

## Calendar No. 119

117TH CONGRESS  
1ST SESSION**S. 2670**

To provide for redistricting reform, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, AUGUST 5), 2021

Mr. SCHUMER introduced the following bill; which was read the first time

AUGUST 7, 2021

Read the second time and placed on the calendar

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**A BILL**

To provide for redistricting reform, 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.**

4       This Act may be cited as the “Redistricting Reform  
5       Act of 2021”.

6       **SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.**

7       Congress finds that it has the authority to establish  
8       the terms and conditions States must follow in carrying

1 out congressional redistricting after an apportionment of  
 2 Members of the House of Representatives 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 14th amendment to the Constitution  
 10 gives Congress the power to enact laws to enforce  
 11 section 2 of such amendment, which requires Rep-  
 12 resentatives to be apportioned among the several  
 13 States according to their number.

## 14 **TITLE I—REQUIREMENTS FOR** 15 **CONGRESSIONAL REDIS-** 16 **TRICTING**

### 17 **SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO** 18 **BE CONDUCTED THROUGH PLAN OF INDE-** 19 **PENDENT STATE COMMISSION.**

20 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any  
 21 other provision of law, and except as provided in sub-  
 22 section (c), any congressional redistricting conducted by  
 23 a State shall be conducted in accordance with—

24 (1) the redistricting plan developed and enacted  
 25 into law by the independent redistricting commission

1 established in the State, in accordance with title II;  
 2 or

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

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 appor-  
 10 tionment of Representatives in Congress”, approved June  
 11 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the  
 12 manner provided by the law thereof” and inserting “in the  
 13 manner provided by the Redistricting Reform Act of  
 14 2021”.

15 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—  
 16 Subsection (a) does not apply to any State in which, under  
 17 law in effect continuously on and after the date of the  
 18 enactment of this Act, congressional redistricting is car-  
 19 ried out in accordance with a plan developed and approved  
 20 by an independent redistricting commission that is in com-  
 21 pliance with each of the following requirements:

22 (1) PUBLICLY AVAILABLE APPLICATION PROC-  
 23 ESS.—Membership on the commission is open to citi-  
 24 zens of the State through a publicly available appli-  
 25 cation process.

1           (2) DISQUALIFICATIONS FOR GOVERNMENT  
 2 SERVICE AND POLITICAL APPOINTMENT.—Individ-  
 3 uals who, for a covered period of time as established  
 4 by the State, hold or have held public office, individ-  
 5 uals who are or have been candidates for elected  
 6 public office, and individuals who serve or have  
 7 served as an officer, employee, or paid consultant of  
 8 a campaign committee of a candidate for public of-  
 9 fice are disqualified from serving on the commission.

10          (3) SCREENING FOR CONFLICTS.—Individuals  
 11 who apply to serve on the commission are screened  
 12 through a process that excludes persons with con-  
 13 flicts of interest from the pool of potential commis-  
 14 sioners.

15          (4) MULTI-PARTISAN COMPOSITION.—Member-  
 16 ship on the commission represents those who are af-  
 17 filiated with the 2 political parties whose candidates  
 18 received the most votes in the most recent statewide  
 19 election for Federal office held in the State, as well  
 20 as those who are unaffiliated with any party or who  
 21 are affiliated with political parties other than the 2  
 22 political parties whose candidates received the most  
 23 votes in the most recent statewide election for Fed-  
 24 eral office held in the State.

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

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

9           (7) BROAD-BASED SUPPORT FOR APPROVAL OF  
10      FINAL PLAN.—The approval of the final redistricting  
11      plan requires a majority vote of the members of the  
12      commission, including the support of at least one  
13      member of each of the following:

14           (A) Members who are affiliated with the  
15      political party whose candidate received the  
16      most votes in the most recent statewide election  
17      for Federal office held in the State.

18           (B) Members who are affiliated with the  
19      political party whose candidate received the sec-  
20      ond most votes in the most recent statewide  
21      election for Federal office held in the State.

22           (C) Members who are not affiliated with  
23      any political party or who are affiliated with po-  
24      litical parties other than the political parties de-  
25      scribed in subparagraphs (A) and (B).

1       (d) TREATMENT OF STATE OF IOWA.—Subsection (a)  
 2 does not apply to the State of Iowa, so long as congres-  
 3 sional redistricting in such State is carried out in accord-  
 4 ance with a plan developed by the Iowa Legislative Serv-  
 5 ices Agency with the assistance of a Temporary Redis-  
 6 tricting Advisory Commission, under law which was in ef-  
 7 fect for the most recent congressional redistricting carried  
 8 out in the State prior to the date of the enactment of this  
 9 Act and which remains in effect continuously on and after  
 10 the date of the enactment of this Act.

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

12       A State that has been redistricted in accordance with  
 13 this Act and a State described in section 101(c) may not  
 14 be redistricted again until after the next apportionment  
 15 of Representatives under section 22(a) of the Act entitled  
 16 “An Act to provide for the fifteenth and subsequent decen-  
 17 nial censuses and to provide for an apportionment of Rep-  
 18 resentatives in Congress”, approved June 18, 1929 (2  
 19 U.S.C. 2a), unless a court requires the State to conduct  
 20 such subsequent redistricting to comply with the Constitu-  
 21 tion of the United States, the Voting Rights Act of 1965  
 22 (52 U.S.C. 10301 et seq.), the Constitution of the State,  
 23 or the terms or conditions of this Act.

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

2 (a) CRITERIA.—Under the redistricting plan of a  
3 State, there shall be established single-member congres-  
4 sional districts using the following criteria as set forth in  
5 the following order of priority:

6 (1) Districts shall comply with the United  
7 States Constitution, including the requirement that  
8 they equalize total population.

9 (2) Districts shall comply with the Voting  
10 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-  
11 cluding by creating any districts where two or more  
12 politically cohesive groups protected by such Act are  
13 able to elect representatives of choice in coalition  
14 with one another, and all applicable Federal laws.

15 (3) Districts shall be drawn, to the extent that  
16 the totality of the circumstances warrant, to ensure  
17 the practical ability of a group protected under the  
18 Voting Rights Act of 1965 (52 U.S.C. 10301 et  
19 seq.) to participate in the political process and to  
20 nominate candidates and to elect representatives of  
21 choice is not diluted or diminished, regardless of  
22 whether or not such protected group constitutes a  
23 majority of a district's citizen voting age population.

24 (4) Districts shall respect communities of inter-  
25 est, neighborhoods, and political subdivisions to the  
26 extent practicable and after compliance with the re-

1       quirements of paragraphs (1) through (3). A com-  
 2       munity of interest is defined as an area with recog-  
 3       nized similarities of interests, including ethnic, ra-  
 4       cial, economic, tribal, social, cultural, geographic or  
 5       historic identities. The term communities of interest  
 6       may, in certain circumstances, include political sub-  
 7       divisions such as counties, municipalities, tribal  
 8       lands and reservations, or school districts, but shall  
 9       not include common relationships with political par-  
 10      ties or political candidates.

11      (b) NO FAVORING OR DISFAVORING OF POLITICAL  
 12      PARTIES.—

13           (1) PROHIBITION.—The redistricting plan en-  
 14      acted by a State shall not, when considered on a  
 15      Statewide basis, be drawn with the intent or the ef-  
 16      fect of unduly favoring or disfavoring any political  
 17      party.

