by a State shall be conducted in accordance
13 with—

14 (A) the redistricting plan developed and
15 enacted into law by the independent redis-
16 tricting commission established in the State, in
17 accordance with section 5; or

18 (B) if a plan developed by such commission
19 is not enacted into law, the redistricting plan
20 selected by the highest court in the State or de-
21 veloped by a United States district court, in ac-
22 cordance with section 6.

23 (2) EXCEPTION FOR STATES USING EXISTING
24 NONPARTISAN INDEPENDENT COMMISSIONS.—

1 (A) EXCEPTION.—Paragraph (1) does not
2 apply to a State in which, under law that is in
3 effect continuously on and after the date of the
4 enactment of this Act, Congressional redistricting is conducted in accordance with a plan
5 developed by a nonpartisan independent commission.
6 mission.

7 (B) NONPARTISAN INDEPENDENT STATUS.—For purposes of this paragraph, a commission shall be considered to be a nonpartisan
8 independent commission if the number of its
9 members who are affiliated with the political
10 party with the largest percentage of the registered voters in the State who are affiliated
11 with a political party (as determined with respect to the most recent Statewide election for
12 Federal office held in the State for which such
13 information is available) is equal to the number
14 of its members who are affiliated with the political party with the second largest percentage of
15 the registered voters in the State who are affiliated with a political party (as so determined).
16 ated with a political party (as so determined).

17 (b) CONFORMING AMENDMENT.—Section 22(c) of
18 the Act entitled “An Act to provide for the fifteenth and
19 subsequent decennial censuses and to provide for an ap-

1 portionment of Representatives in Congress”, approved
2 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
3 “in the manner provided by the law thereof” and insert-
4 ing: “in the manner provided by the Let the People Draw
5 the Lines Act of 2013”.

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

7 (a) APPOINTMENT OF MEMBERS.—

8 (1) IN GENERAL.—Each State shall establish
9 an independent redistricting commission composed
10 of 14 members appointed as follows:

11 (A) 5 members from the final majority se-
12 lection pool (as described in subparagraph (A)
13 of subsection (b)(4)), of whom—

14 (i) 2 shall be appointed by the leader
15 of the party in the upper house of the
16 State legislature whose members are affili-
17 ated with the same political party as the
18 individuals in such pool;

19 (ii) 2 shall be appointed by the leader
20 of the party in the lower house of the State
21 legislature whose members are affiliated
22 with the same political party as the indi-
23 viduals in such pool; and

1 (iii) 1 shall be appointed on a random
2 basis by the selection panel described in
3 subsection (b)(1).

4 (B) 5 members from the final minority se-
5 lection pool (as described in subparagraph (B)
6 of subsection (b)(4)), of whom—

7 (i) 2 shall be appointed by the leader
8 of the party in the upper house of the
9 State legislature whose members are affili-
10 ated with the same political party as the
11 individuals in such pool;

12 (ii) 2 shall be appointed by the leader
13 of the party in the lower house of the State
14 legislature whose members are affiliated
15 with the same political party as the indi-
16 viduals in such pool; and

17 (iii) 1 shall be appointed on a random
18 basis by the selection panel described in
19 subsection (b)(1).

20 (C) 4 members from the final independent
21 selection pool (as described in subparagraph (C)
22 of subsection (b)(4)), each of whom shall be ap-
23 pointed on a random basis by the selection
24 panel described in subsection (b)(1).

(2) SPECIAL RULE FOR STATES WITH UNICAMERAL LEGISLATURE.—In the case of a State with a unicameral legislature—

(A) the appointments referred to in clauses (i) and (ii) of paragraph (1)(A) shall be made by the leader of the party in the legislature whose members are affiliated with the same political party as the individuals in the final majority selection pool; and

(B) the appointments referred to in clauses (i) and (ii) of paragraph (1)(B) shall be made by the leader of the party in the legislature whose members are affiliated with the same political party as the individuals in the final minority selection pool.

(b) ESTABLISHMENT OF SELECTION POOLS.—

(1) INITIAL POOL OF NOMINEES.—

(A) DEVELOPMENT OF POOL BY PANEL OF RETIRED JUDGES.—Not later than January 1 of each year in which a decennial census is conducted, the highest court of each State shall appoint a panel of retired judges of courts of the State (hereafter referred to as the “selection panel”) to develop an initial pool of individuals who are eligible to serve as members of the

1 independent redistricting commission of the
2 State under this Act.

