A BILL

To establish the use of ranked choice voting for the election of Members of the House of Representatives, require multi-member districts in any state with more than one Representative, require that redistricting be conducted through independent commissions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; FINDING OF CONSTITUTIONAL AUTHORITY.

(a) SHORT TITLE.—This Act may be cited as the “Ranked Choice Voting Act”.

(b) FINDING.—Congress finds that it has the authority to establish the terms and conditions States must follow in carrying out Congressional redistricting and elections because—

(1) the authority granted to Congress under article I, section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives; and

(2) the authority granted to Congress under section 5 of the fourteenth amendment to the Constitution gives Congress the power to enact laws to enforce section 2 of such amendment, which requires Representatives to be apportioned among the several States according to their number.

SEC. 2. REQUIRING ELECTION OF REPRESENTATIVES BY RANKED CHOICE VOTING.

(a) ELECTION OF REPRESENTATIVES BY RANKED CHOICE VOTING.—Each State shall elect each of its Representatives to Congress by ranked choice voting, as described in section 3.
(b) PRIMARY ELECTIONS.—If the State determines which candidates will appear on the general election ballot, in whole or in part, by one or more state-administered primary elections, each primary election shall be conducted by ranked choice voting, as described in section 3, in the same districts to be used in the general election. The State may establish, by law, the ballot format and additional rules for counting the votes, so long as those rules are consistent with this section, and so long as—

(1) in a State that conducts primary elections for the purpose of choosing the nominees of political parties, the rules allow for the nomination of a number of candidates per political party equal to the number of Representatives to be elected in the district, unless a political party adopts a rule to limit or expand the number of nominees allowed; and

(2) in a State that conducts a primary election in which some number of candidates receiving the greatest number of votes appear on the general election ballot regardless of political party preference, the rules provide for a number of candidates to advance to the general election ballot equal to the greater of twice the number of Representatives to be elected in the district or five, unless the State, by law, expands the number of candidates to advance to the general election.

SEC. 3. RANKED CHOICE VOTING.

(a) RANKED CHOICE VOTING BALLOT.—In any contest conducted by ranked choice voting, the ballot shall allow voters to rank candidates in order of choice. Additionally, it shall meet the following specifications:

(1) The ballot shall be simple and easy to understand.

(2) If feasible, the ballot shall allow voters to rank every candidate in a contest and at least three write-in candidates.
If it is not feasible to allow voters to rank that number of candidates, the number of allowable rankings may be limited to no fewer than six.

(3) Instructions on the ballot shall conform substantially to the following specifications, subject to usability testing and modification based on ballot design and voting system:

“Vote by indicating your 1st choice candidate and ranking additional candidates in order of choice. Indicate your 1st choice by marking the number “1” beside a candidate’s name, your 2nd choice by marking the number “2” beside a candidate’s name, your 3rd choice by marking the number “3” beside a candidate’s name, and so on. Rank as many choices as you wish. Marking a 2nd or later preference will not count against your 1st choice. Do not skip numbers, and do not mark the same number beside more than one candidate.”

(b) MULTI-SEAT RANKED CHOICE VOTING TABULATION.—

In any contest for more than one office conducted by ranked choice voting, tabulation shall proceed in rounds. In the first round, each validly cast ballot shall be counted as one vote for the candidate at its highest continuing ranking or as an exhausted ballot. The election threshold shall be calculated. Tabulation shall then proceed sequentially as follows:

(1) If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation is complete. If the number of continuing candidates is equal to or less than the number of offices remaining to be filled, then all continuing candidates are elected and the tabulation is complete. Otherwise, the tabulation continues to subparagraph (b)(2).
The number of surplus votes for any candidates whose vote totals are greater than the election threshold shall be calculated. Any continuing candidates who have vote totals that exceed the election threshold are elected. The surplus fraction for each such candidate shall be calculated. For any candidates with a surplus fraction greater than zero, the new transfer value of each vote cast for those candidates shall be calculated. Votes for those candidates shall be added, at their new transfer values, to the totals of each ballot’s highest-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subparagraph (b)(1). In all subsequent rounds, any candidates elected under this subsection shall have vote totals equal to the election threshold. If no candidate has a surplus fraction greater than zero, the tabulation continues to subparagraph (b)(3).

(3) The candidate with the fewest votes is defeated. Then, if the number of continuing candidates is equal to the number of seats remaining to be filled, all continuing candidates are elected, votes for the defeated candidate are not added to the totals of any other candidates and the tabulation is complete. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate and shall be added, at their current transfer values, to the totals of each ballot’s next-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subparagraph (b)(1).

