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H. R. 7095

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2024

Ms. ROSS (for herself, Mr. NICKEL, Ms. MANNING, Mr. JACKSON of North Carolina, Mrs. FOUSHEE, Ms. ADAMS, and Mr. DAVIS of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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

1 **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**
2 **AUTHORITY.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Redistricting Transparency and Accountability Act of
5 2024”.

6 (b) **FINDING.**—Congress finds that it has the author-
7 ity to require States to follow certain procedures in car-
8 rying out congressional redistricting after an apportion-
9 ment of Members of the House of Representatives be-
10 cause—

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

16 (2) the authority granted to Congress under
17 section 5 of the fourteenth amendment to the Con-
18 stitution gives Congress the power to enact laws to
19 enforce section 2 of such amendment, which requires
20 Representatives to be apportioned among the several
21 States according to the number of whole persons in
22 each State.

23 **SEC. 2. REQUIRING REDISTRICTING TO BE CONDUCTED**
24 **UNDER PROCEDURES PROVIDING OPPOR-**
25 **TUNITY FOR PUBLIC PARTICIPATION.**

26 (a) **REQUIREMENT.**—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, any congressional redistricting con-
3 ducted by a State shall be conducted in accordance
4 with a process under which the entity responsible for
5 developing congressional redistricting plans in the
6 State (hereafter in this Act referred to as the “State
7 redistricting entity”)—

8 (A) in accordance with section 3, estab-
9 lishes and operates an internet site;

10 (B) in accordance with section 4, provides
11 opportunities for participation by members of
12 the public in the initial development of such
13 plans; and

14 (C) in accordance with section 5, notifies
15 members of the public regarding the proposed
16 final congressional redistricting plan and pro-
17 vides opportunities for members of the public to
18 respond to the plan.

19 (2) TREATMENT OF SUBORDINATE ENTITIES.—
20 Except as otherwise provided in this Act, the re-
21 quirements of this Act shall apply with respect to
22 any entity which is subordinate to the entity respon-
23 sible for the final adoption of a congressional redis-
24 tricting plan under State law, including any commis-
25 sion, board, committee, or subcommittee responsible

1 under State law for performing certain functions on
2 behalf of such entity in conjunction with the develop-
3 ment and adoption of the plan for the State, in the
4 same manner as such requirements apply with re-
5 spect to the State redistricting entity.

6 (3) OTHER PROCEDURES PERMITTED.—Noth-
7 ing in this Act or the amendments made by this Act
8 may be construed to prohibit a State from con-
9 ducting congressional redistricting in accordance
10 with such procedures as the State considers appro-
11 priate, to the extent that such procedures are con-
12 sistent with the applicable requirements of this Act
13 and the amendments made by this Act.

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

20 (b) CONFORMING AMENDMENT.—Section 22(c) of
21 the Act entitled “An Act to provide for the fifteenth and
22 subsequent decennial censuses and to provide for an ap-
23 portionment of Representatives in Congress”, approved
24 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
25 “in the manner provided by the law thereof” and insert-

1 ing: “in a manner consistent with the requirements of the
2 Redistricting Transparency and Accountability Act of
3 2024”.

4 **SEC. 3. PUBLIC INTERNET SITE FOR STATE REDISTRICTING**
5 **ENTITY.**

6 (a) ESTABLISHMENT AND OPERATION OF SITE.—

7 Each State redistricting entity shall establish and main-
8 tain a public internet site which meets the following min-
9 imum requirements:

10 (1) The site provides general information about
11 the congressional redistricting process, including in-
12 formation on—

13 (A) applicable legal requirements; and

14 (B) any redistricting principles or policies
15 that the State redistricting entity will use in
16 creating or evaluating congressional redis-
17 tricting plans.

18 (2) The site is updated continuously to provide
19 timely advance notice of meetings held by the entity
20 and to otherwise provide information on the activi-
21 ties of the entity and any subordinate entity de-
22 scribed in section 2(a)(2).

23 (3) The site provides access to all congressional
24 redistricting plans or district maps submitted by any
25 person or entity as part of the redistricting process.

