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H. R. 2978

To require States to conduct Congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. LOWENTHAL introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To require States to conduct Congressional redistricting 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,

SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL AUTHORITY.

(a) SHORT TITLE.—This Act may be cited as the "Let the People Draw the Lines Act of 2013".

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

apportionment of Members of the House of Representatives 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. LIMIT ON CONGRESSIONAL REDISTRICTING AFTER AN APPORTIONMENT.

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 adding at the end the following: ''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 or to enforce the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).''.

SEC. 3. REQUIRING CONGRESSIONAL REDISTRICTING TO BE CONDUCTED THROUGH PLAN OF INDEPENDENT STATE COMMISSION.

(a) USE OF PLAN REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any Congressional redistricting conducted by a State shall be conducted in accordance with—

(A) the redistricting plan developed and enacted into law by the independent redistricting commission established in the State, in accordance with section 5; or

(B) if a plan developed by such commission is not enacted into law, the redistricting plan selected by the highest court in the State or developed by a United States district court, in accordance with section 6.

(2) EXCEPTION FOR STATES USING EXISTING NONPARTISAN INDEPENDENT COMMISSIONS.—

(A) EXCEPTION.—Paragraph (1) does not apply to a State in which, under law that is in effect continuously on and after the date of the enactment of this Act, Congressional redistricting is conducted in accordance with a plan developed by a nonpartisan independent commission.

(B) NONPARTISAN INDEPENDENT STATUS.—For purposes of this paragraph, a commission shall be considered to be a nonpartisan independent commission if the number of its members 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) is equal to the number of its members 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).

(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 ap-

portionment 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 Let the People Draw the Lines Act of 2013''.

SEC. 4. INDEPENDENT REDISTRICTING COMMISSION.

(a) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—Each State shall establish an independent redistricting commission composed of 14 members appointed as follows:

(A) 5 members from the final majority selection pool (as described in subparagraph (A) of subsection (b)(4)), of whom—

(i) 2 shall be appointed by the leader of the party in the upper house of the State legislature whose members are affiliated with the same political party as the individuals in such pool;

(ii) 2 shall be appointed by the leader of the party in the lower house of the State legislature whose members are affiliated with the same political party as the individuals in such pool; and

(iii) 1 shall be appointed on a random basis by the selection panel described in subsection (b)(1).

(B) 5 members from the final minority selection pool (as described in subparagraph (B) of subsection (b)(4)), of whom—

(i) 2 shall be appointed by the leader of the party in the upper house of the State legislature whose members are affiliated with the same political party as the individuals in such pool;

(ii) 2 shall be appointed by the leader of the party in the lower house of the State legislature whose members are affiliated with the same political party as the individuals in such pool; and

(iii) 1 shall be appointed on a random basis by the selection panel described in subsection (b)(1).

(C) 4 members from the final independent selection pool (as described in subparagraph (C) of subsection (b)(4)), each of whom shall be appointed on a random basis by the selection panel described in subsection (b)(1).

(2) SPECIAL RULE FOR STATES WITH UNICAMERAL LEGISLATURE.—In the case of a State with a unicameral legislature—

(A) the appointments referred to in clauses (i) and (ii) of paragraph (1)(A) shall be made by the leader of the party in the legislature whose members are affiliated with the same political party as the individuals in the final majority selection pool; and

(B) the appointments referred to in clauses (i) and (ii) of paragraph (1)(B) shall be made by the leader of the party in the legislature whose members are affiliated with the same political party as the individuals in the final minority selection pool.

(b) ESTABLISHMENT OF SELECTION POOLS.—

(1) INITIAL POOL OF NOMINEES.—

(A) DEVELOPMENT OF POOL BY PANEL OF RETIRED JUDGES.—Not later than January 1 of each year in which a decennial census is conducted, the highest court of each State shall appoint a panel of retired judges of courts of the State (hereafter referred to as the ''selection panel'') to develop an initial pool of individuals who are eligible to serve as members of the

independent redistricting commission of the State under this Act.

(B) ENCOURAGING RESIDENTS TO APPLY FOR INCLUSION IN POOL.—The selection panel 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 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 initial pool developed under this paragraph.

