

118TH CONGRESS
2D SESSION

S. 3750

To reform the congressional redistricting process, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2024

Ms. KLOBUCHAR (for herself and Ms. BUTLER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To reform the congressional redistricting process, 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.**

4 This Act may be cited as the “Redistricting Reform
5 Act of 2024”.

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

7 Congress finds that it has the authority to establish
8 the terms and conditions States must follow in carrying
9 out congressional redistricting after an apportionment of
10 Members of the House of Representatives because—

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

6 (2) the authority granted to Congress under
7 section 5 of the 14th Amendment to the Constitu-
8 tion gives Congress the power to enact laws to en-
9 force section 2 of such amendment, which requires
10 Representatives to be apportioned among the several
11 States according to their number;

12 (3) the authority granted to Congress under
13 section 5 of the 14th Amendment to the Constitu-
14 tion gives Congress the power to enact laws to en-
15 force section 1 of such amendment, including protec-
16 tions against excessive partisan gerrymandering that
17 Federal courts have not enforced because they un-
18 derstand such enforcement to be committed to Con-
19 gress by the Constitution;

20 (4) of the authority granted to Congress to en-
21 force article IV, section 4, of the Constitution, and
22 the guarantee of a Republican Form of Government
23 to every State, which Federal courts have not en-
24 forced because they understand such enforcement to
25 be committed to Congress by the Constitution;

1 (5) requiring States to use uniform redistricting
2 criteria is an appropriate and important exercise of
3 such authority; and

4 (6) partisan gerrymandering dilutes citizens'
5 votes because partisan gerrymandering injures vot-
6 ers and political parties by infringing on their First
7 Amendment right to associate freely and their Four-
8 teenth Amendment right to equal protection of the
9 laws.

10 **SEC. 3. BAN ON MID-DECADE REDISTRICTING.**

11 A State that has been redistricted in accordance with
12 this Act may not be redistricted again until after the next
13 apportionment of Representatives under section 22(a) of
14 the Act entitled “An Act to provide for the fifteenth and
15 subsequent decennial censuses and to provide for an ap-
16 portionment of Representatives in Congress”, approved
17 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
18 State to conduct such subsequent redistricting to comply
19 with the Constitution of the United States, the Voting
20 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms
21 or conditions of this Act, or applicable State law.

22 **SEC. 4. CRITERIA FOR REDISTRICTING.**

23 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A
24 State may not use a congressional redistricting plan that
25 is not in compliance with this section.

1 (b) RANKED CRITERIA.—Under the redistricting plan
2 of a State, there shall be established single-member con-
3 gressional districts using the following criteria as set forth
4 in the following order of priority:

5 (1) Districts shall comply with the United
6 States Constitution, including the requirement that
7 they substantially equalize total population, without
8 regard to age, citizenship status, or immigration sta-
9 tus.

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

18 (3)(A) Districts shall be drawn, to the extent
19 that the totality of the circumstances warrant, to en-
20 sure the practical ability of a group protected under
21 the 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
25 whether or not such protected group constitutes a

1 majority of a district's population, voting age popu-
2 lation, or citizen voting age population.

3 (B) For purposes of subparagraph (A), the as-
4 sessment of whether a protected group has the prac-
5 tical ability to nominate candidates and to elect rep-
6 resentatives of choice shall require the consideration
7 of the following factors:

8 (i) Whether the group is politically cohe-
9 sive.

10 (ii) Whether there is racially polarized vot-
11 ing in the relevant geographic region.

12 (iii) If there is racially polarized voting in
13 the relevant geographic region, whether the pre-
14 ferred candidates of the group nevertheless re-
15 ceive a sufficient amount of consistent crossover
16 support from other voters such that the group
17 is a functional majority with the ability to both
18 nominate candidates and elect representatives
19 of choice.

20 (4)(A) Districts shall be drawn to represent
21 communities of interest and neighborhoods to the
22 extent practicable after compliance with the require-
23 ments of paragraphs (1) through (3).

