



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0041

Introduced 2/18/2020, by Rep. Terra Costa Howard - Ryan Spain - Kelly M. Cassidy - Tim Butler - Mary Edly-Allen, et al.

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 2 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 a 17-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. Specifies requirements for the Commission concerning redistricting plans. Adds provisions concerning the membership of the Commission and budgetary matters related to the Commission. Provides the Supreme Court with original and exclusive jurisdiction over redistricting matters. Defines terms. Makes conforming and other changes. Effective upon being declared adopted and applicable to redistricting beginning in 2021 and to the election of General Assembly members beginning in 2022.

LRB101 19741 RJF 69250 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 (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) As used in this Section:

13 "Coalition districts" means districts in which more than
14 one group of racial minorities or language minorities may form
15 a coalition to elect the candidate of the coalition's choice.

16 "Consumer price index-u" means the index published by the
17 Bureau of Labor Statistics of the United States Department of
18 Labor or a successor agency that measures the average change in
19 prices of goods and services purchased by all urban consumers,
20 United States city average, all items, 1982-84=100.

21 "Crossover districts" means districts in which a racial
22 minority or language minority constitutes less than a majority
23 of the voting-age population, but where this minority, at least
24 potentially, is large enough to elect the candidate of its
25 choice with help from voters who are members of the majority

1 who cross over to support the minority's preferred candidate.

2 "Influence districts" means districts in which a racial
3 minority or language minority can influence the outcome of an
4 election even if its preferred candidate cannot be elected.

5 "Racial minorities or language minorities", in either the
6 singular or the plural, means the same class of voters who are
7 members of a race, color, or language minority group receiving
8 protection under the federal Voting Rights Act.

9 (b) Each Legislative District, Representative District,
10 and Congressional District shall, in the following order of
11 priority:

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

14 (2) be substantially equal in population;

15 (3) provide racial minorities and language minorities
16 with the equal opportunity to participate in the political
17 process and elect candidates of their choice;

18 (4) provide racial minorities and language minorities
19 who constitute less than a voting-age majority of a
20 Legislative District, Representative District, or
21 Congressional District with an opportunity to
22 substantially influence the outcome of an election through
23 the creation of crossover districts, coalition districts,
24 or influence districts;

25 (5) be contiguous;

26 (6) be compact;

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

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

5 (9) not discriminate against or in favor of any
6 political party or individual.

7 (c) No later than March 1 of the year that follows the
8 federal decennial census, the Chief Justice and the most senior
9 Supreme Court Justice who is not elected from the same
10 political party as the Chief Justice shall select 17
11 commissioners to form an Independent Redistricting Commission.
12 The commissioners shall reflect the ethnic, gender, and racial
13 demographics of Illinois to reflect the demographic data
14 provided by the decennial census, each commissioner shall be a
15 voter who has been continuously affiliated in Illinois with the
16 same political party or unaffiliated with a political party and
17 who has not changed political party affiliation for 5 or more
18 years immediately preceding the date of his or her appointment.
19 Fourteen of the commissioners shall represent, in equal number,
20 the two political parties whose gubernatorial candidates
21 received the greatest number of votes in the last gubernatorial
22 election and 3 of the commissioners must represent neither of
23 those parties. No more than one commissioner shall be from the
24 same Congressional District. If the total number of
25 Congressional Districts equal less than 17, then at-large
26 commissioners will be appointed to fill vacancies, and no more

1 than 2 commissioners shall be from the same Congressional
2 District. The 2 Justices responsible for selecting the 17
3 commissioners shall consider party identification and all
4 campaign contributions in determining a potential
5 commissioner's eligibility.

6 (d) A person is ineligible to serve on the Commission if
7 within the previous 5 calendar years the person or his or her
8 spouse or immediate family member, including his or her
9 parents, children, step-children, or siblings, is or has been:

10 (1) appointed or elected to a position with the State,
11 federal, or local government;

12 (2) a candidate for State, federal or local office;

13 (3) a paid consultant or employee of a State, federal,
14 or local elected official or political candidate, of a
15 federal, State, or local political candidate's campaign,
16 or of a political action committee or any other
17 electioneering entity;

18 (4) a State, federal, or local lobbyist as defined by
19 law;

20 (5) an individual with an ownership interest in an
21 entity with a State, federal, or local government contract;
22 or

23 (6) appointed or elected to serve a State, federal, or
24 local political party.

