

**AMENDMENT TO H.R. 1**

**OFFERED BY M**     .

Page 2, line 9, strike “Finance” and insert “Finance.”.

In the item relating to section 9001 in the table of contents of the bill, strike “Congress” and insert “Congress”.

Page 16, line 5, strike “and” and insert “to prevent and remedy discrimination in voting, and”.

Page 17, line 18, strike the period and insert the following: “, and to address partisan gerrymandering, *Rucho v. Common Cause*, 588 U. S. \_\_\_\_\_, 32-33 (2019).”

Page 18, line 25, strike “is denied” and insert “is abridged or denied”.

Page 22, line 9, strike “If any action is brought” and insert “For any action brought”.

Page 22, line 11, insert “or lawfulness” after “constitutionality”.

Page 22, line 19, add after the period the following:  
“These courts, and the Supreme Court of the United

States on a writ of certiorari (if such a writ is issued), shall have exclusive jurisdiction to hear such actions.”.

Page 22, strike line 24 and all that follows through page 23, line 5 and insert the following (and redesignate the succeeding provision accordingly):

1           (3) It shall be the duty of the United States  
2           District Court for the District of Columbia and the  
3           Court of Appeals for the District of Columbia Cir-  
4           cuit to advance on the docket and to expedite to the  
5           greatest possible extent the disposition of the action  
6           and appeal.

7           (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-  
8           tion at the time of its commencement is not subject to  
9           subsection (a), but an amendment, counterclaim, cross-  
10          claim, affirmative defense, or any other pleading or motion  
11          is filed challenging, whether facially or as-applied, the con-  
12          stitutionality or lawfulness of this Act or any amendment  
13          made by this Act or any rule or regulation promulgated  
14          under this Act, the district court shall transfer the action  
15          to the District Court for the District of Columbia, and  
16          the action shall thereafter be conducted pursuant to sub-  
17          section (a).

Page 27, strike lines 6 through 8 and insert the fol-  
lowing:

1           (1) the ability of all eligible citizens of the  
2           United States to access and exercise their constitu-  
3           tional right to vote in a free, fair, and timely manner  
4           must be vigilantly enhanced, protected, and main-  
5           tained; and

Page 53, line 22, strike “Each” and insert “Except as otherwise provided in this section, each”.

Page 53, line 25, strike “or, in the case of an institution of higher education, each registration of a student for enrollment in a course of study”.

Page 54, line 7, strike “ the contributing agency informs the individual of the information described in paragraph (1),” and insert “a contributing agency as described in paragraph (1) informs an individual of the information described in such paragraph, unless the individual has declined to be registered to vote or informs the agency that they are already registered to vote,”.

Page 54, line 14, strike “, unless during such 30-day period the individual declined to be registered to vote”.

Page 55, strike lines 3 through 5 and insert the following:

1           (G) Except in the case in which the con-  
2           tributing agency is a covered institution of  
3           higher education, in the case of a State in  
4           which affiliation or enrollment with a political  
5           party is required in order to participate in an  
6           election to select the party's candidate in an  
7           election for Federal office, information regard-  
8           ing the individual's affiliation or enrollment  
9           with a political party, but only if the individual  
10          provides such information.

Page 59, strike line 21 and all that follows through  
page 61, line 6 (and redesignate the succeeding provi-  
sions accordingly).

Page 61, insert after line 17 the following:

11          (f) INSTITUTIONS OF HIGHER EDUCATION.—

12           (1) IN GENERAL.—Each covered institution of  
13           higher education shall be treated as a contributing  
14           agency in the State in which the institution is lo-  
15           cated with respect to in-State students.

16           (2) PROCEDURES.—

17           (A) IN GENERAL.—Notwithstanding sec-  
18           tion 444 of the General Education Provisions  
19           Act (20 U.S.C. 1232g; commonly referred to as  
20           the 'Family Educational Rights and Privacy

1 Act of 1974”) or any other provision of law,  
2 each covered institution of higher education  
3 shall comply with the requirements of sub-  
4 section (b) with respect to each in-State stu-  
5 dent.

6 (B) RULES FOR COMPLIANCE.—In com-  
7 plying with the requirements described in sub-  
8 paragraph (A), the institution—

9 (i) may use information provided in  
10 the Free Application for Federal Student  
11 Aid described in section 483 of the Higher  
12 Education Act of 1965 (20 U.S.C. 1090)  
13 to collect information described in para-  
14 graph (3) of such subsection for purposes  
15 of transmitting such information to the ap-  
16 propriate State election official pursuant to  
17 such paragraph; and

18 (ii) shall not be required to prevent or  
19 delay students from enrolling in a course  
20 of study or otherwise impede the comple-  
21 tion of the enrollment process; and (iii)  
22 shall not withhold, delay, or impede the  
23 provision of Federal financial aid provided  
24 under title IV of the Higher Education Act  
25 of 1965.

1           (C) CLARIFICATION.—Nothing in this part  
2           may be construed to require an institution of  
3           higher education to request each student to af-  
4           firm whether or not the student is a United  
5           States citizen or otherwise collect information  
6           with respect to citizenship.

7           (3) DEFINITIONS.—

8           (A) COVERED INSTITUTION OF HIGHER  
9           EDUCATION.—In this section, the term “covered  
10          institution of higher education” means an insti-  
11          tution of higher education that—

12                 (i) has a program participation agree-  
13                 ment in effect with the Secretary of Edu-  
14                 cation under section 487 of the Higher  
15                 Education Act of 1965 (20 U.S.C. 1094);

16                 (ii) in its normal course of operations,  
17                 requests each in-State student enrolling in  
18                 the institution to affirm whether or not the  
19                 student is a United States citizen; and

20                 (iii) is located in a State to which sec-  
21                 tion 4(b)(1) of the National Voter Reg-  
22                 istration Act of 1993 (52 U.S.C.  
23                 20503(b)(1)) does not apply.

24           (B) IN-STATE STUDENT.—In this section,  
25          the term “in-State student”—

- 1 (i) means a student enrolled in a cov-  
2 ered institution of higher education who,  
3 for purposes related to in-State tuition, fi-  
4 nancial aid eligibility, or other similar pur-  
5 poses, resides in the State; and
- 6 (ii) includes a student described in  
7 clause (i) who is enrolled in a program of  
8 distance education, as defined in section  
9 103 of the Higher Education Act of 1965  
10 (20 U.S.C. 1003).

Page 89, line 9, strike “fiscal year 2020” and insert  
“fiscal year 2022”.

Page 155, line 2, strike “PAPER BALLOT  
VERIFICATION MECHANISMS” and insert “VOTING OP-  
TIONS”.

Page 155, line 11, strike “**PAPER BALLOT  
VERIFICATION MECHANISMS**” and insert “**VOTING  
OPTIONS**”.

Page 155, strike lines 13 through 23 and insert the  
following:

- 11 “(a) GRANTS TO STUDY AND REPORT.—The Com-  
12 mission, in coordination with the Access Board and the  
13 Cybersecurity and Infrastructure Security Agency, shall  
14 make grants to not fewer than three eligible entities to

1 study, test, and develop accessible and secure remote vot-  
2 ing systems and voting, verification, and casting devices  
3 to enhance the accessibility of voting and verification for  
4 individuals with disabilities.”.