(c) SINGLE-SEAT RANKED CHOICE VOTING TABULATION.—
In any contest for exactly one office conducted by ranked choice voting, each validly cast ballot shall be initially counted as one vote for the candidate at its highest continuing ranking or as an
exhausted ballot. If a candidate has more than half of the total votes counting for candidates, that candidate is elected and the tabulation is complete. Otherwise, tabulation proceeds in rounds. Each round shall proceed sequentially as follows:

   (1) If two or fewer continuing candidates remain, the candidate with the greatest number of votes is elected and the tabulation is complete. Otherwise, the tabulation continues to subparagraph (c)(2).

   (2) The candidate with the fewest votes is defeated. Votes for the defeated candidates shall cease counting for the defeated candidate and shall be added to the totals of each ballot’s next-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subparagraph (c)(1).

(d) BATCH ELIMINATION.—The tabulation described in subsections (b) and (c) may optionally be augmented to include batch elimination. If batch elimination is included, then all candidates who can be mathematically eliminated, if any, shall be defeated by batch elimination and votes for the defeated candidates shall cease counting for those candidates and be added, at their current transfer values, to the totals of each ballot’s highest-ranked continuing candidate or counted as exhausted ballots as follows:

   (1) For multi-seat contests, batch elimination shall occur immediately prior to any start of subparagraph (b)(3). If no candidates are defeated by batch elimination in a round, the tabulation shall continue to subparagraph (b)(3). Otherwise, if the number of continuing candidates is equal to the number of seats remaining to be filled, all continuing candidates are elected, votes for the defeated candidates are not added to the totals of any other candidates and the tabulation is
complete. Otherwise, a new round begins with subparagraph (b)(1).

(2) For single-seat contests, batch elimination shall occur immediately prior to any start of subsection (c)(2). If no candidates are defeated by batch elimination in a round, the tabulation shall continue to subparagraph (c)(2). Otherwise, a new round begins with subparagraph (c)(1).

(e) TIES.—Election officials shall resolve prospective ties between candidates before the election by publicly determining a randomized ordering of the alphabet. If a tie to determine which candidate has the greatest number of votes or the fewest votes occurs at any point in the tabulation procedure described in subsections (b) or (c), and the tabulation cannot proceed until the tie is resolved, then the tied candidate who is considered to have the greater number of votes shall be the candidate whose name appears earliest on the list of candidate names arranged, last name first, in accordance with this randomized alphabet.

(f) DEFINITIONS.—For the purposes of this section, the following terms have the following meanings:

(1) “Batch elimination” means a simultaneous defeat of one or more continuing candidates that can be mathematically eliminated.

(2) “Can be mathematically eliminated” means a candidate is part of a group of candidates such that:

(A) if a candidate is in the group, then every continuing candidate with equal or fewer votes is also in the group;

(B) the total of votes for all candidates in the group is less than the number of votes for any continuing candidate not in the group;
(C) for a multi-seat contest, the total votes for all candidates in the group is less than the election threshold;
(D) for a multi-seat contest, there are at least as many continuing candidates not in the group as there are seats remaining to be filled; and
(E) for a single-seat contest, there are at least two continuing candidates not in the group.

(3) “Continuing candidate” means any candidate that has not been defeated or elected.

(4) “Elected” means:
(A) in the context of a general election, elected to an office;
(B) in the context of a primary election to choose the nominees of a political party, nominated by a political party; or
(C) in the context of a primary election in which some number of candidates advance to the general election ballot regardless of political party preference, advanced to the general election.

(5) “Election threshold” means the number of votes sufficient for a candidate to be elected. The election threshold is calculated by dividing the total number of votes counting for candidates in the first round by the sum of one plus the number of offices to be filled, rounding up to four decimal places.

(6) “Exhausted ballot” means a ballot that is not counted for any continuing candidate for one or more of the following reasons:
(A) It does not rank any continuing candidates;
(B) its highest continuing ranking contains an overvote; or

(C) it includes two or more skipped rankings prior to its highest continuing ranking.

(7) “Highest continuing ranking” means the highest ranking for any continuing candidate.

(8) “Overvote” means a voter has ranked more than one candidate at the same ranking.

(9) “Ranked choice voting” means an election method in which voters rank candidates in order of choice and votes are tabulated by the procedures described in this section.

