

115TH CONGRESS
1ST SESSION

H. R. 3057

To establish the use of ranked choice voting in elections for Representatives in Congress, to require each State with more than one Representative to establish multi-member Congressional districts, to require States to conduct Congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2017

Mr. BEYER (for himself, Mr. RASKIN, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the use of ranked choice voting in elections for Representatives in Congress, to require each State with more than one Representative to establish multi-member Congressional districts, to require States to conduct Congressional redistricting through independent commissions, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Fair Representation Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Finding of Constitutional authority.

TITLE I—RANKED CHOICE VOTING

Sec. 101. Requiring ranked choice voting for election of Representatives.

“Subtitle C—Ranked Choice Voting

“PART 1—REQUIRING RANKED CHOICE VOTING FOR ELECTION OF
REPRESENTATIVES

“Sec. 321. Requiring ranked choice voting for election of Representatives.
“Sec. 322. Application to District of Columbia and Territories.
“Sec. 323. Treatment of States not holding primary elections prior to date
of general election.

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat Congressional elections.
“Sec. 332. Tabulation for multi-seat Congressional elections.
“Sec. 333. Exclusion of inactive ballots.
“Sec. 334. Treatment of ties between candidates.

“PART 3—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

“Sec. 341. Payments to States to implement ranked choice voting.
Sec. 102. Applicability of enforcement provisions of Help America Vote Act of
2002.
Sec. 103. Effective date.

TITLE II—MULTI-MEMBER DISTRICTS

Sec. 201. Requiring use of multi-member districts in certain States.
Sec. 202. Requiring certain States to elect all Representatives at large.
Sec. 203. Establishing minimum number of candidates in general election.
Sec. 204. Conforming amendments.
Sec. 205. Effective date.

TITLE III—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Subtitle A—General Requirements

Sec. 301. Limit on Congressional redistricting after an apportionment.
Sec. 302. Requiring Congressional redistricting to be conducted through plan of
independent State commission.

Subtitle B—Independent Redistricting Commissions

Sec. 311. Independent redistricting commission.

Sec. 312. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 313. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 314. Establishment of related entities.

Subtitle C—Role of Courts in Development of Redistricting Plans

Sec. 321. Enactment of plan developed by 3-judge court.

Sec. 322. Special rule for redistricting conducted under order of Federal court.

Subtitle D—Administrative and Miscellaneous Provisions

Sec. 331. Payments to States for carrying out redistricting.

Sec. 332. Civil enforcement.

Sec. 333. State apportionment notice defined.

TITLE IV—GENERAL PROVISIONS

Sec. 401. No effect on elections for State and local office.

Sec. 402. Severability.

Sec. 403. Effective date.

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

2 Congress finds that it has the authority to establish
3 the terms and conditions States must follow in carrying
4 out Congressional redistricting after an apportionment of
5 Members of the House of Representatives and in admin-
6 istering elections for the House of Representatives be-
7 cause—

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

13 (2) the authority granted to Congress under
14 section 5 of the fourteenth amendment to the Con-
15 stitution gives Congress the power to enact laws to

1 enforce section 2 of such amendment, which requires
 2 Representatives to be apportioned among the several
 3 States according to their number.

4 **TITLE I—RANKED CHOICE**
 5 **VOTING**

6 **SEC. 101. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
 7 **TION OF REPRESENTATIVES.**

8 (a) IN GENERAL.—Title III of the Help America
 9 Vote Act of 2001 (52 U.S.C. 21081 et seq.) is amended
 10 by adding at the end the following new subtitle:

11 **“Subtitle C—Ranked Choice Voting**

12 **“PART 1—REQUIRING RANKED CHOICE VOTING**
 13 **FOR ELECTION OF REPRESENTATIVES**

14 **“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
 15 **TION OF REPRESENTATIVES.**

16 “(a) RANKED CHOICE VOTING.—Each State shall
 17 carry out elections for the office of Representative in Con-
 18 gress, including primary, special, and runoff elections for
 19 such office, using a system of ranked choice voting under
 20 which each voter shall rank the candidates for the office
 21 in the order of the voter’s preference, in accordance with
 22 this title.

23 “(b) BALLOT DESIGN.—Each State shall ensure that
 24 the ballot used in an election carried out using a system

1 of ranked choice voting under this title meets each of the
2 following requirements:

3 “(1) The ballot shall be simple and easy to un-
4 derstand.

5 “(2) The ballot shall include all qualified can-
6 didates for the election and (to the extent permitted
7 under State law) options for voters to select write-
8 in candidates. If feasible, the ballot shall permit vot-
9 ers to rank every candidate in the election. If it is
10 not feasible for the ballot to permit voters to rank
11 every candidate, the State may limit the number of
12 candidates who may be ranked on the ballot to not
13 fewer than 6.

14 “(3) The ballot shall include such instructions
15 as the State considers necessary to enable the voter
16 to rank candidates and successfully cast the ballot
17 under the system.

18 **“SEC. 322. APPLICATION TO DISTRICT OF COLUMBIA AND**
19 **TERRITORIES.**

20 “(a) ELECTION OF DELEGATES AND RESIDENT COM-
21 MISSIONER.—In this subtitle, the term ‘Representative’ in-
22 cludes a Delegate or Resident Commissioner to the Con-
23 gress.

24 “(b) APPLICATION TO NORTHERN MARIANA IS-
25 LANDS.—This subtitle shall apply with respect to the

1 Commonwealth of the Northern Mariana Islands in the
 2 same manner as this subtitle applies to a State.

3 **“SEC. 323. TREATMENT OF STATES NOT HOLDING PRIMARY**
 4 **ELECTIONS PRIOR TO DATE OF GENERAL**
 5 **ELECTION.**

6 “Nothing in this title shall be construed to require
 7 a State to hold a primary election for the office of Rep-
 8 resentative in Congress prior to the date established under
 9 section 25 of the Revised Statutes of the United States
 10 (2 U.S.C. 7) for the regularly scheduled general election
 11 for such office, so long as the determination of the can-
 12 didates who are elected to such office is based solely on
 13 the votes cast with respect to the election held on such
 14 date, as determined in accordance with the system of
 15 ranked choice voting under this title.

16 **“PART 2—TABULATION PROCESS**

17 **“SEC. 331. TABULATION FOR SINGLE-SEAT CONGRES-**
 18 **SIONAL ELECTIONS.**

19 “(a) IN GENERAL.—

20 “(1) DETERMINATION OF CANDIDATE’S NUM-
 21 BER OF VOTES.—In a single-seat election, the num-
 22 ber of votes received by a candidate shall be equal
 23 to the sum of—

1 “(A) the number of ballots cast in the elec-
 2 tion on which the candidate was the highest-
 3 ranked candidate; and

4 “(B) the number of votes transferred to
 5 the candidate under subsection (b)(2).

6 “(2) CRITERIA FOR ELECTION.—In the case of
 7 a single-seat election, a candidate shall be elected to
 8 the office of Representative in Congress (or, in the
 9 case of a primary election, shall advance to the gen-
 10 eral election for such office as provided under the
 11 law of the State involved) if—

12 “(A) the candidate receives a number of
 13 votes greater than 50 percent of the number of
 14 ballots cast in the election; or

15 “(B) if the election official carries out an
 16 additional round of tabulation under subsection
 17 (b), the candidate receives the greatest number
 18 of votes of the 2 remaining continuing can-
 19 didates (as described in such subsection).

20 “(b) PROCESS IN CASE NO CANDIDATE ELECTED
 21 UNDER INITIAL TABULATION.—

22 “(1) ADDITIONAL ROUNDS OF TABULATION.—
 23 If, under the initial tabulation of ballots in a single-
 24 seat election, no candidate is elected to office (or, in
 25 the case of a primary election, no candidate ad-

vances to the general election for such office) under the criteria described in subsection (a)(2)(A), the election official shall carry out additional rounds of tabulation in accordance with paragraph (2) until only 2 continuing candidates remain.