Page 155, line 25, strike “Director” and insert  
“Commission”.

Page 156, line 1, strike “Director” and insert  
“Commission”.

Page 156, strike lines 3 through 9 (and redesignate  
the succeeding provisions accordingly).

Page 156, line 12, strike “December 31, 2022” and  
insert “January 1, 2024”.

Page 156, line 14, strike “Director” and insert  
“Commission”.

Page 156, line 21, strike “Director” and insert  
“Commission”.

Page 157, line 1, strike “Director and Commission  
determine” and insert “Commission determines”.

Page 157, line 5, strike “\$5,000,000” and insert  
“\$10,000,000”.



Page 157, in the item inserted after line 11, strike “paper ballot verification mechanisms” and insert “voting options”.

Page 166, line 16, insert “of the jurisdiction in which the individual is registered” after “official”.

Page 170, line 6, strike “during early voting” and insert “during in-person early voting”.

Page 173, strike lines 10 through 15 (and redesignate the succeeding provision accordingly).

Page 177, line 24, strike “and”.

Page 178, line 3, strike the period and insert “; and”.

Page 178, insert after line 3 the following:

1                   “(iii) of the officials who make the de-  
2                   termination, at least one is affiliated with  
3                   the political party whose candidate received  
4                   the most votes in the most recent statewide  
5                   election for Federal office held in the State  
6                   and at least one is affiliated with the polit-  
7                   ical party whose candidate received the  
8                   second most votes in the most recent state-  
9                   wide election for Federal office held in the  
10                   State.”.

Page 178, line 8, insert “and the Commission” after “Congress”.

Page 179, strike line 15 and all that follows through page 181, line 8 and insert the following:

1           “(c) TRANSMISSION OF APPLICATIONS, BALLOTS,  
2 AND BALLOTING MATERIALS TO VOTERS.—

3                   “(1) AUTOMATIC TRANSMISSION OF ABSENTEE  
4 BALLOT APPLICATIONS BY MAIL.—

5                           “(A) TRANSMISSION OF APPLICATIONS.—

6           Not later than 60 days before the date of an  
7 election for Federal office, the appropriate  
8 State or local election official shall transmit by  
9 mail an application for an absentee ballot for  
10 the election to each individual who is registered  
11 to vote in the election, or, in the case of any  
12 State that does not register voters, all individ-  
13 uals who are in the State’s central voter file (or  
14 if the State does not keep a central voter file,  
15 all individuals who are eligible to vote in such  
16 election).

17                           “(B) EXCEPTION FOR INDIVIDUALS AL-  
18 READY RECEIVING APPLICATIONS AUTOMATI-  
19 CALLY.—Subparagraph (A) does not apply with  
20 respect to an individual to whom the State is  
21 already required to transmit an application for

1 an absentee ballot for the election because the  
2 individual exercised the option described in sub-  
3 paragraph (D) of paragraph (2) to treat an ap-  
4 plication for an absentee ballot in a previous  
5 election for Federal office in the State as an ap-  
6 plication for an absentee ballot in all subse-  
7 quent elections for Federal office in the State.

8 “(C) EXCEPTION FOR STATES TRANSMIT-  
9 TING BALLOTS WITHOUT APPLICATION.—Sub-  
10 paragraph (A) does not apply with respect to a  
11 State which transmits a ballot in an election for  
12 Federal office in the State to a voter prior to  
13 the date of the election without regard to  
14 whether or not the voter submitted an applica-  
15 tion for the ballot to the State.

16 “(D) RULE OF CONSTRUCTION.—Nothing  
17 in this paragraph may be construed to prohibit  
18 an individual from submitting to the appro-  
19 priate State or local election official an applica-  
20 tion for an absentee ballot in an election for  
21 Federal office, including through the methods  
22 described in paragraph (2).

23 “(2) OTHER METHODS FOR APPLYING FOR AB-  
24 SENTEES BALLOT.—

1           “(A) IN GENERAL.—In addition to such  
2 other methods as the State may establish for an  
3 individual to apply for an absentee ballot, the  
4 State shall permit an individual—

5                   “(i) to submit an application for an  
6 absentee ballot online; and

7                   “(ii) to submit an application for an  
8 absentee ballot through the use of an auto-  
9 mated telephone-based system, subject to  
10 the same terms and conditions applicable  
11 under this paragraph to the services made  
12 available online.

13           “(B) TREATMENT OF WEBSITES.—The  
14 State shall be considered to meet the require-  
15 ments of subparagraph (A)(i) if the website of  
16 the appropriate State or local election official  
17 allows an application for an absentee ballot to  
18 be completed and submitted online and if the  
19 website permits the individual—

20                   “(i) to print the application so that  
21 the individual may complete the application  
22 and return it to the official; or

23                   “(ii) request that a paper copy of the  
24 application be transmitted to the individual  
25 by mail or electronic mail so that the indi-

1           vidual may complete the application and  
2           return it to the official.

3           “(C) ENSURING DELIVERY PRIOR TO  
4 ELECTION.—If an individual who is eligible to  
5 vote in an election for Federal office submits an  
6 application for an absentee ballot in the elec-  
7 tion, the appropriate State or local election offi-  
8 cial shall ensure that the ballot and relating  
9 voting materials are received by the individual  
10 prior to the date of the election so long as the  
11 individual’s application is received by the offi-  
12 cial not later than 5 days (excluding Saturdays,  
13 Sundays, and legal public holidays) before the  
14 date of the election, except that nothing in this  
15 paragraph shall preclude a State or local juris-  
16 diction from allowing for the acceptance and  
17 processing of absentee ballot applications sub-  
18 mitted or received after such required period.

19           “(D) APPLICATION FOR ALL FUTURE  
20 ELECTIONS.—At the option of an individual, a  
21 State shall treat the individual’s application to  
22 vote by absentee ballot by mail in an election  
23 for Federal office as an application for an ab-  
24 sentee ballot by mail in all subsequent Federal  
25 elections held in the State.”.

Page 181, line 24, strike “postmarked, signed, or otherwise” and insert “postmarked or otherwise”.

Page 182, line 2, strike the semicolon and insert the following: “, or has been signed by the voter on or before the date of the election;”.

Page 186, line 21, strike “COUNTED” and insert “ACCEPTED”.

Page 186, line 24, strike “counted” and insert “accepted”.

Page 186, line 25, strike “not counted” and insert “rejected”.

Page 192, insert after line 15 the following (and redesignate the succeeding provisions accordingly):

1       “(b) In the case of any election mail carried by the  
2 Postal Service that consists of a ballot, the Postal Service  
3 shall indicate on the ballot envelope, using a postmark or  
4 otherwise—

5               “(1) the fact that the ballot was carried by the  
6 Postal Service; and

7               “(2) the date on which the ballot was mailed.”.