1 (4) The site provides members of the public
2 with no-cost access to easily assessable digital files
3 containing the block equivalency, shapefiles, and de-
4 mographic and election data needed for analysis,
5 evaluation, or creation of proposed redistricting
6 plans, including assessment of a plan’s partisan per-
7 formance and compliance with the Voting Rights Act
8 of 1965 and other applicable legal requirements.

9 (5) The site permits any individual to submit,
10 view, and search comments on proposed redistricting
11 plans, and to submit questions, comments, and other
12 information with respect to the entity’s activities.

13 (6) The site permits members of the public to
14 watch, in both live and archival formats, and review
15 transcripts of, any public hearings or meetings of
16 the State redistricting entity.

17 (7) The site includes any other information the
18 entity is required to make public under this Act or
19 other applicable law.

20 (b) DEADLINE FOR POSTING OF COMMENTS SUB-
21 MITTED BY PUBLIC.—The State redistricting entity shall
22 ensure that any oral or written comment relating to Con-
23 gressional redistricting in the State which is submitted by
24 a member of the public to the State redistricting agency,
25 including a comment on any plan proposed by the entity

1 or any other person, is made available on the site not later
2 than 72 hours after submission.

3 (c) UPDATING OF INFORMATION.—The State redistricting
4 entity shall take all actions necessary to ensure
5 that the site established under this section is updated continuously
6 to provide timely advance notice of the entity's
7 meetings and to otherwise provide timely information on
8 the entity's activities.

9 (d) MULTIPLE LANGUAGE REQUIREMENTS.—All of
10 the information which is described in paragraphs (1), (2),
11 and (6) of subsection (a) this section shall be posted and
12 published in any language in which the State (or any jurisdiction
13 in the State) is required to provide election materials under
14 section 203 of the Voting Rights Act of 1965
15 (52 U.S.C. 10503).

16 (e) DEADLINE; PRESERVATION OF INFORMATION.—

17 (1) DEADLINE.—The State redistricting entity
18 shall establish the internet site required under this
19 section not later than August 1 of the year in which
20 the regular decennial census is conducted.

21 (2) PRESERVATION OF INFORMATION.—All information
22 on the internet site established under this
23 section with respect to a congressional redistricting
24 plan shall be preserved in an accessible format for

1 a period of not less than 10 years following adoption
2 of the plan.

3 **SEC. 4. PUBLIC HEARINGS AND OTHER OPPORTUNITIES**
4 **FOR PUBLIC PARTICIPATION IN INITIAL DE-**
5 **VELOPMENT OF CONGRESSIONAL REDIS-**
6 **TRICTING PLANS.**

7 (a) REQUIREMENTS FOR PUBLIC HEARINGS.—

8 (1) IN GENERAL.—To ensure that development
9 of the State’s congressional redistricting plan is in-
10 formed by public input, the State redistricting entity
11 shall hold hearings before and after the development
12 of any proposed congressional redistricting plans.

13 Such hearings—

14 (A) shall be held in different regions of the
15 State, with an option for participants to partici-
16 pate virtually, and shall be streamed live on the
17 public internet site maintained by the State re-
18 districting entity under section 3; and

19 (B) shall be sufficient in number, sched-
20 uled at times and places, and noticed and con-
21 ducted in a manner to ensure that all members
22 of the public, including members of racial, eth-
23 nic, and language minorities protected under
24 the Voting Rights Act of 1965, have a meaning-
25 ful opportunity to attend and provide input

1 both before and after the entity releases pro-
2 posed plans, including—

3 (i) comments on the criteria the entity
4 will use to develop the plans;

5 (ii) the content of the plans; and

6 (iii) any other issues relating to con-
7 gressional redistricting in the State.

8 (2) DEVELOPMENT AND ADOPTION OF SCHED-
9 ULE.—

10 (A) INITIAL PROPOSED SCHEDULE.—Prior
11 to conducting hearings under this section, the
12 State redistricting entity shall develop and pub-
13 lish a proposed schedule of hearings that it de-
14 termines are sufficient in number to ensure
15 that persons in all parts of the State, including
16 members of racial, ethnic, and language minori-
17 ties protected under the Voting Rights Act of
18 1965, have a meaningful opportunity to provide
19 input and comments regarding the contents of
20 redistricting plans for the State, except that the
21 number of hearings under the proposed sched-
22 ule may not be fewer than three.