“(2) TREATMENT OF BALLOTS IN ADDITIONAL ROUNDS.—In each additional round of tabulation carried out under this subsection—

“(A) the candidate receiving the fewest number of votes among all candidates (or, in the case of a State which applies batch elimination under paragraph (3), each candidate in the batch elimination group) shall be treated as a defeated candidate;

“(B) for each ballot cast for a defeated candidate, the election official shall determine the highest-ranked candidate on the ballot who is a continuing candidate; and

“(C) the vote cast on the ballot shall be transferred to, and added to the total number of votes received by, the highest-ranked continuing candidate determined under subparagraph (B).

“(3) PERMITTING STATE TO USE BATCH ELIMINATION TO DETERMINE MULTIPLE DEFEATED CAN-

1 DIDATES.—At the option of the State, with respect
 2 to any additional round of tabulation carried out
 3 under this subsection, a State may use batch elimi-
 4 nation to treat multiple candidates as defeated can-
 5 didates for purposes of paragraph (2) if such can-
 6 didates may be placed in a batch elimination group
 7 described as follows:

8 “(A) If a candidate is in the group, the
 9 group includes each candidate who has received
 10 a total number of votes which is less than or
 11 equal to the total number of votes received by
 12 the candidate.

13 “(B) The total number of votes received by
 14 all candidates in the group is less than the
 15 number of votes received by any candidate who
 16 is not in the group.

17 “(C) At least 2 candidates are not in the
 18 group.

19 “(c) DEFINITIONS.—In this section—

20 “(1) the term ‘continuing candidate’ means,
 21 with respect to an additional round of tabulation
 22 conducted under subsection (b), a candidate who is
 23 not treated as a defeated candidate during the tab-
 24 ulation of ballots under this section; and

25 “(2) the term ‘single-seat election’ means—

1 “(A) a general election in which one Rep-
2 resentative shall be elected; or

3 “(B) a primary election in which one can-
4 didate shall advance to the general election.

5 **“SEC. 332. TABULATION FOR MULTI-SEAT CONGRESSIONAL**
6 **ELECTIONS.**

7 “(a) IN GENERAL.—

8 “(1) DETERMINATION OF CANDIDATE’S NUM-
9 BER OF VOTES.—In the case of a multi-seat election,
10 the number of votes received by a candidate shall be
11 equal to the sum of—

12 “(A) the number of ballots cast in the elec-
13 tion on which the candidate was the highest-
14 ranked candidate, based on the initial tabula-
15 tion of ballots; and

16 “(B) the number of votes transferred and
17 added with respect to the candidate under sub-
18 section (b).

19 “(2) CRITERIA FOR ELECTION.—In the case of
20 a multi-seat election, a candidate shall be considered
21 to be a winning candidate and shall be elected to one
22 of the offices of Representative in the Congressional
23 district (or, in the case of a primary election, shall
24 advance to the general election for such offices as
25 provided under the law of the State involved) if—

1 “(A) the candidate receives a number of
2 votes greater than the multi-seat election
3 threshold, as determined under this section; or

4 “(B) the candidate is a continuing can-
5 didate and the total number of winning and
6 continuing candidates is equal to or less than
7 the required number of winning candidates with
8 respect to the election.

9 “(b) PROCESS IN CASE OF INSUFFICIENT NUMBER
10 OF WINNING CANDIDATES.—

11 “(1) ADDITIONAL ROUNDS OF TABULATION.—

12 “(A) IN GENERAL.—If under the initial
13 tabulation of ballots in a multi-seat election, the
14 number of winning candidates is less than the
15 required number of winning candidates with re-
16 spect to the election and there is at least one
17 continuing candidate, the election official shall
18 carry out additional rounds of tabulation in ac-
19 cordance with this subsection until the number
20 of winning candidates is equal to such required
21 number of winning candidates.

22 “(B) ADDITIONAL ROUNDS DESCRIBED.—
23 The additional rounds of tabulation under this
24 subsection are as follows:

1 “(i) Surplus vote tabulation rounds
2 under which surplus votes cast for winning
3 candidates are transferred to other can-
4 didates, as described in paragraph (2).

5 “(ii) Candidate elimination rounds
6 under which votes cast for defeated can-
7 didates are transferred to other candidates,
8 as described in paragraph (3).

9 “(2) SURPLUS VOTE TABULATION ROUNDS.—

10 “(A) TRANSFER OF PERCENTAGE OF WIN-
11 NING CANDIDATE’S VOTES TO NEXT-HIGHEST
12 RANKED CANDIDATE.—Under a surplus vote
13 tabulation round carried out under this para-
14 graph, the election official shall transfer to, and
15 add to the total number of votes received by,
16 each continuing candidate a number of votes
17 equal to the product of—

18 “(i) the surplus vote allocation per-
19 centage for the winning candidate who has
20 received the greatest number of votes as of
21 the beginning of the surplus vote tabula-
22 tion round (as determined under subpara-
23 graph (B)), excluding any candidate from
24 whom surplus votes have been transferred

1 in any previous surplus vote tabulation
2 round under this paragraph; and

3 “(ii) the number of ballots cast for
4 such winning candidate on which such con-
5 tinuing candidate was the highest-ranked
6 continuing candidate, as determined by the
7 election official.

8 “(B) DETERMINATION OF NUMBER OF
9 VOTES RECEIVED BY CANDIDATE AS OF BEGIN-
10 NING OF ROUND.—For purposes of clause (i) of
11 subparagraph (A), the number of votes received
12 by a candidate as of the beginning of a surplus
13 vote tabulation round under this paragraph
14 shall be determined by taking into account—

15 “(i) the transfer of surplus votes to
16 the candidate in a previous surplus tabula-
17 tion round under this paragraph (if any),
18 and

19 “(ii) the transfer of votes to the can-
20 didate in a candidate elimination round
21 carried out under paragraph (3) (if any).

22 “(C) ONE-TIME TRANSFER.—After trans-
23 ferring votes cast with respect to a winning
24 candidate during a surplus vote tabulation
25 round under this paragraph, the election official

1 may not make any subsequent transfer of any
2 of such candidate's votes during any subsequent
3 surplus vote tabulation round under this para-
4 graph.

5 “(D) SURPLUS VOTE ALLOCATION PER-
6 CENTAGE DEFINED.—In this paragraph, the
7 term ‘surplus vote percentage’ means, with re-
8 spect to a winning candidate, an amount (ex-
9 pressed as a percentage) equal to—

10 “(i) the difference between the total
11 number of votes received by the candidate,
12 as determined under subsection (a)(1), and
13 the multi-seat election threshold; divided
14 by

15 “(ii) the total number of votes re-
16 ceived by the candidate, as determined
17 under subsection (a)(1),
18 rounded to 4 decimal places.

19 “(3) CANDIDATE ELIMINATION ROUNDS.—

20 “(A) TRANSFER OF VOTES CAST FOR
21 ELIMINATED CANDIDATES.—Subject to sub-
22 paragraph (C), the election official shall carry
23 out candidate elimination rounds under this
24 paragraph as follows:

1 “(i) The candidate receiving the few-
2 est number of votes among all candidates
3 as of the beginning of the round, after tak-
4 ing into account the transfer of surplus
5 votes in any surplus vote tabulation round
6 carried out under paragraph (2) and the
7 transfer of votes cast for defeated can-
8 didates under any previous candidate elimi-
9 nation round carried out under this para-
10 graph (or, in the case of a State which ap-
11 plies batch elimination under subparagraph
12 (B), each candidate in the batch elimi-
13 nation group), shall be treated as a de-
14 feated candidate.