3 (B) ENCOURAGING RESIDENTS TO APPLY
4 FOR INCLUSION IN POOL.—The selection panel
5 shall take such steps as may be necessary to en-
6 sure that residents of the State across various
7 geographic regions and demographic groups are
8 aware of the opportunity to serve on the com-
9 mission, including publicizing the role of the
10 panel and using newspapers, broadcast media,
11 and online sources to encourage individuals to
12 apply for inclusion in the initial pool developed
13 under this paragraph.

14 (C) INDIVIDUALS WITHIN POOL.—The se-
15 lection panel shall include an individual within
16 the initial pool of eligible individuals under this
17 paragraph if—

18 (i) the individual submits an applica-
19 tion to the panel for inclusion in the pool,
20 at such time as the panel may require; and

21 (ii) the individual meets the criteria
22 for eligibility under subsection (c) for serv-
23 ice as a member of the independent redis-
24 tricting commission.

1 (D) PUBLICATION OF NAMES OF APPLI-
2 CANTS AND REASONS FOR REJECTION OF IN-
3 CLUSION.—Not later than the first August 10
4 occurring after its appointment, the selection
5 panel shall make public—

6 (i) the name of each individual who
7 applies to be included in the initial pool
8 under this paragraph; and

9 (ii) in the case of any individual who
10 applies to be included in the pool but is not
11 so included, the reasons for the failure of
12 the panel to include the individual in the
13 pool.

14 (2) INTERMEDIATE SELECTION POOL.—

15 (A) SELECTIONS FROM INITIAL POOL.—
16 Not later than the first October 1 occurring
17 after its appointment, the selection panel shall
18 establish and present to the legislature of the
19 State an intermediate selection pool of 60 indi-
20 viduals who are eligible to serve as members of
21 the independent redistricting commission of the
22 State under this Act, consisting of individuals
23 in the following categories:

24 (i) A majority category, consisting of
25 20 individuals who are affiliated with the

1 political party with the largest percentage
2 of the registered voters in the State who
3 are affiliated with a political party (as de-
4 termined with respect to the most recent
5 Statewide election for Federal office held
6 in the State for which such information is
7 available).

8 (ii) A minority category, consisting of
9 20 individuals who are affiliated with the
10 political party with the second largest per-
11 centage of the registered voters in the
12 State who are affiliated with a political
13 party (as so determined).

14 (iii) An independent category, con-
15 sisting of 20 individuals who are not affili-
16 ated with either of the political parties de-
17 scribed in clause (i) or clause (ii).

18 (B) FACTORS TAKEN INTO ACCOUNT IN
19 ESTABLISHING POOL.—In selecting individuals
20 for the intermediate selection pool under this
21 paragraph, the selection panel shall take into
22 consideration the analytical skills of the individ-
23 uals selected, their ability to work on an impar-
24 tial basis, and the need for the pool to reflect

1 the representative demographic groups and geo-
2 graphic regions of the State.

3 (C) DETERMINATION OF POLITICAL PARTY
4 AFFILIATION.—For purposes of this section, an
5 individual shall be considered to be affiliated
6 with a political party if the individual has been
7 continuously registered to vote with the party
8 during the 3-year period ending on the date of
9 the individual's appointment.

10 (3) REMOVAL OF INDIVIDUALS FROM INTER-
11 MEDIATE SELECTION POOL BY LEADERS OF LEGIS-
12 LATURE.—

13 (A) REMOVAL.—Not later than the first
14 November 15 occurring after the appointment
15 of the selection panel, each of the following in-
16 dividuals may reduce the number of individuals
17 in the intermediate selection pool under para-
18 graph (2)(A) by removing not more than 2 indi-
19 viduals from each of the 3 categories described
20 in such paragraph:

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 greatest number of seats in the lower
3 house of the State legislature.

4 (iii) The leader of the party with the
5 second greatest number of seats in the
6 upper 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) SPECIAL RULE FOR STATES WITH UNI-
11 CAMERAL LEGISLATURE.—In the case of a
12 State with a unicameral legislature—

13 (i) the leader of the party with the
14 greatest number of seats in the legislature
15 may exercise the removal authority de-
16 scribed in clauses (i) and (ii) of subpara-
17 graph (A); and

18 (ii) the leader of the party with the
19 second greatest number of seats in the leg-
20 islature may exercise the removal authority
21 described in clauses (iii) and (iv) of sub-
22 paragraph (A).