18           (2) DETERMINATION OF EFFECT.—

19           (A) TOTALITY OF CIRCUMSTANCES.—For  
 20      purposes of paragraph (1), the determination of  
 21      whether a redistricting plan has the effect of  
 22      unduly favoring or disfavoring a political party  
 23      shall be based on the totality of circumstances,  
 24      including evidence regarding the durability and  
 25      severity of a plan's partisan bias.

1 (B) PLANS DEEMED TO HAVE EFFECT OF  
2 UNDULY FAVORING OR DISFAVORING A POLIT-  
3 ICAL PARTY.—Without limiting other ways in  
4 which a redistricting plan may be determined to  
5 have the effect of unduly favoring or disfavoring  
6 a political party under the totality of cir-  
7 cumstances under subparagraph (A), a redis-  
8 tricting plan shall be deemed to have the effect  
9 of unduly favoring or disfavoring a political  
10 party if—

11 (i) modeling based on relevant histor-  
12 ical voting patterns shows that the plan is  
13 statistically likely to result in a partisan  
14 bias of more than one seat in States with  
15 20 or fewer congressional districts or a  
16 partisan bias of more than 2 seats in  
17 States with more than 20 congressional  
18 districts, as determined using quantitative  
19 measures of partisan fairness, which may  
20 include, but are not limited to, the seats-  
21 to-votes curve for an enacted plan, the effi-  
22 ciency gap, the declination, partisan asym-  
23 metry, and the mean-median difference;  
24 and

1 (ii) alternative plans, which may in-  
 2 clude, but are not limited to, those gen-  
 3 erated by redistricting algorithms, exist  
 4 that could have complied with the require-  
 5 ments of law and not been in violation of  
 6 paragraph (1).

7 (3) DETERMINATION OF INTENT.—For pur-  
 8 poses of paragraph (1), a rebuttable presumption  
 9 shall exist that a redistricting plan enacted by the  
 10 legislature of a State was not enacted with the in-  
 11 tent of unduly favoring or disfavoring a political  
 12 party if the plan was enacted with the support of at  
 13 least a third of the members of the second largest  
 14 political party in each house of the legislature.

15 (4) NO VIOLATION BASED ON CERTAIN CRI-  
 16 TERIA.—No redistricting plan shall be found to be  
 17 in violation of paragraph (1) because of partisan  
 18 bias attributable to the application of the criteria set  
 19 forth in paragraphs (1), (2), or (3) of subsection (a),  
 20 unless one or more alternative plans could have com-  
 21 plied with such paragraphs without having the effect  
 22 of unduly favoring or disfavoring a political party.

23 (c) FACTORS PROHIBITED FROM CONSIDERATION.—  
 24 In developing the redistricting plan for the State, the inde-  
 25 pendent redistricting commission may not take into con-

1 sideration any of the following factors, except as necessary  
 2 to comply with the criteria described in paragraphs (1)  
 3 through (3) of subsection (a), to achieve partisan fairness  
 4 and comply with subsection (b), and to enable the redis-  
 5 tricting plan to be measured against the external metrics  
 6 described in section 203(d):

7           (1) The residence of any Member of the House  
 8           of Representatives or candidate.

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

11          (d) APPLICABILITY.—This section applies to any au-  
 12          thority, whether appointed, elected, judicial, or otherwise,  
 13          that designs or enacts a congressional redistricting plan  
 14          of a State.

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

## 21                   **TITLE II—INDEPENDENT** 22                   **REDISTRICTING COMMISSIONS**

### 23                   **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

24           (a) APPOINTMENT OF MEMBERS.—

1           (1) IN GENERAL.—The nonpartisan agency es-  
2           tablished or designated by a State under section  
3           204(a) shall establish an independent redistricting  
4           commission for the State, which shall consist of 15  
5           members appointed by the agency as follows:

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

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

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

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

23                   (B) Not later than November 15 of a year  
24                   ending in the numeral zero, the members ap-  
25                   pointed by the agency under subparagraph (A)

shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, then appoint 9 members as follows:

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

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

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

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

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

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

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

1           (3) DESIGNATION OF ALTERNATES TO SERVE  
2       IN CASE OF VACANCIES.—

3           (A) MEMBERS APPOINTED BY AGENCY.—

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

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

1           (4) APPOINTMENT OF ALTERNATES TO SERVE  
2       IN CASE OF VACANCIES.—

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

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

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

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

18          (b) PROCEDURES FOR CONDUCTING COMMISSION  
 19          BUSINESS.—

20               (1) CHAIR.—Members of an independent redis-  
 21          tricting commission established under this section  
 22          shall select by majority vote one member who was  
 23          appointed from the independent category of the ap-  
 24          proved selection pool described in section  
 25          202(b)(1)(C) to serve as chair of the commission.

1       The commission may not take any action to develop  
 2       a redistricting plan for the State under section 203  
 3       until the appointment of the commission's chair.

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

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

11          (B) at least one member of the commission  
 12       appointed from each of the categories of the ap-  
 13       proved selection pool described in section  
 14       202(b)(1).

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

17       (c) STAFF; CONTRACTORS.—

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

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

10           (3) REPORTS ON EXPENDITURES FOR POLIT-  
 11       ICAL ACTIVITY.—

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

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

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

## (B) ANNUAL REPORTS BY EMPLOYEES

AND VENDORS.—Each person who is an employee or vendor of the independent redistricting commission shall, not later than one year after the person is appointed as an employee or enters into a contract as a vendor (as the case may be) and annually thereafter for each year during which the person serves as an employee or a vendor, file with the commission a report summarizing the expenditures and income described in subparagraph (A) during the 10 most recent calendar years.

## (C) EXPENDITURE FOR POLITICAL ACTIVITY DEFINED.—

In this paragraph, the term “expenditure for political activity” means a disbursement for any of the following:

(i) An independent expenditure, as defined in section 301(17) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(17)).

(ii) An electioneering communication, as defined in section 304(f)(3) of such Act (52 U.S.C. 30104(f)(3)) or any other public communication, as defined in section 301(22) of such Act (52 U.S.C.

1           30101(22)) that would be an electioneering  
2           communication if it were a broadcast,  
3           cable, or satellite communication.

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

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

1 donations to candidates, political committees, and  
 2 political parties) as a condition of the appointment  
 3 or the contract.

4 (5) DISQUALIFICATION; WAIVER.—

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

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

19 (d) TERMINATION.—

20 (1) IN GENERAL.—The independent redis-  
 21 tricting commission of a State shall terminate on the  
 22 earlier of—

23 (A) June 14 of the next year ending in the  
 24 numeral zero; or

(B) the day on which the nonpartisan agency established or designated by a State under section 204(a) has, in accordance with section 202(b)(1), submitted a selection pool to the Select Committee on Redistricting for the State established under section 204(b).

(2) PRESERVATION OF RECORDS.—The State shall ensure that the records of the independent redistricting commission are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to congressional redistricting in the State.

**SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**

(a) CRITERIA FOR ELIGIBILITY.—

(1) IN GENERAL.—An individual is eligible to serve as a member of an independent redistricting commission if the individual meets each of the following criteria:

(A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

1 (B) During the 3-year period ending on  
2 the date of the individual's appointment, the in-  
3 dividual has been continuously registered to  
4 vote with the same political party, or has not  
5 been registered to vote with any political party.

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

15 (i) The full current name and any  
16 former names of, and the contact informa-  
17 tion for, the individual, including an elec-  
18 tronic mail address, the address of the in-  
19 dividual's residence, mailing address, and  
20 telephone numbers.