(C) INDIVIDUALS WITHIN POOL.—The selection panel shall include an individual within the initial pool of eligible individuals under this paragraph if—

(i) the individual submits an application to the panel for inclusion in the pool, at such time as the panel may require; and

(ii) the individual meets the criteria for eligibility under subsection (c) for service as a member of the independent redistricting commission.

(D) PUBLICATION OF NAMES OF APPLICANTS AND REASONS FOR REJECTION OF INCLUSION.—Not later than the first August 10 occurring after its appointment, the selection panel shall make public—

(i) the name of each individual who applies to be included in the initial pool under this paragraph; and

(ii) in the case of any individual who applies to be included in the pool but is not so included, the reasons for the failure of the panel to include the individual in the pool.

(2) INTERMEDIATE SELECTION POOL.—

(A) SELECTIONS FROM INITIAL POOL.—Not later than the first October 1 occurring after its appointment, the selection panel shall establish and present to the legislature of the State an intermediate 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:

(i) 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).

(ii) 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).

(iii) An independent category, consisting of 20 individuals who are not affiliated with either of the political parties described in clause (i) or clause (ii).

(B) FACTORS TAKEN INTO ACCOUNT IN ESTABLISHING POOL.—In selecting individuals for the intermediate selection pool under this paragraph, the selection panel shall take into consideration the analytical skills of the individuals selected, their ability to work on an impartial basis, and the need for the pool to reflect

the representative demographic groups and geographic regions of the State.

(C) DETERMINATION OF POLITICAL PARTY AFFILIATION.—For purposes of this section, an individual shall be considered to be affiliated with a political party if the individual has been continuously registered to vote with the party during the 3-year period ending on the date of the individual's appointment.

(3) REMOVAL OF INDIVIDUALS FROM INTERMEDIATE SELECTION POOL BY LEADERS OF LEGISLATURE.—

(A) REMOVAL.—Not later than the first November 15 occurring after the appointment of the selection panel, each of the following individuals may reduce the number of individuals in the intermediate selection pool under paragraph (2)(A) by removing not more than 2 individuals from each of the 3 categories described in such paragraph:

(i) The leader of the party with the greatest number of seats in the upper house of the State legislature.

(ii) The leader of the party with the greatest number of seats in the lower house of the State legislature.

(iii) The leader of the party with the second greatest number of seats in the upper house of the State legislature.

(iv) The leader of the party with the second greatest number of seats in the lower house of the State legislature.

(B) SPECIAL RULE FOR STATES WITH UNICAMERAL LEGISLATURE.—In the case of a State with a unicameral legislature—

(i) the leader of the party with the greatest number of seats in the legislature may exercise the removal authority described in clauses (i) and (ii) of subparagraph (A); and

(ii) the leader of the party with the second greatest number of seats in the legislature may exercise the removal authority described in clauses (iii) and (iv) of subparagraph (A).

(4) FINAL SELECTION POOLS.—Not later than the first November 20 occurring after the appointment of the selection panel, the selection panel shall

establish the following final selection pools of individuals who may be appointed to serve on the independent redistricting commission under subsection (a):

(A) A final majority selection pool, consisting of 10 individuals selected at random from the majority category under clause (i) of paragraph (2)(A), as reduced under paragraph (3).

(B) A final minority selection pool, consisting of 10 individuals selected at random from the minority category under clause (ii) of paragraph (2)(A), as reduced under paragraph (3).

(C) A final independent selection pool, consisting of 10 individuals selected at random from the independent category under clause (ii) of paragraph (2)(A), as reduced under paragraph (3).

(c) 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) The individual has voted in at least 2 of the 3 most recent Statewide general elections held prior to the date of appointment.

(C) 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.

(D) The individual provides the selection panel with a written statement containing the following assurances:

(i) 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.

(ii) 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 such paragraph.

(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 $10,000 to the candidate with respect to the election).

(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 3-year period ending on the date of the individual's appointment.

(B) The period in which the commission is carrying out its duties.

(C) The 3-year period beginning on the date of the commission's termination.