Page 193, insert after line 5 the following (and redesignate the succeeding provision accordingly):

1           (2) MAIL-IN BALLOTS AND POSTAL SERVICE  
2        BARCODE SERVICE.—

3           (A) IN GENERAL.—Section 3001 of title  
4        39, United States Code, is amended by adding  
5        at the end the following:

6        “(p) Any ballot sent within the United States for an  
7        election for Federal office is nonmailable and shall not be  
8        carried or delivered by mail unless the ballot is mailed in  
9        an envelope that—

10        “(1) contains a Postal Service barcode (or suc-  
11        cessive service or marking) that enables tracking of  
12        each individual ballot;

13        “(2) satisfies requirements for ballot envelope  
14        design that the Postal Service may promulgate by  
15        regulation;

16        “(3) satisfies requirements for machineable let-  
17        ters that the Postal Service may promulgate by reg-  
18        ulation; and

19        “(4) includes the Official Election Mail Logo  
20        (or any successor label that the Postal Service may  
21        establish for ballots).”.

22           (B) APPLICATION.—The amendment made  
23        by subsection (a) shall apply to any election for  
24        Federal office occurring after the date of enact-  
25        ment of this Act.

Page 207, line 15, strike “November 2020” and insert “November 2022”.

Page 219, line 21, strike “2020” and insert “2021”.

Page 226, line 3, strike “2020” and insert “2021”.

Page 255, insert before line 17 the following:

1 **SEC. 1909. ELECTION DAY AS LEGAL PUBLIC HOLIDAY.**

2 (a) IN GENERAL.—Section 6103(a) of title 5, United  
3 States Code, is amended by inserting after the item relat-  
4 ing to Columbus Day the following:

5 “Election Day, the Tuesday next after the first  
6 Monday in November of every even-numbered year.”.

7 (b) EFFECTIVE DATE.—The amendment made by  
8 subsection (a) shall apply with respect to the regularly  
9 scheduled general elections for Federal office held in No-  
10 vember 2022 or any succeeding year.

Page 262, line 19, strike “**PART 3**” and insert  
“**PART 4**”.

Strike page 268, line 4, through page 270, line 17,  
and insert the following:

11 **SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-**  
12 **GRESS TO RESTORE THE VOTING RIGHTS**  
13 **ACT.**

14 (a) FINDINGS.—Congress finds the following:



1           (1) The right to vote for all Americans is a fun-  
2           damental right guaranteed by the United States  
3           Constitution.

4           (2) Federal, State, and local governments  
5           should protect the right to vote and promote voter  
6           participation across all demographics.

7           (3) The Voting Rights Act has empowered the  
8           Department of Justice and Federal courts for nearly  
9           a half a century to block discriminatory voting prac-  
10          tices before their implementation in States and local-  
11          ities with the most troubling histories, ongoing  
12          records of racial discrimination, and demonstrations  
13          of lower participation rates for protected classes.

14          (4) There continues to be an alarming move-  
15          ment to erect barriers to make it more difficult for  
16          Americans to participate in our Nation's democratic  
17          process. The Nation has witnessed unprecedented ef-  
18          forts to turn back the clock and enact suppressive  
19          laws that block access to the franchise for commu-  
20          nities of color which have faced historic and con-  
21          tinuing discrimination, as well as disabled, young, el-  
22          derly, and low-income Americans.

23          (5) The Supreme Court's decision in *Shelby*  
24          *County v. Holder* (570 U.S. 529 (2013)), gutted  
25          decades-long Federal protections for communities of

1 color and language-minority populations facing ongo-  
2 ing discrimination, emboldening States and local ju-  
3 risdictions to pass voter suppression laws and imple-  
4 ment procedures, like those requiring photo identi-  
5 fication, limiting early voting hours, eliminating  
6 same-day registration, purging voters from the rolls,  
7 and reducing the number of polling places.

8 (6) Racial discrimination in voting is a clear  
9 and persistent problem. The actions of States and  
10 localities around the country post-Shelby County, in-  
11 cluding at least 10 findings by Federal courts of in-  
12 tentional discrimination, underscored the need for  
13 Congress to conduct investigatory and evidentiary  
14 hearings to determine the legislation necessary to re-  
15 store the Voting Rights Act and combat continuing  
16 efforts in America that suppress the free exercise of  
17 the franchise in Black and other communities of  
18 color.

19 (7) Evidence of discriminatory voting practice  
20 spans from decades ago through to the past several  
21 election cycles. The 2018 midterm elections, for ex-  
22 ample, demonstrated ongoing discrimination in vot-  
23 ing.

24 (8) During the 116th Congress, congressional  
25 committees in the House of Representatives held nu-

1 merous hearings, collecting substantial testimony  
2 and other evidence which underscored the need to  
3 pass a restoration of the Voting Rights Act.

4 (9) On December 6, 2019, the House of Rep-  
5 resentatives passed the John R. Lewis Voting Rights  
6 Advancement Act, which would restore and mod-  
7 ernize the Voting Rights Act, in accordance with  
8 language from the *Shelby County* decision. Congress  
9 reaffirms that the barriers faced by too many voters  
10 across this Nation when trying to cast their ballot  
11 necessitate reintroduction of many of the protections  
12 once afforded by the Voting Rights Act.

13 (10) The 2020 primary and general elections  
14 provide further evidence that systemic voter dis-  
15 crimination and intimidation continues to occur in  
16 communities of color across the country, making it  
17 clear that full access to the franchise will not be  
18 achieved until Congress restores key provisions of  
19 the Voting Rights Act.

20 (11) As of late-February 2021, 43 States had  
21 introduced, prefiled, or carried over 253 bills to re-  
22 strict voting access that, primarily, limit mail voting  
23 access, impose stricter voter ID requirements, slash  
24 voter registration opportunities, and/or enable more  
25 aggressive voter roll purges.

1 (b) PURPOSES.—The purposes of this Act are as fol-  
2 lows:

3 (1) To improve access to the ballot for all citi-  
4 zens.

5 (2) To establish procedures by which States  
6 and localities, in accordance with past actions, sub-  
7 mit voting practice changes for preclearance by the  
8 Federal Government.

9 (3) To enhance the integrity and security of our  
10 voting systems.

11 (4) To ensure greater accountability for the ad-  
12 ministration of elections by States and localities.

13 (5) To restore protections for voters against  
14 practices in States and localities plagued by the per-  
15 sistence of voter disenfranchisement.

16 (6) To ensure that Federal civil rights laws pro-  
17 tect the rights of voters against discriminatory and  
18 deceptive practices.

Page 285, line 7, strike “who not” and insert “who  
are not”.

Page 286, insert after line 9 the following:

19 **SEC. 2403. CRITERIA FOR REDISTRICTING.**

20 (a) CRITERIA.—Under the redistricting plan of a  
21 State, there shall be established single-member congres-

1 sional districts using the following criteria as set forth in  
2 the following order of priority:

3 (1) Districts shall comply with the United  
4 States Constitution, including the requirement that  
5 they equalize total population.

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

12 (3) Districts shall be drawn, to the extent that  
13 the totality of the circumstances warrant, to ensure  
14 the practical ability of a group protected under the  
15 Voting Rights Act of 1965 (52 U.S.C. 10301 et  
16 seq.) to participate in the political process and to  
17 nominate candidates and to elect representatives of  
18 choice is not diluted or diminished, regardless of  
19 whether or not such protected group constitutes a  
20 majority of a district's citizen voting age population.