24 (B) For purposes of this paragraph, the term
25 "community of interest"—

1 (i) means an area for which the record be-
2 fore the entity responsible for developing and
3 adopting the redistricting plan demonstrates
4 the existence of broadly shared interests and
5 representational needs, including shared inter-
6 ests and representational needs rooted in com-
7 mon ethnic, racial, economic, Indian, social, cul-
8 tural, geographic, or historic identities, or aris-
9 ing from similar socioeconomic conditions; and

10 (ii) may, if the record warrants, include
11 political subdivisions such as counties, munici-
12 palities, Indian lands, or school districts, but
13 shall not include common relationships with po-
14 litical parties or political candidates.

15 (C) For purposes of subparagraph (A), in con-
16 sidering the needs of multiple, overlapping commu-
17 nities of interest, the entity responsible for devel-
18 oping and adopting the redistricting plan shall give
19 greater weight to those communities of interest
20 whose representational needs would most benefit
21 from the community's inclusion in a single congres-
22 sional district.

23 (c) NO FAVORING OR DISFAVORING OF POLITICAL
24 PARTIES.—

1 (1) PROHIBITION.—A State may not use a re-
2 districting plan to conduct an election if the plan’s
3 congressional districts, when considered cumulatively
4 on a statewide basis, have been drawn with the in-
5 tent, or have the effect of, materially favoring or
6 disfavoring any political party.

7 (2) DETERMINATION OF EFFECT.—The deter-
8 mination of whether a redistricting plan has the ef-
9 fect of materially favoring or disfavoring a political
10 party shall be based on an evaluation of the totality
11 of circumstances which, at a minimum, shall involve
12 consideration of each of the following factors:

13 (A) Computer modeling based on relevant
14 statewide general elections for Federal office
15 held over the 8 years preceding the adoption of
16 the redistricting plan setting forth the probable
17 electoral outcomes for the plan under a range
18 of reasonably foreseeable conditions.

19 (B) An analysis of whether the redis-
20 tricting plan is statistically likely to result in
21 partisan advantage or disadvantage on a state-
22 wide basis, the degree of any such advantage or
23 disadvantage, and whether such advantage or
24 disadvantage is likely to be present under a

1 range of reasonably foreseeable electoral condi-
2 tions.

3 (C) A comparison of the modeled electoral
4 outcomes for the redistricting plan to the mod-
5 eled electoral outcomes for alternative plans
6 that demonstrably comply with the require-
7 ments of paragraphs (1), (2), and (3) of sub-
8 section (b) in order to determine whether rea-
9 sonable alternatives exist that would result in
10 materially lower levels of partisan advantage or
11 disadvantage on a statewide basis. For purposes
12 of this subparagraph, alternative plans consid-
13 ered may include both actual plans proposed
14 during the redistricting process and other plans
15 prepared for purposes of comparison.

16 (D) Any other relevant information, includ-
17 ing how broad support for the redistricting plan
18 was among members of the entity responsible
19 for developing and adopting the plan and
20 whether the processes leading to the develop-
21 ment and adoption of the plan were transparent
22 and equally open to all members of the entity
23 and to the public.

24 (3) REBUTTABLE PRESUMPTION.—

1 (A) TRIGGER.—In any civil action brought
2 under section 7 in which a party asserts a claim
3 that a State has enacted a redistricting plan
4 which is in violation of this subsection, a party
5 may file a motion not later than 30 days after
6 the enactment of the plan (or, in the case of a
7 plan enacted before the date of enactment of
8 this Act, not later than 30 days after the date
9 of enactment of this Act) requesting that the
10 court determine whether a presumption of such
11 a violation exists. If such a motion is timely
12 filed, the court shall hold a hearing not later
13 than 15 days after the date the motion is filed
14 to assess whether a presumption of such a vio-
15 lation exists.

16 (B) ASSESSMENT.—To conduct the assess-
17 ment required under subparagraph (A), the
18 court shall do the following:

19 (i) Determine the number of congres-
20 sional districts under the plan that would
21 have been carried by each political party's
22 candidates for the office of President and
23 the office of Senator in the 2 most recent
24 general elections for the office of President
25 and the 2 most recent general elections for

1 the office of Senator (other than special
2 general elections) immediately preceding
3 the enactment of the plan, except that if a
4 State conducts a primary election for the
5 office of Senator which is open to can-
6 didates of all political parties, the primary
7 election shall be used instead of the gen-
8 eral election and the number of districts
9 carried by a party's candidates for the of-
10 fice of Senator shall be determined on the
11 basis of the combined vote share of all can-
12 didates in the election who are affiliated
13 with such party.

