

### Comparison of Congressional Redistricting Legislation, 110<sup>th</sup> Congress

	H.R. 543, Fairness and Independence in Redistricting Act of 2007 (Tanner)	H.R. 2248, Redistricting Reform Act of 2007 (Lofgren)
<b>GENERAL PROVISIONS</b>		
<b>Congressional Authority</b>	Article I, § 4 of Constitution and § 5 of the Fourteenth Amendment	
<b>Mid-Decade Redistricting</b>	Prohibited (except if ordered by a Court to comply with Constitution or VRA)	
<b>General Requirements</b>	Redistricting plans must be developed either by an independent commission, or, if a commission’s plan cannot be enacted, by a state or federal court as outlined in the bill.	
<b>REDISTRICTING COMMISSION</b>		
<b>Composition of Commission</b>	<p>Minimum 5 members total:</p> <ul style="list-style-type: none"> <li>• Equal number of members (at least 1) appointed by majority and minority parties in each house of the state legislature</li> <li>• Final member—chair—elected by majority vote of the other commissioners</li> </ul> <p><i>Exception for unicameral state legislatures (Nebraska only):</i></p>	<p>Minimum 5 members total:</p> <ul style="list-style-type: none"> <li>• Equal number of members (at least 1) appointed by majority and minority parties in each house of the state legislature. Each party appoints commission members affiliated with the <i>opposite</i> party.</li> <li>• As many members who are not affiliated with either “major party” in either house as are necessary so their percentage on the commission is equal to the percentage of registered voters in the state not affiliated with major parties. Elected by 2/3 vote of the major party commissioners.</li> <li>• Final member—chair—elected by majority vote of the other commissioners.</li> </ul> <p><i>Exception for unicameral state legislatures (Nebraska only):</i></p>

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	<p>Minimum 5 members total:</p> <ul style="list-style-type: none"> <li>• At least 2 members from the majority and minority parties in the state, selected by Chair of the Government Affairs Committee</li> <li>• Final member—chair—elected by other commissioners.</li> </ul>	<p>Minimum 5 members total:</p> <ul style="list-style-type: none"> <li>• At least 2 members from the majority and minority parties in the state, selected by Chair of the Government Affairs Committee</li> <li>• As many members who are not affiliated with either “major party” as is necessary so their percentage on the commission is equal to the percentage of registered voters in the state not affiliated with major parties. Elected by 2/3 vote of the major party commissioners.</li> <li>• Final member—chair—elected by other commissioners.</li> </ul>
<b>Eligibility Requirements for Commission Members</b>	<p>All commission members must:</p> <ol style="list-style-type: none"> <li>1) Be registered to vote in the state at the time of their appointment, and must have been registered to vote in the 2 most recent federal elections in the state;</li> <li>2) Have not held or run for public office, or worked for a party or candidate for public office, for 4 years preceding their appointment;</li> <li>3) Certify that they will not run for Congress until the <i>next</i> round of redistricting.</li> </ol>	
<b>Deadline for Establishing Commission and Appointing Chair</b>	<p>First <b>February 1</b> following the governor’s receipt of the apportionment notice. Commission must appoint a chair before it takes any action.</p>	
<b>Procedure for Filling Vacancies</b>	<p>Vacancies must be filled in the same manner as the corresponding original appointment.</p>	

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<b>Voting Threshold for Action By Commission</b>	Majority vote at a meeting at which the majority of its members are present.	
<b>Commission Termination and Records Preservation</b>	Commission terminates on the day of the first regularly scheduled general federal election after the state's governor receives the apportionment notice. State must retain commission records in order to be able to respond to any litigation.	
<b>Provisions to Prevent Racial Discrimination in Commission Membership Selection Process</b>	None.	The membership of the commission may not be selected in a manner that results in denial or abridgement of the right to vote on account of race or color.
<b>CRITERIA FOR REDISTRICTING PLANS</b>		
<b>Baseline Requirements</b>	All plans must comply with the Constitution and the Voting Rights Act, and must provide, to the extent possible, that all districts in a state have equal populations.	
<b>Continuity of political subdivisions</b>	Required to the greatest extent possible, in the following order of priority: 1) Counties or parishes; 2) Municipalities; and 3) Neighborhoods.	To the extent practicable, and consistent with the other requirements, district lines must use city and county boundaries, or undivided census tracts or block groups.
<b>Continuity of communities of interest (other than political subdivisions)</b>	None, except for neighborhood continuity described above.	District boundaries must, to the extent practicable, respect "communities of interest," including, but not limited to, communities that share socioeconomic status, a history of joint governmental cooperation, housing, language, education, and neighborhoods. A community interest may <i>not</i> be defined as representation by a particular legislator.
<b>Compactness</b>	Required to the extent possible.	