15 “(ii) For each ballot cast for a de-
16 feated candidate, the election official shall
17 determine the highest-ranked candidate on
18 the ballot who is a continuing candidate.

19 “(iii) The vote cast on the ballot shall
20 be transferred to, and added to the total
21 number of votes received by, the highest-
22 ranked continuing candidate determined
23 under clause (ii).

24 “(B) PERMITTING STATE TO USE BATCH
25 ELIMINATION TO DETERMINE MULTIPLE DE-

1 FEATED CANDIDATES.—At the option of the
2 State, with respect to any candidate elimination
3 round carried out under this subsection, a State
4 may use batch elimination to treat multiple can-
5 didates as defeated candidates for purposes of
6 subparagraph (A) if such candidates may be
7 placed in a batch elimination group described as
8 follows:

9 “(i) If a candidate is in the group, the
10 group includes each continuing candidate
11 who has received a total number of votes
12 (after taking into account the transfer of
13 surplus votes in any surplus vote tabula-
14 tion round carried out under paragraph (2)
15 and the transfer of votes cast for defeated
16 candidates under any previous candidate
17 elimination round carried out under this
18 paragraph) which is less than or equal to
19 the total number of votes received by the
20 candidate (after taking into account such
21 transfer).

22 “(ii) The total number of votes re-
23 ceived by all candidates in the group (after
24 taking into account such transfers of
25 votes) is less than the number of votes re-

1 ceived by any other continuing candidate
2 (after taking into account such transfer).

3 “(iii) The total number of votes re-
4 ceived by all candidates in the group (after
5 taking into account such transfers of
6 votes) is less than the multi-seat election
7 threshold.

8 “(iv) The number of continuing can-
9 didates who are not in the group is equal
10 to or greater than the difference between
11 the number of candidates who have been
12 elected to office under the criteria de-
13 scribed in subsection (a)(2) and the num-
14 ber of Representatives to be elected from
15 the district.

16 “(C) CANDIDATE ELIMINATION ROUND
17 PERMITTED ONLY IF NO SURPLUS VOTE TAB-
18 ULATION ROUND POSSIBLE.—The election offi-
19 cial may not carry out a candidate elimination
20 round under this paragraph unless, as of the
21 beginning of the candidate elimination round,
22 there are no winning candidates from whom
23 surplus votes may be transferred under a sur-
24 plus vote tabulation round under paragraph (2).

25 “(c) OTHER DEFINITIONS.—In this section—

1 “(1) the term ‘continuing candidate’ means,
2 with respect to an additional round of tabulation
3 conducted under subsection (b), a candidate who is
4 neither a winning candidate nor a candidate who is
5 treated as a defeated candidate under such sub-
6 section during the tabulation of ballots under this
7 section;

8 “(2) the ‘required number of winning can-
9 didates’ with respect to an election means—

10 “(A) in the case of a general election, the
11 number of Representatives to be elected in the
12 Congressional district involved, or

13 “(B) in the case of a primary election, the
14 number of candidates required to advance to
15 the general election for the offices of Represent-
16 atives as provided under the law of the State
17 involved;

18 “(3) the term ‘multi-seat election’ means—

19 “(A) a general election in which more than
20 one Representative shall be elected, or

21 “(B) a primary election in which more
22 than one candidate shall advance to the general
23 election (without regard to the number of Rep-
24 resentatives who shall be elected in that general
25 election);

1 “(4) the term ‘multi-seat election threshold’
 2 means, with respect to an election, an amount equal
 3 to—

4 “(A) the number of ballots cast in the elec-
 5 tion; divided by

6 “(B) the sum of one plus the required
 7 number of winning candidates required with re-
 8 spect to the election,
 9 rounded up to 4 decimal places; and

10 “(5) the term ‘winning candidate’ means a can-
 11 didate who was elected to office (or, in the case of
 12 a primary election, who advanced to the general elec-
 13 tion for such office as provided under the law of the
 14 State involved) under the criteria described in sub-
 15 section (a)(2) at any time during the tabulation of
 16 ballots under this section.

17 **“SEC. 333. EXCLUSION OF INACTIVE BALLOTS.**

18 “(a) INITIAL TABULATION.—In the initial tabulation
 19 of ballots under section 331 or section 332, a ballot shall
 20 be treated as an inactive ballot, and no vote on the ballot
 21 shall be counted for any candidate, if—

22 “(1) the voter does not rank any candidates on
 23 the ballot in order of preference;

24 “(2) the voter ranks more than one candidate
 25 at the highest order of preference; or

1 “(3) the voter skips two consecutive numerical
2 rankings prior to the numerical ranking for the can-
3 didate the voter ranks at the highest order of pref-
4 erence.

5 “(b) ADDITIONAL ROUNDS OF TABULATION.—

6 “(1) SINGLE-SEAT ELECTIONS.—In any addi-
7 tional round of tabulation conducted with respect to
8 a single-seat election under section 331(b), if a vote
9 cast for a defeated candidate is cast on an inactive
10 ballot, no vote on the ballot may be transferred to
11 a continuing candidate under section 331(b).

12 “(2) MULTI-SEAT ELECTIONS.—In any addi-
13 tional round of tabulation conducted with respect to
14 a multi-seat election under section 332(b)—

15 “(A) if a vote cast for the winning can-
16 didate is cast on an inactive ballot, no portion
17 of the surplus vote on such ballot may be trans-
18 ferred to a continuing candidate under any sur-
19 plus vote tabulation round described in para-
20 graph (2) of section 332(b); and

21 “(B) if a vote cast for a defeated candidate
22 is cast on an inactive ballot, the vote may not
23 be transferred to any continuing candidate
24 under any candidate elimination round de-
25 scribed in paragraph (3) of section 332(b).

1 “(3) INACTIVE BALLOT DEFINED.—In this sub-
2 section, the term ‘inactive ballot’ means, with re-
3 spect to an additional round of tabulation under sec-
4 tion 331 or section 332—

5 “(A) a ballot on which the voter does not
6 rank any of the continuing candidates in order
7 of preference;

8 “(B) a ballot on which the voter ranked
9 more than one continuing candidate at the
10 highest order of preference; or

11 “(C) a ballot on which the voter skips two
12 or more consecutive numerical rankings prior to
13 the ranking for the continuing candidate at the
14 highest order of preference.

15 **“SEC. 334. TREATMENT OF TIES BETWEEN CANDIDATES.**

16 “(a) ESTABLISHMENT OF RANDOM SELECTION AL-
17 GORITHM.—For each election for Representative in Con-
18 gress, the appropriate election official shall establish and
19 publish a random selection algorithm prior to the tabula-
20 tion of ballots under section 331 and section 332.

21 “(b) DESIGNATION OF WINNING CANDIDATE.—If a
22 tie occurs between candidates with the greatest number
23 of votes or the fewest number of votes at any point in
24 the tabulation of ballots under section 331 or section 332
25 and the tabulation cannot proceed until the tie is resolved,

1 the candidate whose name is selected pursuant to the ran-
 2 dom selection algorithm established for that round under
 3 subsection (a) shall be considered to have the greatest
 4 number of votes among such candidates.

5 **“PART 3—PAYMENTS TO STATES TO IMPLEMENT**
 6 **RANKED CHOICE VOTING**

7 **“SEC. 341. PAYMENTS TO STATES TO IMPLEMENT RANKED**
 8 **CHOICE VOTING.**

9 “(a) PAYMENTS.—Not later than June 1, 2021, the
 10 Commission shall make a payment to the State in an
 11 amount equal to—

12 “(1) in the case of the District of Columbia, the
 13 Commonwealth of Puerto Rico, American Samoa,
 14 Guam, the United States Virgin Islands, and the
 15 Commonwealth of the Northern Mariana Islands,
 16 \$1,500,000; or

17 “(2) in the case of any other State, the sum of
 18 \$1,000,000 and the product of—

19 “(A) the number of Representatives to
 20 which the State is entitled under the reappor-
 21 tionment of Representatives resulting from the
 22 regular decennial census conducted during
 23 2020; and

24 “(B) \$500,000.