23 (4) FINAL SELECTION POOLS.—Not later than
24 the first November 20 occurring after the appoint-
25 ment of the selection panel, the selection panel shall

1 establish the following final selection pools of indi-
2 viduals who may be appointed to serve on the inde-
3 pendent redistricting commission under subsection
4 (a):

5 (A) A final majority selection pool, con-
6 sisting of 10 individuals selected at random
7 from the majority category under clause (i) of
8 paragraph (2)(A), as reduced under paragraph
9 (3).

10 (B) A final minority selection pool, con-
11 sisting of 10 individuals selected at random
12 from the minority category under clause (ii) of
13 paragraph (2)(A), as reduced under paragraph
14 (3).

15 (C) A final independent selection pool, con-
16 sisting of 10 individuals selected at random
17 from the independent category under clause (ii)
18 of paragraph (2)(A), as reduced under para-
19 graph (3).

20 (c) CRITERIA FOR ELIGIBILITY.—

21 (1) IN GENERAL.—An individual is eligible to
22 serve as a member of an independent redistricting
23 commission if the individual meets each of the fol-
24 lowing criteria:

1 (A) As of the date of appointment, the in-
2 dividual is registered to vote in elections for
3 Federal office held in the State.

4 (B) The individual has voted in at least 2
5 of the 3 most recent Statewide general elections
6 held prior to the date of appointment.

7 (C) During the 3-year period ending on the
8 date of the individual's appointment, the indi-
9 vidual has been continuously registered to vote
10 with the same political party, or has not been
11 registered to vote with any political party.

12 (D) The individual provides the selection
13 panel with a written statement containing the
14 following assurances:

15 (i) An assurance that the individual
16 shall commit to carrying out the individ-
17 ual's duties under this Act in an honest,
18 independent, and impartial fashion, and to
19 upholding public confidence in the integrity
20 of the redistricting process.

21 (ii) An assurance that, during the cov-
22 ered periods described in paragraph (3),
23 the individual has not taken and will not
24 take any action which would disqualify the

1 individual from serving as a member of the
2 commission under such paragraph.

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

7 (A) The individual or (in the case of the
8 covered periods described in subparagraphs (A)
9 and (B) of paragraph (3)) an immediate family
10 member of the individual holds public office or
11 is a candidate for election for public office.

12 (B) The individual or (in the case of the
13 covered periods described in subparagraphs (A)
14 and (B) of paragraph (3)) an immediate family
15 member of the individual serves as an officer of
16 a political party or as an officer, employee, or
17 paid consultant of a campaign committee of a
18 candidate for public office.

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

1 (D) 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 is an employee of an
5 elected public official, a contractor with the leg-
6 islature of the State, or a donor to the cam-
7 paign of any candidate for public office (other
8 than a donor who gives an aggregate amount of
9 less than \$10,000 to the candidate with respect
10 to the election).

11 (3) COVERED PERIODS DESCRIBED.—In this
12 subsection, the term “covered period” means, with
13 respect to the appointment of an individual to the
14 commission, any of the following:

15 (A) The 3-year period ending on the date
16 of the individual’s appointment.

17 (B) The period in which the commission is
18 carrying out its duties.

19 (C) The 3-year period beginning on the
20 date of the commission’s termination.

21 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
22 this subsection, the term “immediate family mem-
23 ber” means, with respect to an individual, a father,
24 mother, son, daughter, brother, sister, husband,
25 wife, father-in-law, or mother-in-law.

1 (d) REMOVAL; VACANCIES.—

2 (1) REMOVAL.—After having been served writ-
3 ten notice and provided with an opportunity for a re-
4 sponse, a member of the commission may be re-
5 moved by the Governor, with the concurrence of two-
6 thirds of the upper house of the State legislature
7 (or, in the case of a State with a unicameral legisla-
8 ture, the legislature), for substantial neglect of duty,
9 gross misconduct in office, or inability to discharge
10 the duties of office.

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

14 (e) PROCEDURES FOR CONDUCTING COMMISSION
15 BUSINESS.—

16 (1) CHAIR.—Members of an independent redis-
17 tricting commission established under this subsection
18 shall select by majority vote one member who was
19 appointed from the final independent selection pool
20 described in subsection (b)(4)(C) to serve as chair of
21 the commission. The commission may not take any
22 action to develop a redistricting plan for the State
23 under section 5 until the appointment of the com-
24 mission's chair.

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

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

10 (f) DEADLINE.—Each State shall establish a commis-
11 sion under this section not later than December 31 of each
12 year in which a decennial census is conducted.

