

118TH CONGRESS
2D SESSION

H. R. 7910

To require States to carry out congressional redistricting in accordance with a redistricting plan developed by an independent redistricting commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2024

Mr. NICKEL (for himself and Ms. LOFGREN) 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 redistricting plan developed by an independent redistricting commission, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**
4 **AUTHORITY; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Fair And Impartial Redistricting for Meaningful and Ac-
7 countable Political Systems Act” or the “FAIR MAPS
8 Act”.

1 (b) FINDING OF CONSTITUTIONAL AUTHORITY.—
 2 Congress finds that it has the authority to establish the
 3 terms and conditions States must follow in carrying out
 4 congressional redistricting after an apportionment of
 5 Members of the House of Representatives because—

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

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

17 (c) TABLE OF CONTENTS.—The table of contents of
 18 this Act is as follows:

Sec. 1. Short title; finding of constitutional authority; table of contents.

TITLE I—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 101. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 102. Ban on mid-decade redistricting.

Sec. 103. Criteria for redistricting.

TITLE II—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 201. Independent redistricting commission.

Sec. 202. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 203. Public notice and input.

Sec. 204. Establishment of related entities.

Sec. 205. Report on diversity of memberships of independent redistricting commissions.

TITLE III—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 301. Enactment of plan developed by 3-judge court.

Sec. 302. Special rule for redistricting conducted under order of Federal court.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 401. Payments to States for carrying out redistricting.

Sec. 402. Civil enforcement.

Sec. 403. State apportionment notice defined.

Sec. 404. No effect on elections for State and local office.

Sec. 405. Effective date.

TITLE V—REQUIREMENTS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS

Subtitle A—Application of Certain Requirements for Redistricting Carried Out Pursuant to 2020 Census

Sec. 501. Application of certain requirements for redistricting carried out pursuant to 2020 Census.

Sec. 502. Triggering events.

Subtitle B—Independent Redistricting Commissions for Redistricting Carried Out Pursuant to 2020 Census

Sec. 511. Use of independent redistricting commissions for redistricting carried out pursuant to 2020 Census.

Sec. 512. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 513. Criteria for redistricting plan; public notice and input.

Sec. 514. Establishment of related entities.

Sec. 515. Report on diversity of memberships of independent redistricting commissions.

1 **TITLE I—REQUIREMENTS FOR** 2 **CONGRESSIONAL REDIS-** 3 **TRICTING**

4 **SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO** 5 **BE CONDUCTED THROUGH PLAN OF INDE-** 6 **PENDENT STATE COMMISSION.**

7 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
8 other provision of law, and except as provided in sub-
9 section (c) and subsection (d), any congressional redis-

1 trieting conducted by a State shall be conducted in accord-
2 ance with—

3 (1) the redistricting plan developed and enacted
4 into law by the independent redistricting commission
5 established in the State, in accordance with title II;
6 or

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

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

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

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

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

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

19 (4) MULTI-PARTISAN COMPOSITION.—Member-
20 ship on the commission represents those who are af-
21 filiated with the two political parties whose can-
22 didates received the most votes in the most recent
23 statewide election for Federal office held in the
24 State, as well as those who are unaffiliated with any
25 party or who are affiliated with political parties

1 other than the two political parties whose candidates
2 received the most votes in the most recent statewide
3 election for Federal office held in the State.

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

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

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

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

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

1 (C) Members who are not affiliated with
2 any political party or who are affiliated with po-
3 litical parties other than the political parties de-
4 scribed in subparagraphs (A) and (B).

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

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

16 A State that has been redistricted in accordance with
17 this Act and a State described in section 101(c) or section
18 101(d) may not be redistricted again until after the next
19 apportionment of Representatives under section 22(a) of
20 the Act entitled “An Act to provide for the fifteenth and
21 subsequent decennial censuses and to provide for an ap-
22 portionment of Representatives in Congress”, approved
23 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
24 State to conduct such subsequent redistricting to comply
25 with the Constitution of the United States, the Voting

1 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the Con-
2 stitution of the State, or the terms or conditions of this
3 Act.

4 **SEC. 103. CRITERIA FOR REDISTRICTING.**

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

9 (1) Districts shall comply with the United
10 States Constitution, including the requirement that
11 they equalize total population.

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

18 (3) Districts shall be drawn, to the extent that
19 the totality of the circumstances warrant, to ensure
20 the practical ability of a group protected under the
21 Voting Rights Act of 1965 (52 U.S.C. 10301 et
22 seq.) to participate in the political process and to
23 nominate candidates and to elect representatives of
24 choice is not diluted or diminished, regardless of

1 whether or not such protected group constitutes a
2 majority of a district's citizen voting age population.

3 (4) Districts shall respect communities of inter-
4 est, neighborhoods, and political subdivisions to the
5 extent practicable and after compliance with the re-
6 quirements of paragraphs (1) through (3). A com-
7 munity of interest is defined as an area with recog-
8 nized similarities of interests, including but not lim-
9 ited to ethnic, racial, economic, tribal, social, cul-
10 tural, geographic or historic identities. The term
11 communities of interest may, in certain cir-
12 cumstances, include political subdivisions such as
13 counties, municipalities, tribal lands and reserva-
14 tions, or school districts, but shall not include com-
15 mon relationships with political parties or political
16 candidates.

17 (b) NO FAVORING OR DISFAVORING OF POLITICAL
18 PARTIES.—

19 (1) PROHIBITION.—The redistricting plan en-
20 acted by a State shall not, when considered on a
21 Statewide basis, be drawn with the intent or the ef-
22 fect of unduly favoring or disfavoring any political
23 party.