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

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

1 (iv) The reason or reasons the indi-  
2 vidual desires to serve on the independent  
3 redistricting commission, the individual's  
4 qualifications, and information relevant to  
5 the ability of the individual to be fair and  
6 impartial, including—

7 (I) any involvement with, or fi-  
8 nancial support of, professional, so-  
9 cial, political, religious, or community  
10 organizations or causes; and

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

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

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

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

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

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

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.

(D) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual is an employee of an elected public official, a contractor with the government of the State, or a donor to the campaign of any candidate for public office or to any political action committee (other than a donor who, during any of such covered periods, gives an aggregate amount of \$1,000 or less to the campaigns of all candidates for all public offices and to all political action committees).

(E) The individual paid a civil money penalty or criminal fine, or was sentenced to a term of imprisonment, for violating any provision of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

(F) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual is an agent of a foreign principal under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.).

(3) COVERED PERIODS DESCRIBED.—In this subsection, the term “covered period” means, with

1       respect to the appointment of an individual to the  
2       commission, any of the following:

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

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

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

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

19             (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
20     POOL.—

21             (1) IN GENERAL.—Not later than June 15 of  
22             each year ending in the numeral zero, the non-  
23             partisan agency established or designated by a State  
24             under section 204(a) shall develop and submit to the  
25             Select Committee on Redistricting for the State es-

1        tablished under section 204(b) a selection pool of 36  
 2        individuals who are eligible to serve as members of  
 3        the independent redistricting commission of the  
 4        State under this Act, consisting of individuals in the  
 5        following categories:

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

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

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

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

24                      (A) ensure that the pool is representative  
 25                      of the demographic groups (including racial,

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

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

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

24 (4) DETERMINATION OF POLITICAL PARTY AF-  
25 FILIATION OF INDIVIDUALS IN SELECTION POOL.—

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

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

21 (6) REPORT ON ESTABLISHMENT OF SELEC-  
22 TION POOL.—At the time the nonpartisan agency  
23 submits the selection pool to the Select Committee  
24 on Redistricting under paragraph (1), it shall pub-  
25 lish and post on the agency's public website a report

1 describing the process by which the pool was devel-  
 2 oped, and shall include in the report a description of  
 3 how the individuals in the pool meet the eligibility  
 4 criteria of subsection (a) and of how the pool reflects  
 5 the factors the agency is required to take into con-  
 6 sideration under paragraph (2).

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

17 (8) ACTION BY SELECT COMMITTEE.—

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

23 (i) approve the pool as submitted by  
 24 the nonpartisan agency, in which case the  
 25 pool shall be considered the approved selec-

1                   tion pool for purposes of section 201(a)(1);  
 2                   or

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

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

13               (c) DEVELOPMENT OF REPLACEMENT SELECTION  
 14               POOL.—

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

1 the rejected selection pool submitted under sub-  
 2 section (b), so long as at least one of the individuals  
 3 in the replacement pool was not included in such re-  
 4 jected pool.

5 (2) ACTION BY SELECT COMMITTEE.—

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

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

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

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

1 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
2 LECTION POOL.—

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

20 (2) ACTION BY SELECT COMMITTEE.—

21 (A) IN GENERAL.—Not earlier than 15  
22 days and not later than 14 days after receiving  
23 the second replacement selection pool from the  
24 nonpartisan agency under paragraph (1), the

1           Select Committee on Redistricting shall, by ma-  
2           jority vote—

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

8                   (ii) reject the pool.

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

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

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

22           (a) PUBLIC NOTICE AND INPUT.—

23                   (1) USE OF OPEN AND TRANSPARENT PROC-  
24                   ESS.—The independent redistricting commission of a  
25                   State shall hold each of its meetings in public, shall

1 solicit and take into consideration comments from  
 2 the public, including proposed maps, throughout the  
 3 process of developing the redistricting plan for the  
 4 State, and shall carry out its duties in an open and  
 5 transparent manner which provides for the widest  
 6 public dissemination reasonably possible of its pro-  
 7 posed and final redistricting plans.

8 (2) WEBSITE.—

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

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

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

21 (iii) All draft redistricting plans devel-  
 22 oped by the commission under subsection  
 23 (b) and the final redistricting plan devel-  
 24 oped under subsection (c), including the

1 accompanying written evaluation under  
2 subsection (d).

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

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

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

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

23 (viii) All records of the commission,  
24 including all communications to or from

1 members, employees, and contractors re-  
2 garding the work of the commission.

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

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

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

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

1           (3) PUBLIC COMMENT PERIOD.—The commis-  
 2           sion shall solicit, accept, and consider comments  
 3           from the public with respect to its duties, activities,  
 4           and procedures at any time during the period—

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

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

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

16          (5) MULTIPLE LANGUAGE REQUIREMENTS FOR  
 17          ALL NOTICES.—The commission shall make each no-  
 18          tice which is required to be posted and published  
 19          under this section available in any language in which  
 20          the State (or any jurisdiction in the State) is re-  
 21          quired to provide election materials under section  
 22          203 of the Voting Rights Act of 1965 (52 U.S.C.  
 23          10503).

24          (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
 25          NARY REDISTRICTING PLAN.—

1           (1) IN GENERAL.—Prior to developing and pub-  
2       lishing a final redistricting plan under subsection  
3       (c), the independent redistricting commission of a  
4       State shall develop and publish a preliminary redis-  
5       tricting plan.

6           (2) MINIMUM PUBLIC HEARINGS AND OPPOR-  
7       TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

8           (A) 3 HEARINGS REQUIRED.—Prior to de-  
9       veloping a preliminary redistricting plan under  
10      this subsection, the commission shall hold not  
11      fewer than 3 public hearings at which members  
12      of the public may provide input and comments  
13      regarding the potential contents of redistricting  
14      plans for the State and the process by which  
15      the commission will develop the preliminary  
16      plan under this subsection.

17          (B) MINIMUM PERIOD FOR NOTICE PRIOR  
18      TO HEARINGS.—Not fewer than 14 days prior  
19      to the date of each hearing held under this  
20      paragraph, the commission shall post notices of  
21      the hearing on the website maintained under  
22      subsection (a)(2), and shall provide for the pub-  
23      lication of such notices in newspapers of general  
24      circulation throughout the State. Each such no-

1           tice shall specify the date, time, and location of  
2           the hearing.

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

10          (3) PUBLICATION OF PRELIMINARY PLAN.—

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

20           (B) MINIMUM PERIOD FOR NOTICE PRIOR  
21           TO PUBLICATION.—Not fewer than 14 days  
22           prior to the date on which the commission posts  
23           and publishes the preliminary plan under this  
24           paragraph, the commission shall notify the pub-  
25           lic through the website maintained under sub-

1 section (a)(2), as well as through publication of  
2 notice in newspapers of general circulation  
3 throughout the State, of the pending publica-  
4 tion of the plan.

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

13 (5) POST-PUBLICATION HEARINGS.—

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

21 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
22 TO HEARINGS.—Not fewer than 14 days prior  
23 to the date of each hearing held under this  
24 paragraph, the commission shall post notices of  
25 the hearing on the website maintained under

1 subsection (a)(2), and shall provide for the pub-  
 2 lication of such notices in newspapers of general  
 3 circulation throughout the State. Each such no-  
 4 tice shall specify the date, time, and location of  
 5 the hearing.

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

16 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-  
 17 TRICTING PLAN.—

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

24 (2) MEETING; FINAL VOTE.—Not later than the  
 25 deadline specified in subsection (e), the commission

1 shall hold a public hearing at which the members of  
2 the commission shall vote on approving the final  
3 plan for enactment into law.

