



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0015

Introduced , by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 2

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution. Removes the requirement for each Legislative District to be divided into two Representative Districts. Modifies provisions concerning legislative redistricting. Provides specified requirements for each Legislative District, Representative District, and Congressional District for redistricting purposes. Replaces the current method of legislative redistricting with the following: a sixteen-member commission, appointed by the Chief Justice of the Supreme Court and the most senior Supreme Court Justice of a different political party in accordance with specified criteria, shall adopt and file with the Secretary of State redistricting plans for Legislative, Representative, and Congressional Districts following a series of public hearings by August 1 of the year following a federal decennial census; permits the public to submit maps during the map drawing process for consideration by the Commission; and, if a redistricting plan is not adopted by August 1 of the year following a federal decennial census, then a seventeenth member shall be appointed to the Commission and redistricting plans shall be filed by September 1. Adds provisions concerning the membership of the Commission and budgetary matters related to the Commission. Effective upon being declared adopted and applicable to redistricting beginning in 2021 and to the election of General Assembly members beginning in 2022.

LRB101 06807 RJF 51836 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
4 HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
5 SENATE 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 Article IV of the
9 Illinois Constitution by changing Sections 2 and 3 as follows:

10 ARTICLE IV
11 THE LEGISLATURE

12 (ILCON 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) As used in this Section, "consumer price index-u" means
13 the index published by the Bureau of Labor Statistics of the
14 United States Department of Labor or a successor agency that
15 measures the average change in prices of goods and services
16 purchased by all urban consumers, United States city average,
17 all items, 1982-84=100.

18 (b) Each Legislative District, Representative District,
19 and Congressional District shall, in the following order of
20 priority:

21 (1) fully comply with the United States Constitution
22 and federal laws, such as the federal Voting Rights Act;

23 (2) be substantially equal in population;

24 (3) provide racial minorities and language minorities
25 with the equal opportunity to participate in the political

1 process and elect candidates of their choice;

2 (4) provide racial minorities and language minorities
3 who constitute less than a voting-age majority of a
4 Legislative District, Representative District, or
5 Congressional District with an opportunity to
6 substantially influence the outcome of an election;

7 (5) be contiguous;

8 (6) be compact;

9 (7) respect, to the extent practical, geographic
10 integrity of units of local government;

11 (8) respect, to the extent practical, communities
12 sharing common social or economic interests; and

13 (9) not discriminate against or in favor of any
14 political party or individual.

15 (c) No later than December 30 of the year that each federal
16 decennial census occurs, the Chief Justice and the most senior
17 Supreme Court Justice who is not elected from the same
18 political party as the Chief Justice shall select sixteen
19 commissioners to form an Independent Redistricting Commission.
20 The commissioners shall reflect the ethnic, gender, and racial
21 demographics of Illinois, fourteen of the commissioners shall
22 represent, in equal number, the two political parties whose
23 gubernatorial candidates received the greatest number of votes
24 in the last gubernatorial election and two of the commissioners
25 shall represent neither of those parties. The two Justices
26 responsible for selecting the sixteen commissioners shall

1 consider party identification and all campaign contributions
2 in determining a potential commissioner's eligibility. There
3 shall be at least two commissioners from each Judicial
4 District.

5 (d) A person is ineligible to serve on the Commission if
6 within the previous four calendar years the person or his or
7 her spouse or immediate family member was appointed or elected
8 to a position with the State, federal, or local government; is
9 a State employee; is a lobbyist as defined by law; has an
10 ownership interest in an entity with a State or federal
11 contract; or is appointed or elected to serve a political
12 party. A commissioner is ineligible for a period of ten years
13 to serve in the General Assembly or to be appointed to a
14 position subject to Senate confirmation. Commissioners must
15 file financial disclosure statements and abide by any ethics
16 requirements established by law.

