



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0021

Introduced , by Rep. Steven A. Andersson

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 2

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution concerning redistricting. Contains provisions relating to division of Senators into 3 groups for assignment of terms, Representative Districts being decoupled from Legislative Districts, appointment of a Temporary Redistricting Advisory Commission, criteria for redistricting plans, approval of plans by Senate and House resolutions, appointment of Special Masters, and other matters. Effective upon being declared adopted.

LRB100 07428 RJF 17492 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
4 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE
5 CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to amend Sections 2 and 3 of
9 Article IV of the Illinois Constitution as follows:

10 ARTICLE IV
11 THE LEGISLATURE

12 (IILCON Art. IV, Sec. 2)

13 SECTION 2. LEGISLATIVE COMPOSITION

14 (a) One Senator shall be elected from each Legislative
15 District. Immediately following each decennial redistricting,
16 the General Assembly ~~by law~~ shall divide the Legislative
17 Districts as equally as possible into three groups. Senators
18 from one group shall be elected for terms of four years, four
19 years and two years; Senators from the second group, for terms
20 of four years, two years and four years; and Senators from the
21 third group, for terms of two years, four years and four years.
22 The Legislative Districts in each group shall be distributed
23 substantially equally over the State.

1 (b) ~~Each Legislative District shall be divided into two~~
2 ~~Representative Districts.~~ In 1982 and every two years
3 thereafter one Representative shall be elected from each
4 Representative District for a term of two years.

5 (c) To be eligible to serve as a member of the General
6 Assembly, a person must be a United States citizen, at least 21
7 years old, and for the two years preceding his election or
8 appointment a resident of the district which he is to
9 represent. In the general election following a redistricting, a
10 candidate for the General Assembly may be elected from any
11 district which contains a part of the district in which he
12 resided at the time of the redistricting and reelected if a
13 resident of the new district he represents for 18 months prior
14 to reelection.

15 (d) Within thirty days after a vacancy occurs, it shall be
16 filled by appointment as provided by law. If the vacancy is in
17 a Senatorial office with more than twenty-eight months
18 remaining in the term, the appointed Senator shall serve until
19 the next general election, at which time a Senator shall be
20 elected to serve for the remainder of the term. If the vacancy
21 is in a Representative office or in any other Senatorial
22 office, the appointment shall be for the remainder of the term.
23 An appointee to fill a vacancy shall be a member of the same
24 political party as the person he succeeds.

25 (e) No member of the General Assembly shall receive
26 compensation as a public officer or employee from any other

1 governmental entity for time during which he is in attendance
2 as a member of the General Assembly.

3 No member of the General Assembly during the term for which
4 he was elected or appointed shall be appointed to a public
5 office which shall have been created or the compensation for
6 which shall have been increased by the General Assembly during
7 that term.

8 (Source: Amendment adopted at general election November 4,
9 1980.)

10 (ILCON Art. IV, Sec. 3)

11 SECTION 3. LEGISLATIVE REDISTRICTING

12 (a) On the second Tuesday in February in the year following
13 each Federal decennial census year, the President of the
14 Senate, the Minority Leader of the Senate, the Speaker of the
15 House of Representatives, and the Minority Leader of the House
16 of Representatives may each, considering the diversity of the
17 State, appoint two members to the Temporary Redistricting
18 Advisory Commission. On or before the second Tuesday in March
19 of that year, one additional member shall be elected by a
20 majority of the members appointed, and that member shall serve
21 as Chair. Members of the Temporary Redistricting Advisory
22 Commission shall not be eligible to be elected to the General
23 Assembly or appointed to any office that is subject to
24 confirmation by the Senate for ten years after completion of
25 service on the Temporary Redistricting Advisory Commission. No

1 person may serve as a member of the Temporary Redistricting
2 Advisory Commission who is at the time of appointment, becomes
3 at any time during service, or who was at any time during the
4 preceding four years (i) a registered lobbyist in Illinois;
5 (ii) an employee or contractor of the State of Illinois; (iii)
6 an elected official of or a candidate for or appointed member
7 of any elected body of: the federal government, the State, a
8 unit of local government, a school district, or a political
9 party; or (iv) an immediate family member of any of the
10 foregoing. As used in this Section, "immediate family member"
11 is a person with whom the person has a bona fide relationship
12 established through close blood or legal kinship. If any member
13 of the Temporary Redistricting Advisory Commission shall be
14 unable to fulfill the duties required under this Section, then
15 the person who appointed said member, or that person's
16 successor, shall appoint a person to fill said vacancy within
17 five days of the occurrence of the vacancy.

18 A meeting of a majority of a quorum of the Temporary
19 Redistricting Advisory Commission shall be open to the public
20 with at least twenty-four hour notice.