1 “(b) USE OF FUNDS.—A State shall use the payment
 2 made under subsection (a) to implement ranked choice
 3 voting under this subtitle and to otherwise carry out elec-
 4 tions for Federal office in the State.

5 “(c) NO EFFECT ON REQUIREMENTS PAYMENTS.—
 6 The receipt or use of the payment made under this section
 7 shall not effect a State’s eligibility for or use of a require-
 8 ments payment made under part 1 of subtitle D of title
 9 II.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated such sums as may be
 12 necessary for payments under this section.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 of such Act is amended by adding at the end of the item
 15 relating to title III the following:

“Subtitle C—Ranked Choice Voting

“PART 1—REQUIRING RANKED CHOICE VOTING FOR ELECTION OF
 REPRESENTATIVES

“Sec. 321. Requiring ranked choice voting for election of Representatives.

“Sec. 322. Application to District of Columbia and Territories.

“Sec. 323. Treatment of States not holding primary elections prior to date of
 general election.

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat Congressional elections.

“Sec. 332. Tabulation for multi-seat Congressional elections.

“Sec. 333. Exclusion of exhausted ballots.

“Sec. 334. Treatment of ties between candidates.

“PART 3—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

“Sec. 341. Payments to States to implement ranked choice voting.”.

1 **SEC. 102. APPLICABILITY OF ENFORCEMENT PROVISIONS**
2 **OF HELP AMERICA VOTE ACT OF 2002.**

3 Section 401 of the Help America Vote Act of 2002
4 (52 U.S.C. 21111) is amended by striking “sections 301,
5 302, and 303” and inserting “title III”.

6 **SEC. 103. EFFECTIVE DATE.**

7 This title and the amendments made by this title
8 shall apply with respect to elections held pursuant to the
9 reapportionment of Representatives resulting from the
10 regular decennial census conducted during 2020 and all
11 subsequent elections.

12 **TITLE II—MULTI-MEMBER**
13 **DISTRICTS**

14 **SEC. 201. REQUIRING USE OF MULTI-MEMBER DISTRICTS**
15 **IN CERTAIN STATES.**

16 (a) RULES FOR STATES WITH SIX OR MORE REP-
17 REPRESENTATIVES.—If a State is entitled to six or more Rep-
18 resentatives in Congress under an apportionment made
19 under section 22(a) of the Act entitled “An Act to provide
20 for the fifteenth and subsequent decennial censuses and
21 to provide for an apportionment of Representatives in
22 Congress”, approved June 18, 1929 (2 U.S.C. 2a(a))—

23 (1) the State shall establish a number of dis-
24 tricts for the election of Representatives in the State
25 that is less than the number of Representatives to
26 which the State is entitled; and

1 (2) the State may not elect any of its Rep-
2 representatives at large.

3 (b) CRITERIA FOR NUMBER OF DISTRICTS.—In es-
4 tablishing the number of districts for the State under sub-
5 section (a), the State shall follow the following criteria:

6 (1) The State shall ensure that districts shall
7 each have equal population per Representative as
8 nearly as practicable, in accordance with the Con-
9 stitution of the United States.

10 (2) The number of Representatives to be elected
11 from any district may not be fewer than 3 or greater
12 than 5.

13 **SEC. 202. REQUIRING CERTAIN STATES TO ELECT ALL REP-**
14 **RESENTATIVES AT LARGE.**

15 If a State is entitled to 5 or fewer Representatives
16 in Congress under an apportionment made under section
17 22(a) of the Act entitled “An Act to provide for the fif-
18 teenth and subsequent decennial censuses and to provide
19 for an apportionment of Representatives in Congress”, ap-
20 proved June 18, 1929 (2 U.S.C. 2a(a)), the State shall
21 elect all such Representatives at large.

22 **SEC. 203. ESTABLISHING MINIMUM NUMBER OF CAN-**
23 **DIDATES IN GENERAL ELECTION.**

24 (a) STATES WITH PARTISAN NOMINATING PRI-
25 MARIES.—

1 (1) IN GENERAL.—If, in a primary election for
2 the office of Representative, the identification and
3 number of candidates who will advance to the gen-
4 eral election for such office is based on the can-
5 didates’ political party preferences (without regard
6 to whether or not the election is open or closed to
7 voters on the basis of political party preference), the
8 State shall ensure that the number of candidates in
9 the election who advance to the general election for
10 the office with a particular political party preference
11 is equal to the number of Representatives who will
12 be elected from the district involved.

13 (2) AUTHORITY OF POLITICAL PARTIES TO DE-
14 TERMINE NUMBER OF CANDIDATES ADVANCING IN
15 MULTI-SEAT ELECTIONS.—Notwithstanding para-
16 graph (1), in the case of a primary election de-
17 scribed in such paragraph which is a multi-seat pri-
18 mary election, a State may permit a political party
19 to adopt a rule that provides for such number of
20 candidates of that political party to advance to the
21 general election as the party considers appropriate,
22 so long as the number is not less than 2.

23 (3) MULTI-SEAT PRIMARY ELECTION DE-
24 FINED.—In this subsection, the term “multi-seat
25 primary election” means a primary election held to

1 select the candidates for a general election in which
2 more than one Representative shall be elected.

3 (b) STATES WITH NONPARTISAN NOMINATING PRI-
4 MARIES.—

5 (1) NUMBER OF CANDIDATES.—If a State uses
6 a nonpartisan nominating primary election to deter-
7 mine which candidates will advance to the general
8 election for the office of Representative, the State
9 shall ensure that the number of candidates who ad-
10 vance to the general election for the office is not less
11 than the greater of—

12 (A) 5;

13 (B) twice the number of Representatives
14 who will be elected from the district involved; or

15 (C) such greater number as the State may
16 establish by law.

17 (2) NONPARTISAN NOMINATING PRIMARY ELEC-
18 TION DEFINED.—In this subsection, a “nonpartisan
19 nominating primary election” is a primary election
20 for the office of Representative under which—

21 (A) each candidate for such office, regard-
22 less of the candidate’s political party preference
23 or lack thereof, shall appear on a single ballot;

24 (B) each voter in the State who is eligible
25 to vote in elections for Federal office in the dis-

1 trict involved may cast a ballot in the election,
 2 regardless of the voter’s political party pref-
 3 erence or lack thereof; and

4 (C) the identification and number of can-
 5 didates who advance to the general election for
 6 the office is determined without regard to the
 7 candidates’ political party preferences or lack
 8 thereof.

9 (c) EXCEPTION FOR STATES NOT HOLDING PRIMARY
 10 ELECTIONS PRIOR TO DATE OF REGULARLY SCHEDULED
 11 GENERAL ELECTIONS.—This section does not apply in the
 12 case of a State that does not hold primary elections for
 13 the office of Representative prior to the date established
 14 under section 25 of Revised Statutes of the United States
 15 (2 U.S.C. 7) for the regularly scheduled general election
 16 for such offices.

17 **SEC. 204. CONFORMING AMENDMENTS.**

18 The following provisions of law are hereby repealed:

19 (1) Section 22(c) of the Act entitled “An Act
 20 to provide for the fifteenth and subsequent decennial
 21 censuses and to provide for an apportionment of
 22 Representatives in Congress”, approved June 18,
 23 1929 (2 U.S.C. 2a(c)).