14 (ii) Determine, for each of the 4 elec-
15 tions assessed under clause (i), whether
16 the number of districts that would have
17 been carried by any party's candidate as
18 determined under clause (i) results in par-
19 tisan advantage or disadvantage in excess
20 of the applicable threshold described in
21 subparagraph (C). The degree of partisan
22 advantage or disadvantage shall be deter-
23 mined by one or more standard quan-
24 titative measures of partisan fairness
25 that—

1 (I) use a party's share of the
 2 statewide vote to calculate a cor-
 3 responding benchmark share of seats;
 4 and

5 (II) measure the amount by
 6 which the share of seats the party's
 7 candidate would have won in the elec-
 8 tion involved exceeds the benchmark
 9 share of seats.

10 (C) APPLICABLE THRESHOLD DE-
 11 SCRIBED.—The applicable threshold described
 12 in this subparagraph is, with respect to a State
 13 and a number of seats, the greater of—

14 (i) an amount equal to 7 percent of
 15 the number of congressional districts in
 16 the State; or

17 (ii) one congressional district.

18 (D) DESCRIPTION OF QUANTITATIVE
 19 MEASURES; PROHIBITING ROUNDING.—In car-
 20 rying out this subsection—

21 (i) the standard quantitative measures
 22 of partisan fairness used by the court may
 23 include the simplified efficiency gap but
 24 may not include strict proportionality; and

1 (ii) the court may not round any num-
2 ber.

3 (E) PRESUMPTION OF VIOLATION.—A plan
4 is presumed to violate paragraph (1) if, on the
5 basis of at least one standard quantitative
6 measure of partisan fairness, it exceeds the ap-
7 plicable threshold described in subparagraph
8 (C) with respect to 2 or more of the 4 elections
9 assessed under subparagraph (B).

10 (F) STAY OF USE OF PLAN.—Notwith-
11 standing any other provision of this Act, in any
12 action under this paragraph, the following rules
13 shall apply:

14 (i) Upon filing of a motion under sub-
15 paragraph (A), a State's use of the plan
16 which is the subject of the motion shall be
17 automatically stayed pending resolution of
18 such motion.

19 (ii) If after considering the motion,
20 the court rules that the plan is presumed
21 under subparagraph (E) to violate para-
22 graph (1), a State may not use such plan
23 until and unless the court which is car-
24 rying out the determination of the effect of
25 the plan under paragraph (2) determines

1 that, notwithstanding the presumptive vio-
2 lation, the plan does not violate paragraph
3 (1).

4 (G) NO EFFECT ON OTHER ASSESS-
5 MENTS.—The absence of a presumption of a
6 violation with respect to a redistricting plan as
7 determined under this paragraph shall not af-
8 fect the determination of the effect or intent of
9 the plan under this section.

10 (4) DETERMINATION OF INTENT.—A court may
11 rely on all available evidence when determining
12 whether a redistricting plan was drawn with the in-
13 tent to materially favor or disfavor a political party,
14 including evidence of the partisan effects of a plan,
15 the degree of support the plan received from mem-
16 bers of the entity responsible for developing and
17 adopting the plan, and whether the processes leading
18 to development and adoption of the plan were trans-
19 parent and equally open to all members of the entity
20 and to the public.

21 (5) NO VIOLATION BASED ON CERTAIN CRI-
22 TERIA.—No redistricting plan shall be found to be
23 in violation of paragraph (1) because of the proper
24 application of the criteria set forth in paragraph (1),
25 (2), or (3) of subsection (b), unless one or more al-

1 ternative plans could have complied with such para-
2 graphs without having the effect of materially favor-
3 ing or disfavoring a political party.

4 (d) FACTORS PROHIBITED FROM CONSIDERATION.—

5 In developing the redistricting plan for the State, the
6 State may not, except as necessary to comply with the cri-
7 teria described in paragraphs (1) through (3) of sub-
8 section (b), to achieve partisan fairness and comply with
9 subsection (b), and to enable the redistricting plan to be
10 measured against the external metrics described in section
11 5(c), take into consideration any of the following factors:

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 (e) ADDITIONAL CRITERIA.—A State may not rely
17 upon criteria, districting principles, or other policies of the
18 State which are not set forth in this section to justify non-
19 compliance with the requirements of this section.