25 (e) A commissioner is ineligible for a period of 10 years
26 to serve in the General Assembly or to be appointed to a

1 position subject to Senate confirmation.

2 (f) Commissioners must file financial disclosure
3 statements and abide by any ethics requirements established by
4 law.

5 (g) Each prospective applicant for commissioner shall
6 attest under oath that they meet the qualifications set forth
7 in this Section, and attest either that they affiliate with one
8 of the 2 political parties whose gubernatorial candidates
9 received the 2 greatest number of votes in the last
10 gubernatorial election, and if so, identify the party with
11 which they affiliate, or that they do not affiliate with either
12 of the major parties.

13 (h) Any vacancy, whether created by removal, resignation,
14 death, or absence, in the 17 commission positions shall be
15 filled within the 30 days after the vacancy occurs, from the
16 pool of applicants of the same political party as the vacating
17 nominee that was remaining as of the end of the commissioner
18 selection process. If none of those remaining applicants are
19 available for service, the Chief Justice of the Supreme Court
20 and the most senior Supreme Court Judge of a different
21 political party shall fill the vacancy from a new application
22 pool created to maintain the partisan balance of the commission
23 and to the extent possible, to keep the geographic and racial
24 demographics of the commission the same as it was prior to the
25 vacancy.

26 (i) The Commission shall act in public meetings by the

1 affirmative vote of 11 commissioners. The Commission shall
2 elect its chairperson and vice chairperson, who shall not be
3 affiliated with the same political party. Each meeting of the
4 Commission shall be open to the public and there must be public
5 notice at least 7 days before a meeting. All records of the
6 Commission, including all communications to or from the
7 Commission regarding the work of the Commission, shall be
8 available for public inspection. The Commission shall adopt
9 rules governing its procedures. The Commission shall be
10 considered a public body subject to the Freedom of Information
11 Act or a successor Act and the Open Meetings Act or a successor
12 Act.

13 (j) In each year in which the federal decennial census is
14 taken but in which the United States Bureau of the Census
15 allocates incarcerated persons as residents of correctional
16 facilities, the Secretary of State shall request that each
17 agency that operates a federal correctional facility in this
18 State that incarcerates persons convicted of a criminal offense
19 to provide the Secretary of State with a report that includes
20 the last known place of residence prior to incarceration of
21 each inmate, except an inmate whose last known place of
22 residence is outside of Illinois. The Secretary of State shall
23 deliver such report to the Commission by December 30 of that
24 same year. For purposes of reapportionment and redistricting,
25 the Commission shall count each incarcerated person as residing
26 at his or her last known place of residence, rather than at the

1 institution of his or her incarceration.

2 (k) The Commission shall hold at least 20 public hearings
3 throughout the State before adopting a redistricting plan, with
4 a majority occurring before the Commission releases any
5 proposed redistricting plan and at least 10 public hearings
6 must occur throughout the State after the release of any
7 proposed redistricting plan.

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

1 open to comment.

2 The Commission may not adopt a redistricting plan until the
3 Commission adopts and publishes a report explaining the plan's
4 compliance with the United States Constitution and Illinois
5 Constitution. Before the adoption of a redistricting plan, the
6 Commission shall release to the public the final plan and its
7 associated compliance report. The meeting to vote on adoption
8 of a redistricting plan shall occur no sooner than 30 days
9 after the release of the final plan and its associated
10 compliance report. All proposed and adopted maps and any data
11 used to develop these maps are public records. The Commission
12 shall maintain a website or other similar electronic platform
13 to disseminate information about the Commission, including
14 records of its meetings and hearings, proposed redistricting
15 plans, assessments and reports on plans, and to allow the
16 public to view its meetings and hearings in both live and
17 archived form. The website or electronic platform must allow
18 the public to submit redistricting plans and comments on
19 redistricting plans to the Commission for its consideration.