21 (4) Districts shall respect communities of inter-  
22 est, neighborhoods, and political subdivisions to the  
23 extent practicable and after compliance with the re-  
24 quirements of paragraphs (1) through (3). A com-  
25 munity of interest is defined as an area with recog-

1 nized similarities of interests, including but not lim-  
2 ited to ethnic, racial, economic, tribal, social, cul-  
3 tural, geographic or historic identities. The term  
4 communities of interest may, in certain cir-  
5 cumstances, include political subdivisions such as  
6 counties, municipalities, tribal lands and reserva-  
7 tions, or school districts, but shall not include com-  
8 mon relationships with political parties or political  
9 candidates.

10 (b) NO FAVORING OR DISFAVORING OF POLITICAL  
11 PARTIES.—

12 (1) PROHIBITION.—The redistricting plan en-  
13 acted by a State shall not, when considered on a  
14 Statewide basis, be drawn with the intent or the ef-  
15 fect of unduly favoring or disfavoring any political  
16 party.

17 (2) DETERMINATION OF EFFECT.—

18 (A) TOTALITY OF CIRCUMSTANCES.—For  
19 purposes of paragraph (1), the determination of  
20 whether a redistricting plan has the effect of  
21 unduly favoring or disfavoring a political party  
22 shall be based on the totality of circumstances,  
23 including evidence regarding the durability and  
24 severity of a plan's partisan bias.

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

11 (i) modeling based on relevant histor-  
12 ical voting patterns shows that the plan is  
13 statistically likely to result in a partisan  
14 bias of more than one seat in States with  
15 20 or fewer congressional districts or a  
16 partisan bias of more than 2 seats in  
17 States with more than 20 congressional  
18 districts, as determined using quantitative  
19 measures of partisan fairness, which may  
20 include, but are not limited to, the seats-  
21 to-votes curve for an enacted plan, the effi-  
22 ciency gap, the declination, partisan asym-  
23 metry, and the mean-median difference,  
24 and

1                   (ii) alternative plans, which may in-  
2                   clude, but are not limited to, those gen-  
3                   erated by redistricting algorithms, exist  
4                   that could have complied with the require-  
5                   ments of law and not been in violation of  
6                   paragraph (1).

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

15                  (4) NO VIOLATION BASED ON CERTAIN CRI-  
16                  TERIA.—No redistricting plan shall be found to be  
17                  in violation of paragraph (1) because of partisan  
18                  bias attributable to the application of the criteria set  
19                  forth in paragraphs (1), (2), or (3) of subsection (a),  
20                  unless one or more alternative plans could have com-  
21                  plied with such paragraphs without having the effect  
22                  of unduly favoring or disfavoring a political party.

23                  (c) FACTORS PROHIBITED FROM CONSIDERATION.—  
24                  In developing the redistricting plan for the State, the inde-  
25                  pendent redistricting commission may not take into con-



1 sideration any of the following factors, except to the extent  
2 necessary to comply with the criteria described in para-  
3 graphs (1) through (3) of subsection (a), subsection (b),  
4 and to enable the redistricting plan to be measured  
5 against the external metrics described in section 2413(d):

6 (1) The residence of any Member of the House  
7 of Representatives or candidate.

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

10 (d) APPLICABILITY.—This section applies to any au-  
11 thority, whether appointed, elected, judicial, or otherwise,  
12 that designs or enacts a congressional redistricting plan  
13 of a State.

14 (e) SEVERABILITY OF CRITERIA.—If any of the cri-  
15 teria set forth in this section, or the application of such  
16 criteria to any person or circumstance, is held to be uncon-  
17 stitutional, the remaining criteria set forth in this section,  
18 and the application of such criteria to any person or cir-  
19 cumstance, shall not be affected by the holding.

Page 307, line 13, strike “shall” and insert “shall,  
by majority vote”.

Page 309, line 2, strike “shall” and insert “shall, by  
majority vote”.

Page 310, line 17, strike “shall” and insert “shall, by majority vote”.

Amend section 2413 to read as follows:

1 **SEC. 2413. PUBLIC NOTICE AND INPUT.**

2 (a) PUBLIC NOTICE AND INPUT.—

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

13 (2) WEBSITE.—

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

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

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

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

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

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

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

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

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

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

10 (ix) A list of all contractors receiving  
11 payment from the commission, together  
12 with the annual disclosures submitted by  
13 the contractors under section 2411(c)(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) PUBLICATION OF PRELIMINARY PLAN.—

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

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

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

19 (5) POST-PUBLICATION HEARINGS.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

14           (B) at least one member of the commission  
15           appointed from each of the categories of the ap-  
16           proved selection pool described in section  
17           2412(b)(1) approves such final plan.

18          (5) REVIEW BY DEPARTMENT OF JUSTICE.—

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

1           teria described in subparagraphs (B) and (C) of  
2           section 2413(a)(1).

3                   (B) TERMINATION OF REVIEW.—The De-  
4           partment of Justice shall terminate any admin-  
5           istrative review under subparagraph (A) if, dur-  
6           ing the 45-day period which begins on the date  
7           the plan is enacted into law, an action is filed  
8           in a United States district court alleging that  
9           the plan is not in compliance with the criteria  
10          described in subparagraphs (B) and (C) of sec-  
11          tion 2413(a)(1).

12          (d) WRITTEN EVALUATION OF PLAN AGAINST EX-  
13          TERNAL METRICS.—The independent redistricting com-  
14          mission shall include with each redistricting plan devel-  
15          oped and published under this section a written evaluation  
16          that measures each such plan against external metrics  
17          which cover the criteria set forth in section 2403(a), in-  
18          cluding the impact of the plan on the ability of commu-  
19          nities of color to elect candidates of choice, measures of  
20          partisan fairness using multiple accepted methodologies,  
21          and the degree to which the plan preserves or divides com-  
22          munities of interest.

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

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

Page 328, insert after line 22 the following:

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

Page 330, line 19, strike “2413(a)” and insert  
“2403”.

Page 332, line 3, strike “2413(e)” and insert  
“2413(d)”.

Page 333, line 19, strike “2413(f)” and insert  
“2413(e)”.

Page 338, insert after line 4 the following (and re-  
designate the succeeding provisions accordingly):

10 (c) REMEDIES.—

11 (1) ADOPTION OF REPLACEMENT PLAN.—

12 (A) IN GENERAL.—If the district court in  
13 an action under this section finds that the con-  
14 gressional redistricting plan of a State violates,

1 in whole or in part, the requirements of this  
2 subtitle—

3 (i) the Court shall adopt a replace-  
4 ment congressional redistricting plan for  
5 the State in accordance with the process  
6 set forth in section 2421; or

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

18 (B) SPECIAL RULE IN CASE FINAL ADJU-  
19 DICATION NOT EXPECTED WITHIN 3 MONTHS  
20 OF ELECTION.—If final adjudication of an ac-  
21 tion under this section is not reasonably ex-  
22 pected to be completed at least three months  
23 prior to the next regularly scheduled election  
24 for the House of Representatives in the State,

1 the district court shall, as the balance of equi-  
2 ties warrant,—

3 (i) order development, adoption, and  
4 use of an interim congressional redistricting  
5 plan in accordance with section  
6 2421(e) to address any claims under this  
7 title for which a party seeking relief has  
8 demonstrated a substantial likelihood of  
9 success; or

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

18 (2) NO INJUNCTIVE RELIEF PERMITTED.—Any  
19 remedial or replacement congressional redistricting  
20 plan ordered under this subsection shall not be sub-  
21 ject to temporary or preliminary injunctive relief  
22 from any court unless the record establishes that a  
23 writ of mandamus is warranted.