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<b>Contiguity</b>	Required, except to the extent necessary to include any area surrounded by water.	Required.
<b>Use of Visible Geographic Features and Boundaries in Drawing District Lines</b>	None.	Required to the extent practicable.
<b>Prohibited factors</b>	1) Voting history, except as necessary to comply with any state law requiring competitive districts; 2) Political party affiliation 3) Residency of incumbent House members.	
<b>PLAN ADOPTION PROCESS</b>		
<b>Public Notice of Meetings and Consideration of Comments</b>	Required.	Required, and notice must be published in newspapers and online.
<b>Public Notice When Commission Submits Plan to State Legislature</b>	Notice in newspapers required, and detailed version of plan must be published online.	
		Notice described above must be provided, at minimum, four weeks prior to submission of the plan to the legislature.
<b>Submission and Enactment of Plans</b>	Plan must be submitted prior to the first <b>November 1</b> after the governor receives the apportionment notice. Legislature is required to either approve or reject the plan without amendment. Governor is required to either approve the plan or veto it (unless state law prohibits governor from acting on redistricting plans, in which case the plan becomes law when approved by the legislature), and legislature can override his veto if necessary.	
<b>Selection of Plan By Courts if a Plan is Not Enacted by a Commission</b>	If the commission's plan is not enacted by <b>November 1</b> , it may submit multiple plans to the state's highest court, which may order one of the plans without amendment. State court must act by <b>December 1</b> ; if not, a federal court must develop and order a plan within <b>30 days</b> .	

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	<p>If the state fails to establish a commission or appoint a chair by <b>September 1</b> (including cases when the commission fails to appoint a chair), it is prohibiting from doing so, and a federal court must develop and publish a final plan by <b>December 1</b>.</p> <p>It is the sense of Congress that any federal court should adhere to the criteria outlined in the legislation. The commission must grant access to its information and records to a court that is required to select, publish, or develop a plan.</p>	
<b>Special Provisions for Court-Ordered Redistricting to Comply with Constitution or VRA</b>	<p>For such redistricting, a state must follow the same procedures as in regular redistricting, with the following exceptions:</p> <ol style="list-style-type: none"> <li>1) State must establish the commission and appoint a chair within <b>30 days</b> of the court order to redistrict;</li> <li>2) Commission must submit plans and terminate within <b>150 days</b> of the court order;</li> <li>3) If a state court must select and order a plan, it must do so within <b>180 days</b> of the court order; and</li> <li>4) If a federal court must select and order a plan, it must do so within <b>210 days</b> of the court order.</li> </ol>	
<b>MISCELLANEOUS PROVISIONS</b>		
<b>Federal funds for redistricting</b>	<p>Within 30 days of the apportionment notice, EAC will provide states with \$150,000 per Representative (except for states with only 1 Representative) for redistricting, paid once the state establishes a commission and a chair is appointed.</p>	
<b>Effective Date</b>	Any redistricting after the 2010 census.	Immediate.
<b>Civil Enforcement and Private Right of Action</b>	None.	<p>U.S. Attorney General may sue states in federal court to enforce the legislation.</p> <p>Private litigants may sue in federal court if the state fails to use the required criteria for redistricting or uses prohibited criteria. They can</p>

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		<p>also sue for other violations, but only if they provide written notice to the commission chair, the violation is not corrected within 90 days of receipt of the notice, and they sue within 30 days of the expiration of the 90-day period. No private suits can be brought after 30 days following a plan's enactment.</p> <p>Expedited review provisions apply to any challenges:</p> <ol style="list-style-type: none"> <li>1) An action must be heard by a 3-judge court, which must consolidate all actions regarding the same plan;</li> <li>2) A copy of the complaint must be delivered to the Clerk of the House and the Secretary of the Senate;</li> <li>3) A final decision is reviewable only by direct appeal to the Supreme Court. An appeal notice must be filed within 10 days, and a jurisdictional statement must be filed within 30 days, of the entry of the final decision.</li> </ol> <p>The court may allow the prevailing party to recover attorney's fees.</p> <p>The above restrictions do not preclude any private suits under the VRA or Constitution.</p>