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

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

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

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

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

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

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

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

10 (5) REVIEW BY DEPARTMENT OF JUSTICE.—

11 (A) REQUIRING SUBMISSION OF PLAN FOR  
12 REVIEW.—The final redistricting plan shall not  
13 be deemed to be enacted into law unless the  
14 State submits the plan to the Department of  
15 Justice for an administrative review to deter-  
16 mine if the plan is in compliance with the cri-  
17 teria described in paragraphs (2) and (3) of  
18 section 103(a).

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

1 described in paragraphs (2) and (3) of section  
2 103(a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14           (1) IN GENERAL.—Each State shall appoint a  
15      Select Committee on Redistricting to approve or dis-  
16      approve a selection pool developed for the State by  
17      the nonpartisan agency pursuant to section 202(b).

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

21           (A) One member of the upper house of the  
22      State legislature, who shall be appointed by the  
23      leader of the party with the greatest number of  
24      seats in the upper house.

1 (B) One member of the upper house of the  
 2 State legislature, who shall be appointed by the  
 3 leader of the party with the second greatest  
 4 number of seats in the upper house.

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**  
 5 **COURT.**

6 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
 7 gering events described in subsection (f) occur with re-  
 8 spect to a State—

9 (1) not later than December 15 of the year in  
 10 which the triggering event occurs, the United States  
 11 district court for the applicable venue, acting  
 12 through a 3-judge court convened pursuant to sec-  
 13 tion 2284 of title 28, United States Code, shall de-  
 14 velop and publish the congressional redistricting  
 15 plan for the State; and

16 (2) the final plan developed and published by  
 17 the court under this section shall be deemed to be  
 18 enacted on the date on which the court publishes the  
 19 final plan, as described in subsection (d).

20 (b) APPLICABLE VENUE DESCRIBED.—For purposes  
 21 of this section, the “applicable venue” with respect to a  
 22 State is the District of Columbia or the judicial district  
 23 in which the capital of the State is located, as selected  
 24 by the first party to file with the court sufficient evidence

1 of the occurrence of a triggering event described in sub-  
 2 section (f).

3 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—In developing a redistricting  
 5 plan for a State under this section, the court shall  
 6 adhere to the same terms and conditions that ap-  
 7 plied (or that would have applied, as the case may  
 8 be) to the development of a plan by the independent  
 9 redistricting commission of the State under section  
 10 103.

11 (2) ACCESS TO INFORMATION AND RECORDS OF  
 12 COMMISSION.—The court shall have access to any  
 13 information, data, software, or other records and  
 14 material that was used (or that would have been  
 15 used, as the case may be) by the independent redis-  
 16 tricting commission of the State in carrying out its  
 17 duties under this Act.

18 (3) HEARING; PUBLIC PARTICIPATION.—In de-  
 19 veloping a redistricting plan for a State, the court  
 20 shall—

21 (A) hold one or more evidentiary hearings  
 22 at which interested members of the public may  
 23 appear and be heard and present testimony, in-  
 24 cluding expert testimony, in accordance with  
 25 the rules of the court; and

1 (B) consider other submissions and com-  
2 ments by the public, including proposals for re-  
3 districting plans to cover the entire State or  
4 any portion of the State.

5 (4) USE OF SPECIAL MASTER.—To assist in the  
6 development and publication of a redistricting plan  
7 for a State under this section, the court may appoint  
8 a special master to make recommendations to the  
9 court on possible plans for the State.

10 (d) PUBLICATION OF PLAN.—

11 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—  
12 Upon completing the development of one or more  
13 initial redistricting plans, the court shall make the  
14 plans available to the public at no cost, and shall  
15 also make available the underlying data used by the  
16 court to develop the plans and a written evaluation  
17 of the plans against external metrics (as described in  
18 section 203(d)).

19 (2) PUBLICATION OF FINAL PLAN.—At any  
20 time after the expiration of the 14-day period which  
21 begins on the date the court makes the plans avail-  
22 able to the public under paragraph (1), and taking  
23 into consideration any submissions and comments by  
24 the public which are received during such period, the

1 court shall develop and publish the final redistricting  
2 plan for the State.

3 (e) USE OF INTERIM PLAN.—In the event that the  
4 court is not able to develop and publish a final redistricting  
5 plan for the State with sufficient time for an upcoming  
6 election to proceed, the court may develop and  
7 publish an interim redistricting plan which shall serve as  
8 the redistricting plan for the State until the court develops  
9 and publishes a final plan in accordance with this section.  
10 Nothing in this subsection may be construed to limit or  
11 otherwise affect the authority or discretion of the court  
12 to develop and publish the final redistricting plan, including  
13 the discretion to make any changes the court deems  
14 necessary to an interim redistricting plan.

15 (f) TRIGGERING EVENTS DESCRIBED.—The “triggering  
16 events” described in this subsection are as follows:

17 (1) The failure of the State to establish or designate  
18 a nonpartisan agency of the State legislature  
19 under section 204(a) prior to the expiration of the  
20 deadline set forth in section 204(a)(8).

21 (2) The failure of the State to appoint a Select  
22 Committee on Redistricting under section 204(b)  
23 prior to the expiration of the deadline set forth in  
24 section 204(b)(4).

1           (3) The failure of the Select Committee on Re-  
2           districting to approve any selection pool under sec-  
3           tion 202 prior to the expiration of the deadline set  
4           forth for the approval of the second replacement se-  
5           lection pool in section 202(d)(2).

6           (4) The failure of the independent redistricting  
7           commission of the State to approve a final redis-  
8           tricting plan for the State prior to the expiration of  
9           the deadline set forth in section 203(e).

10 **SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED**  
11 **UNDER ORDER OF FEDERAL COURT.**

12       If a Federal court requires a State to conduct redis-  
13       tricting subsequent to an apportionment of Representa-  
14       tives in the State in order to comply with the Constitution  
15       or to enforce the Voting Rights Act of 1965 (52 U.S.C.  
16       10301 et seq.), section 203 shall apply with respect to the  
17       redistricting, except that the court may revise any of the  
18       deadlines set forth in such section if the court determines  
19       that a revision is appropriate in order to provide for a  
20       timely enactment of a new redistricting plan for the State.

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

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

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

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

13 (2) \$150,000.

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

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

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

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

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

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

1        tracting Advisory Commission, as provided under the  
2        law described in section 101(d).

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

6        **SEC. 402. CIVIL ENFORCEMENT.**

7        (a) CIVIL ENFORCEMENT.—

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

12               (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
13       TION.—Any citizen of a State who is aggrieved by  
14       the failure of the State to meet the requirements of  
15       this Act may bring a civil action in the United  
16       States district court for the applicable venue for  
17       such relief as may be appropriate to remedy the fail-  
18       ure. For purposes of this section, the “applicable  
19       venue” is the District of Columbia or the judicial  
20       district in which the capital of the State is located,  
21       as selected by the person who brings the civil action.

22       (b) EXPEDITED CONSIDERATION.—In any action  
23       brought forth under this section, the following rules shall  
24       apply:

1           (1) The action shall be filed in the district court  
2           of the United States for the District of Columbia or  
3           for the judicial district in which the capital of the  
4           State is located, as selected by the person bringing  
5           the action.

6           (2) The action shall be heard by a 3-judge  
7           court convened pursuant to section 2284 of title 28,  
8           United States Code.