24 (2) DETERMINATION OF EFFECT.—

1 (A) TOTALITY OF CIRCUMSTANCES.—For
2 purposes of paragraph (1), the determination of
3 whether a redistricting plan has the effect of
4 unduly favoring or disfavoring a political party
5 shall be based on the totality of circumstances,
6 including evidence regarding the durability and
7 severity of a plan’s partisan bias.

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

18 (i) modeling based on relevant histor-
19 ical voting patterns shows that the plan is
20 statistically likely to result in a partisan
21 bias of more than one seat in States with
22 20 or fewer congressional districts or a
23 partisan bias of more than 2 seats in
24 States with more than 20 congressional
25 districts, as determined using quantitative

1 measures of partisan fairness, which may
2 include, but are not limited to, the seats-
3 to-votes curve for an enacted plan, the effi-
4 ciency gap, the declination, partisan asym-
5 metry, and the mean-median difference,
6 and

7 (ii) alternative plans, which may in-
8 clude, but are not limited to, those gen-
9 erated by redistricting algorithms, exist
10 that could have complied with the require-
11 ments of law and not been in violation of
12 paragraph (1).

13 (3) DETERMINATION OF INTENT.—For pur-
14 poses of paragraph (A), a rebuttable presumption
15 shall exist that a redistricting plan enacted by the
16 legislature of a State was not enacted with the in-
17 tent of unduly favoring or disfavoring a political
18 party if the plan was enacted with the support of at
19 least a third of the members of the second largest
20 political party in each house of the legislature.

21 (4) NO VIOLATION BASED ON CERTAIN CRI-
22 TERIA.—No redistricting plan shall be found to be
23 in violation of paragraph (1) because of partisan
24 bias attributable to the application of the criteria set
25 forth in paragraphs (1), (2), or (3) of subsection (a),

1 unless one or more alternative plans could have com-
2 plied with such paragraphs without having the effect
3 of unduly favoring or disfavoring a political party.

4 (c) FACTORS PROHIBITED FROM CONSIDERATION.—

5 In developing the redistricting plan for the State, the inde-
6 pendent redistricting commission may not take into con-
7 sideration any of the following factors, except to the extent
8 necessary to comply with the criteria described in para-
9 graphs (1) through (3) of subsection (a), subsection (b),
10 and to enable the redistricting plan to be measured
11 against the external metrics described in section 203(d):

12 (1) The residence of any Member of the House
13 of Representatives or candidate.

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

16 (d) APPLICABILITY.—This section applies to any au-
17 thority, whether appointed, elected, judicial, or otherwise,
18 that designs or enacts a congressional redistricting plan
19 of a State.

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

1 **TITLE II—INDEPENDENT**
2 **REDISTRICTING COMMISSIONS**

3 **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

4 (a) APPOINTMENT OF MEMBERS.—

5 (1) IN GENERAL.—The nonpartisan agency es-
6 tablished or designated by a State under section
7 204(a) shall establish an independent redistricting
8 commission for the State, which shall consist of 15
9 members appointed by the agency as follows:

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

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

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

23 (iii) The agency shall appoint 2 mem-
24 bers on a random basis from the inde-

1 pendent category of the approved selection
2 pool (as described in section 202(b)(1)(C)).

3 (B) Not later than November 15 of a year
4 ending in the numeral zero, the members ap-
5 pointed by the agency under subparagraph (A)
6 shall, at a public meeting held not earlier than
7 15 days after notice of the meeting has been
8 given to the public, then appoint 9 members as
9 follows:

10 (i) The members shall appoint 3 mem-
11 bers from the majority category of the ap-
12 proved selection pool (as described in sec-
13 tion 202(b)(1)(A)).

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

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

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

24 (A) AFFIRMATIVE VOTE OF AT LEAST 4
25 MEMBERS.—The appointment of any of the 9

1 members of the independent redistricting com-
2 mission who are appointed by the first members
3 of the commission pursuant to subparagraph
4 (B) of paragraph (1), as well as the designation
5 of alternates for such members pursuant to
6 subparagraph (B) of paragraph (3) and the ap-
7 pointment of alternates to fill vacancies pursu-
8 ant to subparagraph (B) of paragraph (4), shall
9 require the affirmative vote of at least 4 of the
10 members appointed by the nonpartisan agency
11 under subparagraph (A) of paragraph (1), in-
12 cluding at least one member from each of the
13 categories referred to in such subparagraph.

14 (B) ENSURING DIVERSITY.—In appointing
15 the 9 members pursuant to subparagraph (B)
16 of paragraph (1), as well as in designating al-
17 ternates pursuant to subparagraph (B) of para-
18 graph (3) and in appointing alternates to fill
19 vacancies pursuant to subparagraph (B) of
20 paragraph (4), the first members of the inde-
21 pendent redistricting commission shall ensure
22 that the membership is representative of the de-
23 mographic groups (including racial, ethnic, eco-
24 nomic, and gender) and geographic regions of
25 the State, and provides racial, ethnic, and lan-

1 guage minorities protected under the Voting
2 Rights Act of 1965 with a meaningful oppor-
3 tunity to participate in the development of the
4 State's redistricting plan.

5 (3) DESIGNATION OF ALTERNATES TO SERVE
6 IN CASE OF VACANCIES.—

7 (A) MEMBERS APPOINTED BY AGENCY.—

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

17 (B) MEMBERS APPOINTED BY FIRST MEM-

18 BERS.—At the time the members appointed by
19 the agency appoint the other members of the
20 independent redistricting commission under
21 subparagraph (B) of paragraph (1) from each
22 of the categories referred to in such subpara-
23 graph, the members shall, in accordance with
24 the special rules described in paragraph (2),
25 designate 2 other individuals from such cat-

1 egory to serve as alternate members who may
2 be appointed to fill vacancies in the commission
3 in accordance with paragraph (4).