20 (f) APPLICABILITY.—

21 (1) IN GENERAL.—This section applies to any
22 authority, whether appointed, elected, judicial, or
23 otherwise, responsible for enacting the congressional
24 redistricting plan of a State.

1 (2) DATE OF ENACTMENT.—This section ap-
2 plies to any congressional redistricting plan that
3 would be, or is, in effect after the date of enactment
4 of this Act, regardless of the date of enactment by
5 the State of the congressional redistricting plan.

6 (g) SEVERABILITY OF CRITERIA.—If any provision of
7 this section, or the application of any such provision to
8 any person or circumstance, is held to be unconstitutional,
9 the remainder of this section, and the application of such
10 provision to any other person or circumstance, shall not
11 be affected by the holding.

12 **SEC. 5. DEVELOPMENT OF PLAN.**

13 (a) PUBLIC NOTICE AND INPUT.—

14 (1) USE OF OPEN AND TRANSPARENT PROC-
15 ESS.—The entity responsible for developing and
16 adopting the congressional redistricting plan of a
17 State shall solicit and take into consideration com-
18 ments from the public throughout the process of de-
19 veloping the plan, and shall carry out its duties in
20 an open and transparent manner which provides for
21 the widest public dissemination reasonably possible
22 of its proposed and final redistricting plans.

23 (2) WEBSITE.—

24 (A) FEATURES.—The entity described in
25 paragraph (1) shall maintain a public internet

1 site which is not affiliated with or maintained
2 by the office of any elected official and which
3 includes the following features:

4 (i) All proposed redistricting plans
5 and the final redistricting plan, including
6 the accompanying written evaluation under
7 subsection (c).

8 (ii) All comments received from the
9 public submitted under paragraph (1).

10 (iii) Access in an easily usable format
11 to the demographic and other data used by
12 the entity to develop and analyze the pro-
13 posed redistricting plans, together with any
14 reports analyzing and evaluating such
15 plans and access to software that members
16 of the public may use to draw maps of pro-
17 posed districts.

18 (iv) A method by which members of
19 the public may submit comments directly
20 to the entity.

21 (B) **SEARCHABLE FORMAT.**—The entity
22 described in paragraph (1) shall ensure that all
23 information posted and maintained on the site
24 under this paragraph, including information
25 and proposed maps submitted by the public,

1 shall be maintained in an easily searchable for-
2 mat.

3 (3) MULTIPLE LANGUAGE REQUIREMENTS FOR
4 ALL NOTICES.—The entity described in paragraph
5 (1) shall make each notice which is required to be
6 posted and published under this section available in
7 any language in which the State (or any jurisdiction
8 in the State) is required to provide election materials
9 under section 203 of the Voting Rights Act of 1965
10 (52 U.S.C. 10503).

11 (b) DEVELOPMENT OF PLAN.—

12 (1) HEARINGS.—The entity responsible for de-
13 veloping and adopting the congressional redistricting
14 plan shall hold hearings both before and after releas-
15 ing proposed plans in order to solicit public input on
16 the content of such plans. These hearings shall—

17 (A) be held in different regions of the
18 State and streamed live on the public internet
19 site maintained under subsection (a)(2); and

20 (B) be sufficient in number, scheduled at
21 times and places, and noticed and conducted in
22 a manner to ensure that all members of the
23 public, including members of racial, ethnic, and
24 language minorities protected under the Voting
25 Rights Act of 1965, have a meaningful oppor-

1 tunity to attend and provide input both before
2 and after the entity releases proposed plans.

3 (2) POSTING OF MAPS.—The entity described in
4 paragraph (1) shall make proposed plans, amend-
5 ments to proposed plans, and the data needed to
6 analyze such plans for compliance with the criteria
7 of this Act available for public review, including on
8 the public internet site required under subsection
9 (a)(2), for a period of not less than 5 days before
10 any vote or hearing is held on any such plan or any
11 amendment to such a plan.