24 (2) The Act entitled “An Act for the relief of
 25 Doctor Ricardo Vallejo Samala and to provide for

1 congressional redistricting”, approved December 14,
 2 1967 (2 U.S.C. 2c).

3 (3) Section 5 of the Act entitled “An Act For
 4 the apportionment of Representatives in Congress
 5 among the several States under the Thirteenth Cen-
 6 sus”, approved August 8, 1911 (2 U.S.C. 5).

7 **SEC. 205. EFFECTIVE DATE.**

8 This title and the amendments made by this title
 9 shall apply with respect to the One Hundred Seventeenth
 10 Congress and each subsequent Congress.

11 **TITLE III—REQUIREMENTS FOR**
 12 **CONGRESSIONAL REDIS-**
 13 **TRICTING**

14 **Subtitle A—General Requirements**

15 **SEC. 301. LIMIT ON CONGRESSIONAL REDISTRICTING**
 16 **AFTER AN APPORTIONMENT.**

17 A State which has been redistricted in the manner
 18 provided by law after an apportionment under section
 19 22(a) of the Act entitled “An Act to provide for the fif-
 20 teenth and subsequent decennial censuses and to provide
 21 for an apportionment of Representatives in Congress”, ap-
 22 proved June 18, 1929 (2 U.S.C. 2a), may not be redis-
 23 tricted again until after the next apportionment of Rep-
 24 resentatives under such section, unless a court requires
 25 the State to conduct such subsequent redistricting to com-

ply with the Constitution, to enforce the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), to comply with this Act, or to comply with any other applicable Federal law.

SEC. 302. REQUIRING CONGRESSIONAL REDISTRICTING TO BE CONDUCTED THROUGH PLAN OF INDEPENDENT STATE COMMISSION.

Notwithstanding any other provision of law, any Congressional redistricting conducted by a State shall be conducted in accordance with—

(1) the redistricting plan developed and enacted into law by the independent redistricting commission established in the State, in accordance with subtitle B; or

(2) if a plan developed by such commission is not enacted into law, the redistricting plan developed and enacted into law by a 3-judge court of the United States District Court for the District of Columbia, in accordance with section 301.

Subtitle B—Independent Redistricting Commissions

SEC. 311. INDEPENDENT REDISTRICTING COMMISSION.

(a) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—The nonpartisan agency established or designated by a State under section

1 314(a) shall establish an independent redistricting
2 commission for the State, which shall consist of 12
3 members appointed by the agency as follows:

4 (A) The agency shall appoint 4 members
5 on a random basis from the majority category
6 of the approved selection pool (as described in
7 section 312(b)(1)(A)).

8 (B) The agency shall appoint 4 members
9 on a random basis from the minority category
10 of the approved selection pool (as described in
11 section 312(b)(1)(B)).

12 (C) The agency shall appoint 4 members
13 on a random basis from the independent cat-
14 egory of the approved selection pool (as de-
15 scribed in section 312(b)(1)(C)).

16 (2) APPOINTMENT OF ALTERNATES TO SERVE
17 IN CASE OF VACANCIES.—At the time the agency ap-
18 points the members of the independent redistricting
19 commission under paragraph (1) from each of the
20 categories referred to in such paragraph, the agency
21 shall, on a random basis, designate 2 other individ-
22 uals from such category to serve as alternate mem-
23 bers who may be appointed to fill vacancies in the
24 commission in accordance with paragraph (3).

1 (3) VACANCY.—If a vacancy occurs in the com-
2 mission with respect to a member who was ap-
3 pointed from one of the categories referred to in
4 paragraph (1), the nonpartisan agency shall fill the
5 vacancy by appointing, on a random basis, one of
6 the 2 alternates from such category who was des-
7 ignated under paragraph (2). At the time the agency
8 appoints an alternate to fill a vacancy under the pre-
9 vious sentence, the agency shall designate, on a ran-
10 dom basis, another individual from the same cat-
11 egory to serve as an alternate member, in accord-
12 ance with paragraph (2).

13 (b) PROCEDURES FOR CONDUCTING COMMISSION
14 BUSINESS.—

15 (1) CHAIR.—Members of an independent redis-
16 tricting commission established under this section
17 shall select by majority vote one member who was
18 appointed from the independent category of the ap-
19 proved selection pool described in section
20 312(b)(1)(C) to serve as chair of the commission.
21 The commission may not take any action to develop
22 a redistricting plan for the State under section 313
23 until the appointment of the commission's chair.

24 (2) REQUIRING MAJORITY APPROVAL FOR AC-
25 TIONS.—The independent redistricting commission

1 of a State may not publish and disseminate any
2 draft or final redistricting plan, or take any other
3 action, without the approval of at least—

4 (A) a majority of the whole membership of
5 the commission; 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
9 312(b)(1).

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

12 (c) STAFF; CONTRACTORS.—

13 (1) STAFF.—The independent redistricting
14 commission of a State may appoint and set the pay
15 of such staff as it considers appropriate, subject to
16 State law.

17 (2) CONTRACTORS.—The independent redistricting
18 commission of a State may enter into such
19 contracts with vendors as it considers appropriate,
20 subject to State law, except that any such contract
21 shall be valid only if approved by the vote of a ma-
22 jority of the members of the commission, including
23 at least one member appointed from each of the cat-
24 egories of the approved selection pool described in
25 section 312(b)(1).

1 (3) GOAL OF IMPARTIALITY.—The commission
2 shall take such steps as it considers appropriate to
3 ensure that any staff appointed under this sub-
4 section, and any vendor with whom the commission
5 enters into a contract under this subsection, will
6 work in an impartial manner, and may require any
7 person who applies for an appointment to a staff po-
8 sition or for a vendor’s contract with the commission
9 to provide information on the person’s history of po-
10 litical activity (including donations to candidates, po-
11 litical committees, and political parties) as a condi-
12 tion of the appointment or the contract.

13 (d) TERMINATION.—

14 (1) IN GENERAL.—The independent redistricting
15 commission of a State shall terminate on the
16 earlier of—

17 (A) June 14 of the following year ending
18 in the numeral zero; or

19 (B) the day on which the nonpartisan
20 agency established or designated by a State
21 under section 314(a) has, in accordance with
22 section 312(b)(1), submitted a selection pool to
23 the Select Committee on Redistricting for the
24 State established under section 314(b).

11 (a) CRITERIA FOR ELIGIBILITY.—

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

(C) The individual submits to the non-partisan agency established or designated by a

1 State under section 313, at such time and in
2 such form as the agency may require, an appli-
3 cation for inclusion in the selection pool under
4 this section, and includes with the application a
5 written statement containing the following in-
6 formation and assurances:

7 (i) A statement of the political party
8 with which the individual is affiliated, if
9 any.

10 (ii) An assurance that the individual
11 shall commit to carrying out the individ-
12 ual's duties under this title in an honest,
13 independent, and impartial fashion, and to
14 upholding public confidence in the integrity
15 of the redistricting process.

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

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

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

6 (B) The individual or (in the case of the
7 covered periods described in subparagraphs (A)
8 and (B) of paragraph (3)) an immediate family
9 member of the individual serves as an officer of
10 a political party or as an officer, employee, or
11 paid consultant of a campaign committee of a
12 candidate for public office.

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

20 (D) The individual or (in the case of the
21 covered periods described in subparagraphs (A)
22 and (B) of paragraph (3)) an immediate family
23 member of the individual is an employee of an
24 elected public official, a contractor with the leg-
25 islature of the State, or a donor to the cam-

1 paign of any candidate for public office (other
2 than a donor who, during any of such covered
3 periods, gives an aggregate amount of \$20,000
4 or less to the campaigns of all candidates for all
5 public offices).