13 (g) TERMINATION.—

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

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

1 tion brought with respect to Congressional redis-
2 tricting in the State.

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

6 (a) 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, prioritized according to the following order:

11 (A) Districts shall each have equal popu-
12 lation per representative as nearly as prac-
13 ticable, in accordance with the Constitution of
14 the United States.

15 (B) Districts shall comply with the Voting
16 Rights Act of 1965 (42 U.S.C. 1973 et seq.).

17 (C) Districts shall be geographically con-
18 tiguous.

19 (D) To the extent practicable, district
20 boundaries shall minimize the division of any
21 municipality, county, neighborhood, or commu-
22 nity of interest. For purposes of this subpara-
23 graph, a community of interest is a contiguous
24 population which shares common social and eco-
25 nomic interests that should be included within

1 a single district for purposes of its effective and
2 fair representation. Examples of such shared in-
3 terests are those common to an urban area, a
4 rural area, an industrial area, or an agricultural
5 area, and those common to areas in which the
6 people share similar living standards, use the
7 same transportation facilities, have similar work
8 opportunities, or have access to the same media
9 of communication relevant to the election proc-
10 ess. Communities of interest shall not include
11 relationships with political parties, incumbent
12 officeholders, or political candidates.

13 (E) To the extent practicable, districts
14 shall be geographically compact such that near-
15 by areas of population are not bypassed for
16 more distant areas of population.

17 (F) To the extent practicable, district lines
18 shall use visible geographic features.

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 political party affiliation of the
2 population of a district.

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

5 (b) PUBLIC NOTICE AND INPUT.—

6 (1) USE OF OPEN AND TRANSPARENT PROC-
7 ESS.—The commission shall hold each of its meet-
8 ings in public, shall solicit and take into consider-
9 ation comments from the public throughout the
10 process of developing the redistricting plan for the
11 State, and shall carry out its duties in an open and
12 transparent manner which provides for the widest
13 public dissemination reasonably possible of its pro-
14 posed and final redistricting plans.

15 (2) MINIMUM PUBLIC HEARINGS.—The commis-
16 sion shall hold, at a minimum, the following public
17 hearings at which members of the public may pro-
18 vide input and comments:

19 (A) A hearing held prior to the develop-
20 ment of draft redistricting plans under sub-
21 section (c)(1).

22 (B) A hearing held upon the development
23 and publication of such draft redistricting
24 plans, at which the congressional district maps

1 provided under each such plan shall be dis-
2 played.

3 (C) A hearing held upon the approval of
4 the final redistricting plan under subsection
5 (c)(2), at which the congressional district maps
6 provided under such plan shall be displayed.

7 (3) MINIMUM PERIOD FOR PUBLIC COMMENT
8 AFTER DISPLAY OF MAPS.—The commission shall
9 accept and consider comments from the public with
10 respect to congressional district maps displayed at
11 any hearing described in paragraph (2) for not fewer
12 than 30 days after the date of the hearing.

13 (4) AVAILABILITY OF DATA AND SOFTWARE.—
14 The commission shall make available to the public
15 all of the demographic data used by the commission
16 to develop the proposed redistricting plans, together
17 with any software used to draw maps of proposed
18 districts.

19 (5) MEETINGS AND HEARINGS IN VARIOUS GEO-
20 GRAPHIC LOCATIONS.—To the greatest extent prac-
21 ticable, the commission shall hold its meetings and
22 hearings in various geographic regions and locations
23 throughout the State.

24 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
25 TRICTING PLAN.—

1 (1) PUBLICATION OF DRAFT PLANS.—Not later
2 than the first June 1 which occurs after the chief
3 executive of the State receives the State apportion-
4 ment notice, the commission shall publish and dis-
5 seminate multiple draft redistricting plans.

6 (2) PERIOD FOR CONSIDERATION OF PUBLIC
7 COMMENTS.—After publishing and disseminating the
8 draft redistricting plans under paragraph (1), the
9 commission shall solicit and take into consideration
10 comments from the public on such draft plans dur-
11 ing a period of at least 60 days following the date
12 on which such draft plans are published and dis-
13 seminated.

14 (3) PUBLICATION OF FINAL PLAN.—After tak-
15 ing into consideration comments from the public on
16 the draft redistricting plans, the commission shall
17 publish and disseminate a final redistricting plan for
18 the State, and shall vote on approving such final
19 plan for enactment into law by not later than the
20 first August 15 which occurs after the chief execu-
21 tive of the State receives the State apportionment
22 notice.