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

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

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

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

25          (c) REMEDIES.—

1 (1) ADOPTION OF REPLACEMENT PLAN.—

2 (A) IN GENERAL.—If the district court in  
3 an action under this section finds that the con-  
4 gressional redistricting plan of a State violates,  
5 in whole or in part, the requirements of this  
6 Act—

7 (i) the court shall adopt a replacement  
8 congressional redistricting plan for the  
9 State in accordance with the process set  
10 forth in section 301; or

11 (ii) if circumstances warrant and no  
12 delay to an upcoming regularly scheduled  
13 election for the House of Representatives  
14 in the State would result, the district court  
15 may allow a State to develop and propose  
16 a remedial congressional redistricting plan  
17 for consideration by the court, and such  
18 remedial plan may be developed by the  
19 State by adopting such appropriate  
20 changes to the State's enacted plan as may  
21 be ordered by the court.

22 (B) SPECIAL RULE IN CASE FINAL ADJU-  
23 DICATION NOT EXPECTED WITHIN 3 MONTHS  
24 OF ELECTION.—If final adjudication of an ac-  
25 tion under this section is not reasonably ex-

1           pected to be completed at least three months  
2           prior to the next regularly scheduled election  
3           for the House of Representatives in the State,  
4           the district court shall, as the balance of equi-  
5           ties warrant,—

6                   (i) order development, adoption, and  
7                   use of an interim congressional redis-  
8                   tricting plan in accordance with section  
9                   301(e) to address any claims under this  
10                  Act for which a party seeking relief has  
11                  demonstrated a substantial likelihood of  
12                  success; or

13                  (ii) order adjustments to the timing of  
14                  primary elections for the House of Rep-  
15                  resentatives, as needed, to allow sufficient  
16                  opportunity for adjudication of the matter  
17                  and adoption of a remedial or replacement  
18                  plan for use in the next regularly sched-  
19                  uled general elections for the House of  
20                  Representatives.

21           (2) NO INJUNCTIVE RELIEF PERMITTED.—Any  
22           remedial or replacement congressional redistricting  
23           plan ordered under this subsection shall not be sub-  
24           ject to temporary or preliminary injunctive relief

1 from any court unless the record establishes that a  
2 writ of mandamus is warranted.

3 (3) NO STAY PENDING APPEAL.—Notwith-  
4 standing the appeal of an order finding that a con-  
5 gressional redistricting plan of a State violates, in  
6 whole or in part, the requirements of this Act, no  
7 stay shall issue which shall bar the development or  
8 adoption of a replacement or remedial plan under  
9 this subsection, as may be directed by the district  
10 court, pending such appeal.

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

15 (e) RELATION TO OTHER LAWS.—

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

24 (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
25 this Act authorizes or requires conduct that is pro-

1       hibited by the Voting Rights Act of 1965 (52 U.S.C.  
2       10301 et seq.).

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

9       **SEC. 403. 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. 404. NO EFFECT ON ELECTIONS FOR STATE AND**  
19       **LOCAL 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. 405. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 apply with respect to redistricting carried out pursuant to  
4 the decennial census conducted during 2030 or any suc-  
5 ceeding decennial census.

6 **TITLE V—REQUIREMENTS FOR**  
7 **REDISTRICTING CARRIED**  
8 **OUT PURSUANT TO 2020 CEN-**  
9 **SUS**

10 **Subtitle A—Application of Certain**  
11 **Requirements for Redistricting**  
12 **Carried Out Pursuant to 2020**  
13 **Census**

14 **SEC. 511. APPLICATION OF CERTAIN REQUIREMENTS FOR**  
15 **REDISTRICTING CARRIED OUT PURSUANT TO**  
16 **2020 CENSUS.**

17       Notwithstanding section 405, titles I, III, and IV of  
18 this Act and the amendments made by such titles shall  
19 apply with respect to congressional redistricting carried  
20 out pursuant to the decennial census conducted during  
21 2020 in the same manner as such titles and the amend-  
22 ments made by such title apply with respect to redis-  
23 tricting carried out pursuant to the decennial census con-  
24 ducted during 2030, except as follows:

1           (1) Except as provided in subsection (c) and  
2           subsection (d) of section 101, the redistricting shall  
3           be conducted in accordance with—

4                   (A) the redistricting plan developed and  
5                   enacted into law by the independent redistricting  
6                   commission established in the State in  
7                   accordance with subtitle B; or

8                   (B) if a plan developed by such commission  
9                   is not enacted into law, the redistricting plan  
10                  developed and enacted into law by a 3-judge  
11                  court in accordance with section 301.

12          (2) If any of the triggering events described in  
13          section 512 occur with respect to the State, the  
14          United States district court for the applicable venue  
15          shall develop and publish the redistricting plan for  
16          the State, in accordance with section 301, not later  
17          than March 15, 2022.

18          (3) For purposes of section 401(d)(1), the Elec-  
19          tion Assistance Commission may not make a pay-  
20          ment to a State under such section until the State  
21          certifies to the Commission that the nonpartisan  
22          agency established or designated by a State under  
23          section 524(a) has, in accordance with section  
24          522(b)(1), submitted a selection pool to the Select

1 Committee on Redistricting for the State established  
2 under section 524(b).

3 **SEC. 512. TRIGGERING EVENTS.**

4 For purposes of the redistricting carried out pursuant  
5 to the decennial census conducted during 2020, the trig-  
6 gering events described in this section are as follows:

7 (1) The failure of the State to establish or des-  
8 ignate a nonpartisan agency under section 524(a)  
9 prior to the expiration of the deadline under section  
10 524(a)(6).

11 (2) The failure of the State to appoint a Select  
12 Committee on Redistricting under section 524(b)  
13 prior to the expiration of the deadline under section  
14 524(b)(4).

15 (3) The failure of the Select Committee on Re-  
16 districting to approve a selection pool under section  
17 522(b) prior to the expiration of the deadline under  
18 section 522(b)(7).

19 (4) The failure of the independent redistricting  
20 commission of the State to approve a final redis-  
21 tricting plan for the State under section 523 prior  
22 to the expiration of the deadline under section  
23 523(e).

1 **Subtitle B—Independent Redis-**  
 2 **tricting Commissions for Redis-**  
 3 **tricting Carried Out Pursuant**  
 4 **to 2020 Census**

5 **SEC. 521. USE OF INDEPENDENT REDISTRICTING COMMIS-**  
 6 **SIONS FOR REDISTRICTING CARRIED OUT**  
 7 **PURSUANT TO 2020 CENSUS.**

8 (a) APPOINTMENT OF MEMBERS.—

9 (1) IN GENERAL.—The nonpartisan agency es-  
 10 tablished or designated by a State under section  
 11 524(a) shall establish an independent redistricting  
 12 commission under this title for the State, which shall  
 13 consist of 15 members appointed by the agency as  
 14 follows:

15 (A) Not later than November 5, 2021, the  
 16 agency shall, at a public meeting held not ear-  
 17 lier than 15 days after notice of the meeting  
 18 has been given to the public, first appoint 6  
 19 members as follows:

20 (i) The agency shall appoint 2 mem-  
 21 bers on a random basis from the majority  
 22 category of the approved selection pool (as  
 23 described in section 522(b)(1)(A)).

24 (ii) The agency shall appoint 2 mem-  
 25 bers on a random basis from the minority

1 category of the approved selection pool (as  
2 described in section 522(b)(1)(B)).

3 (iii) The agency shall appoint 2 mem-  
4 bers on a random basis from the inde-  
5 pendent category of the approved selection  
6 pool (as described in section 522(b)(1)(C)).