17 (e) The Commission shall act in public meetings by the
18 affirmative vote of ten commissioners. The Commission shall
19 elect its chairperson and vice chairperson, who shall not be
20 affiliated with the same political party. Each meeting of the
21 Commission shall be open to the public and there must be public
22 notice at least seven days before a meeting. All records of the
23 Commission, including all communications to or from the
24 Commission regarding the work of the Commission, shall be
25 available for public inspection. The Commission shall adopt
26 rules governing its procedures. The Commission shall be

1 considered a public body subject to the Freedom of Information
2 Act or a successor Act and the Open Meetings Act or a successor
3 Act. Commissioners and staff may not communicate with or
4 receive communications about redistricting matters from anyone
5 outside of a public hearing.

6 (f) The Commission shall hold at least twenty public
7 hearings throughout the State before adopting a redistricting
8 plan, with a majority occurring before the Commission releases
9 any proposed redistricting plan and at least ten public
10 hearings must occur throughout the State after the release of
11 any proposed redistricting plan.

12 The Commission must provide a meaningful opportunity for
13 racial minorities and language minorities to participate in the
14 public hearings, including, but not limited to, issuing notices
15 in multiple languages and ensuring that translation services
16 are available at all hearings at the Commission's expense or
17 through partnership with outside organizations. These public
18 hearings must be open to all members of the public and must be
19 planned to encourage attendance and participation across the
20 State, including the use of technology that allows for
21 real-time, virtual participation and feedback during the
22 hearings. When releasing a proposed redistricting plan, the
23 Commission must also release population data, geographic data,
24 election data, and any other data used to create the plan, when
25 the Commission receives this information. The Commission must
26 also provide terminals for members of the public to access the

1 data and associated software. During the map drawing process,
2 any member of the public may submit maps for consideration to
3 the Commission. Those submissions are public records that are
4 open to comment.

5 The Commission may not adopt a redistricting plan until the
6 Commission adopts and publishes a report explaining the plan's
7 compliance with the United States Constitution and Illinois
8 Constitution. Before the adoption of a redistricting plan, the
9 Commission shall release to the public the final plan and its
10 associated compliance report. The meeting to vote on adoption
11 of a redistricting plan shall occur no sooner than thirty days
12 after the release of the final plan and its associated
13 compliance report. All proposed and adopted maps and any data
14 used to develop these maps are public records. The Commission
15 shall maintain a website or other similar electronic platform
16 to disseminate information about the Commission, including
17 records of its meetings and hearings, proposed redistricting
18 plans, assessments and reports on plans, and to allow the
19 public to view its meetings and hearings in both live and
20 archived form. The website or electronic platform must allow
21 the public to submit redistricting plans and comments on
22 redistricting plans to the Commission for its consideration.

23 (g) The Commission shall adopt and file with the Secretary
24 of State a redistricting plan for the Legislative Districts,
25 Representative Districts, and Congressional Districts by
26 August 1 of the year following the federal decennial census.

1 The Commission may adopt separate redistricting plans for the
2 Legislative Districts, the Representative Districts, and the
3 Congressional Districts.

4 (h) If the Commission fails to adopt and file a
5 redistricting plan by August 1 of the year following a federal
6 decennial census, the Chief Justice of the Supreme Court and
7 the most senior Supreme Court Justice who is not elected from
8 the same political party as the Chief Justice shall appoint, by
9 August 8, a seventeenth member to the Commission. The
10 seventeenth member of the Commission must not be affiliated
11 with either major political party. The seventeen-member
12 Commission shall adopt and file with the Secretary of State
13 redistricting plans for the Legislative Districts,
14 Representative Districts, and Congressional Districts by
15 September 1 of the year following the federal decennial census.

16 (i) Members of the Commission shall be compensated at the
17 rate of \$37.50 for each hour the member is engaged in
18 Commission business. For each succeeding Commission, the rate
19 of compensation shall be adjusted in each year of the federal
20 decennial census by the cumulative change in inflation based on
21 the consumer price index-u or a successor metric. Members of
22 the Commission are eligible for reimbursement of personal
23 expenses incurred in connection with the duties performed
24 pursuant to this act. A member's residence is deemed to be the
25 member's post of duty for purposes of reimbursement of
26 expenses.