20 (1) The Commission shall adopt and file with the Secretary
21 of State a redistricting plan for the Legislative Districts,
22 Representative Districts, and Congressional Districts by
23 September 1 of the year following the federal decennial census.
24 The Commission may adopt separate redistricting plans for the
25 Legislative Districts, the Representative Districts, and the
26 Congressional Districts.

1 (m) Members of the Commission shall be compensated at the
2 rate of \$37.50 for each hour the member is engaged in
3 Commission business. For each succeeding Commission, the rate
4 of compensation shall be adjusted in each year of the federal
5 decennial census by the cumulative change in inflation based on
6 the consumer price index-u or a successor metric. Members of
7 the Commission are eligible for reimbursement of personal
8 expenses incurred in connection with the duties performed
9 pursuant to this Section. A member's residence is deemed to be
10 the member's post of duty for purposes of reimbursement of
11 expenses.

12 (n) Within the first 30 days after the selection of the
13 Independent Redistricting Commission, the Governor shall
14 include in the budget submitted under Section 2 of Article VIII
15 to the General Assembly amounts of funding for the Commission
16 and the Secretary of State that are sufficient to meet the
17 estimated expenses of each of those officers or entities in
18 implementing the redistricting process required by this
19 Section for a 3-year period, including, but not limited to,
20 adequate funding for a statewide outreach program to solicit
21 broad public participation in the redistricting process. The
22 Governor shall also make adequate office space available for
23 the operation of the Commission. The General Assembly shall
24 make the necessary appropriation in a Budget Implementation
25 Act, and the appropriation shall be available during the entire
26 3-year period. The appropriation made shall be equal to the

1 greater of \$3,000,000 or the amount expended in accordance with
2 this subsection (n) in the immediately preceding redistricting
3 process, as each amount is adjusted by the cumulative change in
4 inflation based on the consumer price index-u or a successor
5 metric, since the date of the immediately preceding
6 appropriation made in accordance with this subsection (n). The
7 General Assembly may make additional appropriations in any year
8 that it determines that the Commission requires additional
9 funding in order to fulfill its duties. The Commission, with
10 fiscal oversight from the Comptroller or its successor, shall
11 have procurement and contracting authority and may hire staff
12 and consultants, for the purposes of this Section, including
13 legal representation.

14 (o) A redistricting plan filed with the Secretary of State
15 shall be presumed valid and shall be published promptly by the
16 Secretary of State.

17 (p) The Supreme Court shall have original and exclusive
18 jurisdiction over actions concerning the redistricting of the
19 Congressional, Legislative, and Representative Districts,
20 which shall be initiated in the name of the People of the State
21 by the Attorney General. Each person who resides or is
22 domiciled in the State, or whose executive office or principal
23 place of business is located in the State, may bring an action
24 in a court of competent jurisdiction to obtain any of the
25 relief available.

26 ~~(a) Legislative Districts shall be compact, contiguous and~~

1 ~~substantially equal in population. Representative Districts~~
2 ~~shall be compact, contiguous, and substantially equal in~~
3 ~~population.~~

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

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

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

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

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

26 ~~If the Commission fails to file an approved redistricting~~

1 ~~plan, the Supreme Court shall submit the names of two persons,~~
2 ~~not of the same political party, to the Secretary of State not~~
3 ~~later than September 1.~~

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

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

10 ~~An approved redistricting plan filed with the Secretary of~~
11 ~~State shall be presumed valid, shall have the force and effect~~
12 ~~of law and shall be published promptly by the Secretary of~~
13 ~~State.~~

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

18 (Source: Amendment adopted at general election November 4,
19 1980.)

20 SCHEDULE

21 This Constitutional Amendment takes effect upon being
22 declared adopted in accordance with Section of the Illinois
23 Constitutional Amendment Act and applies to redistricting
24 beginning in 2021 and to the election of General Assembly
25 members beginning in 2022.