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

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

22 (B) MEMBERS APPOINTED BY FIRST MEM-
23 BERS.—If a vacancy occurs in the commission
24 with respect to a member who was appointed by
25 the first members of the commission under sub-

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

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

21 (b) PROCEDURES FOR CONDUCTING COMMISSION
22 BUSINESS.—

23 (1) CHAIR.—Members of an independent redis-
24 tricting commission established under this section
25 shall select by majority vote one member who was

1 appointed from the independent category of the ap-
2 proved selection pool described in section
3 202(b)(1)(C) to serve as chair of the commission.
4 The commission may not take any action to develop
5 a redistricting plan for the State under section 203
6 until the appointment of the commission's chair.

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

12 (A) a majority of the whole membership of
13 the commission; and

14 (B) at least one member of the commission
15 appointed from each of the categories of the ap-
16 proved selection pool described in section
17 202(b)(1).

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

20 (c) STAFF; CONTRACTORS.—

21 (1) STAFF.—Under a public application process
22 in which all application materials are available for
23 public inspection, the independent redistricting com-
24 mission of a State shall appoint and set the pay of
25 technical experts, legal counsel, consultants, and

1 such other staff as it considers appropriate, subject
2 to State law.

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

12 (3) REPORTS ON EXPENDITURES FOR POLIT-
13 ICAL ACTIVITY.—

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

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

23 (ii) any income received by such indi-
24 vidual or vendor during the 10 most recent

1 calendar years which is attributable to an
2 expenditure for political activity.

3 (B) ANNUAL REPORTS BY EMPLOYEES
4 AND VENDORS.—Each person who is an em-
5 ployee or vendor of the independent redistricting
6 commission shall, not later than 1 year
7 after the person is appointed as an employee or
8 enters into a contract as a vendor (as the case
9 may be) and annually thereafter for each year
10 during which the person serves as an employee
11 or a vendor, file with the commission a report
12 summarizing the expenditures and income de-
13 scribed in subparagraph (A) during the 10 most
14 recent calendar years.

15 (C) EXPENDITURE FOR POLITICAL ACTIV-
16 ITY DEFINED.—In this paragraph, the term
17 “expenditure for political activity” means a dis-
18 bursement for any of the following:

19 (i) An independent expenditure, as de-
20 fined in section 301(17) of the Federal
21 Election Campaign Act of 1971 (52 U.S.C.
22 30101(17)).

23 (ii) An electioneering communication,
24 as defined in section 304(f)(3) of such Act
25 (52 U.S.C. 30104(f)(3)) or any other pub-

1 lic communication, as defined in section
2 301(22) of such Act (52 U.S.C.
3 30101(22)) that would be an electioneering
4 communication if it were a broadcast,
5 cable, or satellite communication.

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

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

1 son's expenditures for political activity provided in
2 the reports required under paragraph (3) (including
3 donations to candidates, political committees, and
4 political parties) as a condition of the appointment
5 or the contract.

6 (5) DISQUALIFICATION; WAIVER.—

7 (A) IN GENERAL.—The independent redistricting
8 commission may not appoint an individual as an
9 employee, and may not enter into a contract with
10 a vendor, if the individual or vendor meets any of
11 the criteria for the disqualification of an individual
12 from serving as a member of the commission which
13 are set forth in section 202(a)(2).
14

15 (B) WAIVER.—The commission may by
16 unanimous vote of its members waive the application
17 of subparagraph (A) to an individual or a vendor
18 after receiving and reviewing the report filed by
19 the individual or vendor under paragraph (3).
20

21 (d) TERMINATION.—

22 (1) IN GENERAL.—The independent redistricting
23 commission of a State shall terminate on the
24 earlier of—

1 (A) June 14 of the next year ending in the
2 numeral zero; or

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

9 (2) PRESERVATION OF RECORDS.—The State
10 shall ensure that the records of the independent re-
11 districting commission are retained in the appro-
12 priate State archive in such manner as may be nec-
13 essary to enable the State to respond to any civil ac-
14 tion brought with respect to congressional redis-
15 tricting in the State.

16 **SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDI-**
17 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
18 **OF COMMISSION.**

19 (a) CRITERIA FOR ELIGIBILITY.—

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

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

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

9 (C) The individual submits to the non-
10 partisan agency established or designated by a
11 State under section 203, at such time and in
12 such form as the agency may require, an appli-
13 cation for inclusion in the selection pool under
14 this section, and includes with the application a
15 written statement, with an attestation under
16 penalty of perjury, containing the following in-
17 formation and assurances:

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

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

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

6 (iv) The reason or reasons the indi-
7 vidual desires to serve on the independent
8 redistricting commission, the individual's
9 qualifications, and information relevant to
10 the ability of the individual to be fair and
11 impartial, including, but not limited to—

12 (I) any involvement with, or fi-
13 nancial support of, professional, so-
14 cial, political, religious, or community
15 organizations or causes; or

16 (II) the individual's employment
17 and educational history.

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

24 (vi) An assurance that, during the
25 covered periods described in paragraph (3),

1 the individual has not taken and will not
2 take any action which would disqualify the
3 individual from serving as a member of the
4 commission under paragraph (2).

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

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

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

23 (C) The individual or (in the case of the
24 covered periods described in subparagraphs (A)
25 and (B) of paragraph (3)) an immediate family

1 member of the individual holds a position as a
2 registered lobbyist under the Lobbying Disclo-
3 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
4 equivalent State or local law.

5 (D) The individual or (in the case of the
6 covered periods described in subparagraphs (A)
7 and (B) of paragraph (3)) an immediate family
8 member of the individual is an employee of an
9 elected public official, a contractor with the gov-
10 ernment of the State, or a donor to the cam-
11 paign of any candidate for public office or to
12 any political action committee (other than a
13 donor who, during any of such covered periods,
14 gives an aggregate amount of \$1,000 or less to
15 the campaigns of all candidates for all public
16 offices and to all political action committees).