6 (3) COVERED PERIODS DESCRIBED.—In this
7 subsection, the term “covered period” means, with
8 respect to the appointment of an individual to the
9 commission, any of the following:

10 (A) The 5-year period ending on the date
11 of the individual’s appointment.

12 (B) The period beginning on the date of
13 the individual’s appointment and ending on Au-
14 gust 14 of the next year ending in the numeral
15 one.

16 (C) The 5-year period beginning on the
17 day after the last day of the period described in
18 subparagraph (B).

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

1 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
2 POOL.—

3 (1) IN GENERAL.—Not later than June 15 of
4 each year ending in the numeral zero, the non-
5 partisan agency established or designated by a State
6 under section 314(a) shall develop and submit to the
7 Select Committee on Redistricting for the State es-
8 tablished under section 314(b) a selection pool of 36
9 individuals who are eligible to serve as members of
10 the independent redistricting commission of the
11 State under this title, consisting of individuals in the
12 following categories:

13 (A) A majority category, consisting of 12
14 individuals who are affiliated with the political
15 party with the largest percentage of the reg-
16 istered voters in the State who are affiliated
17 with a political party (as determined with re-
18 spect to the most recent Statewide election for
19 Federal office held in the State for which such
20 information is available).

21 (B) A minority category, consisting of 12
22 individuals who are affiliated with the political
23 party with the second largest percentage of the
24 registered voters in the State who are affiliated
25 with a political party (as so determined).

1 (C) An independent category, consisting of
2 12 individuals who are not affiliated with either
3 of the political parties described in subpara-
4 graph (A) or subparagraph (B).

5 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
6 OPING POOL.—In selecting individuals for the selec-
7 tion pool under this subsection, the nonpartisan
8 agency shall—

9 (A) to the maximum extent practicable, en-
10 sure that the pool reflects the representative de-
11 mographic groups (including races, ethnicities,
12 and genders) and geographic regions of the
13 State; and

14 (B) take into consideration the analytical
15 skills of the individuals selected in relevant
16 fields (including mapping, data management,
17 law, community outreach, demography, and the
18 geography of the State) and their ability to
19 work on an impartial basis.

20 (3) DETERMINATION OF POLITICAL PARTY AF-
21 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
22 For purposes of this section, an individual shall be
23 considered to be affiliated with a political party on
24 the basis of the information the individual provides

1 in the application submitted under subsection
2 (a)(1)(D).

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

14 (5) REPORT ON ESTABLISHMENT OF SELEC-
15 TION POOL.—At the time the nonpartisan agency
16 submits the selection pool to the Select Committee
17 on Redistricting under paragraph (1), it shall pub-
18 lish a report describing the process by which the
19 pool was developed, and shall include in the report
20 a description of how the individuals in the pool meet
21 the eligibility criteria of subsection (a) and of how
22 the pool reflects the factors the agency is required
23 to take into consideration under paragraph (2).

24 (6) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not later than 14 days
2 after receiving the selection pool from the non-
3 partisan agency under paragraph (1), the Select
4 Committee on Redistricting shall—

5 (i) approve the pool as submitted by
6 the nonpartisan agency, in which case the
7 pool shall be considered the approved selec-
8 tion pool for purposes of section 311(a)(1);
9 or

10 (ii) reject the pool, in which case the
11 nonpartisan agency shall develop and sub-
12 mit a replacement selection pool in accord-
13 ance with subsection (c).

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

20 (c) DEVELOPMENT OF REPLACEMENT SELECTION
21 POOL.—

22 (1) IN GENERAL.—If the Select Committee on
23 Redistricting rejects the selection pool submitted by
24 the nonpartisan agency under subsection (b), not
25 later than 14 days after the rejection, the non-

1 partisan agency shall develop and submit to the Se-
2 lect Committee a replacement selection pool, under
3 the same terms and conditions that applied to the
4 development and submission of the selection pool
5 under paragraphs (1) through (5) of subsection (b).
6 The replacement pool submitted under this para-
7 graph may include individuals who were included in
8 the rejected selection pool submitted under sub-
9 section (b), so long as at least one of the individuals
10 in the replacement pool was not included in such re-
11 jected pool.

12 (2) ACTION BY SELECT COMMITTEE.—

13 (A) IN GENERAL.—Not later than 14 days
14 after receiving the replacement selection pool
15 from the nonpartisan agency under paragraph
16 (1), the Select Committee on Redistricting
17 shall—

18 (i) approve the pool as submitted by
19 the nonpartisan agency, in which case the
20 pool shall be considered the approved selec-
21 tion pool for purposes of section 311(a)(1);
22 or

23 (ii) reject the pool, in which case the
24 nonpartisan agency shall develop and sub-

1 mit a second replacement selection pool in
2 accordance with subsection (d).

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

9 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
10 LECTION POOL.—

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

1 in the replacement pool was not included in either
2 such rejected pool.

3 (2) ACTION BY SELECT COMMITTEE.—

4 (A) IN GENERAL.—Not later than 14 days
5 after receiving the second replacement selection
6 pool from the nonpartisan agency under para-
7 graph (1), the Select Committee on Redis-
8 tricting shall—

9 (i) approve the pool as submitted by
10 the nonpartisan agency, in which case the
11 pool shall be considered the approved selec-
12 tion pool for purposes of section 311(a)(1);
13 or

14 (ii) reject the pool, in which case—

15 (I) the nonpartisan agency shall
16 not develop or submit any other selec-
17 tion pool for purposes of this title;
18 and

19 (II) the United States District
20 Court for the District of Columbia
21 shall develop and enact the redis-
22 tricting plan for the State, in accord-
23 ance with section 301.

24 (B) INACTION DEEMED REJECTION.—If
25 the Select Committee on Redistricting fails to

1 approve or reject the pool within the deadline
 2 set forth in subparagraph (A), the Select Com-
 3 mittee shall be deemed to have rejected the pool
 4 for purposes of such subparagraph.

5 **SEC. 313. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
 6 **PENDENT COMMISSION; PUBLIC NOTICE AND**
 7 **INPUT.**

8 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

9 (1) CRITERIA.—In addition to the criteria set
 10 forth in section 201(b), the independent redistricting
 11 commission of a State shall develop a redistricting
 12 plan for the State in accordance with the following
 13 criteria, prioritized according to the following order:

14 (A) To the extent practicable, districts
 15 shall be contiguous (except to the extent nec-
 16 essary to include any area which is surrounded
 17 by a body of water).

18 (B) Districts shall be established in a man-
 19 ner consistent with the Voting Rights Act of
 20 1965 (52 U.S.C. 10301 et seq.) and other Fed-
 21 eral law.

22 (C) To the extent practicable, districts
 23 shall reflect the diversity of political opinion in
 24 the State such that no district in the State—

1 (i) elects exactly 3 Representatives
2 and the nominee of one political party for
3 President received at least 75 percent of
4 the votes cast in the geographic area cov-
5 ered by the district in 2 of the 3 most re-
6 cent Presidential elections;

7 (ii) elects exactly 4 Representatives
8 and the nominee of one political party for
9 President received at least 80 percent of
10 the votes cast in the geographic area cov-
11 ered by the district in 2 of the 3 most re-
12 cent Presidential elections; or

13 (iii) elects exactly 5 Representatives
14 and the nominee of one political party for
15 President received at least 83 percent of
16 the votes cast in the geographic area cov-
17 ered by the district in 2 of the 3 most re-
18 cent Presidential elections.

19 (D) To the greatest extent practicable the
20 State shall minimize the number of districts
21 electing 4 Representatives.

22 (E) To the greatest extent practicable the
23 State shall maximize the number of districts
24 electing 5 Representatives.