23 (4) ENACTMENT.—The final redistricting plan
24 published and disseminated under paragraph (3)
25 shall be deemed to be enacted into law if—

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

3 (B) at least one member of the commission
 4 appointed from each of the final selection pools
 5 described in section 4(a)(1) approves the plan.

6 **SEC. 6. ENACTMENT OF PLAN DEVELOPED BY COURTS.**

7 (a) STATE COURT.—

8 (1) DEVELOPMENT OF PLAN BY SPECIAL MAS-
 9 TER.—If a redistricting plan developed by the inde-
 10 pendent redistricting commission of a State is not
 11 enacted into law under section 5(c) by the first Au-
 12 gust 31 which occurs after the chief executive of the
 13 State receives the State apportionment notice, the
 14 chief election official of the State shall petition the
 15 highest court of the State for an order directing the
 16 appointment of a special master to develop and
 17 present a redistricting plan to the court.

18 (2) ENACTMENT.—If the highest court of the
 19 State approves a redistricting plan developed and
 20 presented by a special master under paragraph (1),
 21 the plan shall serve as the redistricting plan for the
 22 State, and shall be deemed to be enacted on the date
 23 on which the court approves the plan.

24 (3) ADHERENCE TO CRITERIA APPLICABLE TO
 25 PLANS OF COMMISSION.—In developing a redis-

1 tricting plan under this subsection, the highest court
2 of a State shall ensure that the plan meets the cri-
3 teria applicable under paragraphs (1) and (2) of sec-
4 tion 5(a) to plans developed by the independent re-
5 districting commission of the State.

6 (b) FEDERAL COURT.—

7 (1) FAILURE OF STATE COURT TO ENACT
8 PLAN.—

9 (A) NOTICE TO COURT IF PLAN NOT SE-
10 LECTED BY STATE COURT.—If the chief election
11 official of a State petitions the highest court of
12 the State for an order under subsection (a) and
13 the court does not approve a redistricting plan
14 in accordance with such subsection by the first
15 October 15 which occurs after the chief execu-
16 tive of the State receives the State apportion-
17 ment notice, the State shall file a notice with
18 the United States district court for the district
19 in which the capital of the State is located.

20 (B) DEVELOPMENT AND SELECTION OF
21 PLAN BY FEDERAL COURT.—Not later than 45
22 days after receiving a notice from a State under
23 subparagraph (A), the court shall develop and
24 publish a final redistricting plan for the State,

1 which shall be deemed to be enacted on the date
2 on which the court publishes the plan.

3 (2) FAILURE OF STATE TO ESTABLISH COMMIS-
4 SION.—If a State does not establish an independent
5 redistricting commission under section 4 by the
6 deadline set forth in section 4(f)—

7 (A) the State may not establish the com-
8 mission; and

9 (B) the United States district court for the
10 district in which the capital of the State is lo-
11 cated shall develop and publish a final redis-
12 tricting plan for the State not later than the
13 first November 30 which occurs after the chief
14 executive of the State receives the State appor-
15 tionment notice.

16 (3) CRITERIA.—It is the sense of Congress
17 that, in developing a redistricting plan for a State
18 under this subsection, the district court should ad-
19 here to the same terms and conditions that applied
20 to the development of the plan of the commission
21 under section 5(a).

22 (c) ACCESS TO INFORMATION AND RECORDS OF
23 COMMISSION.—A court which is required to develop a re-
24 districting plan for a State under this section shall have
25 access to any information, data, software, or other records

1 and material used by the independent redistricting com-
2 mission of the State in carrying out its duties under this
3 Act.

4 **SEC. 7. SPECIAL RULE FOR REDISTRICTING CONDUCTED**
5 **UNDER ORDER OF FEDERAL COURT.**

6 If a Federal court requires a State to conduct redis-
7 tricting subsequent to an apportionment of Representa-
8 tives in the State in order to comply with the Constitution
9 or to enforce the Voting Rights Act of 1965, sections 5
10 and 6 shall apply with respect to the redistricting, except
11 that—

12 (1) the independent redistricting commission
13 shall be established and the commission's chair shall
14 be appointed prior to the expiration of the 60-day
15 period which begins on the date of the final order of
16 the Federal court to conduct the redistricting;