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

22 (F) The individual or (in the case of the
23 covered periods described in subparagraphs (A)
24 and (B) of paragraph (3)) an immediate family
25 member of the individual is an agent of a for-

1 eign principal under the Foreign Agents Reg-
2 istration Act of 1938, as amended (22 U.S.C.
3 611 et seq.).

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

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

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

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

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

24 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
25 POOL.—

1 (1) IN GENERAL.—Not later than June 15 of
2 each year ending in the numeral zero, the non-
3 partisan agency established or designated by a State
4 under section 204(a) shall develop and submit to the
5 Select Committee on Redistricting for the State es-
6 tablished under section 204(b) a selection pool of 36
7 individuals who are eligible to serve as members of
8 the independent redistricting commission of the
9 State under this Act, consisting of individuals in the
10 following categories:

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

16 (B) A minority category, consisting of 12
17 individuals who are affiliated with the political
18 party whose candidate received the second most
19 votes in the most recent statewide election for
20 Federal office held in the State.

21 (C) An independent category, consisting of
22 12 individuals who are not affiliated with either
23 of the political parties described in subpara-
24 graph (A) or subparagraph (B).

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

5 (A) ensure that the pool is representative
6 of the demographic groups (including racial,
7 ethnic, economic, and gender) and geographic
8 regions of the State, and includes applicants
9 who would allow racial, ethnic, and language
10 minorities protected under the Voting Rights
11 Act of 1965 a meaningful opportunity to par-
12 ticipate in the development of the State’s redis-
13 tricting plan; 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) INTERVIEWS OF APPLICANTS.—To assist
21 the nonpartisan agency in developing the selection
22 pool under this subsection, the nonpartisan agency
23 shall conduct interviews of applicants under oath. If
24 an individual is included in a selection pool devel-
25 oped under this section, all of the interviews of the

1 individual shall be transcribed and the transcriptions
2 made available on the nonpartisan agency's website
3 contemporaneously with release of the report under
4 paragraph (6).

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

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

1 individuals to apply for inclusion in the selection
2 pool developed under this subsection.

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

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

24 (8) ACTION BY SELECT COMMITTEE.—

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

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

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

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

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

23 (1) IN GENERAL.—If the Select Committee on
24 Redistricting rejects the selection pool submitted by
25 the nonpartisan agency under subsection (b), not

1 later than 14 days after the rejection, the non-
2 partisan agency shall develop and submit to the Se-
3 lect Committee a replacement selection pool, under
4 the same terms and conditions that applied to the
5 development and submission of the selection pool
6 under paragraphs (1) through (7) of subsection (b).
7 The replacement pool submitted under this para-
8 graph may include individuals who were included in
9 the rejected selection pool submitted under sub-
10 section (b), so long as at least one of the individuals
11 in the replacement pool was not included in such re-
12 jected pool.

13 (2) ACTION BY SELECT COMMITTEE.—

14 (A) IN GENERAL.—Not later than 21 days
15 after receiving the replacement selection pool
16 from the nonpartisan agency under paragraph
17 (1), the Select Committee on Redistricting
18 shall, by majority vote—

19 (i) approve the pool as submitted by
20 the nonpartisan agency, in which case the
21 pool shall be considered the approved selec-
22 tion pool for purposes of section 201(a)(1);
23 or

24 (ii) reject the pool, in which case the
25 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 (7)
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 earlier than 15
5 days and not later than 14 days after receiving
6 the second replacement selection pool from the
7 nonpartisan agency under paragraph (1), the
8 Select Committee on Redistricting shall, by ma-
9 jority vote—

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

15 (ii) reject the pool.

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

22 (C) EFFECT OF REJECTION.—If the Select
23 Committee on Redistricting rejects the second
24 replacement pool from the nonpartisan agency
25 under paragraph (1), the redistricting plan for

1 the State shall be developed and enacted in ac-
2 cordance with title III.

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

4 (a) PUBLIC NOTICE AND INPUT.—

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

15 (2) WEBSITE.—

16 (A) FEATURES.—The commission shall
17 maintain a public Internet site which is not af-
18 filiated with or maintained by the office of any
19 elected official and which includes the following
20 features:

21 (i) General information on the com-
22 mission, its role in the redistricting proc-
23 ess, and its members, including contact in-
24 formation.

1 (ii) An updated schedule of commis-
2 sion hearings and activities, including
3 deadlines for the submission of comments.

4 (iii) All draft redistricting plans devel-
5 oped by the commission under subsection
6 (b) and the final redistricting plan devel-
7 oped under subsection (c), including the
8 accompanying written evaluation under
9 subsection (d).

10 (iv) All comments received from the
11 public on the commission's activities, in-
12 cluding any proposed maps submitted
13 under paragraph (1).

14 (v) Live streaming of commission
15 hearings and an archive of previous meet-
16 ings, including any documents considered
17 at any such meeting, which the commission
18 shall post not later than 24 hours after the
19 conclusion of the meeting.

20 (vi) Access in an easily useable format
21 to the demographic and other data used by
22 the commission to develop and analyze the
23 proposed redistricting plans, together with
24 access to any software used to draw maps

1 of proposed districts and to any reports
2 analyzing and evaluating any such maps.

3 (vii) A method by which members of
4 the public may submit comments and pro-
5 posed maps directly to the commission.

6 (viii) All records of the commission,
7 including all communications to or from
8 members, employees, and contractors re-
9 garding the work of the commission.

10 (ix) A list of all contractors receiving
11 payment from the commission, together
12 with the annual disclosures submitted by
13 the contractors under section 201(e)(3).