24 (3) NO STAY PENDING APPEAL.—Notwith-  
25 standing the appeal of an order finding that a con-

1       gressional redistricting plan of a State violates, in  
2       whole or in part, the requirements of this subtitle,  
3       no stay shall issue which shall bar the development  
4       or adoption of a replacement or remedial plan under  
5       this subsection, as may be directed by the district  
6       court, pending such appeal.

Page 339, insert after line 24 the following:

7       **PART 5—REQUIREMENTS FOR REDISTRICTING**  
8       **CARRIED OUT PURSUANT TO 2020 CENSUS**  
9       **Subpart A—Application of Certain Requirements for**  
10      **Redistricting Carried Out Pursuant to 2020 Census**  
11      **SEC. 2441. APPLICATION OF CERTAIN REQUIREMENTS FOR**  
12                      **REDISTRICTING CARRIED OUT PURSUANT TO**  
13                      **2020 CENSUS.**

14       Notwithstanding section 2435, parts 1, 3, and 4 of  
15       this subtitle and the amendments made by such parts shall  
16       apply with respect to congressional redistricting carried  
17       out pursuant to the decennial census conducted during  
18       2020 in the same manner as such parts and the amend-  
19       ments made by such parts apply with respect to redis-  
20       tricting carried out pursuant to the decennial census con-  
21       ducted during 2030, except as follows:

22               (1) Except as provided in subsection (c) and  
23       subsection (d) of section 2401, the redistricting shall  
24       be conducted in accordance with—



1 (A) the redistricting plan developed and  
2 enacted into law by the independent redistricting  
3 commission established in the State in  
4 accordance with subpart B; or

5 (B) if a plan developed by such commission  
6 is not enacted into law, the redistricting plan  
7 developed and enacted into law by a 3-judge  
8 court in accordance with section 2421.

9 (2) If any of the triggering events described in  
10 section 2442 occur with respect to the State, the  
11 United States district court for the applicable venue  
12 shall develop and publish the redistricting plan for  
13 the State, in accordance with section 2421, not later  
14 than December 15, 2021.

15 (3) For purposes of section 2431(d)(1), the  
16 Election Assistance Commission may not make a  
17 payment to a State under such section until the  
18 State certifies to the Commission that the non-  
19 partisan agency established or designated by a State  
20 under section 2454(a) has, in accordance with section  
21 2452(b)(1), submitted a selection pool to the  
22 Select Committee on Redistricting for the State established  
23 under section 2454(b).

1 **SEC. 2442. TRIGGERING EVENTS.**

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

5 (1) The failure of the State to establish or des-  
6 ignate a nonpartisan agency under section 2454(a)  
7 prior to the expiration of the deadline under section  
8 2454(a)(6).

9 (2) The failure of the State to appoint a Select  
10 Committee on Redistricting under section 2454(b)  
11 prior to the expiration of the deadline under section  
12 2454(b)(4).

13 (3) The failure of the Select Committee on Re-  
14 districting to approve a selection pool under section  
15 2452(b) prior to the expiration of the deadline under  
16 section 2452(b)(7).

17 (4) The failure of the independent redistricting  
18 commission of the State to approve a final redis-  
19 tricting plan for the State under section 2453 prior  
20 to the expiration of the deadline under section  
21 2453(e).

1 **Subpart B—Independent Redistricting Commissions**  
2 **for Redistricting Carried Out Pursuant to 2020**  
3 **Census**

4 **SEC. 2451. USE OF INDEPENDENT REDISTRICTING COMMIS-**  
5 **SIONS FOR REDISTRICTING CARRIED OUT**  
6 **PURSUANT TO 2020 CENSUS.**

7 (a) APPOINTMENT OF MEMBERS.—

8 (1) IN GENERAL.—The nonpartisan agency es-  
9 tablished or designated by a State under section  
10 2454(a) shall establish an independent redistricting  
11 commission under this part for the State, which  
12 shall consist of 15 members appointed by the agency  
13 as follows:

14 (A) Not later than August 5, 2021, the  
15 agency shall, at a public meeting held not ear-  
16 lier than 15 days after notice of the meeting  
17 has been given to the public, first appoint 6  
18 members as follows:

19 (i) The agency shall appoint 2 mem-  
20 bers on a random basis from the majority  
21 category of the approved selection pool (as  
22 described in section 2452(b)(1)(A)).

23 (ii) The agency shall appoint 2 mem-  
24 bers on a random basis from the minority  
25 category of the approved selection pool (as  
26 described in section 2452(b)(1)(B)).

1 (iii) The agency shall appoint 2 mem-  
2 bers on a random basis from the inde-  
3 pendent category of the approved selection  
4 pool (as described in section  
5 2452(b)(1)(C)).

6 (B) Not later than August 15, 2021, the  
7 members appointed by the agency under sub-  
8 paragraph (A) shall, at a public meeting held  
9 not earlier than 15 days after notice of the  
10 meeting has been given to the public, then ap-  
11 point 9 members as follows:

12 (i) The members shall appoint 3 mem-  
13 bers from the majority category of the ap-  
14 proved selection pool (as described in sec-  
15 tion 2452(b)(1)(A)).

16 (ii) The members shall appoint 3  
17 members from the minority category of the  
18 approved selection pool (as described in  
19 section 2452(b)(1)(B)).

20 (iii) The members shall appoint 3  
21 members from the independent category of  
22 the approved selection pool (as described in  
23 section 2452(b)(1)(C)).

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

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

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

24           (3) REMOVAL.—A member of the independent  
25 redistricting commission may be removed by a ma-

1 jority vote of the remaining members of the commis-  
2 sion if it is shown by a preponderance of the evi-  
3 dence that the member is not eligible to serve on the  
4 commission under section 2452(a).

5 (b) PROCEDURES FOR CONDUCTING COMMISSION  
6 BUSINESS.—

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

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

15 (B) at least one member of the commission  
16 appointed from each of the categories of the ap-  
17 proved selection pool described in section  
18 2452(b)(1).

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

21 (c) STAFF; CONTRACTORS.—

22 (1) STAFF.—Under a public application process  
23 in which all application materials are available for  
24 public inspection, the independent redistricting com-  
25 mission of a State under this part shall appoint and

1 set the pay of technical experts, legal counsel, con-  
2 sultants, and such other staff as it considers appro-  
3 priate, subject to State law.

4 (2) CONTRACTORS.—The independent redistricting  
5 commission of a State may enter into such  
6 contracts with vendors as it considers appropriate,  
7 subject to State law, except that any such contract  
8 shall be valid only if approved by the vote of a ma-  
9 jority of the members of the commission, including  
10 at least one member appointed from each of the cat-  
11 egories of the approved selection pool described in  
12 section 2452(b)(1).