1 (F) To the extent practicable, district
2 boundaries shall minimize the division of any
3 community of interest, municipality, county, or
4 neighborhood. For purposes of this subpara-
5 graph, a community of interest is a contiguous
6 population which shares common social or eco-
7 nomic interests that should be included within
8 a single district for purposes of its effective and
9 fair representation. Examples of such shared in-
10 terests are those common to an urban area, a
11 rural area, an industrial area, or an agricultural
12 area, and those common to areas in which the
13 people share similar living standards, use the
14 same transportation facilities, have similar work
15 opportunities, or have access to the same media
16 of communication relevant to the election proc-
17 ess. Communities of interest shall not include
18 relationships with political parties, incumbent
19 officeholders, or political candidates.

20 (G) To the extent practicable, districts
21 shall be geographically compact such that near-
22 by areas of population are not bypassed for
23 more distant areas of population.

1 (H) To the extent practicable, the bound-
2 aries of districts shall follow visible geographic
3 features.

4 (2) PROHIBITING CONSIDERATION OF RESI-
5 DENCE OF MEMBER OR OTHER CANDIDATE.—In de-
6 veloping the redistricting plan for the State, the
7 independent redistricting commission may not take
8 into consideration the residence of any Member of
9 the House of Representatives or candidate.

10 (b) PUBLIC NOTICE AND INPUT.—

11 (1) USE OF OPEN AND TRANSPARENT PROC-
12 ESS.—The independent redistricting commission of a
13 State shall hold each of its meetings in public, shall
14 solicit and take into consideration comments from
15 the public throughout the process of developing the
16 redistricting plan for the State, and shall carry out
17 its duties in an open and transparent manner which
18 provides for the widest public dissemination reason-
19 ably possible of its proposed and final redistricting
20 plans.

21 (2) WEBSITE.—The commission shall maintain
22 a public Internet site which is not affiliated with or
23 maintained by the office of any elected official and
24 which includes the following features:

1 (A) General information on the commission
2 and its members, including contact information.

3 (B) An updated schedule of commission
4 hearings and activities, including deadlines for
5 the submission of comments.

6 (C) All draft redistricting plans developed
7 by the commission under subsection (c) and the
8 final redistricting plan developed under sub-
9 section (d).

10 (D) Live streaming of commission hearings
11 and an archive of previous meetings and other
12 commission records.

13 (E) A method by which members of the
14 public may submit comments directly to the
15 commission.

16 (F) Access to the demographic data used
17 by the commission to develop the proposed re-
18 districting plans, together with any software
19 used to draw maps of proposed districts.

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

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

1 (B) which ends 7 days before the date of
2 the meeting at which the commission shall vote
3 on approving the final redistricting plan for en-
4 actment into law under subsection (d)(2).

5 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
6 GRAPHIC LOCATIONS.—To the greatest extent prac-
7 ticable, the commission shall hold its meetings and
8 hearings in various geographic regions and locations
9 throughout the State.

10 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
11 NARY REDISTRICTING PLAN.—

12 (1) IN GENERAL.—Prior to developing and pub-
13 lishing a final redistricting plan under subsection
14 (d), the independent redistricting commission of a
15 State shall develop and publish a preliminary redis-
16 tricting plan.

17 (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-
18 VELOPMENT.—

19 (A) 3 HEARINGS REQUIRED.—Prior to de-
20 veloping a preliminary redistricting plan under
21 this subsection, the commission shall hold not
22 fewer than 3 public hearings at which members
23 of the public may provide input and comments
24 regarding the potential contents of redistricting
25 plans for the State and the process by which

1 the commission will develop the preliminary
2 plan under this subsection.

3 (B) MINIMUM PERIOD FOR NOTICE PRIOR
4 TO HEARINGS.—The commission shall notify
5 the public through the website maintained
6 under subsection (b)(2), as well as through pub-
7 lication of notice in newspapers of general cir-
8 culation throughout the State, of the date, time,
9 and location of each of the hearings held under
10 this paragraph not fewer than 14 days prior to
11 the date of the hearing.

12 (3) PUBLICATION OF PRELIMINARY PLAN.—

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

22 (B) MINIMUM PERIOD FOR NOTICE PRIOR
23 TO PUBLICATION.—Not fewer than 14 days
24 prior to the date on which the commission posts
25 and publishes the preliminary plan under this

1 paragraph, the commission shall notify the pub-
2 lic through the website maintained under sub-
3 section (b)(2), as well as through publication of
4 notice in newspapers of general circulation
5 throughout the State, of the pending publica-
6 tion of the plan.

7 (4) MINIMUM PERIOD FOR PUBLIC COMMENT
8 AFTER PUBLICATION OF PLAN.—The commission
9 shall accept and consider comments from the public
10 with respect to the preliminary redistricting plan
11 published under paragraph (3) for not fewer than 30
12 days 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 at which
18 members of the public may provide input and
19 comments regarding the preliminary plan.

20 (B) MINIMUM PERIOD FOR NOTICE PRIOR
21 TO HEARINGS.—The commission shall notify
22 the public through the website maintained
23 under subsection (b)(2), as well as through pub-
24 lication of notice in newspapers of general cir-
25 culation throughout the State, of the date, time,

1 and location of each of the hearings held under
2 this paragraph not fewer than 14 days prior to
3 the date of the hearing.

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

14 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
15 TRICTING PLAN.—

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

22 (2) MEETING; FINAL VOTE.—Not later than
23 August 15 of each year ending in the numeral one,
24 the commission shall hold a public hearing at which

1 the members of the commission shall vote on approv-
2 ing the final plan for enactment into law.

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

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

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

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

22 (4) ENACTMENT.—The final redistricting plan
23 developed and published under this subsection shall
24 be deemed to be enacted into law if—

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

3 (B) at least one member of the commission
4 appointed from each of the categories of the ap-
5 proved selection pool described in section
6 312(b)(1) approves the plan.

7 (e) DEADLINE.—The independent redistricting com-
8 mission of a State shall approve a final redistricting plan
9 for the State not later than August 15 of each year ending
10 in the numeral one.

11 **SEC. 314. ESTABLISHMENT OF RELATED ENTITIES.**

12 (a) ESTABLISHMENT OR DESIGNATION OF NON-
13 PARTISAN AGENCY OF STATE LEGISLATURE.—

14 (1) IN GENERAL.—Each State shall establish a
15 nonpartisan agency in the legislative branch of the
16 State government to appoint the members of the
17 independent redistricting commission for the State
18 in accordance with section 311.

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

22 (A) is required to provide services on a
23 nonpartisan basis;

24 (B) is required to maintain impartiality;
25 and

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

3 (3) DESIGNATION OF EXISTING AGENCY.—At
4 its option, a State may designate an existing agency
5 in the legislative branch of its government to appoint
6 the members of the independent redistricting com-
7 mission plan for the State under this title, so long
8 as the agency meets the requirements for non-
9 partisanship under this subsection.

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

17 (5) DEADLINE.—The State shall meet the re-
18 quirements of this subsection not later than each
19 August 15 of a year ending in the numeral nine.

20 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
21 DISTRICTING.—

22 (1) IN GENERAL.—Each State shall appoint a
23 Select Committee on Redistricting to approve or dis-
24 approve a selection pool developed by the non-
25 partisan agency under section 312.

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

4 (A) 1 member of the upper house of the
5 State legislature, who shall be appointed by the
6 leader of the party with the greatest number of
7 seats in the upper house.

8 (B) 1 member of the upper house of the
9 State legislature, who shall be appointed by the
10 leader of the party with the second greatest
11 number of seats in the upper house.

12 (C) 1 member of the lower house of the
13 State legislature, who shall be appointed by the
14 leader of the party with the greatest number of
15 seats in the lower house.

16 (D) 1 member of the lower house of the
17 State legislature, who shall be appointed by the
18 leader of the party with the second greatest
19 number of seats in the lower house.

