



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SENATE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**SC0013**

Introduced 1/14/2022, by Sen. Dan McConchie

**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 2023 and to the election of General Assembly members beginning in 2024.

LRB102 24270 RJF 33501 e

1                                   SENATE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

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

11                                   ARTICLE IV  
12                                   THE LEGISLATURE

13           (ILCON Art. IV, Sec. 2)

14           SECTION 2. LEGISLATIVE COMPOSITION

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

1 substantially equally over the State.

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

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

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

26 (e) No member of the General Assembly shall receive

1 compensation as a public officer or employee from any other  
2 governmental entity for time during which he is in attendance  
3 as a member of the General Assembly.

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

9 (Source: Amendment adopted at general election November 4,  
10 1980.)

11 (ILCON Art. IV, Sec. 3)

12 SECTION 3. LEGISLATIVE REDISTRICTING

13 (a) As used in this Section:

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

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

22 "Crossover districts" means districts in which a racial  
23 minority or language minority constitutes less than a majority  
24 of the voting-age population, but where this minority, at  
25 least potentially, is large enough to elect the candidate of

1 its choice with help from voters who are members of the  
2 majority who cross over to support the minority's preferred  
3 candidate.

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

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

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

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

16 (2) be substantially equal in population;

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

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

- 1           (5) be contiguous;  
2           (6) be compact;  
3           (7) respect, to the extent practical, geographic  
4           integrity of units of local government;  
5           (8) respect, to the extent practical, communities  
6           sharing common social or economic interests; and  
7           (9) not discriminate against or in favor of any  
8           political party or individual.

9           (c) No later than March 1 of 2023, the Chief Justice and  
10          the most senior Supreme Court Justice who is not elected from  
11          the same political party as the Chief Justice shall select 17  
12          commissioners to form an Independent Redistricting Commission.  
13          The Commission formed in 2023 shall redraw each Legislative  
14          District, Representative District, and Congressional District  
15          for 2024. Thereafter, redistricting shall occur every year  
16          following the federal decennial census.

17          The commissioners shall reflect the ethnic, gender, and  
18          racial demographics of Illinois to reflect the demographic  
19          data provided by the decennial census, each commissioner shall  
20          be a voter who has been continuously affiliated in Illinois  
21          with the same political party or unaffiliated with a political  
22          party and who has not changed political party affiliation for  
23          5 or more years immediately preceding the date of his or her  
24          appointment. Fourteen of the commissioners shall represent, in  
25          equal number, the two political parties whose gubernatorial  
26          candidates received the greatest number of votes in the last

1 gubernatorial election and 3 of the commissioners must  
2 represent neither of those parties. No more than one  
3 commissioner shall be from the same Congressional District. If  
4 the total number of Congressional Districts equal less than  
5 17, then at-large commissioners will be appointed to fill  
6 vacancies, and no more than 2 commissioners shall be from the  
7 same Congressional District. The 2 Justices responsible for  
8 selecting the 17 commissioners shall consider party  
9 identification and all campaign contributions in determining a  
10 potential commissioner's eligibility.

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

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

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

18 (3) a paid consultant or employee of a State, federal,  
19 or local elected official or political candidate, of a  
20 federal, State, or local political candidate's campaign,  
21 or of a political action committee or any other  
22 electioneering entity;

23 (4) a State, federal, or local lobbyist as defined by  
24 law;

25 (5) an individual with an ownership interest in an  
26 entity with a State, federal, or local government

1 contract; or

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

4 (e) A commissioner is ineligible for a period of 10 years  
5 to serve in the General Assembly or to be appointed to a  
6 position subject to Senate confirmation.

7 (f) Commissioners must file financial disclosure  
8 statements and abide by any ethics requirements established by  
9 law.

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

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



1 pool created to maintain the partisan balance of the  
2 commission and to the extent possible, to keep the geographic  
3 and racial demographics of the commission the same as it was  
4 prior to the vacancy.

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

18 (j) In each year in which the federal decennial census is  
19 taken but in which the United States Bureau of the Census  
20 allocates incarcerated persons as residents of correctional  
21 facilities, the Secretary of State shall request that each  
22 agency that operates a federal correctional facility in this  
23 State that incarcerates persons convicted of a criminal  
24 offense to provide the Secretary of State with a report that  
25 includes the last known place of residence prior to  
26 incarceration of each inmate, except an inmate whose last

1 known place of residence is outside of Illinois. The Secretary  
2 of State shall deliver such report to the Commission by  
3 December 30 of that same year. For purposes of reapportionment  
4 and redistricting, the Commission shall count each  
5 incarcerated person as residing at his or her last known place  
6 of residence, rather than at the institution of his or her  
7 incarceration.