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

19 (d) PRESERVATION OF RECORDS.—The State shall  
20 ensure that the records of the independent redistricting  
21 commission are retained in the appropriate State archive  
22 in such manner as may be necessary to enable the State  
23 to respond to any civil action brought with respect to con-  
24 gressional redistricting in the State.

1 **SEC. 2452. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
2 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
3 **OF COMMISSION.**

4 (a) CRITERIA FOR ELIGIBILITY.—

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

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

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

17 (C) The individual submits to the non-  
18 partisan agency established or designated by a  
19 State under section 2453, at such time and in  
20 such form as the agency may require, an appli-  
21 cation for inclusion in the selection pool under  
22 this section, and includes with the application a  
23 written statement, with an attestation under  
24 penalty of perjury, containing the following in-  
25 formation and assurances:



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

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

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

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

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

22 (II) the individual's employment  
23 and educational history.

24 (v) An assurance that the individual  
25 shall commit to carrying out the individ-

1           ual's duties under this subtitle in an hon-  
2           est, independent, and impartial fashion,  
3           and to upholding public confidence in the  
4           integrity of the redistricting process.

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

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

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

20                   (B) The individual or an immediate family  
21          member of the individual serves as an officer of  
22          a political party or as an officer, employee, or  
23          paid consultant of a campaign committee of a  
24          candidate for public office or of any political ac-

1           tion committee (as determined in accordance  
2           with the law of the State).

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

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

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

23          (F) The individual or an immediate family  
24          member of the individual is an agent of a for-  
25          eign principal under the Foreign Agents Reg-

1           istration Act of 1938, as amended (22 U.S.C.  
2           611 et seq.).

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

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

12           (1) IN GENERAL.—Not later than July 15,  
13           2021, the nonpartisan agency established or des-  
14           ignated by a State under section 2454(a) shall de-  
15           velop and submit to the Select Committee on Redis-  
16           tricting for the State established under section  
17           2454(b) a selection pool of 36 individuals who are  
18           eligible to serve as members of the independent re-  
19           districting commission of the State under this part,  
20           consisting of individuals in the following categories:

21           (A) A majority category, consisting of 12  
22           individuals who are affiliated with the political  
23           party whose candidate received the most votes  
24           in the most recent Statewide election for Fed-  
25           eral office held in the State.

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

6 (C) An independent category, consisting of  
7 12 individuals who are not affiliated with either  
8 of the political parties described in subpara-  
9 graph (A) or subparagraph (B).

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

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

23 (B) take into consideration the analytical  
24 skills of the individuals selected in relevant  
25 fields (including mapping, data management,

1 law, community outreach, demography, and the  
2 geography of the State) and their ability to  
3 work on an impartial basis.

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

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

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

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

19          (7) ACTION BY SELECT COMMITTEE.—

20                 (A) IN GENERAL.—Not later than August  
21                 1, 2021, the Select Committee on Redistricting  
22                 shall—

23                         (i) approve the pool as submitted by  
24                         the nonpartisan agency, in which case the  
25                         pool shall be considered the approved selec-

1                   tion pool for purposes of section  
2                   2451(a)(1); or

3                   (ii) reject the pool, in which case the  
4                   redistricting plan for the State shall be de-  
5                   veloped and enacted in accordance with  
6                   part 3.

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

13 **SEC. 2453. CRITERIA FOR REDISTRICTING PLAN; PUBLIC**  
14                   **NOTICE AND INPUT.**

15                  (a) PUBLIC NOTICE AND INPUT.—

16                  (1) USE OF OPEN AND TRANSPARENT PROC-  
17                  ESS.—The independent redistricting commission of a  
18                  State under this part shall hold each of its meetings  
19                  in public, shall solicit and take into consideration  
20                  comments from the public, including proposed maps,  
21                  throughout the process of developing the redis-  
22                  tricting plan for the State, and shall carry out its  
23                  duties in an open and transparent manner which  
24                  provides for the widest public dissemination reason-



1 ably possible of its proposed and final redistricting  
2 plans.

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

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

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

22 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
23 NARY REDISTRICTING PLAN.—

24 (1) IN GENERAL.—Prior to developing and pub-  
25 lishing a final redistricting plan under subsection

1 (c), the independent redistricting commission of a  
2 State under this part shall develop and publish a  
3 preliminary redistricting plan.

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

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

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

22 (C) SUBMISSION OF PLANS AND MAPS BY  
23 MEMBERS OF THE PUBLIC.—Any member of  
24 the public may submit maps or portions of  
25 maps for consideration by the commission.

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

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

18          (5) POST-PUBLICATION HEARINGS.—

19                 (A) 2 HEARINGS REQUIRED.—After pub-  
20                 lishing the preliminary redistricting plan under  
21                 paragraph (3), and not later than 14 days be-  
22                 fore the date of the meeting under subsection  
23                 (c)(2) at which the members of the commission  
24                 shall vote on approving the final redistricting  
25                 plan for enactment into law, the commission

1 shall hold not fewer than 2 public hearings in  
2 different geographic areas of the State at which  
3 members of the public may provide input and  
4 comments regarding the preliminary plan.

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

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

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

24 (1) IN GENERAL.—After taking into consider-  
25 ation comments from the public on any preliminary

1 redistricting plan developed and published under  
2 subsection (b), the independent redistricting commis-  
3 sion of a State under this part shall develop and  
4 publish a final redistricting plan for the State.

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

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

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

18 (B) A report by the commission to accom-  
19 pany the plan which provides the background  
20 for the plan and the commission's reasons for  
21 selecting the plan as the final redistricting plan,  
22 including responses to the public comments re-  
23 ceived on any preliminary redistricting plan de-  
24 veloped and published under subsection (b).

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

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

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

12 (B) at least one member of the commission  
13 appointed from each of the categories of the ap-  
14 proved selection pool described in section  
15 2452(b)(1) approves such final plan.

16 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-  
17 TERNAL METRICS.—The independent redistricting com-  
18 mission of a State under this part shall include with each  
19 redistricting plan developed and published under this sec-  
20 tion a written evaluation that measures each such plan  
21 against external metrics which cover the criteria set forth  
22 section 2403(a), including the impact of the plan on the  
23 ability of communities of color to elect candidates of  
24 choice, measures of partisan fairness using multiple ac-

1 cepted methodologies, and the degree to which the plan  
2 preserves or divides communities of interest.

3 (e) DEADLINE.—The independent redistricting com-  
4 mission of a State under this part shall approve a final  
5 redistricting plan for the State not later than November  
6 15, 2021.

7 **SEC. 2454. ESTABLISHMENT OF RELATED ENTITIES.**

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

10 (1) IN GENERAL.—Each State shall establish a  
11 nonpartisan agency in the legislative branch of the  
12 State government to appoint the members of the  
13 independent redistricting commission for the State  
14 under this part in accordance with section 2451.

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

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

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

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

24 (3) DESIGNATION OF EXISTING AGENCY.—At  
25 its option, a State may designate an existing agency

1 in the legislative branch of its government to appoint  
2 the members of the independent redistricting com-  
3 mission plan for the State under this subtitle, so  
4 long as the agency meets the requirements for non-  
5 partisanship under this subsection.