(10) “Ranking” means the number assigned by a voter to a candidate to express the voter’s choice for that candidate. A ranking of “1” is the highest ranking followed by “2” and then “3” and so on.

(11) “Round” means an instance of the sequence of voting tabulation beginning with subsection (b)(1) of this section for multi-seat contests or (c)(1) of this section for single-seat contests.

(12) “Skipped ranking” means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

(13) “Surplus” means a positive difference between a candidate’s vote total and the election threshold.

(14) “Surplus fraction” means the number equal to a candidate’s surplus divided by that candidate’s vote total, calculated to four decimal places, ignoring any remainder.

(15) “Transfer value” means the proportion of a vote that a ballot will contribute to its highest continuing ranking. Each ballot begins with a transfer value of 1. If a ballot transfers from an elected candidate with a surplus, it receives a new transfer value. The new transfer value of such a ballot
is calculated by multiplying the surplus fraction of the
elected candidate by the ballot’s current transfer value,
calculated to four decimal places, ignoring any remainder.

SEC. 4. USE OF MULTI-MEMBER DISTRICTS.
The Act entitled “An Act for the relief of Doctor Ricardo
Vallejo Samala and to provide for congressional redistricting”,
approved December 14, 1967 (2 U.S.C. 2c), is amended by
striking “In each state” and all that follows and inserting the
following:

(a) MULTI-MEMBER DISTRICTS IN STATES WITH MORE THAN
FIVE REPRESENTATIVES.—In each State entitled in the One
Hundred Seventeenth Congress or in any Congress thereafter to
more than five representatives in Congress under an
appointment made pursuant to the provisions of section 22(a) of
the Act entitled ‘An Act to provide for the fifteenth and
subsequent decennial censuses and to provide for an
apportionment of Representatives in Congress’, approved June
18, 1929 (2 U.S.C. 2a), there shall be established a number of
districts that is less than the number of Representatives to which
the state is entitled in the manner provided by the Ranked Choice
Voting Act.

(b) AT-LARGE ELECTIONS IN STATES WITH FEWER THAN SIX
REPRESENTATIVES.—Each State entitled in the One Hundred
Seventeenth Congress or in any Congress thereafter to fewer
than six representatives in Congress under an appointment made
pursuant to the provisions of section 22(a) of the Act entitled
‘An Act to provide for the fifteenth and subsequent decennial
censuses and to provide for an apportionment of Representatives
in Congress’, approved June 18, 1929 (2 U.S.C. 2a), shall elect
all Representatives at-large.
(c) LIMIT ON CONGRESSIONAL REDISTRICTING AFTER AN APPORTIONMENT.—A state which has been redistricted in the manner provided by law after an apportionment under section 22(a) of the Act entitled ‘An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress’, approved June 18, 1929 (2 U.S.C. 2a), may not be redistricted again until after the next apportionment of Representatives under such section, unless a court requires the State to conduct such subsequent redistricting to comply with the Constitution, enforce the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), or to comply with this Act or other applicable federal law.

SEC. 5. REQUIRING REDISTRICTING TO BE CONDUCTED THROUGH PLAN OF INDEPENDENT STATE COMMISSION.

(a) USE OF PLAN REQUIRED.—Notwithstanding any other provision of law, any Congressional redistricting conducted by a State shall be conducted in accordance with—

(1) the redistricting plan developed and enacted into law by the independent redistricting commission established in the state, in accordance with sections 6 through 9; or

(2) if a plan developed by such commission is not enacted into law, the redistricting plan developed and enacted into law by a 3-judge court of the United States District Court for the District of Columbia, in accordance with section 10.

(b) CONFORMING AMENDMENT.—Section 22(c) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the manner provided by the
law thereof” and inserting: “in the manner provided by the
Ranked Choice Voting Act”.

SEC. 6. INDEPENDENT REDISTRICTING COMMISSION.

(a) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—The nonpartisan agency established or
designated by a State under section 9(a) shall establish an
independent redistricting commission for the State, which
shall consist of 12 members appointed by the agency as
follows:

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

(B) The agency shall appoint 4 members on a random
basis from the minority category of the approved
selection pool (as described in section 7(b)(1)(B)).

(C) The agency shall appoint 4 members on a random
basis from the independent category of the approved
selection pool (as described in section 7(b)(1)(C)).