7 (B) Not later than November 15, 2021,  
8 the members appointed by the agency under  
9 subparagraph (A) shall, at a public meeting  
10 held not earlier than 15 days after notice of the  
11 meeting has been given to the public, then ap-  
12 point 9 members as follows:

13 (i) The members shall appoint 3 mem-  
14 bers from the majority category of the ap-  
15 proved selection pool (as described in sec-  
16 tion 522(b)(1)(A)).

17 (ii) The members shall appoint 3  
18 members from the minority category of the  
19 approved selection pool (as described in  
20 section 522(b)(1)(B)).

21 (iii) The members shall appoint 3  
22 members from the independent category of  
23 the approved selection pool (as described in  
24 section 522(b)(1)(C)).

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

3           (A) AFFIRMATIVE VOTE OF AT LEAST 4  
4 MEMBERS.—The appointment of any of the 9  
5 members of the independent redistricting com-  
6 mission who are appointed by the first members  
7 of the commission pursuant to subparagraph  
8 (B) of paragraph (1) shall require the affirma-  
9 tive vote of at least 4 of the members appointed  
10 by the nonpartisan agency under subparagraph  
11 (A) of paragraph (1), including at least one  
12 member from each of the categories referred to  
13 in such subparagraph.

14           (B) ENSURING DIVERSITY.—In appointing  
15 the 9 members pursuant to subparagraph (B)  
16 of paragraph (1), the first members of the inde-  
17 pendent redistricting commission shall ensure  
18 that the membership is representative of the de-  
19 mographic groups (including racial, ethnic, eco-  
20 nomic, and gender) and geographic regions of  
21 the State, and provides racial, ethnic, and lan-  
22 guage minorities protected under the Voting  
23 Rights Act of 1965 with a meaningful oppor-  
24 tunity to participate in the development of the  
25 State’s redistricting plan.

1           (3) REMOVAL.—A member of the independent  
 2       redistricting commission may be removed by a ma-  
 3       jority vote of the remaining members of the commis-  
 4       sion if it is shown by a preponderance of the evi-  
 5       dence that the member is not eligible to serve on the  
 6       commission under section 522(a).

7       (b) PROCEDURES FOR CONDUCTING COMMISSION  
 8 BUSINESS.—

9           (1) REQUIRING MAJORITY APPROVAL FOR AC-  
 10       TIONS.—The independent redistricting commission  
 11       of a State under this title may not publish and dis-  
 12       seminate any draft or final redistricting plan, or  
 13       take any other action, without the approval of at  
 14       least—

15               (A) a majority of the whole membership of  
 16       the commission; and

17               (B) at least one member of the commission  
 18       appointed from each of the categories of the ap-  
 19       proved selection pool described in section  
 20       522(b)(1).

21       (2) QUORUM.—A majority of the members of  
 22       the commission shall constitute a quorum.

23       (c) STAFF; CONTRACTORS.—

24           (1) STAFF.—Under a public application process  
 25       in which all application materials are available for

1 public inspection, the independent redistricting com-  
2 mission of a State under this title shall appoint and  
3 set the pay of technical experts, legal counsel, con-  
4 sultants, and such other staff as it considers appro-  
5 priate, subject to State law.

6 (2) CONTRACTORS.—The independent redis-  
7 tricting commission of a State may enter into such  
8 contracts with vendors as it considers appropriate,  
9 subject to State law, except that any such contract  
10 shall be valid only if approved by the vote of a ma-  
11 jority of the members of the commission, including  
12 at least one member appointed from each of the cat-  
13 egories of the approved selection pool described in  
14 section 522(b)(1).

15 (3) GOAL OF IMPARTIALITY.—The commission  
16 shall take such steps as it considers appropriate to  
17 ensure that any staff appointed under this sub-  
18 section, and any vendor with whom the commission  
19 enters into a contract under this subsection, will  
20 work in an impartial manner.

21 (d) PRESERVATION OF RECORDS.—The State shall  
22 ensure that the records of the independent redistricting  
23 commission are retained in the appropriate State archive  
24 in such manner as may be necessary to enable the State

1 to respond to any civil action brought with respect to con-  
2 gressional redistricting in the State.

3 **SEC. 522. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
4 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
5 **OF COMMISSION.**

6 (a) CRITERIA FOR ELIGIBILITY.—

7 (1) IN GENERAL.—An individual is eligible to  
8 serve as a member of an independent redistricting  
9 commission under this title if the individual meets  
10 each of the following criteria:

11 (A) As of the date of appointment, the in-  
12 dividual is registered to vote in elections for  
13 Federal office held in the State.

14 (B) During the 3-year period ending on  
15 the date of the individual's appointment, the in-  
16 dividual has been continuously registered to  
17 vote with the same political party, or has not  
18 been registered to vote with any political party.

19 (C) The individual submits to the non-  
20 partisan agency established or designated by a  
21 State under section 524, at such time and in  
22 such form as the agency may require, an appli-  
23 cation for inclusion in the selection pool under  
24 this section, and includes with the application a  
25 written statement, with an attestation under

1 penalty of perjury, containing the following in-  
2 formation and assurances:

3 (i) The full current name and any  
4 former names of, and the contact informa-  
5 tion for, the individual, including an elec-  
6 tronic mail address, the address of the in-  
7 dividual's residence, mailing address, and  
8 telephone numbers.

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

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

14 (iv) The reason or reasons the indi-  
15 vidual desires to serve on the independent  
16 redistricting commission, the individual's  
17 qualifications, and information relevant to  
18 the ability of the individual to be fair and  
19 impartial, including—

20 (I) any involvement with, or fi-  
21 nancial support of, professional, so-  
22 cial, political, religious, or community  
23 organizations or causes; and

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

1           (v) An assurance that the individual  
 2           shall commit to carrying out the individ-  
 3           ual's duties under this Act in an honest,  
 4           independent, and impartial fashion, and to  
 5           upholding public confidence in the integrity  
 6           of the redistricting process.

7           (vi) An assurance that, during such  
 8           covered period as the State may establish  
 9           with respect to any of the subparagraphs  
 10          of paragraph (2), the individual has not  
 11          taken and will not take any action which  
 12          would disqualify the individual from serv-  
 13          ing as a member of the commission under  
 14          such paragraph.

15          (2) DISQUALIFICATIONS.—An individual is not  
 16          eligible to serve as a member of the commission if  
 17          any of the following applies with respect to such cov-  
 18          ered period as the State may establish:

19                (A) The individual or an immediate family  
 20                member of the individual holds public office or  
 21                is a candidate for election for public office.

22                (B) The individual or an immediate family  
 23                member of the individual serves as an officer of  
 24                a political party or as an officer, employee, or  
 25                paid consultant of a campaign committee of a

1 candidate for public office or of any political ac-  
2 tion committee (as determined in accordance  
3 with the law of the State).

4 (C) The individual or an immediate family  
5 member of the individual holds a position as a  
6 registered lobbyist under the Lobbying Discl-  
7 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an  
8 equivalent State or local law.

9 (D) The individual or an immediate family  
10 member of the individual is an employee of an  
11 elected public official, a contractor with the gov-  
12 ernment of the State, or a donor to the cam-  
13 paign of any candidate for public office or to  
14 any political action committee (other than a  
15 donor who, during any of such covered periods,  
16 gives an aggregate amount of \$1,000 or less to  
17 the campaigns of all candidates for all public  
18 offices and to all political action committees).

19 (E) The individual paid a civil money pen-  
20 alty or criminal fine, or was sentenced to a  
21 term of imprisonment, for violating any provi-  
22 sion of the Federal Election Campaign Act of  
23 1971 (52 U.S.C. 30101 et seq.).