23 (B) PUBLIC RESPONSE TO PROPOSED
24 SCHEDULE.—Following publication of the pro-
25 posed schedule of hearings under subparagraph

1 (A), members of the public shall have a period
2 of not less than ten days to comment on the
3 number of proposed hearings, their dates,
4 times, and locations, and the processes by which
5 the State redistricting entity proposes to pro-
6 vide notice of such hearings and ensure that the
7 hearings are equally open to all members of the
8 communities where the hearings are to take
9 place.

10 (C) PUBLICATION OF FINAL SCHEDULE;
11 OPPORTUNITIES FOR ADDITIONAL HEARINGS.—
12 After giving due consideration to any comments
13 received under subparagraph (B), the State re-
14 districting entity shall publish a final schedule
15 of hearings under this section, except that noth-
16 ing in this paragraph may be construed to pro-
17 hibit the entity from holding additional hear-
18 ings under this section if the entity determines
19 that additional hearings are necessary to enable
20 the entity to obtain the information it needs to
21 obtain sufficient public input on proposed redis-
22 tricting plans.

23 (b) OTHER OPPORTUNITIES FOR PUBLIC PARTICIPA-
24 TION.—Beginning on the date the State receives the notice
25 of the number of Representatives to which the State is

1 entitled in the following Congress under section 22(b) of
2 the Act entitled “An Act to provide for the fifteenth and
3 subsequent decennial censuses and to provide for an ap-
4 portionment of Representatives in Congress”, approved
5 June 18, 1929 (2 U.S.C. 2a), and continuing for not fewer
6 than 60 days thereafter, the State redistricting entity shall
7 solicit the input of members of the public in its work to
8 develop proposed congressional redistricting plans for the
9 State by carrying out the following activities:

10 (1) Posting on the internet site established
11 under section 3 the criteria which the entity will use
12 to develop the congressional redistricting plan for
13 the State.

14 (2) Posting on the internet site established
15 under section 3 a link to a video recording of each
16 such hearing not later than 24 hours after the con-
17 clusion of the hearing and posting on the site a
18 searchable version of the transcript of each such
19 hearing not later than 5 days after the conclusion of
20 the hearing.

21 (3) Engaging in outreach to provide informa-
22 tion to and encourage participation in the redis-
23 tricting process by communities with limited access
24 to the internet or who may be difficult to reach
25 through English-language media.

1 **SEC. 5. NOTIFICATION OF CONGRESSIONAL REDIS-**
2 **TRICTING PLAN PROPOSED TO BE ADOPTED**
3 **BY REDISTRICTING ENTITY; OPPORTUNITIES**
4 **FOR PUBLIC TO RESPOND.**

5 (a) NOTICE OF PROPOSED FINAL PLAN.—Not later
6 than 10 days prior to holding a final vote on the adoption
7 of a final congressional redistricting plan for the State,
8 the State redistricting entity shall post information about
9 the plan on the internet site established under section 3,
10 including at a minimum the following:

11 (1) An analysis of the proposed final plan, in-
12 cluding—

13 (A) a map showing each congressional dis-
14 trict established under the plan, together with
15 easily accessible digital files containing the
16 block equivalency and shapefiles for each such
17 district;

18 (B) a statement of the total population,
19 the voting age population, and citizen popu-
20 lation of each such district, broken down by
21 race and membership in a language minority
22 group ; and

23 (C) a statement of the number of reg-
24 istered voters in each such district, broken
25 down by political party affiliation to the extent

1 that such information is available under State
2 law;

3 (D) a statement of the results in each such
4 district for all statewide elections conducted in
5 the State in the 6 years preceding the year in
6 which the most recent decennial census was
7 conducted;

8 (E) an analysis of the plan's compliance
9 with applicable laws, including the Voting
10 Rights Act of 1965;

11 (F) an assessment of the partisan fairness
12 of the plan under one or more standard quan-
13 titative measures of partisan bias;

14 (G) a statement identifying all individuals
15 and entities responsible for the drafting of, or
16 who were consulted in conjunction with drafting
17 of, the plan; and

18 (H) a statement describing any changes
19 made to the plan in response to input from
20 members of the public.