(2) APPOINTMENT OF ALTERNATES TO SERVE IN CASE OF
VACANCIES.—At the time the agency appoints the members
of the independent redistricting commission under
paragraph (1) from one of the categories referred to in such
paragraph, the agency shall, on a random basis, designate 2
other individuals from such category to serve as alternate
members who may be appointed to fill vacancies in the
commission in accordance with paragraph (3).

(3) VACANCY.—If a vacancy occurs in the commission
with respect to a member who was appointed from one of the
categories referred to in paragraph (1), the nonpartisan
agency shall fill the vacancy by appointing, on a random
basis, one of the 2 alternates from such category who was
designated under paragraph (2). At the time the agency
appoints an alternate to fill a vacancy under the previous
sentence, the agency shall designate, on a random basis,
another individual from the same category to serve as an
alternate member, in accordance with paragraph (2).

(b) PROCEDURES FOR CONDUCTING COMMISSION
BUSINESS.—

(1) CHAIR.—Members of an independent redistricting
commission established under this section shall select by
majority vote one member who was appointed from the
independent category of the approved selection pool
described in section 7(b)(1)(C) to serve as chair of the
commission. The commission may not take any action to
develop a redistricting plan for the State under section 8 until
the appointment of the commission’s chair.

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

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

(c) STAFF; CONTRACTORS.—

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

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

(3) GOAL OF IMPARTIALITY.—The commission shall take
such steps as it considers appropriate to ensure that any staff
appointed under this subsection, and any vendor with whom
the commission enters into a contract under this subsection,
will work in an impartial manner, and may require any
person who applies for an appointment to a staff position or
for a vendor’s contract with the commission to provide
information on the person’s history of political activity
(including donations to candidates, political committees, and
political parties) as a condition of the appointment or the
contract.

(d) TERMINATION.—

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

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

(B) the day on which the nonpartisan agency
established or designated by a State under section 9(a)
has, in accordance with section 7(b)(1), submitted a
selection pool to the Select Committee on Redistricting
for the State established under section 9(b).

(2) PRESERVATION OF RECORDS.—The State shall ensure
that the records of the independent redistricting commission
are retained in the appropriate State archive in such manner
as may be necessary to enable the State to respond to any
civil action brought with respect to Congressional
redistricting in the State.
SEC. 7. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.

(a) CRITERIA FOR ELIGIBILITY.—

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

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

(B) During the 3-year period ending on the date of the individual’s appointment, the individual has been continuously registered to vote with the same political party, or has not been registered to vote with any political party.

(C) The individual submits to the non-partisan agency established or designated by a State under section 8, at such time and in such form as the agency may require, an application for inclusion in the selection pool under this section, and includes with the application a written statement containing the following information and assurances:

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

(ii) An assurance that the individual shall commit to carrying out the individual’s duties under this Act in an honest, independent, and impartial fashion, and to upholding public confidence in the integrity of the redistricting process.

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

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

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

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

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

(D) The individual or (in the case of the covered
periods described in subparagraphs (A) and (B) of
paragraph (3)) an immediate family member of the
individual is an employee of an elected public official, a
contractor with the legislature of the State, or a donor to
the campaign of any candidate for public office (other
than a donor who gives an aggregate amount of less than
$20,000 to the campaigns of all candidates for all public offices).

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

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

(B) The period beginning on the date of the individual’s appointment and ending on August 14 of the next year ending in the numeral one.

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

(4) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term “immediate family member” means, with respect to an individual, a father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, husband, wife, father-in-law, or mother-in-law.

(b) DEVELOPMENT AND SUBMISSION OF SELECTION POOL.—

(1) IN GENERAL.—Not later than June 15 of each year ending in the numeral zero, the nonpartisan agency established or designated by a State under section 9(a) shall develop and submit to the Select Committee on Redistricting for the State established under section 9(b) a selection pool of 60 individuals who are eligible to serve as members of the independent redistricting commission of the State under this Act, consisting of individuals in the following categories:

(A) A majority category, consisting of 20 individuals who are affiliated with the political party with the largest percentage of the registered voters in the State who are
affiliated with a political party (as determined with respect to the most recent Statewide election for Federal office held in the State for which such information is available).

(B) A minority category, consisting of 20 individuals who are affiliated with the political party with the second largest percentage of the registered voters in the State who are affiliated with a political party (as so determined).

(C) An independent category, consisting of 20 individuals who are not affiliated with either of the political parties described in subparagraph (A) or subparagraph (B).