14 (x) A list of the names of all individ-
15 uals who submitted applications to serve
16 on the commission, together with the appli-
17 cations submitted by individuals included
18 in any selection pool, except that the com-
19 mission may redact from such applications
20 any financial or other personally sensitive
21 information.

22 (B) SEARCHABLE FORMAT.—The commis-
23 sion shall ensure that all information posted
24 and maintained on the site under this para-
25 graph, including information and proposed

1 maps submitted by the public, shall be main-
2 tained in an easily searchable format.

3 (C) DEADLINE.—The commission shall en-
4 sure that the public internet site under this
5 paragraph is operational (in at least a prelimi-
6 nary format) not later than January 1 of the
7 year ending in the numeral one.

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

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

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

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

23 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
24 ALL NOTICES.—The commission shall make each no-
25 tice which is required to be posted and published

1 under this section available in any language in which
2 the State (or any jurisdiction in the State) is re-
3 quired to provide election materials under section
4 203 of the Voting Rights Act of 1965.

5 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
6 NARY REDISTRICTING PLAN.—

7 (1) IN GENERAL.—Prior to developing and pub-
8 lishing a final redistricting plan under subsection
9 (c), the independent redistricting commission of a
10 State shall develop and publish a preliminary redis-
11 tricting plan.

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

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

23 (B) MINIMUM PERIOD FOR NOTICE PRIOR
24 TO HEARINGS.—Not fewer than 14 days prior
25 to the date of each hearing held under this

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

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

15 (3) PUBLICATION OF PRELIMINARY PLAN.—

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

1 (B) MINIMUM PERIOD FOR NOTICE PRIOR
2 TO PUBLICATION.—Not fewer than 14 days
3 prior to the date on which the commission posts
4 and publishes the preliminary plan under this
5 paragraph, the commission shall notify the pub-
6 lic through the website maintained under sub-
7 section (a)(2), as well as through publication of
8 notice in newspapers of general circulation
9 throughout the State, of the pending publica-
10 tion of the plan.

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

19 (5) POST-PUBLICATION HEARINGS.—

20 (A) 3 HEARINGS REQUIRED.—After post-
21 ing and publishing the preliminary redistricting
22 plan under paragraph (3), the commission shall
23 hold not fewer than 3 public hearings in dif-
24 ferent geographic areas of the State at which

1 members of the public may provide input and
2 comments regarding the preliminary plan.

3 (B) MINIMUM PERIOD FOR NOTICE PRIOR
4 TO HEARINGS.—Not fewer than 14 days prior
5 to the date of each hearing held under this
6 paragraph, the commission shall post notices of
7 the hearing in on the website maintained under
8 subsection (a)(2), and shall provide for the pub-
9 lication of such notices in newspapers of general
10 circulation throughout the State. Each such no-
11 tice shall specify the date, time, and location of
12 the hearing.

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

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

1 (1) IN GENERAL.—After taking into consider-
2 ation comments from the public on any preliminary
3 redistricting plan developed and published under
4 subsection (b), the independent redistricting commis-
5 sion of a State shall develop and publish a final re-
6 districting plan for the State.

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

12 (3) PUBLICATION OF PLAN AND ACCOMPANYING
13 MATERIALS.—Not fewer than 14 days before the
14 date of the meeting under paragraph (2), the com-
15 mission shall provide the following information to
16 the public through the website maintained under
17 subsection (a)(2), as well as through newspapers of
18 general circulation throughout the State:

19 (A) The final redistricting plan, including
20 all relevant maps.

21 (B) A report by the commission to accom-
22 pany the plan which provides the background
23 for the plan and the commission's reasons for
24 selecting the plan as the final redistricting plan,
25 including responses to the public comments re-

1 ceived on any preliminary redistricting plan de-
2 veloped and published under subsection (b).

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

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

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

14 (B) at least one member of the commission
15 appointed from each of the categories of the ap-
16 proved selection pool described in section
17 202(b)(1) approves such final plan.

18 (5) REVIEW BY DEPARTMENT OF JUSTICE.—

19 (A) REQUIRING SUBMISSION OF PLAN FOR
20 REVIEW.—The final redistricting plan shall not
21 be deemed to be enacted into law unless the
22 State submits the plan to the Department of
23 Justice for an administrative review to deter-
24 mine if the plan is in compliance with the cri-

1 teria described in subparagraphs (B) and (C) of
2 section 203(a)(1).

3 (B) TERMINATION OF REVIEW.—The De-
4 partment of Justice shall terminate any admin-
5 istrative review under subparagraph (A) if, dur-
6 ing the 45-day period which begins on the date
7 the plan is enacted into law, an action is filed
8 in a United States district court alleging that
9 the plan is not in compliance with the criteria
10 described in subparagraphs (B) and (C) of sec-
11 tion 203(a)(1).

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

23 (e) TIMING.—The independent redistricting commis-
24 sion of a State may begin its work on the redistricting
25 plan of the State upon receipt of relevant population infor-

1 mation from the Bureau of the Census, and shall approve
2 a final redistricting plan for the State in each year ending
3 in the numeral one not later than 8 months after the date
4 on which the State receives the State apportionment notice
5 or October 1, whichever occurs later.

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

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

9 (1) IN GENERAL.—Each State shall establish a
10 nonpartisan agency in the legislative branch of the
11 State government to appoint the members of the
12 independent redistricting commission for the State
13 in accordance with section 201.

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

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

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

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

23 (3) TRAINING OF MEMBERS APPOINTED TO
24 COMMISSION.—Not later than January 15 of a year
25 ending in the numeral one, the nonpartisan agency

1 established or designated under this subsection shall
2 provide the members of the independent redistricting
3 commission with initial training on their obligations
4 as members of the commission, including obligations
5 under the Voting Rights Act of 1965 and other ap-
6 plicable laws.