12 (c) RELEASE OF WRITTEN EVALUATION OF PLAN
13 AGAINST EXTERNAL METRICS REQUIRED PRIOR TO
14 VOTE.—The entity responsible for developing and adopt-
15 ing the congressional redistricting plan for a State may
16 not hold a vote on a proposed redistricting plan, including
17 a vote in a committee, unless at least 48 hours prior to
18 holding the vote the State has released a written evalua-
19 tion that measures each such plan against external metrics
20 which cover the criteria set forth in section 4(b), including
21 the impact of the plan on the ability of members of a class
22 of citizens protected by the Voting Rights Act of 1965 (52
23 U.S.C. 10301 et seq.) to elect candidates of choice, the
24 degree to which the plan preserves or divides communities
25 of interest, and any analysis used by the State to assess

1 compliance with the requirements of subsections (b) and
2 (c) of section 4.

3 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
4 sponsible for developing and adopting the congressional
5 redistricting plan for a State shall make all public com-
6 ments received about potential plans, including alternative
7 plans, available to the public on the internet site required
8 under subsection (a)(2), at no cost, not later than 24
9 hours prior to holding a vote on final adoption of a plan.

10 **SEC. 6. FAILURE BY STATE TO ENACT PLAN.**

11 (a) DEADLINE FOR ENACTMENT OF PLAN.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), each State shall enact a final congress-
14 sional redistricting plan following transmission of a
15 notice of apportionment to the President by the ear-
16 liest of—

17 (A) the deadline set forth in State law, in-
18 cluding any extension to the deadline provided
19 in accordance with State law;

20 (B) February 15 of the year in which reg-
21 ularly scheduled general elections for Federal
22 office are held in the State; or

23 (C) 90 days before the date of the next
24 regularly scheduled primary election for Federal
25 office held in the State.

1 (2) SPECIAL RULE FOR PLANS ENACTED PRIOR
2 TO DATE OF ENACTMENT OF ACT.—If a State en-
3 acted a final congressional redistricting plan prior to
4 the date of enactment of this Act and the plan is not
5 in compliance with the requirements of this Act, the
6 State shall enact a final redistricting plan which is
7 in compliance with the requirements of this Act not
8 later than 45 days after the date of enactment of
9 this Act.

10 (b) DEVELOPMENT OF PLAN BY COURT IN CASE OF
11 MISSED DEADLINE.—If a State has not enacted a final
12 congressional redistricting plan by the applicable deadline
13 under subsection (a), or it appears reasonably likely that
14 a State will fail to enact a final congressional redistricting
15 plan by such deadline—

16 (1) any citizen of the State may file an action
17 in the United States district court for the applicable
18 venue asking the district court to assume jurisdic-
19 tion;

20 (2) the United States district court for the ap-
21 plicable venue, acting through a 3-judge court con-
22 vened pursuant to section 2284 of title 28, United
23 States Code, shall have the exclusive authority to de-
24 velop and publish the congressional redistricting
25 plan for the State; and

1 (3) the final congressional redistricting plan de-
2 veloped and published by the court under this sec-
3 tion shall be deemed to be enacted on the date on
4 which the court publishes the final congressional re-
5 districting plan, as described in subsection (e).

6 (c) APPLICABLE VENUE.—For purposes of this sec-
7 tion, the term “applicable venue” with respect to a State
8 is the District of Columbia or the judicial district in which
9 the capital of the State is located, as selected by the first
10 party to file with the court sufficient evidence that a State
11 has failed to, or is reasonably likely to fail to, enact a final
12 redistricting plan for the State prior to the expiration of
13 the applicable deadline set forth in subsection (a).

14 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

15 (1) CRITERIA.—In developing a redistricting
16 plan for a State under this section, the court shall
17 adhere to the same terms and conditions that ap-
18 plied (or that would have applied, as the case may
19 be) to the development of a plan by the State under
20 section 4.

21 (2) ACCESS TO INFORMATION AND RECORDS.—

22 The court shall have access to any information,
23 data, software, or other records and material that
24 was used (or that would have been used, as the case

1 may be) by the State in carrying out its duties
2 under this Act.

3 (3) HEARING; PUBLIC PARTICIPATION.—In de-
4 veloping a redistricting plan for a State, the court
5 shall—

6 (A) hold one or more evidentiary hearings
7 at which interested members of the public may
8 appear and be heard and present testimony, in-
9 cluding expert testimony, in accordance with
10 the rules of the court; and

11 (B) consider other submissions and com-
12 ments by the public, including proposals for re-
13 districting plans to cover the entire State or
14 any portion of the State.