(2) FACTORS TAKEN INTO ACCOUNT IN DEVELOPING POOL.—In selecting individuals for the selection pool under this subsection, the nonpartisan agency shall—

(A) to the maximum extent practicable, ensure that the pool reflects the representative demographic groups (including races, ethnicities, and genders) and geographic regions of the State; and

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

(3) DETERMINATION OF POLITICAL PARTY AFFILIATION OF INDIVIDUALS IN SELECTION POOL.—For purposes of this section, an individual shall be considered to be affiliated with a political party on the basis of the information the individual provides in the application submitted under subsection (a)(1)(D).
(4) ENCOURAGING RESIDENTS TO APPLY FOR INCLUSION IN POOL.—The nonpartisan agency shall take such steps as may be necessary to ensure that residents of the State across various geographic regions and demographic groups are aware of the opportunity to serve on the independent redistricting commission, including publicizing the role of the panel and using newspapers, broadcast media, and online sources to encourage individuals to apply for inclusion in the selection pool developed under this subsection.

(5) REPORT ON ESTABLISHMENT OF SELECTION POOL.— At the time the nonpartisan agency submits the selection pool to the Select Committee on Redistricting under paragraph (1), it shall publish a report describing the process by which the pool was developed, and shall include in the report a description of how the individual in the pool meet the eligibility criteria of subsection (a) and of how the pool reflects the factors the agency is required to take into consideration under paragraph (2).

(6) ACTION BY SELECT COMMITTEE.—

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

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 6(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a replacement selection pool in accordance with subsection (c).
(B) INACTION DEEMED REJECTION.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(c) DEVELOPMENT OF REPLACEMENT SELECTION POOL.—

(1) IN GENERAL.—If the Select Committee on Redistricting rejects the selection pool submitted by the nonpartisan agency under subsection (b), not later than 14 days after the rejection the nonpartisan agency shall develop and submit to the Select Committee a replacement selection pool, under the same terms and conditions that applied to the development and submission of the selection pool under paragraphs (1) through (5) of subsection (b).

(2) ACTION BY SELECT COMMITTEE.—

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

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 6(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a second replacement selection pool in accordance with subsection (d).

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

(d) DEVELOPMENT OF SECOND REPLACEMENT SELECTION
POOL.—

(1) In general.—If the Select Committee on Redistricting
rejects the replacement selection pool submitted by the
nonpartisan agency under subsection (b), not later than 14
days after the rejection the nonpartisan agency shall develop
and submit to the Select Committee a second replacement
selection pool, under the same terms and conditions that
applied to the development and submission of the selection
pool under paragraphs (1) through (5) of subsection (b).

(2) ACTION BY SELECT COMMITTEE.—

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

(i) approve the pool as submitted by the
nonpartisan agency, in which case the pool shall be
considered the approved selection pool for purposes
of section 6(a)(1); or

(ii) reject the pool, in which case—

(I) the nonpartisan agency shall not develop
or submit any other selection pool for purposes
of this Act; and

(II) the United States District Court for the
District of Columbia shall develop and enact the
redistricting plan for the State, in accordance
with section 10.

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

SEC. 8. CRITERIA FOR REDISTRICTING PLAN BY
INDEPENDENT COMMISSION; PUBLIC NOTICE
AND INPUT.

(a) DEVELOPMENT OF REDISTRICTING PLAN.—

(1) CRITERIA.—The independent redistricting
commission of a State shall develop a redistricting plan for
the State in accordance with the following criteria,
prioritized according to the following order:

(A) Districts shall each have equal population per
representative as nearly as practicable, in accordance
with the Constitution of the United States.

(B) Ensuring that districts are contiguous (except to
the extent necessary to include any area which is
surrounded by a body of water).

(C) All multi-member districts elect at least three
Representatives and no multi-member districts elect
more than five Representatives.

(D) Consistency with any applicable requirements of
the Voting Rights Act of 1965 and other Federal laws.

(E) To the extent practicable, ensuring that districts
reflect diversity of political opinion by including no
districts such that—

(i) the district elects exactly three
Representatives and the nominee for one political
party for president received at least 75% of the votes
cast for president in two of the three most recent
presidential elections;

(ii) the district elects exactly four
Representatives and the nominee for one political
party for president received at least 80% of the votes
cast for president in two of the three most recent
presidential elections; or

(iii) the district elects exactly five
Representatives and the nominee for one political
party for president received at least 83% of the votes
cast for president in two of the three most recent
presidential elections.

(F) To the extent practicable, minimizing the number
of districts electing exactly four Representatives.