24 (F) The individual or an immediate family  
25 member of the individual is an agent of a for-

1           eign principal under the Foreign Agents Reg-  
 2           istration Act of 1938 (22 U.S.C. 611 et seq.).

3           (3) IMMEDIATE FAMILY MEMBER DEFINED.—In  
 4           this subsection, the term “immediate family mem-  
 5           ber” means, with respect to an individual, a father,  
 6           stepfather, mother, stepmother, son, stepson, daugh-  
 7           ter, stepdaughter, brother, stepbrother, sister, step-  
 8           sister, husband, wife, father-in-law, or mother-in-  
 9           law.

10          (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
 11          POOL.—

12           (1) IN GENERAL.—Not later than October 15,  
 13          2021, the nonpartisan agency established or des-  
 14          ignated by a State under section 524(a) shall de-  
 15          velop and submit to the Select Committee on Redis-  
 16          tricting for the State established under section  
 17          524(b) a selection pool of 36 individuals who are eli-  
 18          gible to serve as members of the independent redis-  
 19          tricting commission of the State under this title,  
 20          consisting of individuals in the following categories:

21           (A) A majority category, consisting of 12  
 22          individuals who are affiliated with the political  
 23          party whose candidate received the most votes  
 24          in the most recent Statewide election for Fed-  
 25          eral office held in the State.

1 (B) A minority category, consisting of 12  
 2 individuals who are affiliated with the political  
 3 party whose candidate received the second most  
 4 votes in the most recent Statewide election for  
 5 Federal office held in the State.

6 (C) An independent category, consisting of  
 7 12 individuals who are not affiliated with either  
 8 of the political parties described in subpara-  
 9 graph (A) or subparagraph (B).

10 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
 11 OPING POOL.—In selecting individuals for the selec-  
 12 tion pool under this subsection, the nonpartisan  
 13 agency shall—

14 (A) ensure that the pool is representative  
 15 of the demographic groups (including racial,  
 16 ethnic, economic, and gender) and geographic  
 17 regions of the State, and includes applicants  
 18 who would allow racial, ethnic, and language  
 19 minorities protected under the Voting Rights  
 20 Act of 1965 a meaningful opportunity to par-  
 21 ticipate in the development of the State’s redis-  
 22 tricting plan; and

23 (B) take into consideration the analytical  
 24 skills of the individuals selected in relevant  
 25 fields (including mapping, data management,

1 law, community outreach, demography, and the  
2 geography of the State) and their ability to  
3 work on an impartial basis.

4 (3) DETERMINATION OF POLITICAL PARTY AF-  
5 FILIATION OF INDIVIDUALS IN SELECTION POOL.—

6 For purposes of this section, an individual shall be  
7 considered to be affiliated with a political party only  
8 if the nonpartisan agency is able to verify (to the  
9 greatest extent possible) the information the indi-  
10 vidual provides in the application submitted under  
11 subsection (a)(1)(C), including by considering addi-  
12 tional information provided by other persons with  
13 knowledge of the individual's history of political ac-  
14 tivity.

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

1           (5) REPORT ON ESTABLISHMENT OF SELEC-  
 2           TION POOL.—At the time the nonpartisan agency  
 3           submits the selection pool to the Select Committee  
 4           on Redistricting under paragraph (1), it shall pub-  
 5           lish a report describing the process by which the  
 6           pool was developed, and shall include in the report  
 7           a description of how the individuals in the pool meet  
 8           the eligibility criteria of subsection (a) and of how  
 9           the pool reflects the factors the agency is required  
 10          to take into consideration under paragraph (2).

11          (6) PUBLIC COMMENT ON SELECTION POOL.—  
 12          During the 14-day period which begins on the date  
 13          the nonpartisan agency publishes the report under  
 14          paragraph (5), the agency shall accept comments  
 15          from the public on the individuals included in the se-  
 16          lection pool. The agency shall transmit all such com-  
 17          ments to the Select Committee on Redistricting im-  
 18          mediately upon the expiration of such period.

19          (7) ACTION BY SELECT COMMITTEE.—

20                (A) IN GENERAL.—Not later than Novem-  
 21                ber 1, 2021, the Select Committee on Redis-  
 22                tricting shall—

23                   (i) approve the pool as submitted by  
 24                   the nonpartisan agency, in which case the  
 25                   pool shall be considered the approved selec-

1                   tion pool for purposes of section 521(a)(1);  
 2                   or

3                   (ii) reject the pool, in which case the  
 4                   redistricting plan for the State shall be de-  
 5                   veloped and enacted in accordance with  
 6                   title III.

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

13 **SEC. 523. CRITERIA FOR REDISTRICTING PLAN; PUBLIC NO-**  
 14 **TICE AND INPUT.**

15               (a) PUBLIC NOTICE AND INPUT.—

16               (1) USE OF OPEN AND TRANSPARENT PROC-  
 17               ESS.—The independent redistricting commission of a  
 18               State under this title shall hold each of its meetings  
 19               in public, shall solicit and take into consideration  
 20               comments from the public, including proposed maps,  
 21               throughout the process of developing the redis-  
 22               tricting plan for the State, and shall carry out its  
 23               duties in an open and transparent manner which  
 24               provides for the widest public dissemination reason-

1 ably possible of its proposed and final redistricting  
2 plans.

3 (2) PUBLIC COMMENT PERIOD.—The commis-  
4 sion shall solicit, accept, and consider comments  
5 from the public with respect to its duties, activities,  
6 and procedures at any time until 7 days before the  
7 date of the meeting at which the commission shall  
8 vote on approving the final redistricting plan for en-  
9 actment into law under subsection (c)(2).

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

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

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

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

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

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

(A) 2 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under this subsection, the commission shall hold not fewer than 2 public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for the State and the process by which the commission will develop the preliminary plan under this subsection.

(B) NOTICE PRIOR TO HEARINGS.—The commission shall provide for the publication of notices of each hearing held under this paragraph, including in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(C) SUBMISSION OF PLANS AND MAPS BY MEMBERS OF THE PUBLIC.—Any member of the public may submit maps or portions of maps for consideration by the commission.

1           (3) PUBLICATION OF PRELIMINARY PLAN.—The  
2       commission shall provide for the publication of the  
3       preliminary redistricting plan developed under this  
4       subsection, including in newspapers of general cir-  
5       culation throughout the State, and shall make pub-  
6       licly available a report that includes the commis-  
7       sion's responses to any public comments received  
8       under this subsection.

9           (4) PUBLIC COMMENT AFTER PUBLICATION.—  
10      The commission shall accept and consider comments  
11      from the public with respect to the preliminary re-  
12      districting plan published under paragraph (3), in-  
13      cluding proposed revisions to maps, until 14 days  
14      before the date of the meeting under subsection  
15      (c)(2) at which the members of the commission shall  
16      vote on approving the final redistricting plan for en-  
17      actment into law.

18          (5) POST-PUBLICATION HEARINGS.—

19           (A) 2 HEARINGS REQUIRED.—After pub-  
20      lishing the preliminary redistricting plan under  
21      paragraph (3), and not later than 14 days be-  
22      fore the date of the meeting under subsection  
23      (c)(2) at which the members of the commission  
24      shall vote on approving the final redistricting  
25      plan for enactment into law, the commission

1 shall hold not fewer than 2 public hearings in  
2 different geographic areas of the State at which  
3 members of the public may provide input and  
4 comments regarding the preliminary plan.

