



MICHAEL BENNET
U.S. SENATOR *for* COLORADO

Summary of Fair Maps Act of 2018

The *Fair Maps Act of 2018* prohibits partisan gerrymandering—the only federal legislation to do this explicitly—to ensure congressional districting plans result in fair, effective, and accountable representation for all people in the United States. To enforce this prohibition, the bill provides standing to every eligible voter to challenge maps that unduly favor a particular political party. It also provides guidance to courts and map-makers on how to fix gerrymandered maps.

Prohibits Partisan Gerrymandering

The bill explicitly prohibits states from establishing congressional districting plans that have the purpose or effect of unduly favoring or disfavoring a political party.

Creates Standing to Challenge Maps

The bill creates a private cause of action for voters to challenge their state's gerrymandered map.

Establishes Baseline Criteria for Map-drawing

The bill provides guidance to map-makers on what criteria they can and cannot use to avoid partisan gerrymandering. Specifically, congressional maps must comply with the Constitution's requirement that all districts must be nearly equal in population and with the *Voting Rights Act's* prohibition on racial gerrymandering. A state cannot use past political performance—including political party registration, voting history, election results, and residence of political incumbents—unless such information is used to avoid a partisan gerrymander. States may adopt additional criteria, including respect for geographic contiguity and communities of interest, as long as those criteria are not used to create a partisan gerrymander.

Provides Guidance to Courts to Fix Gerrymandered Maps

The bill provides courts guidance on what evidence to consider in determining whether a map is gerrymandered for political purposes and establishes remedies when maps are found to unduly favor one political party. The bill creates a rebuttable presumption of validity for maps drawn by nonpartisan or bipartisan commissions and are approved by members of more than one political party.

Preserves State Redistricting Reforms

The bill preserves states' rights to determine their own redistricting processes, as long as they do not conflict with the bill's prohibition on partisan gerrymandering. The bill does not prevent states from adopting additional redistricting criteria or creating their own cause of action.