(G) To the extent practicable, maximizing the
number of districts electing exactly five Representatives.

(H) To the extent practicable, minimizing the
division of any municipality, county, neighborhood, or
community of interest. For purposes of this
subparagraph, a community of interest is a contiguous
population which shares common social or economic
interests that should be included within a single district
for purposes of its effective and fair representation.
Examples of such shared interests are those common to
an urban area, a rural area, an industrial area, or an
agricultural area, and those common to areas in which
the people share similar living standards, use the same
transportation facilities, have similar work opportunities,
or have access to the same media of communication
relevant to the election process. Communities of interest
shall not include relationships with political parties,
incumbent officeholders, or political candidates.

(I) To the extent practicable, maintaining compact
districts such that nearby areas of population are not
bypassed for more distant areas of population.
(J) To the extent practicable, ensuring that district lines follow visible geographic features.

(2) FACTORS PROHIBITED FROM CONSIDERATION.—In developing the redistricting plan for the State, the independent redistricting commission may not take into consideration the residence of any Member of the House of Representatives or candidate.

(b) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The independent redistricting commission of a State shall hold each of its meetings in public, shall solicit and take into consideration comments from the public throughout the process of developing the redistricting plan for the State, and shall carry out its duties in an open and transparent manner which provides for the widest public dissemination reasonably possible of its proposed and final redistricting plans.

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

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

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

(C) All draft redistricting plans developed by the commission under subsection (c) and the final redistricting plan developed under subsection (d).
(D) Live streaming of commission hearings and an archive of previous meetings and other commission records.

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

(F) Access to the demographic data used by the commission to develop the proposed redistricting plans, together with any software used to draw maps of proposed districts.

(3) **PUBLIC COMMENT PERIOD.**—The commission shall solicit, accept, and consider comments from the public with respect to its duties, activities, and procedures at any time during the period—

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

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

(4) **MEETINGS AND HEARINGS IN VARIOUS GEOGRAPHIC LOCATIONS.**—To the greatest extent practicable, the commission shall hold its meetings and hearings in various geographic regions and locations throughout the State.

(c) **DEVELOPMENT AND PUBLICATION OF PRELIMINARY REDISTRICTING PLAN.**—

(1) **IN GENERAL.**—Prior to developing and publishing a final redistricting plan under subsection (d), the independent redistricting commission of a State shall develop and publish a preliminary redistricting plan.

(2) **MINIMUM PUBLIC HEARINGS PRIOR TO DEVELOPMENT.**—
(A) 3 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under this subsection, the commission shall hold not fewer than 3 public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for the State and the process by which the commission will develop the preliminary plan under this subsection.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—The commission shall notify the public through the website maintained under subsection (b)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the date, time, and location of each of the hearings held under this paragraph not fewer than 14 days prior to the date of the hearing.

(3) PUBLICATION OF PRELIMINARY PLAN.—

(A) IN GENERAL.—The commission shall post the preliminary redistricting plan developed under this subsection on the website maintained under subsection (b)(2), and shall provide for the publication of each such plan in newspapers of general circulation throughout the State.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO PUBLICATION.—Not fewer than 14 days prior to the date on which the commission posts and publishes the preliminary plan under this paragraph, the commission shall notify the public through the website maintained under subsection (b)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the pending publication of the plan.
(4) **Minimum Period for Public Comment After Publication of Plan.**—The commission shall accept and consider comments from the public with respect to the preliminary redistricting plan published under paragraph (3) for not fewer than 30 days after the date on which the plan is published.

(5) **Post-Publication Hearings.**—

(A) **3 Hearings Required.**—After posting and publishing the preliminary redistricting plan under paragraph (3), the commission shall hold not fewer than 3 public hearings at which members of the public may provide input and comments regarding the preliminary plan.

(B) **Minimum Period for Notice Prior to Hearings.**—The commission shall notify the public through the website maintained under subsection (b)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the date, time, and location of each of the hearings held under this paragraph not fewer than 14 days prior to the date of the hearing.

(6) **Permitting Multiple Preliminary Plans.**—At the option of the commission, after developing and publishing the preliminary redistricting plan under this subsection, the commission may develop and publish subsequent preliminary redistricting plans, so long as the process for the development and publication of each such subsequent plan meets the requirements set forth in this subsection for the development and publication of the first preliminary redistricting plan.
(d) **Process for Enactment of Final Redistricting Plan.**—

(1) **In General.**—After taking into consideration comments from the public on any preliminary redistricting plan developed and published under subsection (c), the independent redistricting commission of a State shall develop and publish a final redistricting plan for the State.

