

Fair Representation and Districting Act of 2025

Draft Bill

117th CONGRESS

1st Session

H. R. ____

To establish a uniform methodology for political redistricting to be used in all States, ensuring that congressional and state legislative districts separate urban and rural areas, preserve municipal boundaries wherever feasible, and reflect proportional representation based on the most recent presidential election, without the use of compensatory seats.

IN THE HOUSE OF REPRESENTATIVES

Mr./Ms. _____ introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “**Fair Representation and Districting Act of 2025.**”

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

1. Article I, Section 4 of the Constitution grants Congress the authority to regulate the manner of congressional elections;
2. The Supreme Court has affirmed in *Wesberry v. Sanders* (376 U.S. 1, 1964) the principle of “one person, one vote”;
3. Partisan gerrymandering and disregard for municipal boundaries have undermined public confidence in the integrity of elections;

4. Ensuring proportional representation of political viewpoints in line with the presidential vote provides a transparent and uniform baseline of fairness; and
 5. Separating urban and rural areas into distinct districts where feasible respects communities of interest and enhances representational effectiveness.
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SEC. 2A. CONSTITUTIONAL AUTHORITY AND JUSTIFICATION.

(a) Compliance with *Wesberry v. Sanders*.

1. The redistricting methodology established under this Act requires that districts contain substantially equal populations, thereby fully satisfying the “one person, one vote” mandate articulated by the Supreme Court in *Wesberry v. Sanders*, 376 U.S. 1 (1964).
2. Nothing in this Act permits deviation from equal population requirements; proportional representation is achieved only within the confines of population equality.

(b) Authority under the Elections Clause.

1. Article I, Section 4 of the Constitution explicitly provides: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.”
2. This Act constitutes an exercise of Congress’s power to regulate the “Manner” of congressional elections by prescribing neutral, uniform standards to guide district construction.
3. Although the Elections Clause grants Congress authority only over congressional elections, States are encouraged to apply the same methodology to state legislative districts, and Congress may incentivize such adoption through grants, election support funds, or other constitutional means.

(c) Compatibility with *Rucho v. Common Cause*.

1. In *Rucho v. Common Cause*, 588 U.S. ____ (2019), the Court held that claims of partisan gerrymandering are nonjusticiable because no “discernible and manageable standard” existed for federal courts to apply.
2. This Act directly addresses that concern by establishing a clear, uniform, and congressionally mandated standard: (i) urban-rural separation, (ii) municipal boundary preservation, and (iii) proportional allocation based on the presidential vote.

3. By supplying a legislatively defined standard, Congress eliminates the judicial manageability problem identified in *Rucho*, while remaining within its Elections Clause authority.

(d) **Respect for Federalism.**

1. This Act leaves to State Commissions the detailed implementation of district maps, preserving local discretion while enforcing constitutional equality and proportionality requirements.
 2. The Act does not abolish State prerogatives but rather provides a federal framework to ensure that congressional elections are conducted fairly, transparently, and consistently across the Union.
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SEC. 3. DEFINITIONS.

For purposes of this Act:

1. **Urban area** means any census-defined urbanized area or urban cluster.
 2. **Rural area** means all areas not defined as urban.
 3. **Municipal boundary** means the incorporated limits of a city, town, or village recognized by State law.
 4. **Presidential vote share** means the percentage of total votes cast in the State for each political party's candidate in the most recent presidential election certified by the Federal Election Commission.
 5. **Districting Commission** means the independent body established by each State under section 4 to implement this Act.
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SEC. 4. STATE DISTRICTING COMMISSIONS.

(a) **Establishment.** Each State shall establish an independent, nonpartisan Districting Commission consisting of—

1. Five members appointed by lot from a pool of qualified applicants screened for partisan balance;
2. No member may have held elective office, party leadership, or campaign employment within the preceding five years.

(b) **Duties.** The Commission shall—

1. Draw congressional districts consistent with this Act;
 2. Hold public hearings and provide draft maps for public comment;
 3. Certify final maps by majority vote.
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SEC. 5. REDISTRICTING METHODOLOGY.

(a) **Urban–Rural Separation.** To the maximum extent practicable, congressional and state legislative districts shall not combine census-defined urban and rural areas in the same district, except where population equality or municipal boundary preservation makes separation infeasible.

(b) **Municipal Boundary Preservation.** District lines shall conform to existing municipal boundaries whenever feasible, unless doing so would violate equal population requirements or proportional representation standards under subsection (c).

(c) **Proportional Representation by Presidential Vote.**

1. Each party’s statewide allocation of congressional seats shall be proportionate to its share of the most recent presidential vote in that State.
2. The Commission shall use a seat allocation formula based on the Jefferson/D’Hondt highest averages method applied to statewide presidential vote totals.
3. No compensatory or at-large seats shall be created; proportionality must be achieved solely through district design.

(d) **Compactness and Contiguity.** All districts must be geographically contiguous and reasonably compact.

(e) **Population Equality.** Congressional districts must be drawn to achieve as nearly equal population as practicable.

SEC. 6. JUDICIAL REVIEW AND ENFORCEMENT.

(a) **Review.** Final maps adopted by a State Districting Commission shall be subject to judicial review in the U.S. District Court for the District of Columbia, which shall have exclusive jurisdiction.

(b) **Remedies.** If a plan fails to meet the requirements of this Act, the Court shall remand the plan to the State Commission for correction.

SEC. 7. SEVERABILITY.

If any provision of this Act is held unconstitutional, the remainder shall not be affected.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect for redistricting conducted after the decennial census of 2030.