20 (3) SPECIAL RULE FOR STATES WITH UNICAM-
21 ERAL LEGISLATURE.—In the case of a State with a
22 unicameral legislature, the Select Committee on Re-
23 districting for the State under this subsection shall
24 consist of the following members:

1 (A) 2 members of the State legislature ap-
 2 pointed by the leader of the party with the
 3 greatest number of seats in the legislature.

4 (B) 2 members of the State legislature ap-
 5 pointed by the leader of the party with the sec-
 6 ond greatest number of seats in legislature.

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

10 **Subtitle C—Role of Courts in** 11 **Development of Redistricting Plans**

12 **SEC. 321. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE** 13 **COURT.**

14 (a) DEVELOPMENT OF PLAN.—If any of the trig-
 15 gering events described in subsection (c) occur with re-
 16 spect to a State—

17 (1) not later than December 15 of the year in
 18 which the triggering event occurs, the United States
 19 District Court for the District of Columbia, acting
 20 through a 3-judge court convened pursuant to sec-
 21 tion 2284 of title 28, United States Code, shall de-
 22 velop and publish the congressional redistricting
 23 plan for the State; and

24 (2) the plan developed and published by the
 25 Court under this subsection shall be deemed to be

1 enacted on the date on which the Court publishes
2 the plan.

3 (b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—It is the sense of Congress
5 that, in developing a redistricting plan for a State
6 under this section, the Court should adhere to the
7 same terms and conditions that applied (or that
8 would have applied, as the case may be) to the devel-
9 opment of a plan by the independent redistricting
10 commission of the State under section 313(a).

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 title.

18 (c) TRIGGERING EVENTS DESCRIBED.—The “trig-
19 gering events” described in this subsection are as follows:

20 (1) The failure of the State to establish or des-
21 ignate a nonpartisan agency of the State legislature
22 under section 314(a) prior to the expiration of the
23 deadline set forth in section 314(a)(5).

24 (2) The failure of the State to appoint a Select
25 Committee on Redistricting under section 314(b)

1 prior to the expiration of the deadline set forth in
2 section 314(b)(4).

3 (3) The failure of the Select Committee on Re-
4 districting to approve any selection pool under sec-
5 tion 312 prior to the expiration of the deadline set
6 forth for the approval of the second replacement se-
7 lection pool in section 312(d)(2).

8 (4) The failure of the independent redistricting
9 commission of the State to approve a final redis-
10 tricting plan for the State prior to the expiration of
11 the deadline set forth in section 313(e).

12 **SEC. 322. SPECIAL RULE FOR REDISTRICTING CONDUCTED**
13 **UNDER ORDER OF FEDERAL COURT.**

14 If a Federal court requires a State to conduct redis-
15 tricting subsequent to an apportionment of Representa-
16 tives in the State in order to comply with the Constitution
17 or to enforce the Voting Rights Act of 1965, section 313
18 shall apply with respect to the redistricting, except that
19 the court may revise any of the deadlines set forth in such
20 section if the court determines that a revision is appro-
21 priate in order to provide for a timely enactment of a new
22 redistricting plan for the State.

1 **Subtitle D—Administrative and**
2 **Miscellaneous Provisions**

3 **SEC. 331. PAYMENTS TO STATES FOR CARRYING OUT RE-**
4 **DISTRICTING.**

5 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
6 sections (c) and (d), not later than 30 days after a State
7 receives a State apportionment notice, the Election Assist-
8 ance Commission shall make a payment to the State in
9 an amount equal to the product of—

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

12 (2) \$150,000.

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

18 (c) NO PAYMENT TO STATES ELECTING MEMBERS
19 AT LARGE.—The Election Assistance Commission shall
20 not make a payment under this section to any State which,
21 under the apportionment notice, will elect all of its Rep-
22 resentatives at large.

23 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
24 CONDITION OF PAYMENT.—The Election Assistance Com-
25 mission may not make a payment to a State under this

1 section until the State certifies to the Commission that
2 the nonpartisan agency established or designated by a
3 State under section 314(a) has, in accordance with section
4 312(b)(1), submitted a selection pool to the Select Com-
5 mittee on Redistricting for the State established under
6 section 314(b).

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

10 **SEC. 332. CIVIL ENFORCEMENT.**

11 (a) CIVIL ENFORCEMENT.—

12 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
13 torney General may bring a civil action in an appro-
14 priate district court for such relief as may be appro-
15 priate to carry out this title.

16 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
17 TION.—Any citizen of a State who is aggrieved by
18 the failure of the State redistricting plan which is
19 enacted into law under section 313 to meet the re-
20 quirements for such a plan under this title may
21 bring a civil action in an appropriate district court
22 for such relief as may be appropriate to remedy the
23 failure, so long as the individual brings the action
24 during the 45-day period which begins on the date
25 on which the plan is enacted into law.

1 (b) EXPEDITED CONSIDERATION.—In any action
2 brought forth under this section, the following rules shall
3 apply:

4 (1) The action shall be filed in the United
5 States District Court for the District of Columbia
6 and shall be heard by a 3-judge court convened pur-
7 suant to section 2284 of title 28, United States
8 Code.

9 (2) 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 (3) 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 (4) 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 (5) 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.

1 (c) ATTORNEY'S FEES.—In a civil action under this
2 section, the court may allow the prevailing party (other
3 than the United States) reasonable attorney fees, includ-
4 ing litigation expenses, and costs.

5 (d) RELATION TO OTHER LAWS.—

6 (1) RIGHTS AND REMEDIES ADDITIONAL TO
7 OTHER RIGHTS AND REMEDIES.—The rights and
8 remedies established by this section are in addition
9 to all other rights and remedies provided by law, and
10 neither the rights and remedies established by this
11 section nor any other provision of this title shall su-
12 persede, restrict, or limit the application of the Vot-
13 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

14 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
15 this title authorizes or requires conduct that is pro-
16 hibited by the Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.).

18 **SEC. 333. STATE APPORTIONMENT NOTICE DEFINED.**

19 In this title, the “State apportionment notice” means,
20 with respect to a State, the notice sent to the State from
21 the Clerk of the House of Representatives under section
22 22(b) of the Act entitled “An Act to provide for the fif-
23 teenth and subsequent decennial censuses and to provide
24 for an apportionment of Representatives in Congress”, ap-

1 proved June 18, 1929 (2 U.S.C. 2a(b)), of the number
2 of Representatives to which the State is entitled.

3 **TITLE IV—GENERAL** 4 **PROVISIONS**

5 **SEC. 401. NO EFFECT ON ELECTIONS FOR STATE AND** 6 **LOCAL OFFICE.**

7 Nothing in this Act or in any amendment made by
8 this Act may be construed to affect the manner in which
9 a State carries out elections for State or local office, in-
10 cluding the process by which a State establishes the dis-
11 tricts used in such elections.

12 **SEC. 402. SEVERABILITY.**

13 If any provision of this Act or any amendment made
14 by this Act, or the application of a provision of this Act
15 or an amendment made by this Act to any person or cir-
16 cumstance, is held to be unconstitutional, the remainder
17 of this Act, and the application of the provisions to any
18 person or circumstance, shall not be affected by the hold-
19 ing.

20 **SEC. 403. EFFECTIVE DATE.**

21 (a) REDISTRICTING.—Title III and the amendments
22 made by such title shall apply with respect to redistricting
23 carried out pursuant to the decennial census conducted
24 during 2020 or any succeeding decennial census.

1 (b) RANKED CHOICE VOTING; USE OF MULTI-MEM-
2 BER DISTRICTS.—Titles I and II and the amendments
3 made by such titles shall apply with respect to elections
4 for Federal office held in 2022 and each succeeding year.

○