(2) **Meetings; Final Vote.**—Not later than August 15 of each year ending in the numeral one, the commission shall hold a public hearing at which the members of the commission shall vote on approving the final plan for enactment into law.

(3) **Publication of Plan and Accompanying Materials.**—Not fewer than 14 days before the date of the meeting under paragraph (2), the commission shall provide the following information to the public through the website maintained under subsection (b)(2), as well as through newspapers of general circulation throughout the State:

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

(B) A report by the commission to accompany the plan which provides the background for the plan and the commission’s reasons for selecting the plan as the final redistricting plan.

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

(4) **Enactment.**—The final redistricting plan developed and published under this subsection shall be deemed to be enacted into law if—

(A) the plan is approved by a majority of the whole membership of the commission; and
(B) at least one member of the commission appointed from each of the categories of the approved selection pool described in section 7(b)(1) approves the plan.

(e) DEADLINE.—The independent redistricting commission of a State shall approve a final redistricting plan for the State not later than August 15 of each year ending in the numeral one.

SEC. 9. ESTABLISHMENT OF RELATED ENTITIES.

(a) ESTABLISHMENT OR DESIGNATION OF NONPARTISAN AGENCY OF STATE LEGISLATURE.—

(1) IN GENERAL.—Each state shall establish a nonpartisan agency in the legislative branch of the State government to appoint the members of the independent redistricting commission for the State in accordance with section 6.

(2) NONPARTISANSHIP DESCRIBED.—For purposes of this subsection, an agency shall be considered to be nonpartisan if under law the agency—

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

(B) is required to maintain impartiality; and

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

(3) DESIGNATION OF EXISTING AGENCY.—At its option, a State may designate an existing agency in the legislative branch of its government to appoint the members of the independent redistricting commission plan for the State under this Act, so long as the agency meets the requirements for nonpartisanship under this subsection.

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

(5) **DEADLINE.**—The State shall meet the requirements of this subsection not later than each August 15 of a year ending in the numeral nine.

(b) **ESTABLISHMENT OF SELECT COMMITTEE ON REDISTRICTING.**—

(1) **IN GENERAL.**—Each State shall appoint a Select Committee on Redistricting to approve or disapprove a selection pool developed by the independent redistricting commission for the State under section 7.

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

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

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

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

(D) 1 member of the lower house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the lower house.
(3) Special rule for states with unicameral legislature.—In the case of a State with a unicameral legislature, the Select Committee on Redistricting for the State under this subsection shall consist of the following members:

(A) 2 members of the State legislature appointed either by the leader of the party with the greatest number of seats in the legislature or by the chair of the Government Affairs Committee of the legislature to represent the State political party whose candidate for chief executive of the State received the greatest number of votes on average in the 3 most recent general elections for that office.

(B) 2 members of the State legislature appointed either by the leader of the party with the second greatest number of seats in the legislature or by the chair of the Government Affairs Committee of the legislature to represent the State political party whose candidate for chief executive of the State received the second greatest number of votes on average in the 3 most recent general elections for that office.

(4) Deadline.—The State shall meet the requirements of this subsection not later than each January 15 of a year ending in the numeral zero.

SEC. 10. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE COURT.

(a) Development of plan.—If any of the triggering events described in subsection (c) occur with respect to a State—

(1) not later than December 15 of the year in which the triggering event occurs, the United States District Court for the District of Columbia, acting through a 3-judge court
convened pursuant to section 2284 of title 28, United States Code, shall develop and publish the congressional redistricting plan for the State; and

(2) the plan developed and published by the Court under this subsection shall be deemed to be enacted on the date on which the Court publishes the plan.

(b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

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

(2) ACCESS TO INFORMATION AND RECORDS OF COMMISSION.—The Court shall have access to any information, data, software, or other records and material that was used (or that would have been used, as the case may be) by the independent redistricting commission of the State in carrying out its duties under this Act.

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

(1) The failure of the State to establish or designate a nonpartisan agency of the State legislature under section 9(a) prior to the expiration of the deadline set forth in section 9(a)(5).

(2) The failure of the State to appoint a Select Committee on Redistricting under section 9(b) prior to the expiration of the deadline set forth in section 9(b)(4).

(3) The failure of the Select Committee on Redistricting to approve any selection pool under section 7 prior to the
expiration of the deadline set forth for the approval of the second replacement selection pool in section 7(d)(2).