21 The Temporary Redistricting Advisory Commission shall have
22 authority to hire independent private firms for any assistance.
23 The Commission shall conduct at least five public hearings on
24 separate days around five distinct geographic regions of the
25 State before voting on any redistricting plans. At least three
26 of the public hearings shall be after receipt of the data from

1 the United States Census Bureau. Within three days after
2 receipt of the data from the United States Census Bureau, the
3 Commission shall make that data, together with redistricting
4 software, available to the public.

5 (b) The Commission shall approve any redistricting plans by
6 a majority vote of its members.

7 The Commission shall establish districts pursuant to a
8 mapping process using the following criteria as set forth in
9 the following order of priority:

10 (1) Districts shall comply with all federal laws and
11 shall not be drawn with the intent or result of denying or
12 abridging the equal opportunity of racial or language
13 minorities to participate in the political process or to
14 diminish their ability to elect representatives of their
15 choice.

16 (2) Districts shall be contiguous.

17 (3) Districts shall be substantially equal in
18 population.

19 (4) Districts shall be compact.

20 (5) District boundaries shall, to the extent
21 practical, follow visible geographic features and
22 municipal boundaries.

23 (6) The plan shall not be drawn to purposefully or
24 significantly favor or discriminate against any political
25 party or group.

26 Party registration, voting history data, and incumbency

1 shall not be considered in the mapping process, except to
2 evaluate compliance with the criteria listed in paragraphs (1)
3 and (6) of this subsection (b). The Commission shall establish
4 definitions where applicable for each of the criteria listed in
5 paragraphs (1) through (6) of this subsection (b).

6 A Representative District need not be entirely within a
7 single Legislative District.

8 After preliminary approval of the redistricting plans, the
9 Commission shall release the proposed plans to the public,
10 conduct at least three public hearings around three distinct
11 geographic regions of the State, and submit a report to the
12 General Assembly. At any time prior to the submission of a plan
13 under subsection (c), any member of the General Assembly or
14 general public may submit a plan to be considered by the
15 Commission and for public viewing. All documents submitted to
16 or plans considered by the Commission shall be made available
17 to the public within a reasonable time period.

18 (c) After conducting the required public hearings, the
19 Commission shall approve by a majority vote a Representative
20 redistricting plan by the third Monday in May of the year
21 specified in subsection (a) of this Section, which the Chair of
22 the Commission shall deliver to the House of Representatives on
23 the third business day after approval. The House of
24 Representatives must take a record vote to accept the plan by a
25 resolution. The resolution is adopted if it receives the
26 affirmative vote of at least two-thirds of the members elected.

1 After conducting the required public hearings, the
2 Commission shall approve by a majority vote a Senate
3 redistricting plan by the third Monday in May of the year
4 specified in subsection (a) of this Section, which the Chair of
5 the Commission shall deliver to the Senate on the third
6 business day after approval. The Senate must take a record vote
7 to accept the plan by a resolution. The resolution is adopted
8 if it receives the affirmative vote of at least two-thirds of
9 the members elected.

10 Redistricting plans may not be amended by either chamber.
11 An adopted redistricting resolution shall be filed with the
12 Secretary of State by the presiding officer of the chamber that
13 initiated the resolution. Each chamber shall have until the
14 first Monday in June of the year specified in subsection (a) of
15 this Section to file a resolution with the Secretary of State
16 approving the redistricting plan.

17 (d) If a plan is not adopted by a chamber of the General
18 Assembly, the Commission shall approve an alternative
19 redistricting plan no later than third Monday in June of the
20 year specified in subsection (a) of this Section, and the Chair
21 of the Commission shall deliver that plan to the appropriate
22 chamber of the General Assembly on the third business day after
23 approval. The appropriate chamber of the General Assembly shall
24 approve or reject that plan in the same manner established by
25 subsection (c). Each chamber shall have until the first Monday
26 in July of this year to file a resolution with the Secretary of

1 State approving the alternative redistricting plan.

2 (e) If a plan is not approved by a chamber of the General
3 Assembly by the first Monday in July of the year specified in
4 subsection (a) of this Section, the Commission shall approve by
5 a majority, one of the two previous plans submitted to the
6 appropriate chamber of the General Assembly under subsections
7 (c) and (d) of this Section. The Chair of the Commission shall
8 file the approved redistricting plan for the appropriate
9 chamber with the Secretary of State not later than the third
10 Monday in July of that year.