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

(d) REMOVAL; VACANCIES.—

(1) REMOVAL.—After having been served written notice and provided with an opportunity for a response, a member of the commission may be removed by the Governor, with the concurrence of two-thirds of the upper house of the State legislature (or, in the case of a State with a unicameral legislature, the legislature), for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.

(2) VACANCY.—A vacancy in the commission shall be filled in the manner in which the original appointment was made.

(e) PROCEDURES FOR CONDUCTING COMMISSION BUSINESS.—

(1) CHAIR.—Members of an independent redistricting commission established under this subsection shall select by majority vote one member who was appointed from the final independent selection pool described in subsection (b)(4)(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 5 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.

(f) DEADLINE.—Each State shall establish a commission under this section not later than December 31 of each year in which a decennial census is conducted.

(g) TERMINATION.—

(1) IN GENERAL.—The independent redistricting commission of a State shall terminate on the day after the date of the first regularly scheduled general election for Federal office which occurs after the chief executive of the State receives the State apportionment notice.

(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 ac-

tion brought with respect to Congressional redistricting in the State.

SEC. 5. DEVELOPMENT OF 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) Districts shall comply with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(C) Districts shall be geographically contiguous.

(D) To the extent practicable, district boundaries shall minimize 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 and 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.

(E) To the extent practicable, districts shall be geographically compact such that nearby areas of population are not bypassed for more distant areas of population.

(F) To the extent practicable, district lines shall use 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 any of the following factors, except to the extent necessary to comply with the Voting Rights Act of 1965:

(A) The political party affiliation of the population of a district.

(B) 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 commission 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) MINIMUM PUBLIC HEARINGS.—The commission shall hold, at a minimum, the following public hearings at which members of the public may provide input and comments:

(A) A hearing held prior to the development of draft redistricting plans under subsection (c)(1).

(B) A hearing held upon the development and publication of such draft redistricting plans, at which the congressional district maps

provided under each such plan shall be displayed.

(C) A hearing held upon the approval of the final redistricting plan under subsection (c)(2), at which the congressional district maps provided under such plan shall be displayed.

(3) MINIMUM PERIOD FOR PUBLIC COMMENT AFTER DISPLAY OF MAPS.—The commission shall accept and consider comments from the public with respect to congressional district maps displayed at any hearing described in paragraph (2) for not fewer than 30 days after the date of the hearing.

(4) AVAILABILITY OF DATA AND SOFTWARE.—The commission shall make available to the public all of the demographic data used by the commission to develop the proposed redistricting plans, together with any software used to draw maps of proposed districts.

(5) 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) PROCESS FOR ENACTMENT OF FINAL REDISTRICTING PLAN.—

(1) PUBLICATION OF DRAFT PLANS.—Not later than the first June 1 which occurs after the chief executive of the State receives the State apportionment notice, the commission shall publish and disseminate multiple draft redistricting plans.

(2) PERIOD FOR CONSIDERATION OF PUBLIC COMMENTS.—After publishing and disseminating the draft redistricting plans under paragraph (1), the commission shall solicit and take into consideration comments from the public on such draft plans during a period of at least 60 days following the date on which such draft plans are published and disseminated.

(3) PUBLICATION OF FINAL PLAN.—After taking into consideration comments from the public on the draft redistricting plans, the commission shall publish and disseminate a final redistricting plan for the State, and shall vote on approving such final plan for enactment into law by not later than the first August 15 which occurs after the chief executive of the State receives the State apportionment notice.

(4) ENACTMENT.—The final redistricting plan published and disseminated under paragraph (3) 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 final selection pools described in section 4(a)(1) approves the plan.

SEC. 6. ENACTMENT OF PLAN DEVELOPED BY COURTS.

(a) STATE COURT.—

(1) DEVELOPMENT OF PLAN BY SPECIAL MASTER.—If a redistricting plan developed by the independent redistricting commission of a State is not enacted into law under section 5(c) by the first August 31 which occurs after the chief executive of the State receives the State apportionment notice, the chief election official of the State shall petition the highest court of the State for an order directing the appointment of a special master to develop and present a redistricting plan to the court.

(2) ENACTMENT.—If the highest court of the State approves a redistricting plan developed and presented by a special master under paragraph (1), the plan shall serve as the redistricting plan for the State, and shall be deemed to be enacted on the date on which the court approves the plan.