(4) The failure of the independent redistricting commission of the State to approve a final redistricting plan for the State prior to the expiration of the deadline set forth in section 8(e).

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

If a Federal court requires a State to conduct redistricting subsequent to an apportionment of Representatives in the State in order to comply with the Constitution or other applicable federal law, section 8 shall apply with respect to the redistricting, except that the court may revise any of the deadlines set forth in such section if the court determines that a revision is appropriate in order to provide for a timely enactment of a new redistricting plan for the State.

SEC. 12. PAYMENTS TO STATES FOR CARRYING OUT REDISTRICTING.

(a) AUTHORIZATION OF PAYMENTS.—Subject to subsection (d), not later than 30 days after a State receives a State apportionment notice, the Election Assistance Commission shall make a payment to the State in an amount equal to the product of—

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

(2) $150,000.

(b) USE OF FUNDS.—A State shall use the payment made under subsection (a) to establish and operate the State’s independent redistricting commission, to implement the State redistricting plan, and to otherwise carry out Congressional redistricting in the State.
(c) NO PAYMENT TO STATES ELECTING AT-LARGE.—The Election Assistance Commission shall not make a payment under subsection (a) to any State which will elect all Representatives at-large.

(d) REQUIRING ESTABLISHMENT OF COMMISSION AS CONDITION OF PAYMENT.—The Election Assistance Commission may not make a payment under subsection (a) to a State until the State certifies to the Commission that the State has established an independent redistricting commission, and that a chair of the commission has been appointed, in accordance with section 6.

(e) ADDITIONAL FUNDS FOR TRANSITION TO RANKED CHOICE VOTING.—In addition to the payment under subsection (a), not later than 30 days after a State receives a State apportionment notice after the regular decennial census conducted during 2020, the Election Assistance Commission shall make a payment to the State in an amount equal to the sum of $1,000,000 and the product of—

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

(2) $500,000.

(f) USE OF FUNDS.—A State shall use the payment made under subsection (e) to implement ranked choice voting and to otherwise carry out Congressional elections in the State.

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

SEC. 13. CIVIL ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—

(1) ACTIONS BY ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district
court for such relief as may be appropriate to carry out this Act.

(2) **AVAILABILITY OF PRIVATE RIGHT OF ACTION.**—Any citizen of a State who is aggrieved by the failure of the voting method which is enacted into law under section 2 or the State redistricting plan which is enacted under section 8 to meet the requirements of this Act may bring a civil action in an appropriate district court for such relief as may be appropriate to remedy the failure, so long as the individual brings the action during the 45-day period which begins on the date on which the State redistricting plan is enacted into law.

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

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

(2) The 3-judge court shall consolidate actions brought for relief under subsection (b)(1) with respect to the same State.

(3) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(4) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States.

(5) It shall be the duty of the district court and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.
(c) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—

(1) RIGHTS AND REMEDIES ADDITIONAL TO OTHER RIGHTS AND REMEDIES.—The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) VOTING RIGHTS ACT OF 1965.—Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

SEC. 14. STATE APPORTIONMENT NOTICE DEFINED.

In this Act, the “State apportionment notice” means, with respect to a State, the notice sent to the State from the Clerk of the House of Representatives under section 22(b) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a), of the number of Representatives to which the State is entitled.

SEC. 15. VACANCIES CONDUCTED BY RANKED CHOICE VOTING.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking “as provided in subsection (b), the time” and inserting “as provided in subsections (b) and (c), the time”; and

(2) by adding at the end of the following new subsection:
“(c) Vacancies Conducted by Ranked Choice Voting.—

“Notwithstanding any law to the contrary, all elections in any State for a Representative to fill a vacancy shall be conducted by ranked choice voting as described in section 3 of the Ranked Choice Voting Act.”

SEC. 16. REPEAL OF DEFAULT PROCEDURES.

Act of November 15, 1941 (2 U.S.C. 2a) is amended by striking subsection (c) in its entirety.

SEC. 17. REPEAL OF AT LARGE NOMINATIONS PROCEDURE.

Act of August 8, 1911 (2 U.S.C. 5) is repealed in its entirety.

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

Nothing in this Act or in any amendment made by this Act may be construed to affect the manner in which a State carries out elections for State or local office, including the process by which a State establishes the districts used in such elections.

SEC. 19. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to redistricting carried out pursuant to the decennial census conducted during 2020 or any succeeding decennial census.