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

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

19 (6) DEADLINE.—The State shall meet the re-  
20 quirements of this subsection not later than June 1,  
21 2021.

22 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
23 DISTRICTING.—

24 (1) IN GENERAL.—Each State shall appoint a  
25 Select Committee on Redistricting to approve or dis-



1 approve a selection pool developed by the inde-  
2 pendent redistricting commission for the State under  
3 this part under section 2452.

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

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

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

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

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

23 (3) SPECIAL RULE FOR STATES WITH UNICAM-  
24 ERAL LEGISLATURE.—In the case of a State with a  
25 unicameral legislature, the Select Committee on Re-

1        districting for the State under this subsection shall  
2        consist of the following members:

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

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

15                (4) DEADLINE.—The State shall meet the re-  
16                quirements of this subsection not later than June  
17                15, 2021.

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

1 **SEC. 2455. REPORT ON DIVERSITY OF MEMBERSHIPS OF**  
2 **INDEPENDENT REDISTRICTING COMMIS-**  
3 **SIONS.**

4 Not later than November 15, 2021, the Comptroller  
5 General of the United States shall submit to Congress a  
6 report on the extent to which the memberships of inde-  
7 pendent redistricting commissions for States established  
8 under this part with respect to the immediately preceding  
9 year ending in the numeral zero meet the diversity require-  
10 ments as provided for in sections 2451(a)(2)(B) and  
11 2452(b)(2).

Page 345, insert after line 17 the following (and re-  
designate the succeeding provision accordingly):

12 **Subtitle I—Findings Relating to**  
13 **Youth Voting**

14 **SEC. 2801. FINDINGS RELATING TO YOUTH VOTING.**

15 Congress finds the following:

16 (1) The right to vote is a fundamental right of  
17 citizens of the United States.

18 (2) The twenty-sixth amendment of the United  
19 States Constitution guarantees that “The right of  
20 citizens of the United States, who are eighteen years  
21 of age or older, to vote shall not be denied or  
22 abridged by the United States or by any State on  
23 account of age.”.

1           (3) The twenty-sixth amendment of the United  
2 States Constitution grants Congress the power to  
3 enforce the amendment by appropriate legislation.

4           (4) The language of the twenty-sixth amend-  
5 ment closely mirrors that of the fifteenth amend-  
6 ment and the nineteenth amendment. Like those  
7 amendments, the twenty-sixth amendment not only  
8 prohibits denial of the right to vote but also pro-  
9 hibits any actions that abridge the right to vote.

10          (5) Youth voter suppression undercuts partici-  
11 pation in our democracy by introducing arduous ob-  
12 stacles to new voters and discouraging a culture of  
13 democratic engagement.

14          (6) Voting is habit forming, and allowing youth  
15 voters unobstructed access to voting ensures that  
16 more Americans will start a life-long habit of voting  
17 as soon as possible.

18          (7) Youth voter suppression is a clear, per-  
19 sistent, and growing problem. The actions of States  
20 and political subdivisions resulting in at least four  
21 findings of twenty-sixth amendment violations as  
22 well as pending litigation demonstrate the need for  
23 Congress to take action to enforce the twenty-sixth  
24 amendment.

1           (8) In *League of Women Voters of Florida, Inc.*  
2           *v. Detzner* (2018), the United States District Court  
3           in the Northern District of Florida found that the  
4           Secretary of State's actions that prevented in-person  
5           early voting sites from being located on university  
6           property revealed a stark pattern of discrimination  
7           that was unexplainable on grounds other than age  
8           and thus violated university students' twenty-sixth  
9           Amendment rights.

10           (9) In 2019, Michigan agreed to a settlement to  
11           enhance college-age voters' access after a twenty-  
12           sixth amendment challenge was filed in federal  
13           court. The challenge prompted the removal of a  
14           Michigan voting law which required first time voters  
15           who registered by mail or through a third-party  
16           voter registration drive to vote in person for the first  
17           time, as well as the removal of another law which re-  
18           quired the address listed on a voter's driver license  
19           to match the address listed on their voter registra-  
20           tion card.

21           (10) Youth voter suppression tactics are often  
22           linked to other tactics aimed at minority voters. For  
23           example, students at Prairie View A&M University  
24           (PVAMU), a historically black university in Texas,  
25           have been the targets of voter suppression tactics for

1 decades. Before the 2018 election, PVAMU students  
2 sued Waller County on the basis of both racial and  
3 age discrimination over the County’s failure to en-  
4 sure equal early voting opportunities for students,  
5 spurring the County to reverse course and expand  
6 early voting access for students.

7 (11) The more than 25 million United States  
8 citizens ages 18-24 deserve equal opportunity to par-  
9 ticipate in the electoral process as guaranteed by the  
10 twenty-sixth amendment.

Page 447, line 9, strike “paid”.

Page 447, strike lines 19 through 23 and insert the  
following:

11 “(ii) which promotes, supports, at-  
12 tacks, or opposes the nomination or Senate  
13 confirmation of an individual as a Federal  
14 judge or justice.”.

Page 448, insert after line 6 the following (and re-  
designate the succeeding provision accordingly):

15 “(3) EXCEPTION.—The term ‘campaign-related  
16 disbursement’ does not include any news story, com-  
17 mentary, or editorial distributed through the facili-  
18 ties of any broadcasting station or any print, online,  
19 or digital newspaper, magazine, publication, or peri-

1        odical, unless such facilities are owned or controlled  
2        by any political party, political committee, or can-  
3        didate.”.

Page 457, line 11, insert “or lawfulness” after “con-  
stitutionality”.

Page 458, line 2, strike “the District of Columbia,  
the Court of Appeals for the District of Columbia Circuit,  
and the Supreme Court of the United States” and insert  
“the District of Columbia and the Court of Appeals for  
the District of Columbia Circuit”.

Page 458, insert after line 7 the following (and re-  
designate the succeeding provisions accordingly):

4        “(b) CLARIFYING SCOPE OF JURISDICTION.—If an  
5        action at the time of its commencement is not subject to  
6        subsection (a), but an amendment, counterclaim, cross-  
7        claim, affirmative defense, or any other pleading or motion  
8        is filed challenging, whether facially or as-applied, the con-  
9        stitutionality or lawfulness of this Act or of chapter 95  
10       or 96 of the Internal Revenue Code of 1986, or is brought  
11       to with respect to any action of the Commission under  
12       chapter 95 or 96 of the Internal Revenue Code of 1986,  
13       the district court shall transfer the action to the District  
14       Court for the District of Columbia, and the action shall  
15       thereafter be conducted pursuant to subsection (a).”.

Page 459, insert after line 16 the following (and re-designate the succeeding provision accordingly:

1           (3) Section 310 of the Federal Election Cam-  
2           paign Act of 1971 (52 U.S.C. 30110) is repealed.