7 (4) REGULATIONS.—The nonpartisan agency
8 established or designated under this subsection shall
9 adopt and publish regulations, after notice and op-
10 portunity for comment, establishing the procedures
11 that the agency will follow in fulfilling its duties
12 under this Act, including the procedures to be used
13 in vetting the qualifications and political affiliation
14 of applicants and in creating the selection pools, the
15 randomized process to be used in selecting the initial
16 members of the independent redistricting commis-
17 sion, and the rules that the agency will apply to en-
18 sure that the agency carries out its duties under this
19 Act in a maximally transparent, publicly accessible,
20 and impartial manner.

21 (5) DESIGNATION OF EXISTING AGENCY.—At
22 its option, a State may designate an existing agency
23 in the legislative branch of its government to appoint
24 the members of the independent redistricting com-
25 mission plan for the State under this Act, so long

1 as the agency meets the requirements for non-
2 partisanship under this subsection.

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

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

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

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

21 (1) IN GENERAL.—Each State shall appoint a
22 Select Committee on Redistricting to approve or dis-
23 approve a selection pool developed by the inde-
24 pendent redistricting commission for the State under
25 section 202.

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

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

6 (B) Two members of the State legislature
7 appointed by the chair of the political party
8 whose candidate received the second highest
9 percentage of votes in the most recent statewide
10 election for Federal office held in the State.

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

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

18 **SEC. 205. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
19 **INDEPENDENT REDISTRICTING COMMIS-**
20 **SIONS.**

21 Not later than May 15 of a year ending in the nu-
22 meral one, the Comptroller General of the United States
23 shall submit to Congress a report on the extent to which
24 the memberships of independent redistricting commissions
25 for States established under this title with respect to the

1 immediately preceding year ending in the numeral zero
2 meet the diversity requirements as provided for in sections
3 201(a)(2)(B) and 202(b)(2).

4 **TITLE III—ROLE OF COURTS IN**
5 **DEVELOPMENT OF REDIS-**
6 **TRICTING PLANS**

7 **SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
8 **COURT.**

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

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

19 (2) the final plan developed and published by
20 the Court under this section shall be deemed to be
21 enacted on the date on which the Court publishes
22 the final plan, as described in subsection (d).

23 (b) APPLICABLE VENUE DESCRIBED.—For purposes
24 of this section, the “applicable venue” with respect to a
25 State is the District of Columbia or the judicial district

1 in which the capital of the State is located, as selected
2 by the first party to file with the court sufficient evidence
3 of the occurrence of a triggering event described in sub-
4 section (f).

5 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

6 (1) CRITERIA.—In developing a redistricting
7 plan for a State under this section, the Court shall
8 adhere to the same terms and conditions that ap-
9 plied (or that would have applied, as the case may
10 be) to the development of a plan by the independent
11 redistricting commission of the State under section
12 103.

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

20 (3) HEARING; PUBLIC PARTICIPATION.—In de-
21 veloping a redistricting plan for a State, the Court
22 shall—

23 (A) hold one or more evidentiary hearings
24 at which interested members of the public may
25 appear and be heard and present testimony, in-

1 including expert testimony, in accordance with
2 the rules of the Court; and

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

7 (4) USE OF SPECIAL MASTER.—To assist in the
8 development and publication of a redistricting plan
9 for a State under this section, the Court may ap-
10 point a special master to make recommendations to
11 the Court on possible plans for the State.

12 (d) PUBLICATION OF PLAN.—

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

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

1 the public which are received during such period, the
2 Court shall develop and publish the final redistricting
3 plan for the State.

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

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

19 (1) The failure of the State to establish or designate
20 a nonpartisan agency of the State legislature under section
21 204(a) prior to the expiration of the deadline set forth in
22 section 204(a)(5).

23 (2) The failure of the State to appoint a Select
24 Committee on Redistricting under section 204(b)

1 prior to the expiration of the deadline set forth in
2 section 204(b)(4).

3 (3) The failure of the Select Committee on Re-
4 districting to approve any selection pool under sec-
5 tion 202 prior to the expiration of the deadline set
6 forth for the approval of the second replacement se-
7 lection pool in section 202(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 203(e).

12 **SEC. 302. 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 203
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 **TITLE IV—ADMINISTRATIVE AND**
2 **MISCELLANEOUS PROVISIONS**

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

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

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

13 (2) \$150,000.

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

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

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

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2) and paragraph (3), the Election As-
3 sistance Commission may not make a payment to a
4 State under this section until the State certifies to
5 the Commission that the nonpartisan agency estab-
6 lished or designated by a State under section 204(a)
7 has, in accordance with section 202(b)(1), submitted
8 a selection pool to the Select Committee on Redis-
9 tricting for the State established under section
10 204(b).

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

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

1 Agency with the assistance of a Temporary Redistricting Advisory Commission, as provided under the
2 law described in section 101(d).

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

7 **SEC. 402. CIVIL ENFORCEMENT.**

8 (a) CIVIL ENFORCEMENT.—

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

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

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

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

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

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

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

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

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

25 (c) REMEDIES.—

1 (1) ADOPTION OF REPLACEMENT PLAN.—

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

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

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

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

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

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

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

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

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

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

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

15 (e) RELATION TO OTHER LAWS.—

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

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

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

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

9 **SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.**

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

18 **SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND**
19 **LOCAL OFFICE.**

20 Nothing in this Act or in any amendment made by
21 this Act may be construed to affect the manner in which
22 a State carries out elections for State or local office, in-
23 cluding the process by which a State establishes the dis-
24 tricts used in such elections.