8 (k) The Commission shall hold at least 20 public hearings  
9 throughout the State before adopting a redistricting plan,  
10 with a majority occurring before the Commission releases any  
11 proposed redistricting plan and at least 10 public hearings  
12 must occur throughout the State after the release of any  
13 proposed redistricting plan.

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

1 the Commission receives this information. The Commission must  
2 also provide terminals for members of the public to access the  
3 data and associated software. During the map drawing process,  
4 any member of the public may submit maps for consideration to  
5 the Commission. The Commission must consider public input and  
6 respond to it. Those submissions are public records that are  
7 open to comment.

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

26 (1) The Commission shall adopt and file with the Secretary

1 of State a redistricting plan for the Legislative Districts,  
2 Representative Districts, and Congressional Districts by  
3 September 1 of 2023 and in every year following the federal  
4 decennial census thereafter. The Commission may adopt separate  
5 redistricting plans for the Legislative Districts, the  
6 Representative Districts, and the Congressional Districts.

7 (m) Members of the Commission shall be compensated as  
8 provided by law.

9 (n) Within the first 30 days after the selection of the  
10 Independent Redistricting Commission, the Governor shall  
11 include in the budget submitted under Section 2 of Article  
12 VIII to the General Assembly amounts of funding that are  
13 sufficient to meet the estimated expenses for the operation of  
14 the Commission. The Governor shall also make adequate office  
15 space available for the operation of the Commission. The  
16 General Assembly shall make the necessary appropriation in the  
17 State budget. The General Assembly may make additional  
18 appropriations in any year that it determines that the  
19 Commission requires additional funding in order to fulfill its  
20 duties. The Commission, with fiscal oversight from the  
21 Comptroller or its successor, shall have procurement and  
22 contracting authority and may hire staff and consultants, for  
23 the purposes of this Section, including legal representation.

24 (o) A redistricting plan filed with the Secretary of State  
25 shall be presumed valid and shall be published promptly by the  
26 Secretary of State.

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

10       ~~(a) Legislative Districts shall be compact, contiguous and~~  
11 ~~substantially equal in population. Representative Districts~~  
12 ~~shall be compact, contiguous, and substantially equal in~~  
13 ~~population.~~

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

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

22       ~~The Speaker and Minority Leader of the House of~~  
23 ~~Representatives shall each appoint to the Commission one~~  
24 ~~Representative and one person who is not a member of the~~  
25 ~~General Assembly. The President and Minority Leader of the~~  
26 ~~Senate shall each appoint to the Commission one Senator and~~

1 ~~one person who is not a member of the General Assembly.~~

2 ~~The members shall be certified to the Secretary of State~~  
3 ~~by the appointing authorities. A vacancy on the Commission~~  
4 ~~shall be filled within five days by the authority that made the~~  
5 ~~original appointment. A Chairman and Vice Chairman shall be~~  
6 ~~chosen by a majority of all members of the Commission.~~

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

10 ~~If the Commission fails to file an approved redistricting~~  
11 ~~plan, the Supreme Court shall submit the names of two persons,~~  
12 ~~not of the same political party, to the Secretary of State not~~  
13 ~~later than September 1.~~

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

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

20 ~~An approved redistricting plan filed with the Secretary of~~  
21 ~~State shall be presumed valid, shall have the force and effect~~  
22 ~~of law and shall be published promptly by the Secretary of~~  
23 ~~State.~~

24 ~~The Supreme Court shall have original and exclusive~~  
25 ~~jurisdiction over actions concerning redistricting the House~~  
26 ~~and Senate, which shall be initiated in the name of the People~~

1 ~~of the State by the Attorney General.~~

2 (Source: Amendment adopted at general election November 4,  
3 1980.)

4 SCHEDULE

5 This Constitutional Amendment takes effect upon being  
6 declared adopted in accordance with Section 7 of the Illinois  
7 Constitutional Amendment Act and applies to redistricting  
8 beginning in 2023 and to the election of General Assembly  
9 members beginning in 2024.