Page 484, insert after line 16 the following:

3 **SEC. 4211. REQUIRING ONLINE PLATFORMS TO DISPLAY**  
4           **NOTICES IDENTIFYING SPONSORS OF POLIT-**  
5           **ICAL ADVERTISEMENTS AND TO ENSURE NO-**  
6           **TICES CONTINUE TO BE PRESENT WHEN AD-**  
7           **VERTISEMENTS ARE SHARED.**

8           (a) REQUIREMENT.—Section 304 of the Federal  
9 Election Campaign Act of 1971 (52 U.S.C. 30104), as  
10 amended by section 4002 and section 4208(a), is amended  
11 by adding at the end the following new subsection:

12           “(1) ENSURING DISPLAY AND SHARING OF SPONSOR  
13 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-  
14 MENTS.—

15           “(1) REQUIREMENT.— An online platform dis-  
16           playing a qualified political advertisement shall—

17           “(A) display with the advertisement a visi-  
18           ble notice identifying the sponsor of the adver-  
19           tisement (or, if it is not practical for the plat-  
20           form to display such a notice, a notice that the



1 advertisement is sponsored by a person other  
2 than the platform); and

3 “(B) ensure that the notice will continue to  
4 be displayed if a viewer of the advertisement  
5 shares the advertisement with others on that  
6 platform.

7 “(2) DEFINITIONS.—In this subsection,—

8 “(A) the term ‘online platform’ has the  
9 meaning given such term in subsection (k)(3);  
10 and

11 “(B) the term ‘qualified political advertise-  
12 ment’ has the meaning given such term in sub-  
13 section (k)(4).”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall apply with respect to advertisements  
16 displayed on or after the 120-day period which begins on  
17 the date of the enactment of this Act.

Page 505, insert after line 15 the following:

18 **SEC. 4404. CLARIFICATION OF APPLICATION OF FOREIGN**  
19 **MONEY BAN.**

20 (a) CLARIFICATION OF TREATMENT OF PROVISION  
21 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-  
22 TION OF A THING OF VALUE.—Section 319 of the Federal  
23 Election Campaign Act of 1971 (52 U.S.C. 30121), as  
24 amended by section 4101(a), section 4101(b), section

1 4209, section 4401, and section 4403, is amended by add-  
2 ing at the end the following new subsection:

3 “(h) CLARIFICATION OF TREATMENT OF PROVISION  
4 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-  
5 TION OF A THING OF VALUE.—For purposes of this sec-  
6 tion, a ‘contribution or donation of money or other thing  
7 of value’ includes the provision of opposition research,  
8 polling, or other non-public information relating to a can-  
9 didate for election for a Federal, State, or local office for  
10 the purpose of influencing the election, regardless of  
11 whether such research, polling, or information has mone-  
12 tary value, except that nothing in this subsection shall be  
13 construed to treat the mere provision of an opinion about  
14 a candidate as a thing of value for purposes of this sec-  
15 tion.”.

16 (b) CLARIFICATION OF APPLICATION OF FOREIGN  
17 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS  
18 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF  
19 CONTRIBUTIONS AND DONATIONS OF THINGS OF  
20 VALUE.—Section 319(a) of such Act (52 U.S.C.  
21 30121(a)) is amended—

22 (1) in paragraph (1)(A), by striking “promise  
23 to make a contribution or donation” and inserting  
24 “promise to make such a contribution or donation”;

1           (2) in paragraph (1)(B), by striking “donation”  
2           and inserting “donation of money or other thing of  
3           value, or to make an express or implied promise to  
4           make such a contribution or donation,”; and

5           (3) by amending paragraph (2) to read as fol-  
6           lows:

7           “(2) a person to solicit, accept, or receive (di-  
8           rectly or indirectly) a contribution, donation, or dis-  
9           bursement described in paragraph (1), or to solicit,  
10          accept, or receive (directly or indirectly) an express  
11          or implied promise to make such a contribution or  
12          donation, from a foreign national.”.

Strike part 2 of subtitle E of title IV (and redesignate the succeeding provisions accordingly).

Page 515, line 9, strike “116-\_\_\_\_\_” and insert “116-260”.

Amend section 4502 to read as follows:

13 **SEC. 4502. REPEAL OF REGULATIONS.**

14          The final regulations of the Department of the Treas-  
15          ury relating to guidance under section 6033 of the Inter-  
16          nal Revenue Code of 1986 regarding the reporting require-  
17          ments of exempt organizations (published at 85 Fed. Reg.  
18          31959 (May 28, 2020)) shall have no force and effect.

Page 515, line 25, strike “116-\_\_\_\_\_” and insert “116-260”.

Page 517, line 3, strike “shall not be considered to meet” and insert “shall not be subject to”.

Page 521, insert after line 21 the following:

1 **SEC. 4603. GOVERNANCE AND OPERATIONS OF CORPORATE**

2 **PACS.**

3 (a) ASSESSMENT OF GOVERNANCE.—Section 316 of  
4 the Federal Election Campaign Act of 1971 (52 U.S.C.  
5 30118) is amended by adding at the end the following new  
6 subsection:

7 “(d) ASSESSMENT OF GOVERNANCE.—The Commis-  
8 sion shall, on an ongoing basis, collect information on the  
9 governance of the separate segregated funds of corpora-  
10 tions under this section, using the most recent statements  
11 of organization provided by such funds under section  
12 303(a), including information on the following:

13 “(1) The extent to which such funds have by-  
14 laws which govern their operations.

15 “(2) The extent to which those funds which  
16 have by-laws which govern their operations use a  
17 board of directors to oversee the operation of the  
18 fund.

1           “(3) The characteristics of those individuals  
2           who serve on boards of directors which oversee the  
3           operations of such funds, including the relation of  
4           such individuals to the corporation.”.

5           (b) ANALYSIS OF DONORS.—

6           (1) ANALYSIS.—The Federal Election Commis-  
7           sion shall conduct an analysis of the composition of  
8           the base of donors to separate segregated funds of  
9           corporations under section 316 of the Federal Elec-  
10          tion Campaign Act of 1971 (52 U.S.C. 30118).

11          (2) REPORT.—Not later than 180 days after  
12          the date of the enactment of this Act, the Commis-  
13          sion shall submit to Congress a report on the anal-  
14          ysis conducted under paragraph (1), and shall ini-  
15          tiate the promulgation of a regulation to establish a  
16          new designation and classification of such separate  
17          segregated funds.

Page 522, line 9, strike “116-\_\_\_\_\_” and insert  
“116-260”.

Page 573, line 16, strike “shall elect, in accordance  
with section 304(b)(3)(A), to include” and insert “shall,  
in accordance with section 304(b)(3)(A), include”.

Page 640, line 22, strike “subparagraph (E)” and  
insert “subparagraph (D)”.

Page 646, line 25, strike “2024” and insert “2022”.

Page 651, line 12, strike “2024” and insert “2022”.

Page 651, line 19, strike “2024” and insert “2022”.

Page 660, line 5, strike “and”.

Page 661, line 12, strike lines 12 and 13.

Page 664, line 11, strike “2020” and insert “2021”.

Page 666, line 6, strike “2024” and insert “2022”.

Page 666, line 12, strike “2023” and insert “2021”.

Page 666, line 18, strike “2023” and insert “2021”.

Page 667, line 25, strike “section 4431” and insert  
“section 4421”.

