

Model Legislation for Transparency of Redistricting Process

TRANSPARENCY IN THE REDISTRICTING PROCESS

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) Short Title- This Act may be cited as the ‘Redistricting Transparency Act of 2010.’

(b) Definitions

- (1) “Redistricting Entity” – the state authority or authorities that have responsibility under State law for drafting, adopting or enacting Congressional or state legislative redistricting plans.
- (2) “Meeting” – any interaction, meeting, or discussion concerning redistricting during which a quorum of the Redistricting Entity, as defined by State law, are in attendance.
- (3) “Agenda” – a comprehensive listing of the topics that will be discussed at Redistricting Entity meetings, including times, planned speakers, and any other pertinent information.

SEC. 2. PURPOSE.

The Redistricting Entity shall: (1) establish an open and transparent process for developing Congressional and state legislative redistricting plans; (2) ensure full public participation in and comment on all stages of the redistricting process; and (3) conduct itself with integrity and fairness.

SEC. 3. REQUIREMENTS FOR MAKING DATA AVAILABLE.

(a) **BEFORE THE CENSUS DATA ARE RELEASED.** The Redistricting Entity shall develop and maintain a public Internet site that will allow members of the public to monitor and comment on the Redistricting Entity’s work. This Internet site shall be fully functional and accessible by members of the general public at

least 30 days before the U.S. Census Bureau provides the State with selected decennial census tabulations pursuant to Public Law 94-171.

(b) AFTER THE CENSUS DATA ARE RELEASED. Within fourteen days after the United States Bureau of the Census provides the State with selected decennial data tabulations pursuant to P.L. 94-171, the Redistricting Entity shall:

(1) promptly post on a public Internet site:

- (A) Precinct-level data containing voter registration and election returns;
- (B) Census tract-level data on voter registration and election returns;
- (C) Detailed maps reflecting the data provided in subsections (b)(1)(A) and (B);
- (D) Interactive software that enables a person to design congressional and state legislative districts that meet criteria established by law; and
- (E) Information and tutorials on creating and submitting a proposed plan developed pursuant to subsection (D) or by other means to the Redistricting Entity.

(c) **DUTY TO UPDATE INTERNET SITE.** The Redistricting Entity shall take all actions necessary to ensure that the public Internet site is updated continuously to provide advance notice of Redistricting Entity meetings and to otherwise provide timely information on the activities of the Redistricting Entity.

SEC. 4. POST-CENSUS PUBLIC NOTICE AND HEARINGS; SOLICITATION OF PUBLIC COMMENT.

(a) POST-CENSUS PUBLIC HEARINGS; SOLICITATION OF COMMENT FROM PUBLIC. Within sixty (60) days after the United States Bureau of the Census provides the state with selected decennial data tabulations pursuant to P.L. 94-171 , the Redistricting Entity shall solicit public input in developing the State's redistricting plans for congressional and legislative districts by: publicizing and holding hearings in representative geographic regions of the State at which

members of the public may provide comments; and establishing a procedure through which members of the public can provide comments through the Redistricting Entity Internet site and other methods. The Redistricting Entity shall broadcast each public hearing live on its Internet site, if practicable, and in any event, within 7 days of a public hearing, shall produce a written transcript of the hearing and post such transcript on its Internet site. The Redistricting Entity shall also post any written comments received by the public on its Internet site within 48 hours upon receipt of such comments. Within sixty (60) days after the United States Bureau of the Census provides the state with selected decennial data tabulations pursuant to P.L. 94-171, the Redistricting Entity shall also identify and make public by posting on its website established pursuant to Section 3(a) above, all redistricting criteria that will be utilized by the Redistricting Entity in adopting a final plan.

(b) SOLICITATION OF PUBLIC SUBMISSION OF PLANS. The Redistricting Entity shall encourage the public submission of redistricting plans, both partial and complete, through its Internet site and other proposed methods, and shall post all plans received on its Internet site. When practicable, the Redistricting Entity shall consider each and every plan submitted to it.

SEC. 5. PUBLIC NOTICE OF PLANS PRIOR TO SUBMISSION TO LEGISLATURE; SOLICITATION OF PUBLIC COMMENT.

(a) PUBLIC NOTICE. At least 21 days prior to adopting a final redistricting plan, the Redistricting Entity shall post on its Internet site and, if practicable, cause to have published in newspapers of general circulation throughout the State, the following information:

- (1) A detailed version of the proposed final plan, including a map showing each Congressional and state legislative district established under the plan and the voting age population by race of each such district;

(2) Where practicable, a description of all redistricting plans submitted by the public;

(3) A statement explaining why the districts were drawn by the Redistricting Entity as they were and explaining how the adoption of the plan will best serve the public interest;

(4) Any dissenting statements of any members of the Redistricting Entity who did not approve of the proposed final plan;

(5) Information on how to submit public comment to the Redistricting Entity regarding the plan and

(6) Where practicable, a detailed statement explaining why other proposed plans submitted and pursuant to Section 4(b) above were rejected.

(b) PUBLIC COMMENT. At least 14 days prior to adopting a final redistricting plan, the Redistricting Entity shall solicit comments from the public regarding the plan either by publicizing and holding public meetings at which members of the public may provide comment, or by establishing a procedure by which the public can submit written comments through the Redistricting Entity Internet site and other methods. The Redistricting Entity shall post any written comments received by the public regarding the plan on its Internet site within 48 hours upon receipt of such comments.

(c) AMENDMENTS. If, in response to public comment or for any other reason, the Redistricting Entity amends its plan or drafts a new plan, the Redistricting Entity shall again provide public notice and solicit public comment regarding the amended or new plan pursuant to subsections (a) and (b), unless so doing would cause the Redistricting Entity to violate a deadline established by state law.

(d) RESTRICTION ON REDISTRICTING PLANS ADOPTED. The Redistricting Entity shall not adopt any redistricting plan for final approval or enactment unless and until such plan has been subject to the public notice and comment process outlined in this section.

SEC. 6. PUBLIC NOTICE OF PLANS PRIOR TO ENACTMENT.

Within 7 days after any redistricting plan is adopted or enacted by the Redistricting Entity, the Redistricting Entity shall post on its public Internet site:

(a) A detailed report justifying the adopted plan and explaining specifically how the plan, and each district within such plan, serves the public interest. The Redistricting Entity shall also publish on its public Internet site any dissenting statements of any members of the Redistricting Entity.

(b) The final redistricting maps showing each Congressional and state legislative district established under the plan, and a report showing the total population, the voting age population by race or membership in a language minority group, of each such district in the plan. If the state maintains registered voter data by race and/or membership in a language minority group, the report under this section shall also include those registered voter data for each district in the adopted final plan.

SEC. 7. ENFORCEMENT.

(a) JURISDICTION. The State Supreme Court has original and exclusive state-court jurisdiction to hear and decide all challenges to the Commission's actions, including the Redistricting Entity's adoption of a final redistricting plan for Congress or either house of the state legislature.

(b) PETITIONS FOR REVIEW. Within thirty days after the State has enacted a redistricting plan, any resident of the State may petition the State Supreme Court to invalidate that plan on any valid legal grounds, including that the Redistricting

Entity did not comply with the notice and comment requirements of this [section/
title].

(c) **EXPEDITED REVIEW.** The State Supreme Court shall give priority to petitions filed under this section, and shall advance on the docket and expedite to the greatest possible extent the disposition of the case.

SEC. 8. EFFECTIVE DATE. This law shall be effective upon passage.