11 (f) If at any time the Temporary Redistricting Advisory
12 Commission fails to meet one of the deadlines set forth herein,
13 the Chief Justice of the Supreme Court and a Supreme Court
14 judge chosen by the Judges of the Supreme Court who are not of
15 the same political party as the Chief Justice, shall within ten
16 days jointly appoint and certify to the Secretary of State one
17 person to act as Special Master to generate any maps not
18 previously approved. Only a person who would be eligible to
19 serve on the Temporary Redistricting Advisory Commission may
20 serve as Special Master. A person who serves as Special Master
21 is not eligible to be elected to the General Assembly or
22 appointed to any office that is subject to confirmation by the
23 Senate for ten years after completion of service as a Special
24 Master. A Special Master shall consider all redistricting plans
25 delivered by or submitted to the Temporary Redistricting
26 Advisory Commission, the Senate, or the House of

1 Representatives as applicable. The Special Master shall have
2 authority to hire independent assistance, and make available
3 the data received from the United States Census Bureau,
4 together with redistricting software, to the public within
5 three days of receipt, unless the Temporary Redistricting
6 Advisory Commission has already done so. The Special Master
7 shall also conduct at least five public hearings on separate
8 days around five distinct geographic regions of the State after
9 receipt of the data from the United States Census Bureau and
10 before promulgating any preliminary redistricting plans; and
11 shall hold at least three public hearings on separate days
12 around three distinct geographic regions of the State after
13 promulgating any preliminary redistricting plans and before
14 finalizing any plan or plans. All documents submitted to or
15 utilized by the Special Master shall be made available to the
16 public within a reasonable amount of time. The Special Master
17 shall file a redistricting plan complying with the criteria set
18 forth in paragraph (3) of subsection (b) of this Section for
19 the Legislative Districts and Representative Districts, as
20 applicable, with the Secretary of State not later than
21 September 30 of the year specified in subsection (a) of this
22 Section.

23 ~~(a) Legislative Districts shall be compact, contiguous and~~
24 ~~substantially equal in population. Representative Districts~~
25 ~~shall be compact, contiguous, and substantially equal in~~
26 ~~population.~~

1 ~~(b) In the year following each Federal decennial census~~
2 ~~year, the General Assembly by law shall redistrict the~~
3 ~~Legislative Districts and the Representative Districts.~~

4 ~~If no redistricting plan becomes effective by June 30 of~~
5 ~~that year, a Legislative Redistricting Commission shall be~~
6 ~~constituted not later than July 10. The Commission shall~~
7 ~~consist of eight members, no more than four of whom shall be~~
8 ~~members of the same political party.~~

9 ~~The Speaker and Minority Leader of the House of~~
10 ~~Representatives shall each appoint to the Commission one~~
11 ~~Representative and one person who is not a member of the~~
12 ~~General Assembly. The President and Minority Leader of the~~
13 ~~Senate shall each appoint to the Commission one Senator and one~~
14 ~~person who is not a member of the General Assembly.~~

15 ~~The members shall be certified to the Secretary of State by~~
16 ~~the appointing authorities. A vacancy on the Commission shall~~
17 ~~be filled within five days by the authority that made the~~
18 ~~original appointment. A Chairman and Vice Chairman shall be~~
19 ~~chosen by a majority of all members of the Commission.~~

20 ~~Not later than August 10, the Commission shall file with~~
21 ~~the Secretary of State a redistricting plan approved by at~~
22 ~~least five members.~~

23 ~~If the Commission fails to file an approved redistricting~~
24 ~~plan, the Supreme Court shall submit the names of two persons,~~
25 ~~not of the same political party, to the Secretary of State not~~
26 ~~later than September 1.~~

1 ~~Not later than September 5, the Secretary of State publicly~~
2 ~~shall draw by random selection the name of one of the two~~
3 ~~persons to serve as the ninth member of the Commission.~~

4 ~~Not later than October 5, the Commission shall file with~~
5 ~~the Secretary of State a redistricting plan approved by at~~
6 ~~least five members.~~

7 (g) A ~~An approved~~ redistricting resolution or
8 redistricting plan filed with the Secretary of State shall be
9 presumed valid, shall have the force and effect of law and
10 shall be published promptly by the Secretary of State.

11 The Supreme Court shall have original and exclusive
12 jurisdiction over actions concerning redistricting the House
13 and Senate, which shall be initiated in the name of the People
14 of the State by the Attorney General.

15 (Source: Amendment adopted at general election November 4,
16 1980.)

17 SCHEDULE

18 The State Board of Elections shall proceed, as soon as all
19 the returns are received but no later than 31 days after the
20 election, to canvass the votes given for and against this
21 Constitutional Amendment, as shown by the abstracts of votes
22 cast. If this Constitutional Amendment is approved by either
23 three-fifths of those voting on the question or a majority of
24 those voting in the election, then the State Board of Elections
25 shall declare the adoption of this Constitutional Amendment and

1 it shall, upon declaration of its adoption, take effect and
2 become a part of the Constitution of this State. This Schedule
3 supersedes and applies notwithstanding any statute to the
4 contrary, and no other requirements, including without
5 limitation proclamation of the results of the vote or notice by
6 publication, are necessary for its effectiveness. This
7 Constitutional Amendment applies to redistricting beginning in
8 2021 for the election of members of the General Assembly
9 beginning in 2022.