(3) ADHERENCE TO CRITERIA APPLICABLE TO PLANS OF COMMISSION.—In developing a redis-

tricting plan under this subsection, the highest court of a State shall ensure that the plan meets the criteria applicable under paragraphs (1) and (2) of section 5(a) to plans developed by the independent redistricting commission of the State.

(b) FEDERAL COURT.—

(1) FAILURE OF STATE COURT TO ENACT PLAN.—

(A) NOTICE TO COURT IF PLAN NOT SELECTED BY STATE COURT.—If the chief election official of a State petitions the highest court of the State for an order under subsection (a) and the court does not approve a redistricting plan in accordance with such subsection by the first October 15 which occurs after the chief executive of the State receives the State apportionment notice, the State shall file a notice with the United States district court for the district in which the capital of the State is located.

(B) DEVELOPMENT AND SELECTION OF PLAN BY FEDERAL COURT.—Not later than 45 days after receiving a notice from a State under subparagraph (A), the court shall develop and publish a final redistricting plan for the State,

which shall be deemed to be enacted on the date on which the court publishes the plan.

(2) FAILURE OF STATE TO ESTABLISH COMMISSION.—If a State does not establish an independent redistricting commission under section 4 by the deadline set forth in section 4(f)—

(A) the State may not establish the commission; and

(B) the United States district court for the district in which the capital of the State is located shall develop and publish a final redistricting plan for the State not later than the first November 30 which occurs after the chief executive of the State receives the State apportionment notice.

(3) CRITERIA.—It is the sense of Congress that, in developing a redistricting plan for a State under this subsection, the district court should adhere to the same terms and conditions that applied to the development of the plan of the commission under section 5(a).

(c) ACCESS TO INFORMATION AND RECORDS OF COMMISSION.—A court which is required to develop a redistricting plan for a State under this section shall have access to any information, data, software, or other records

and material used by the independent redistricting commission of the State in carrying out its duties under this Act.

SEC. 7. 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 to enforce the Voting Rights Act of 1965, sections 5 and 6 shall apply with respect to the redistricting, except that—

(1) the independent redistricting commission shall be established and the commission's chair shall be appointed prior to the expiration of the 60-day period which begins on the date of the final order of the Federal court to conduct the redistricting;

(2) if the commission fails to enact into law a final redistricting plan in accordance with section 5(c) prior to the expiration of the 150-day period which begins on the date of the final order of the Federal court to conduct the redistricting, the chief election official of the State shall petition the highest court of the State for an order directing the appointment of a special master to develop and present a

redistricting plan to the court in accordance with section 6(a);

(3) if the chief election official of the State petitions the highest court of the State for an order in accordance with section 6(a), the court shall approve a final redistricting plan in accordance with section 6(a) prior to the expiration of the 180-day period which begins on the date of the final order of the Federal court to conduct the redistricting; and

(4) if the highest court of the State fails to meet the requirements of paragraph (3), a district court of the United States shall develop and publish a final redistricting plan for the State in accordance with section 6(b) prior to the expiration of the 210-day period which begins on the date of the final order of the Federal court to conduct the redistricting.

SEC. 8. 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 this section 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 WITH SINGLE MEMBER.—The Election Assistance Commission shall not make a payment under this section to any State which is not entitled to more than one Representative under its State apportionment notice.

(d) REQUIRING ESTABLISHMENT OF COMMISSION AS CONDITION OF PAYMENT.—The Election Assistance Commission may not make a payment to a State under this section 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 4.

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

SEC. 9. 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 elector of a State who is aggrieved by the failure of the State redistricting plan which is enacted into law under section 5(b)(3) to meet the requirements for such a plan under 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 elector brings the action during the 45-day period which begins on the date on which the plan is enacted into law.

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

(1) The action shall be filed in the appropriate United States district court 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 redistricting plan.

(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. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(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) LOCATION OF COURT.—For purposes of an action under this section, the appropriate district court shall be the district court of the United States for the district which includes the capital of the State involved.

(d) 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.

(e) 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 (42 U.S.C. 1973 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 (42 U.S.C. 1973 et seq.).

SEC. 10. 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. 11. 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.

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