5 (B) NOTICE PRIOR TO HEARINGS.—The  
6 commission shall provide for the publication of  
7 notices of each hearing held under this para-  
8 graph, including in newspapers of general cir-  
9 culation throughout the State. Each such notice  
10 shall specify the date, time, and location of the  
11 hearing.

12 (6) PERMITTING MULTIPLE PRELIMINARY  
13 PLANS.—At the option of the commission, after de-  
14 veloping and publishing the preliminary redistricting  
15 plan under this subsection, the commission may de-  
16 velop and publish subsequent preliminary redis-  
17 tricting plans, so long as the process for the develop-  
18 ment and publication of each such subsequent plan  
19 meets the requirements set forth in this subsection  
20 for the development and publication of the first pre-  
21 liminary redistricting plan.

22 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-  
23 TRICTING PLAN.—

24 (1) IN GENERAL.—After taking into consider-  
25 ation comments from the public on any preliminary

1       redistricting plan developed and published under  
2       subsection (b), the independent redistricting commis-  
3       sion of a State under this title shall develop and  
4       publish a final redistricting plan for the State.

5           (2) MEETING; FINAL VOTE.—Not later than the  
6       deadline specified in subsection (e), the commission  
7       shall hold a public hearing at which the members of  
8       the commission shall vote on approving the final  
9       plan for enactment into law.

10          (3) PUBLICATION OF PLAN AND ACCOMPANYING  
11       MATERIALS.—Not fewer than 14 days before the  
12       date of the meeting under paragraph (2), the com-  
13       mission shall make the following information avail-  
14       able to the public, including through newspapers of  
15       general circulation throughout the State:

16           (A) The final redistricting plan, including  
17       all relevant maps.

18           (B) A report by the commission to accom-  
19       pany the plan which provides the background  
20       for the plan and the commission's reasons for  
21       selecting the plan as the final redistricting plan,  
22       including responses to the public comments re-  
23       ceived on any preliminary redistricting plan de-  
24       veloped and published under subsection (b).

1 (C) Any dissenting or additional views with  
 2 respect to the plan of individual members of the  
 3 commission.

4 (4) ENACTMENT.—The final redistricting plan  
 5 developed and published under this subsection shall  
 6 be deemed to be enacted into law upon the expira-  
 7 tion of the 45-day period which begins on the date  
 8 on which—

9 (A) such final plan is approved by a major-  
 10 ity of the whole membership of the commission;  
 11 and

12 (B) at least one member of the commission  
 13 appointed from each of the categories of the ap-  
 14 proved selection pool described in section  
 15 522(b)(1) approves such final plan.

16 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-  
 17 TERNAL METRICS.—The independent redistricting com-  
 18 mission of a State under this title shall include with each  
 19 redistricting plan developed and published under this sec-  
 20 tion a written evaluation that measures each such plan  
 21 against external metrics which cover the criteria set forth  
 22 in section 103(a), including the impact of the plan on the  
 23 ability of communities of color to elect candidates of  
 24 choice, measures of partisan fairness using multiple ac-

1 cepted methodologies, and the degree to which the plan  
 2 preserves or divides communities of interest.

3 (e) DEADLINE.—The independent redistricting com-  
 4 mission of a State under this title shall approve a final  
 5 redistricting plan for the State not later than February  
 6 15, 2022.

7 **SEC. 524. ESTABLISHMENT OF RELATED ENTITIES.**

8 (a) ESTABLISHMENT OR DESIGNATION OF NON-  
 9 PARTISAN AGENCY OF STATE LEGISLATURE.—

10 (1) IN GENERAL.—Each State shall establish a  
 11 nonpartisan agency in the legislative branch of the  
 12 State government to appoint the members of the  
 13 independent redistricting commission for the State  
 14 under this title in accordance with section 521.

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

18 (A) is required to provide services on a  
 19 nonpartisan basis;

20 (B) is required to maintain impartiality;  
 21 and

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

24 (3) DESIGNATION OF EXISTING AGENCY.—At  
 25 its option, a State may designate an existing agency

1 in the legislative branch of its government to appoint  
 2 the members of the independent redistricting com-  
 3 mission plan for the State under this Act, so long  
 4 as the agency meets the requirements for non-  
 5 partisanship under this subsection.

6 (4) TERMINATION OF AGENCY SPECIFICALLY  
 7 ESTABLISHED FOR REDISTRICTING.—If a State does  
 8 not designate an existing agency under paragraph  
 9 (3) but instead establishes a new agency to serve as  
 10 the nonpartisan agency under this section, the new  
 11 agency shall terminate upon the enactment into law  
 12 of the redistricting plan for the State.

13 (5) PRESERVATION OF RECORDS.—The State  
 14 shall ensure that the records of the nonpartisan  
 15 agency are retained in the appropriate State archive  
 16 in such manner as may be necessary to enable the  
 17 State to respond to any civil action brought with re-  
 18 spect to congressional redistricting in the State.

19 (6) DEADLINE.—The State shall meet the re-  
 20 quirements of this subsection not later than Sep-  
 21 tember 1, 2021.

22 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
 23 DISTRICTING.—

24 (1) IN GENERAL.—Each State shall appoint a  
 25 Select Committee on Redistricting to approve or dis-

1 approve a selection pool developed by the inde-  
2 pendent redistricting commission for the State under  
3 this title under section 522.

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

7 (A) One member of the upper house of the  
8 State legislature, who shall be appointed by the  
9 leader of the party with the greatest number of  
10 seats in the upper house.

11 (B) One member of the upper house of the  
12 State legislature, who shall be appointed by the  
13 leader of the party with the second greatest  
14 number of seats in the upper house.

15 (C) One member of the lower house of the  
16 State legislature, who shall be appointed by the  
17 leader of the party with the greatest number of  
18 seats in the lower house.

19 (D) One member of the lower house of the  
20 State legislature, who shall be appointed by the  
21 leader of the party with the second greatest  
22 number of seats in the lower house.

23 (3) SPECIAL RULE FOR STATES WITH UNICAM-  
24 ERAL LEGISLATURE.—In the case of a State with a  
25 unicameral legislature, the Select Committee on Re-

1        districting for the State under this subsection shall  
2        consist of the following members:

3                (A) Two members of the State legislature  
4                appointed by the chair of the political party of  
5                the State whose candidate received the highest  
6                percentage of votes in the most recent State-  
7                wide election for Federal office held in the  
8                State.

9                (B) Two members of the State legislature  
10               appointed by the chair of the political party  
11               whose candidate received the second highest  
12               percentage of votes in the most recent State-  
13               wide election for Federal office held in the  
14               State.

15               (4) DEADLINE.—The State shall meet the re-  
16               quirements of this subsection not later than Sep-  
17               tember 15, 2021.

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

1 **SEC. 525. REPORT ON DIVERSITY OF MEMBERSHIPS OF**  
2 **INDEPENDENT REDISTRICTING COMMIS-**  
3 **SIONS.**

4 Not later than February 15, 2022, the Comptroller  
5 General of the United States shall submit to Congress a  
6 report on the extent to which the memberships of inde-  
7 pendent redistricting commissions for States established  
8 under this title with respect to the immediately preceding  
9 year ending in the numeral zero meet the diversity require-  
10 ments as provided for in sections 521(a)(2)(B) and  
11 522(b)(2).

**Calendar No. 119**

117TH CONGRESS  
1ST Session

**S. 2670**

**A BILL**

To provide for redistricting reform, and for other purposes.

August 7, 2021

Read the second time and placed on the calendar