1 (j) Within the first thirty days after the selection of the
2 Independent Redistricting Commission, the Governor shall
3 include in the budget submitted under Section 2 of Article VIII
4 to the General Assembly amounts of funding for the Commission
5 and the Secretary of State that are sufficient to meet the
6 estimated expenses of each of those officers or entities in
7 implementing the redistricting process required by this
8 Section for a three-year period, including, but not limited to,
9 adequate funding for a statewide outreach program to solicit
10 broad public participation in the redistricting process. The
11 Governor shall also make adequate office space available for
12 the operation of the Commission. The Legislature shall make the
13 necessary appropriation in a budget implementation Act, and the
14 appropriation shall be available during the entire 3-year
15 appropriation shall be available during the entire three-year
16 period. The appropriation made shall be equal to the greater of
17 \$3,000,000 or the amount expended in accordance with this
18 subsection in the immediately preceding redistricting process,
19 as each amount is adjusted by the cumulative change in
20 inflation based on the consumer price index-u or a successor
21 metric, since the date of the immediately preceding
22 appropriation made in accordance with this subsection. The
23 Legislature may make additional appropriations in any year that
24 it determines that the Commission requires additional funding
25 in order to fulfill its duties. The Commission, with fiscal
26 oversight from the Comptroller or its successor, shall have

1 procurement and contracting authority and may hire staff and
2 consultants, for the purposes of this Section, including legal
3 representation.

4 (k) A redistricting plan filed with the Secretary of State
5 shall be presumed valid and shall be published promptly by the
6 Secretary of State.

7 (l) The Supreme Court shall have original and exclusive
8 jurisdiction over actions concerning the redistricting of the
9 Congressional, Legislative, and Representative Districts,
10 which shall be initiated in the name of the People of the State
11 by the Attorney General. Each person who resides or is
12 domiciled in the State, or whose executive office or principal
13 place of business is located in the State, may bring an action
14 in court of competent jurisdiction to obtain any of the relief
15 available.

16 ~~(a) Legislative Districts shall be compact, contiguous and~~
17 ~~substantially equal in population. Representative Districts~~
18 ~~shall be compact, contiguous, and substantially equal in~~
19 ~~population.~~

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

23 ~~If no redistricting plan becomes effective by June 30 of~~
24 ~~that year, a Legislative Redistricting Commission shall be~~
25 ~~constituted not later than July 10. The Commission shall~~
26 ~~consist of eight members, no more than four of whom shall be~~

1 ~~members of the same political party.~~

2 ~~The Speaker and Minority Leader of the House of~~
3 ~~Representatives shall each appoint to the Commission one~~
4 ~~Representative and one person who is not a member of the~~
5 ~~General Assembly. The President and Minority Leader of the~~
6 ~~Senate shall each appoint to the Commission one Senator and one~~
7 ~~person who is not a member of the General Assembly.~~

8 ~~The members shall be certified to the Secretary of State by~~
9 ~~the appointing authorities. A vacancy on the Commission shall~~
10 ~~be filled within five days by the authority that made the~~
11 ~~original appointment. A Chairman and Vice Chairman shall be~~
12 ~~chosen by a majority of all members of the Commission.~~

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

16 ~~If the Commission fails to file an approved redistricting~~
17 ~~plan, the Supreme Court shall submit the names of two persons,~~
18 ~~not of the same political party, to the Secretary of State not~~
19 ~~later than September 1.~~

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

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

26 ~~An approved redistricting plan filed with the Secretary of~~

1 ~~State shall be presumed valid, shall have the force and effect~~
2 ~~of law and shall be published promptly by the Secretary of~~
3 ~~State.~~

4 ~~The Supreme Court shall have original and exclusive~~
5 ~~jurisdiction over actions concerning redistricting the House~~
6 ~~and Senate, which shall be initiated in the name of the People~~
7 ~~of the State by the Attorney General.~~

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

10 SCHEDULE

11 This Constitutional Amendment takes effect upon being
12 declared adopted in accordance with Section of the Illinois
13 Constitutional Amendment Act and applies to redistricting
14 beginning in 2021 and to the election of General Assembly
15 members beginning in 2022.