15 (4) USE OF SPECIAL MASTER.—To assist in the
16 development and publication of a redistricting plan
17 for a State under this section, the court may appoint
18 a special master to make recommendations to the
19 court on possible plans for the State.

20 (e) PUBLICATION OF PLAN.—

21 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
22 Upon completing the development of one or more
23 initial redistricting plans, the court shall make the
24 plans available to the public at no cost, and shall
25 also make available the underlying data used to de-

1 velop the plans and a written evaluation of the plans
2 against external metrics (as described in section
3 5(c)).

4 (2) PUBLICATION OF FINAL PLAN.—At any
5 time after the expiration of the 14-day period which
6 begins on the date the court makes the plans avail-
7 able to the public under paragraph (1), and taking
8 into consideration any submissions and comments by
9 the public which are received during such period, the
10 court shall develop and publish the final redistricting
11 plan for the State.

12 (f) USE OF INTERIM PLAN.—In the event that the
13 court is not able to develop and publish a final redis-
14 tricting plan for the State with sufficient time for an up-
15 coming election to proceed, the court may develop and
16 publish an interim redistricting plan which shall serve as
17 the redistricting plan for the State until the court develops
18 and publishes a final plan in accordance with this section.
19 Nothing in this subsection may be construed to limit or
20 otherwise affect the authority or discretion of the court
21 to develop and publish the final redistricting plan, includ-
22 ing the discretion to make any changes the court deems
23 necessary to an interim redistricting plan.

24 (g) APPEALS.—Review on appeal of any final or in-
25 terim plan adopted by the court in accordance with this

1 section shall be governed by the appellate process in sec-
2 tion 7.

3 (h) STAY OF STATE PROCEEDINGS.—The filing of an
4 action under this section shall act as a stay of any pro-
5 ceedings in State court with respect to the State’s congres-
6 sional redistricting plan unless otherwise ordered by the
7 court.

8 **SEC. 7. CIVIL ENFORCEMENT.**

9 (a) CIVIL ENFORCEMENT.—

10 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
11 torney General may bring a civil action for such re-
12 lief as may be appropriate to carry out this Act.

13 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
14 TION.—

15 (A) IN GENERAL.—Any person residing or
16 domiciled in a State who is aggrieved by the
17 failure of the State to meet the requirements of
18 the Constitution or Federal law, including this
19 Act, with respect to the State’s congressional
20 redistricting, may bring a civil action in the
21 United States district court for the applicable
22 venue for such relief as may be appropriate to
23 remedy the failure.

24 (B) SPECIAL RULE FOR CLAIMS RELATING
25 TO PARTISAN ADVANTAGE.—For purposes of

1 subparagraph (A), a person who is aggrieved by
2 the failure of a State to meet the requirements
3 of section 4(c) may include—

4 (i) any political party or committee in
5 the State; and

6 (ii) any registered voter in the State
7 who resides in a congressional district that
8 the voter alleges was drawn in a manner
9 that contributes to a violation of such sec-
10 tion.

11 (C) NO AWARDING OF DAMAGES TO PRE-
12 VAILING PARTY.—Except for an award of attor-
13 ney’s fees under subsection (d), a court in a
14 civil action under this section shall not award
15 the prevailing party any monetary damages,
16 compensatory, punitive, or otherwise.

17 (3) DELIVERY OF COMPLAINT TO HOUSE AND
18 SENATE.—In any action brought under this section,
19 a copy of the complaint shall be delivered promptly
20 to the Clerk of the House of Representatives and the
21 Secretary of the Senate.

22 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
23 VENUE.—The district courts of the United States
24 shall have exclusive jurisdiction to hear and deter-
25 mine claims asserting that a congressional redis-

1 tricting plan violates the requirements of the Con-
2 stitution or Federal law, including this Act. The ap-
3 plicable venue for such an action shall be the United
4 States District Court for the District of Columbia or
5 for the judicial district in which the capital of the
6 State is located, as selected by the person bringing
7 the action. In a civil action that includes a claim
8 that a redistricting plan is in violation of subsection
9 (b) or (c) of section 4, the United States District
10 Court for the District of Columbia shall have juris-
11 diction over any defendant who has been served in
12 any United States judicial district in which the de-
13 fendant resides, is found, or has an agent, or in the
14 United States judicial district in which the capital of
15 the State is located. Process may be served in any
16 United States judicial district where a defendant re-
17 sides, is found, or has an agent, or in the United
18 States judicial district in which the capital of the
19 State is located.

