



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0010

Introduced 3/30/2023, 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 2031 and to the election of General Assembly members beginning in 2032.

LRB103 31657 DTM 60146 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD 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 "Crossover districts" means districts in which a racial
18 minority or language minority constitutes less than a majority
19 of the voting-age population, but where this minority, at
20 least potentially, is large enough to elect the candidate of
21 its choice with help from voters who are members of the
22 majority who cross over to support the minority's preferred
23 candidate.

24 "Influence districts" means districts in which a racial
25 minority or language minority can influence the outcome of an

1 election even if its preferred candidate cannot be elected.

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

6 (b) Each Legislative District, Representative District,
7 and Congressional District shall, in the following order of
8 priority:

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

11 (2) be substantially equal in population;

12 (3) provide racial minorities and language minorities
13 with the equal opportunity to participate in the political
14 process and elect candidates of their choice;

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

22 (5) be contiguous;

23 (6) be compact;

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

26 (8) respect, to the extent practical, communities

1 sharing common social or economic interests; and

2 (9) not discriminate against or in favor of any
3 political party or individual.

4 (c) No later than March 1 of 2031, the Chief Justice and
5 the most senior Supreme Court Justice who is not elected from
6 the same political party as the Chief Justice shall select 17
7 commissioners to form an Independent Redistricting Commission.
8 The Commission formed in 2031 shall redraw each Legislative
9 District, Representative District, and Congressional District
10 for 2032. Thereafter, redistricting shall occur every year
11 following the federal decennial census.

12 The commissioners shall reflect the ethnic, gender, and
13 racial demographics of Illinois to reflect the demographic
14 data provided by the decennial census, each commissioner shall
15 be a voter who has been continuously affiliated in Illinois
16 with the same political party or unaffiliated with a political
17 party and who has not changed political party affiliation for
18 5 or more years immediately preceding the date of his or her
19 appointment. Fourteen of the commissioners shall represent, in
20 equal number, the two political parties whose gubernatorial
21 candidates received the greatest number of votes in the last
22 gubernatorial election and 3 of the commissioners must
23 represent neither of those parties. No more than one
24 commissioner shall be from the same Congressional District. If
25 the total number of Congressional Districts equal less than
26 17, then at-large commissioners will be appointed to fill

1 vacancies, and no more than 2 commissioners shall be from the
2 same Congressional District. The 2 Justices responsible for
3 selecting the 17 commissioners shall consider party
4 identification and all campaign contributions in determining a
5 potential 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
22 contract; 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
8 one 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
12 either 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
23 commission and to the extent possible, to keep the geographic
24 and racial demographics of the commission the same as it was
25 prior to the 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
19 offense to provide the Secretary of State with a report that
20 includes the last known place of residence prior to
21 incarceration of each inmate, except an inmate whose last
22 known place of residence is outside of Illinois. The Secretary
23 of State shall deliver such report to the Commission by
24 December 30 of that same year. For purposes of reapportionment
25 and redistricting, the Commission shall count each
26 incarcerated person as residing at his or her last known place

1 of residence, rather than at the institution of his or her
2 incarceration.

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

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

1 respond to it. Those submissions are public records that are
2 open to comment.

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

21 (1) The Commission shall adopt and file with the Secretary
22 of State a redistricting plan for the Legislative Districts,
23 Representative Districts, and Congressional Districts by
24 September 1 of 2031 and in every year following the federal
25 decennial census thereafter. The Commission may adopt separate
26 redistricting plans for the Legislative Districts, the

1 Representative Districts, and the Congressional Districts.

2 (m) Members of the Commission shall be compensated as
3 provided by law.

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

19 (o) A redistricting plan filed with the Secretary of State
20 shall be presumed valid and shall be published promptly by the
21 Secretary of State.

22 (p) The Supreme Court shall have original and exclusive
23 jurisdiction over actions concerning the redistricting of the
24 Congressional, Legislative, and Representative Districts,
25 which shall be initiated in the name of the People of the State
26 by the Attorney General. Each person who resides or is

1 domiciled in the State, or whose executive office or principal
2 place of business is located in the State, may bring an action
3 in a court of competent jurisdiction to obtain any of the
4 relief available.

5 ~~(a) Legislative Districts shall be compact, contiguous and~~
6 ~~substantially equal in population. Representative Districts~~
7 ~~shall be compact, contiguous, and substantially equal in~~
8 ~~population.~~

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

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

17 ~~The Speaker and Minority Leader of the House of~~
18 ~~Representatives shall each appoint to the Commission one~~
19 ~~Representative and one person who is not a member of the~~
20 ~~General Assembly. The President and Minority Leader of the~~
21 ~~Senate shall each appoint to the Commission one Senator and~~
22 ~~one person who is not a member of the General Assembly.~~

23 ~~The members shall be certified to the Secretary of State~~
24 ~~by the appointing authorities. A vacancy on the Commission~~
25 ~~shall be filled within five days by the authority that made the~~
26 ~~original appointment. A Chairman and Vice Chairman shall be~~

1 ~~chosen by a majority of all members of the Commission.~~

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

5 ~~If the Commission fails to file an approved redistricting~~
6 ~~plan, the Supreme Court shall submit the names of two persons,~~
7 ~~not of the same political party, to the Secretary of State not~~
8 ~~later than September 1.~~

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

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

15 ~~An approved redistricting plan filed with the Secretary of~~
16 ~~State shall be presumed valid, shall have the force and effect~~
17 ~~of law and shall be published promptly by the Secretary of~~
18 ~~State.~~

19 ~~The Supreme Court shall have original and exclusive~~
20 ~~jurisdiction over actions concerning redistricting the House~~
21 ~~and Senate, which shall be initiated in the name of the People~~
22 ~~of the State by the Attorney General.~~

23 (Source: Amendment adopted at general election November 4,
24 1980.)

1 This Constitutional Amendment takes effect upon being
2 declared adopted in accordance with Section 7 of the Illinois
3 Constitutional Amendment Act and applies to redistricting
4 beginning in 2031 and to the election of General Assembly
5 members beginning in 2032.