17 (2) if the commission fails to enact into law a
18 final redistricting plan in accordance with section
19 5(c) prior to the expiration of the 150-day period
20 which begins on the date of the final order of the
21 Federal court to conduct the redistricting, the chief
22 election official of the State shall petition the highest
23 court of the State for an order directing the appoint-
24 ment of a special master to develop and present a

1 redistricting plan to the court in accordance with
2 section 6(a);

3 (3) if the chief election official of the State peti-
4 tions the highest court of the State for an order in
5 accordance with section 6(a), the court shall approve
6 a final redistricting plan in accordance with section
7 6(a) prior to the expiration of the 180-day period
8 which begins on the date of the final order of the
9 Federal court to conduct the redistricting; and

10 (4) if the highest court of the State fails to
11 meet the requirements of paragraph (3), a district
12 court of the United States shall develop and publish
13 a final redistricting plan for the State in accordance
14 with section 6(b) prior to the expiration of the 210-
15 day period which begins on the date of the final
16 order of the Federal court to conduct the redis-
17 tricting.

18 **SEC. 8. PAYMENTS TO STATES FOR CARRYING OUT REDIS-**
19 **TRICTING.**

20 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-
21 section (d), not later than 30 days after a State receives
22 a State apportionment notice, the Election Assistance
23 Commission shall make a payment to the State in an
24 amount equal to the product of—

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

3 (2) \$150,000.

4 (b) USE OF FUNDS.—A State shall use the payment
5 made under this section to establish and operate the
6 State’s independent redistricting commission, to imple-
7 ment the State redistricting plan, and to otherwise carry
8 out Congressional redistricting in the State.

9 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
10 BER.—The Election Assistance Commission shall not
11 make a payment under this section to any State which
12 is not entitled to more than one Representative under its
13 State apportionment notice.

14 (d) REQUIRING ESTABLISHMENT OF COMMISSION AS
15 CONDITION OF PAYMENT.—The Election Assistance Com-
16 mission may not make a payment to a State under this
17 section until the State certifies to the Commission that
18 the State has established an independent redistricting
19 commission, and that a chair of the commission has been
20 appointed, in accordance with section 4.

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

24 **SEC. 9. CIVIL ENFORCEMENT.**

25 (a) CIVIL ENFORCEMENT.—

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

5 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
6 TION.—Any elector of a State who is aggrieved by
7 the failure of the State redistricting plan which is
8 enacted into law under section 5(b)(3) to meet the
9 requirements for such a plan under this Act may
10 bring a civil action in an appropriate district court
11 for such relief as may be appropriate to remedy the
12 failure, so long as the elector brings the action dur-
13 ing the 45-day period which begins on the date on
14 which the plan is enacted into law.

15 (b) EXPEDITED CONSIDERATION.—In any action
16 brought for under this section, the following rules shall
17 apply:

18 (1) The action shall be filed in the appropriate
19 United States district court and shall be heard by a
20 3-judge court convened pursuant to section 2284 of
21 title 28, United States Code.

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

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

4 (4) A final decision in the action shall be re-
5 viewable only by appeal directly to the Supreme
6 Court of the United States. Such appeal shall be
7 taken by the filing of a notice of appeal within 10
8 days, and the filing of a jurisdictional statement
9 within 30 days, of the entry of the final decision.

10 (5) It shall be the duty of the district court and
11 the Supreme Court of the United States to advance
12 on the docket and to expedite to the greatest pos-
13 sible extent the disposition of the action and appeal.

14 (c) LOCATION OF COURT.—For purposes of an action
15 under this section, the appropriate district court shall be
16 the district court of the United States for the district
17 which includes the capital of the State involved.

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

22 (e) RELATION TO OTHER LAWS.—

23 (1) RIGHTS AND REMEDIES ADDITIONAL TO
24 OTHER RIGHTS AND REMEDIES.—The rights and
25 remedies established by this section are in addition

1 to all other rights and remedies provided by law, and
 2 neither the rights and remedies established by this
 3 section nor any other provision of this Act shall su-
 4 persede, restrict, or limit the application of the Vot-
 5 ing Rights Act of 1965 (42 U.S.C. 1973 et seq.).

6 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
 7 this Act authorizes or requires conduct that is pro-
 8 hibited by the Voting Rights Act of 1965 (42 U.S.C.
 9 1973 et seq.).

10 **SEC. 10. STATE APPORTIONMENT NOTICE DEFINED.**

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

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

20 This Act and the amendments made by this Act shall
 21 apply with respect to redistricting carried out pursuant to
 22 the decennial census conducted during 2020 or any suc-
 23 ceeding decennial census.