20 (5) USE OF 3-JUDGE COURT.—If an action
21 under this section raises statewide claims under the
22 Constitution or this Act, the action shall be heard by
23 a 3-judge court convened pursuant to section 2284
24 of title 28, United States Code.

1 (6) REVIEW OF FINAL DECISION.—A final deci-
2 sion in an action brought under this section shall be
3 reviewable on appeal by the United States Court of
4 Appeals for the District of Columbia Circuit, which
5 shall hear the matter sitting en banc. There shall be
6 no right of appeal in such proceedings to any other
7 court of appeals. Such appeal shall be taken by the
8 filing of a notice of appeal within 10 days of the
9 entry of the final decision. A final decision by the
10 Court of Appeals may be reviewed by the Supreme
11 Court of the United States by writ of certiorari.

12 (b) EXPEDITED CONSIDERATION.—In any action
13 brought under this section, it shall be the duty of the dis-
14 trict court, the United States Court of Appeals for the
15 District of Columbia Circuit, and the Supreme Court of
16 the United States (if it chooses to hear the action) to ad-
17 vance on the docket and to expedite to the greatest pos-
18 sible extent the disposition of the action and appeal.

19 (c) REMEDIES.—

20 (1) ADOPTION OF REPLACEMENT PLAN.—

21 (A) IN GENERAL.—If the district court in
22 an action under this section finds that the con-
23 gressional redistricting plan of a State violates,
24 in whole or in part, the requirements of this
25 Act—

1 (i) the court shall adopt a replacement
2 congressional redistricting plan for the
3 State in accordance with the process set
4 forth in section 6; or

5 (ii) if circumstances warrant and no
6 delay to an upcoming regularly scheduled
7 election for the House of Representatives
8 in the State would result, the district
9 court, in its discretion, may allow a State
10 to develop and propose a remedial congress-
11 sional redistricting plan for review by the
12 court to determine whether the plan is in
13 compliance with this Act, except that—

14 (I) the State may not develop
15 and propose a remedial plan under
16 this clause if the court determines
17 that the congressional redistricting
18 plan of the State was enacted with
19 discriminatory intent in violation of
20 the Constitution or section 4(b); and

21 (II) nothing in this clause may be
22 construed to permit a State to use
23 such a remedial plan which has not
24 been approved by the court.

1 (B) PROHIBITING USE OF PLANS IN VIOLA-
2 TION OF REQUIREMENTS.—No court shall order
3 a State to use a congressional redistricting plan
4 which violates, in whole or in part, the require-
5 ments of this Act, or to conduct an election
6 under terms and conditions which violate, in
7 whole or in part, the requirements of this Act.

8 (C) SPECIAL RULE IN CASE FINAL ADJU-
9 DICATION NOT EXPECTED WITHIN 3 MONTHS
10 OF ELECTION.—

11 (i) DUTY OF COURT.—If final adju-
12 dication of an action under this section is
13 not reasonably expected to be completed at
14 least 3 months prior to the next regularly
15 scheduled primary election for the House
16 of Representatives in the State, the district
17 court shall—

18 (I) develop, adopt, and order the
19 use of an interim congressional redis-
20 tricting plan in accordance with sec-
21 tion 6(f) to address any claims under
22 this Act for which a party seeking re-
23 lief has demonstrated a substantial
24 likelihood of success; or

1 (II) order adjustments to the
2 timing of primary elections for the
3 House of Representatives and other
4 related deadlines, as needed, to allow
5 sufficient opportunity for adjudication
6 of the matter and adoption of a reme-
7 dial or replacement plan for use in the
8 next regularly scheduled general elec-
9 tions for the House of Representa-
10 tives.

11 (ii) PROHIBITING FAILURE TO ACT ON
12 GROUNDS OF PENDENCY OF ELECTION.—
13 The court may not refuse to take any ac-
14 tion described in clause (i) on the grounds
15 of the pendency of the next election held in
16 the State or the potential for disruption,
17 confusion, or additional burdens with re-
18 spect to the administration of the election
19 in the State.

