

117TH CONGRESS  
1ST SESSION

# H. R. 100

To require the use of independent nonpartisan commissions to carry out congressional redistricting and to require States to hold open primaries for elections for Federal office.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. FITZPATRICK (for himself and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the use of independent nonpartisan commissions to carry out congressional redistricting and to require States to hold open primaries for elections for Federal office.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Citizen Legislature  
5 Anti-Corruption Reform of Elections Act” or the  
6 “CLEAN Elections Act”.

1 **SEC. 2. REQUIRING USE OF INDEPENDENT NONPARTISAN**  
2 **COMMISSIONS TO CARRY OUT REDIS-**  
3 **TRICTING.**

4 (a) REQUIREMENT.—

5 (1) CONGRESSIONAL REDISTRICTING.—Each  
6 State shall conduct Congressional redistricting (be-  
7 ginning with the redistricting carried out pursuant  
8 to the decennial census conducted during 2020) in  
9 accordance with a redistricting plan developed by a  
10 nonpartisan independent redistricting commission.

11 (2) REDISTRICTING FOR STATE LEGISLATIVE  
12 DISTRICTS.—Notwithstanding any other provision of  
13 law, a State may not use any funds provided by the  
14 Federal Government directly for election administra-  
15 tion purposes unless the State certifies to the Elec-  
16 tion Assistance Commission that the State conducts  
17 redistricting for State legislative districts in the  
18 State (beginning with the first such redistricting  
19 carried out after the date of the enactment of this  
20 Act) in accordance with a redistricting plan devel-  
21 oped by a nonpartisan independent redistricting  
22 commission.

23 (b) NONPARTISAN INDEPENDENT STATUS.—For  
24 purposes of this section, a commission shall be considered  
25 to be a nonpartisan independent commission if—

1           (1) the number of its members who are affili-  
 2           ated with the political party with the largest percent-  
 3           age of the registered voters in the State who are af-  
 4           filiated with a political party (as determined with re-  
 5           spect to the most recent Statewide election for Fed-  
 6           eral office held in the State for which such informa-  
 7           tion is available) is equal to the number of its mem-  
 8           bers who are affiliated with the political party with  
 9           the second largest percentage of the registered vot-  
 10          ers in the State who are affiliated with a political  
 11          party (as so determined); and

12          (2) none of its members is an elected public of-  
 13          ficial.

14          (c) STATE DEFINED.—In this section, the term  
 15          “State” means each of the several States.

16 **SEC. 3. REQUIRING OPEN PRIMARIES.**

17          (a) IN GENERAL.—

18           (1) ELECTIONS FOR FEDERAL OFFICE.—Each  
 19           State shall hold open primaries for elections for Fed-  
 20           eral office held in the State.

21           (2) ELECTIONS FOR STATE AND LOCAL OF-  
 22           FICE.—Notwithstanding any other provision of law,  
 23           a State may not use any funds provided by the Fed-  
 24           eral Government directly for election administration  
 25           purposes unless the State certifies to the Election

1 Assistance Commission that the State holds open  
2 primaries for elections for State and local office.

3 (b) OPEN PRIMARIES DESCRIBED.—For purposes of  
4 this section, a State holds open primaries for an election  
5 for an office if any individual who is registered to vote  
6 in a general election for such office in the State may cast  
7 a ballot in any primary election (including a primary elec-  
8 tion held for the selection of delegates to a national nomi-  
9 nating convention of a political party and a primary elec-  
10 tion held for the expression of a preference for the nomina-  
11 tion of individuals for election to the office of President)  
12 held by any political party to nominate candidates for elec-  
13 tion for that office, including a convention or caucus of  
14 a political party which has authority to nominate a can-  
15 didate.

16 (c) STATE DEFINED.—In this section, the term  
17 “State” has the meaning given such term in section 901  
18 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

19 (d) EFFECTIVE DATE.—Subsection (a) shall apply  
20 with respect to elections held after the date of the enact-  
21 ment of this Act.

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