



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0001

Introduced 1/31/2023, 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. Provides for the creation of 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. Requires the commission to 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 redistricting plans during the redistricting process for consideration by the Commission. Specifies that, 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 2031 and to the election of General Assembly members beginning in 2032.

LRB103 25423 DTM 51771 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
4 HUNDRED THIRD 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
8 of 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,
10 a 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
23 term. An appointee to fill a vacancy shall be a member of the
24 same 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
4 which he was elected or appointed shall be appointed to a
5 public office which shall have been created or the
6 compensation for which shall have been increased by the
7 General Assembly during 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"
13 means the index published by the Bureau of Labor Statistics of
14 the United States Department of Labor or a successor agency
15 that measures the average change in prices of goods and
16 services purchased by all urban consumers, United States city
17 average, 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. 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 preceding 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 10 years to
13 serve in the General Assembly or to be appointed to a position
14 subject to Senate confirmation. Commissioners must file
15 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. 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 of the hearings occurring before the
9 Commission releases any proposed redistricting plan. At least
10 10 public hearings must occur throughout the State after the
11 release of any proposed redistricting plan.

12 The Commission must provide a meaningful opportunity for
13 racial minorities and language minorities to participate in
14 the public hearings, including, but not limited to, issuing
15 notices in multiple languages and ensuring that translation
16 services are available at all hearings at the Commission's
17 expense or through partnership with outside organizations.
18 These public hearings must be open to all members of the public
19 and must be planned to encourage attendance and participation
20 across the State, including the use of technology that allows
21 for 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 redistricting
2 process, any member of the public may submit redistricting
3 proposals for consideration to the Commission. Those
4 submissions are public records that are open to comment.

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

24 (g) The Commission shall adopt and file with the Secretary
25 of State a redistricting plan for the Legislative Districts,
26 Representative Districts, and Congressional Districts by

1 August 1 of the year following the federal decennial census.
2 The Commission may adopt separate redistricting plans for the
3 Legislative Districts, the Representative Districts, and the
4 Congressional Districts.

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

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

1 post of duty for purposes of reimbursement of expenses.

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

1 Comptroller or its successor, shall have procurement and
2 contracting authority and may hire staff and consultants, for
3 the purposes of this Section, including legal 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 a court of competent jurisdiction to obtain any of the
15 relief 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~~
7 ~~one person who is not a member of the General Assembly.~~

8 ~~The members shall be certified to the Secretary of State~~
9 ~~by the appointing authorities. A vacancy on the Commission~~
10 ~~shall 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~~
21 ~~publicly shall draw by random selection the name of one of the~~
22 ~~two 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 2031 and to the election of General Assembly
15 members beginning in 2032.