20 (2) NO STAY PENDING APPEAL.—Notwith-
21 standing the appeal of an order finding that a con-
22 gressional redistricting plan of a State violates, in
23 whole or in part, the requirements of this Act, no
24 stay shall issue which shall bar the development or
25 adoption of a replacement or remedial plan under

1 this subsection, as may be directed by the district
2 court, pending such appeal. If such a replacement or
3 remedial plan has been adopted, no appellate court
4 may stay or otherwise enjoin the use of such plan
5 during the pendency of an appeal, except upon an
6 order holding, based on the record, that adoption of
7 such plan was an abuse of discretion.

8 (3) SPECIAL AUTHORITY OF COURT OF AP-
9 PEALS.—

10 (A) ORDERING OF NEW REMEDIAL
11 PLAN.—If, upon consideration of an appeal
12 under this Act, the Court of Appeals determines
13 that a plan does not comply with the require-
14 ments of this Act, it shall direct that the Dis-
15 trict Court promptly develop a new remedial
16 plan with assistance of a special master for con-
17 sideration by the Court of Appeals.

18 (B) FAILURE OF DISTRICT COURT TO
19 TAKE TIMELY ACTION.—If, at any point during
20 the pendency of an action under this section,
21 the District Court fails to take action necessary
22 to permit resolution of the case prior to the
23 next regularly scheduled election for the House
24 of Representatives in the State or fails to grant
25 the relief described in paragraph (1)(C), any

1 party may seek a writ of mandamus from the
2 Court of Appeals for the District of Columbia
3 Circuit. The Court of Appeals shall have juris-
4 diction over the motion for a writ of mandamus
5 and shall establish an expedited briefing and
6 hearing schedule for resolution of the motion. If
7 the Court of Appeals determines that a writ
8 should be granted, the Court of Appeals shall
9 take any action necessary, including developing
10 a congressional redistricting plan with assist-
11 ance of a special master to ensure that a reme-
12 dial plan is adopted in time for use in the next
13 regularly scheduled election for the House of
14 Representatives in the State.

15 (4) EFFECT OF ENACTMENT OF REPLACEMENT
16 PLAN.—A State’s enactment of a redistricting plan
17 which replaces a plan which is the subject of an ac-
18 tion under this section shall not be construed to
19 limit or otherwise affect the authority of the court
20 to adjudicate or grant relief with respect to any
21 claims or issues not addressed by the replacement
22 plan, including claims that the plan which is the
23 subject of the action was enacted, in whole or in
24 part, with discriminatory intent, or claims to con-
25 sider whether relief should be granted under section

1 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
2 10302(c)) based on the plan which is the subject of
3 the action.

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

8 (e) RELATION TO OTHER LAWS.—

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

17 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
18 this Act authorizes or requires conduct that is pro-
19 hibited by the Voting Rights Act of 1965 (52 U.S.C.
20 10301 et seq.).

21 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
22 ture, or State may claim legislative privilege under either
23 State or Federal law in a civil action brought under this
24 section or in any other legal challenge, under either State

1 or Federal law, to a redistricting plan enacted under this
2 Act.

3 (g) REMOVAL.—

4 (1) IN GENERAL.—At any time, a civil action
5 brought in a State court which asserts a claim for
6 which the district courts of the United States have
7 exclusive jurisdiction under this Act may be removed
8 by any party in the case, including an intervenor, by
9 filing, in the district court for an applicable venue
10 under this section, a notice of removal signed pursu-
11 ant to Rule 11 of the Federal Rules of Civil Proce-
12 dure containing a short and plain statement of the
13 grounds for removal. Consent of parties shall not be
14 required for removal.

15 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
16 SUPPLEMENTAL JURISDICTION.—If a civil action re-
17 moved in accordance with paragraph (1) contains
18 claims not within the original or supplemental juris-
19 diction of the district court, the district court shall
20 sever all such claims and remand them to the State
21 court from which the action was removed.

22 **SEC. 8. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL**
23 **OFFICE.**

24 Nothing in this Act may be construed to affect the
25 manner in which a State carries out elections for State

1 or local office, including the process by which a State es-
2 tablishes the districts used in such elections.

3 **SEC. 9. EFFECTIVE DATE.**

4 This Act shall apply on the date of enactment of this
5 Act.