21 (2) A statement explaining the entity's reasons
22 for adopting the proposed final plan and the reasons
23 why the adoption of the plan, as opposed to the
24 adoption of alternative plans, will best serve the pub-
25 lic interest, together with an assessment of how the

1 plan is consistent with the policies described in sec-
2 tion 3(a)(1).

3 (3) Any dissenting statement of any member of
4 the entity who did not approve the proposed final
5 plan.

6 (4) A statement that members of the public
7 may submit comments regarding the proposed final
8 plan through the internet site, together with infor-
9 mation on how members of the public may submit
10 such comments to the entity through other methods.

11 (b) PUBLIC HEARING PRIOR TO ADOPTION OF FINAL
12 PLAN.—

13 (1) MANDATORY PUBLIC HEARING.—Not later
14 than 7 days prior to holding a final vote on the
15 adoption of the final congressional redistricting plan
16 for the State, the State redistricting entity shall hold
17 hearings in accordance with the requirements of sec-
18 tion 4 at which members of the public may provide
19 comments on the plan.

20 (2) VIDEO AND TRANSCRIPTS OF HEARINGS.—
21 The entity shall post a link to a video recording of
22 each such hearing on the internet site established
23 under section 3 immediately following the conclusion
24 of the hearing, and shall publish and post on such
25 website a searchable version of a transcript of the

1 hearing not later than 48 hours after the conclusion
2 of the hearing.

3 (c) TREATMENT OF AMENDED AND NEW PLANS.—

4 If the State redistricting entity posts an amended version
5 of the proposed final congressional redistricting plan or
6 posts a new proposed final congressional redistricting
7 plan, subsections (a) and (b) shall apply with respect to
8 the amended version of the plan or the new plan in the
9 same manner as such subsections apply with respect to
10 the proposed final plan which is first posted under sub-
11 section (a).

12 (d) APPLICATION TO SUBORDINATE ENTITIES HOLD-
13 ING VOTES ON RECOMMENDING ADOPTION OF PLAN.—

14 If a subordinate entity of a State redistricting entity de-
15 scribed in section 2(a)(2), including a committee or sub-
16 committee of the State redistricting entity, is directed
17 under State law to hold a vote on recommending the adop-
18 tion of a final congressional redistricting plan to the State
19 redistricting entity, subsections (a) and (b) shall apply
20 with respect to the subordinate entity and the vote held
21 by the subordinate entity on recommending the adoption
22 of the plan in the same manner as such subsections apply
23 to the State redistricting entity and the final vote held
24 on the adoption of the final plan by the State redistricting
25 entity.

1 **SEC. 6. EFFECTIVE DATE; APPLICATION TO REDISTRICTING**
2 **CONDUCTED PURSUANT TO 2020 CENSUS FOR**
3 **CERTAIN STATES.**

4 (a) **EFFECTIVE DATE.**—This Act and the amend-
5 ments made by this Act shall apply with respect to any
6 congressional redistricting which occurs after the regular
7 decennial census conducted during 2030.

8 (b) **APPLICATION TO REDISTRICTING CONDUCTED**
9 **PURSUANT TO 2020 CENSUS FOR STATES WITHOUT EN-**
10 **ACTED CONGRESSIONAL REDISTRICTING PLANS.**—If a
11 State is ordered by a court to revise its congressional re-
12 districting plan for conducting redistricting pursuant to
13 the regular decennial census conducted during 2020, and
14 the State has not enacted such a final congressional redis-
15 tricting plan as of the date of the enactment of this Act,
16 this Act and the amendments made by this Act shall apply
17 with respect to congressional redistricting in the State
18 which is conducted pursuant to the regular decennial cen-
19 sus conducted during 2020, except that—

20 (1) the State shall establish the Internet site
21 described in section 3 as soon as practicable after
22 the date of the enactment of this Act; and

23 (2) the State redistricting entity shall begin to
24 solicit the input of members of the public under sec-
25 tion 4(b) not later than 30 days after the court

- 1 issues the order to the State or such earlier deadline
- 2 as the court may require under the order.

○