1 **SEC. 405. EFFECTIVE DATE.**

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

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

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

14 **SEC. 501. APPLICATION OF CERTAIN REQUIREMENTS FOR**
15 **REDISTRICTING CARRIED OUT PURSUANT TO**
16 **2020 CENSUS.**

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

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

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

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

12 (2) If any of the triggering events described in
13 section 502 occur with respect to the State, the
14 United States district court for the applicable venue
15 shall develop and publish the redistricting plan for
16 the State, in accordance with section 301, not later
17 than December 15, 2024.

18 (3) For purposes of section 401(d)(1), the Elec-
19 tion Assistance Commission may not make a pay-
20 ment to a State under such section until the State
21 certifies to the Commission that the nonpartisan
22 agency established or designated by a State under
23 section 514(a) has, in accordance with section
24 512(b)(1), submitted a selection pool to the Select

1 Committee on Redistricting for the State established
2 under section 514(b).

3 **SEC. 502. TRIGGERING EVENTS.**

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

7 (1) The failure of the State to establish or des-
8 ignate a nonpartisan agency under section 514(a)
9 prior to the expiration of the deadline under section
10 514(a)(6).

11 (2) The failure of the State to appoint a Select
12 Committee on Redistricting under section 514(b)
13 prior to the expiration of the deadline under section
14 514(b)(4).

15 (3) The failure of the Select Committee on Re-
16 districting to approve a selection pool under section
17 512(b) prior to the expiration of the deadline under
18 section 512(b)(7).

19 (4) The failure of the independent redistricting
20 commission of the State to approve a final redis-
21 tricting plan for the State under section 513 prior
22 to the expiration of the deadline under section
23 513(e).

1 **Subtitle B—Independent Redistricting Commissions for Redistricting Carried Out Pursuant to 2020 Census**

2 **SEC. 511. USE OF INDEPENDENT REDISTRICTING COMMISSIONS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS.**

3 (a) APPOINTMENT OF MEMBERS.—

4 (1) IN GENERAL.—The nonpartisan agency established or designated by a State under section 514(a) shall establish an independent redistricting commission under this title for the State, which shall consist of 15 members appointed by the agency as follows:

5 (A) Not later than August 5, 2024, the agency shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, first appoint 6 members as follows:

6 (i) The agency shall appoint 2 members on a random basis from the majority category of the approved selection pool (as described in section 512(b)(1)(A)).

7 (ii) The agency shall appoint 2 members on a random basis from the minority

1 category of the approved selection pool (as
2 described in section 512(b)(1)(B)).

3 (iii) The agency shall appoint 2 mem-
4 bers on a random basis from the inde-
5 pendent category of the approved selection
6 pool (as described in section 512(b)(1)(C)).

7 (B) Not later than August 15, 2024, the
8 members appointed by the agency under sub-
9 paragraph (A) shall, at a public meeting held
10 not earlier than 15 days after notice of the
11 meeting has been given to the public, then ap-
12 point 9 members as follows:

13 (i) The members shall appoint 3 mem-
14 bers from the majority category of the ap-
15 proved selection pool (as described in sec-
16 tion 512(b)(1)(A)).

17 (ii) The members shall appoint 3
18 members from the minority category of the
19 approved selection pool (as described in
20 section 512(b)(1)(B)).

21 (iii) The members shall appoint 3
22 members from the independent category of
23 the approved selection pool (as described in
24 section 512(b)(1)(C)).

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

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

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

1 (3) REMOVAL.—A member of the independent
2 redistricting commission may be removed by a ma-
3 jority vote of the remaining members of the commis-
4 sion if it is shown by a preponderance of the evi-
5 dence that the member is not eligible to serve on the
6 commission under section 512(a).

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

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

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

17 (B) at least one member of the commission
18 appointed from each of the categories of the ap-
19 proved selection pool described in section
20 512(b)(1).

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

23 (c) STAFF; CONTRACTORS.—

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

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

6 (2) CONTRACTORS.—The independent redis-
7 tricting commission of a State may enter into such
8 contracts with vendors as it considers appropriate,
9 subject to State law, except that any such contract
10 shall be valid only if approved by the vote of a ma-
11 jority of the members of the commission, including
12 at least one member appointed from each of the cat-
13 egories of the approved selection pool described in
14 section 512(b)(1).

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

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

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

3 **SEC. 512. ESTABLISHMENT OF SELECTION POOL OF INDI-**
4 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
5 **OF COMMISSION.**

6 (a) CRITERIA FOR ELIGIBILITY.—

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

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

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

19 (C) The individual submits to the non-
20 partisan agency established or designated by a
21 State under section 514, at such time and in
22 such form as the agency may require, an appli-
23 cation for inclusion in the selection pool under
24 this section, and includes with the application a
25 written statement, with an attestation under

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

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

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

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

14 (iv) The reason or reasons the indi-
15 vidual desires to serve on the independent
16 redistricting commission, the individual's
17 qualifications, and information relevant to
18 the ability of the individual to be fair and
19 impartial, including, but not limited to—

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

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

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

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

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

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

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

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

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

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

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

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

1 eign principal under the Foreign Agents Reg-
2 istration Act of 1938, as amended (22 U.S.C.
3 611 et seq.).

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

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

13 (1) IN GENERAL.—Not later than July 15,
14 2024, the nonpartisan agency established or des-
15 ignated by a State under section 514(a) shall de-
16 velop and submit to the Select Committee on Redis-
17 tricting for the State established under section
18 514(b) a selection pool of 36 individuals who are eli-
19 gible to serve as members of the independent redis-
20 tricting commission of the State under this title,
21 consisting of individuals in the following categories:

22 (A) A majority category, consisting of 12
23 individuals who are affiliated with the political
24 party whose candidate received the most votes

1 in the most recent Statewide election for Fed-
2 eral office held in the State.

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

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

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

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

1 (B) take into consideration the analytical
2 skills of the individuals selected in relevant
3 fields (including mapping, data management,
4 law, community outreach, demography, and the
5 geography of the State) and their ability to
6 work on an impartial basis.

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

18 (4) ENCOURAGING RESIDENTS TO APPLY FOR
19 INCLUSION IN POOL.—The nonpartisan agency shall
20 take such steps as may be necessary to ensure that
21 residents of the State across various geographic re-
22 gions and demographic groups are aware of the op-
23 portunity to serve on the independent redistricting
24 commission, including publicizing the role of the
25 panel and using newspapers, broadcast media, and

1 online sources, including ethnic media, to encourage
2 individuals to apply for inclusion in the selection
3 pool developed under this subsection.

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

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

22 (7) ACTION BY SELECT COMMITTEE.—

23 (A) IN GENERAL.—Not later than August
24 1, 2024, the Select Committee on Redistricting
25 shall—

1 (i) approve the pool as submitted by
2 the nonpartisan agency, in which case the
3 pool shall be considered the approved selec-
4 tion pool for purposes of section 511(a)(1);
5 or

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

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

16 **SEC. 513. CRITERIA FOR REDISTRICTING PLAN; PUBLIC NO-**
17 **TICE AND INPUT.**

18 (a) PUBLIC NOTICE AND INPUT.—

19 (1) USE OF OPEN AND TRANSPARENT PROC-
20 ESS.—The independent redistricting commission of a
21 State under this title shall hold each of its meetings
22 in public, shall solicit and take into consideration
23 comments from the public, including proposed maps,
24 throughout the process of developing the redis-
25 tracting plan for the State, and shall carry out its

1 duties in an open and transparent manner which
2 provides for the widest public dissemination reason-
3 ably possible of its proposed and final redistricting
4 plans.

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

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

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

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

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

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

8 (A) 2 HEARINGS REQUIRED.—Prior to de-
9 veloping a preliminary redistricting plan under
10 this subsection, the commission shall hold not
11 fewer than 2 public hearings at which members
12 of the public may provide input and comments
13 regarding the potential contents of redistricting
14 plans for the State and the process by which
15 the commission will develop the preliminary
16 plan under this subsection.

17 (B) NOTICE PRIOR TO HEARINGS.—The
18 commission shall provide for the publication of
19 notices of each hearing held under this para-
20 graph, including in newspapers of general cir-
21 culation throughout the State. Each such notice
22 shall specify the date, time, and location of the
23 hearing.

24 (C) SUBMISSION OF PLANS AND MAPS BY
25 MEMBERS OF THE PUBLIC.—Any member of

1 the public may submit maps or portions of
2 maps for consideration by the commission.

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

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

20 (5) POST-PUBLICATION HEARINGS.—

21 (A) 2 HEARINGS REQUIRED.—After pub-
22 lishing the preliminary redistricting plan under
23 paragraph (3), and not later than 14 days be-
24 fore the date of the meeting under subsection
25 (c)(2) at which the members of the commission

1 shall vote on approving the final redistricting
2 plan for enactment into law, the commission
3 shall hold not fewer than 2 public hearings in
4 different geographic areas of the State at which
5 members of the public may provide input and
6 comments regarding the preliminary plan.

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

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

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

1 (1) IN GENERAL.—After taking into consider-
2 ation comments from the public on any preliminary
3 redistricting plan developed and published under
4 subsection (b), the independent redistricting commis-
5 sion of a State under this title shall develop and
6 publish a final redistricting plan for the State.

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

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

18 (A) The final redistricting plan, including
19 all relevant maps.

20 (B) A report by the commission to accom-
21 pany the plan which provides the background
22 for the plan and the commission's reasons for
23 selecting the plan as the final redistricting plan,
24 including responses to the public comments re-

1 ceived on any preliminary redistricting plan de-
2 veloped and published under subsection (b).

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

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

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

14 (B) at least one member of the commission
15 appointed from each of the categories of the ap-
16 proved selection pool described in section
17 512(b)(1) approves such final plan.

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

1 choice, measures of partisan fairness using multiple ac-
2 cepted methodologies, and the degree to which the plan
3 preserves or divides communities of interest.

4 (e) DEADLINE.—The independent redistricting com-
5 mission of a State under this title shall approve a final
6 redistricting plan for the State not later than November
7 15, 2024.

8 **SEC. 514. ESTABLISHMENT OF RELATED ENTITIES.**

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

11 (1) IN GENERAL.—Each State shall establish a
12 nonpartisan agency in the legislative branch of the
13 State government to appoint the members of the
14 independent redistricting commission for the State
15 under this title in accordance with section 511.

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

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

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

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

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

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

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

21 (6) DEADLINE.—The State shall meet the re-
22 quirements of this subsection not later than June 1,
23 2024.

24 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
25 DISTRICTING.—

1 (1) IN GENERAL.—Each State shall appoint a
2 Select Committee on Redistricting to approve or dis-
3 approve a selection pool developed by the inde-
4 pendent redistricting commission for the State under
5 this title under section 512.

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

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

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

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

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

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

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

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

18 (4) DEADLINE.—The State shall meet the re-
19 quirements of this subsection not later than June
20 15, 2024.

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

1 **SEC. 515. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
2 **INDEPENDENT REDISTRICTING COMMIS-**
3 **SIONS.**

4 Not later than November 15, 2024, the Comptroller
5 General of the United States shall submit to Congress a
6 report on the extent to which the memberships of inde-
7 pendent redistricting commissions for States established
8 under this title with respect to the immediately preceding
9 year ending in the numeral zero meet the diversity require-
10 ments as provided for in sections 511(a)(2)(B) and
11 512(b)(2).

○