



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0045**

Introduced 4/17/2008, by Rep. Tom Cross - Jil Tracy - Jim Durkin - Chapin Rose

**SYNOPSIS AS INTRODUCED:**

ILCON Art. IV, Sec. 2

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution. Provides that the Senate by resolution (instead of the General Assembly by law) shall divide the Legislative Districts into 3 groups for the election of Senators. Provides that Legislative and Representative Districts shall reflect minority voting strengths and consider communities of interest (as well as be compact, contiguous, and substantially equal in population). Provides that, by June 30 in the year following each Federal decennial census year, the Senate and House, each by resolution adopted by two-thirds of the members elected, shall redistrict the Legislative and Representative Districts, respectively. If a resolution is not filed with the Secretary of State by June 30, provides that a Legislative District or a Representative District Redistricting Commission has until July 31 to redistrict the Legislative Districts or Representative Districts, as applicable. If a Commission fails to redistrict, requires the Chief Justice and another Judge of the Supreme Court to appoint a Special Master, who must be a retired federal judge, to redistrict by September 5. Requires Special Masters to use a computer program designated by the State Board of Elections and sets forth the requirements for that program. Limits the jurisdiction of the Supreme Court in redistricting actions. Makes other changes. Effective upon being declared adopted.

LRB095 20867 RCE 49716 e

1 HOUSE JOINT RESOLUTION  
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-FIFTH 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 Sections 2 and 3 of  
9 Article IV of the Illinois Constitution 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 Senate, by resolution, ~~General Assembly by law~~ shall divide  
17 the Legislative Districts as equally as possible into three  
18 groups. Senators from one group shall be elected for terms of  
19 four years, four years and two years; Senators from the second  
20 group, for terms of four years, two years and four years; and  
21 Senators from the third group, for terms of two years, four  
22 years and four years. The Legislative Districts in each group  
23 shall be distributed substantially equally over the State.

1           (b) ~~Each Legislative District shall be divided into two~~  
2 ~~Representative Districts.~~ In 2012 ~~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) Legislative Districts shall be compact, be contiguous,  
13 be ~~and~~ substantially equal in population, reflect minority  
14 voting strengths in compliance with all federal voting laws,  
15 and consider communities of interest. Representative Districts  
16 shall be compact, be contiguous, be ~~and~~ substantially equal in  
17 population, reflect minority voting strengths in compliance  
18 with all federal voting laws, and consider communities of  
19 interest. A Representative District need not be entirely within  
20 a single Legislative District.

21 (b) By April 1 of the year following each Federal decennial  
22 census year, the State Board of Elections, by a record vote of  
23 a majority of the total number of members authorized by law as  
24 provided in Section 5 of Article III, shall designate a  
25 computer program for redistricting that meets the requirements

1 of this Section. The designation shall include detailed  
2 specifications of the computer program. The Special Masters  
3 must use this computer program to produce redistricting maps.

4 Any computer program designated by the State Board of  
5 Elections under this Section shall embody the standards and  
6 criteria, as defined by Common Law, as set forth in subsection  
7 (a) of this Section.

8 Any computer program designated by the State Board of  
9 Elections under this Section shall not consider the following  
10 data:

11 (1) residency of incumbent legislators;

12 (2) political affiliations of registered voters;

13 (3) previous election results; and

14 (4) demographic information not required to be used by  
15 this Section or by the United States Constitution or  
16 federal law.

17 Except as specified in this Section, the computer program  
18 shall produce districts in a random manner.

19 (c) ~~(b)~~ In the year following each Federal decennial census  
20 year, the Senate, by resolution adopted by a record vote of  
21 two-thirds of the members elected, ~~General Assembly by law~~  
22 shall redistrict the Legislative Districts, and the House of  
23 Representatives, by resolution adopted by a record vote of  
24 two-thirds of the members elected, shall redistrict the  
25 Representative Districts. An adopted redistricting resolution  
26 shall be filed with the Secretary of State by the presiding

1 officer of the house that adopted the resolution. Each house  
2 shall file an adopted resolution not later than June 30.

3 (d) A ~~If no redistricting plan becomes effective by June 30~~  
4 ~~of that year, a Legislative District Redistricting Commission~~  
5 shall be constituted by April 1 of the year following each  
6 Federal decennial census year not later than July 10. The  
7 Commission shall consist of four ~~eight~~ members, no more than  
8 two ~~four~~ of whom shall be members of the same political party.

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

16 The members shall be certified to the Secretary of State by  
17 the appointing authorities. A vacancy on the Commission shall  
18 be filled within five days by the authority that made the  
19 original appointment. A Chairman and Vice Chairman shall be  
20 chosen by a majority of all members of the Commission. The  
21 Commission may hold public hearings and collect information  
22 regarding the redistricting of Legislative Districts.

23 If the Senate has failed to file a redistricting resolution  
24 with the Secretary of State by June 30, the Commission, by  
25 resolution adopted by record vote of at least three  
26 Commissioners, shall redistrict the Legislative Districts.

1       Not later than July 31, the Commission shall file an  
2 adopted resolution with the Secretary of State. If the  
3 Commission fails to file an adopted resolution by July 31, the  
4 Chief Justice of the Supreme Court and a Supreme Court Judge  
5 selected by the Supreme Court Judges from a political party  
6 other than the political party of the Chief Justice shall  
7 jointly appoint one person to act as Special Master to  
8 redistrict the Legislative Districts, who may not be the same  
9 person appointed Special Master under subsection (e). A Special  
10 Master must be a retired federal judge who has not held a  
11 partisan elected office within the past five years. The Special  
12 Master shall be appointed and certified to the Secretary of  
13 State not later than August 10. The Special Master shall file a  
14 redistricting map of the Legislative Districts with the  
15 Secretary of State not later than September 5.

16       (e) A Representative District Redistricting Commission  
17 shall be constituted by April 1 of the year following each  
18 Federal decennial census year. The Commission shall consist of  
19 four members, no more than two of whom shall be members of the  
20 same political party.

21       The Speaker and Minority Leader of the House of  
22 Representatives shall each appoint two persons to the  
23 Commission.

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

1 original appointment. A Chairman and Vice Chairman shall be  
2 chosen by a majority of all members of the Commission. The  
3 Commission may hold public hearings and collect information  
4 regarding the redistricting of Representative Districts.

5 If the House of Representatives has failed to file a  
6 redistricting resolution with the Secretary of State by June  
7 30, the Commission, by resolution adopted by record vote of at  
8 least three Commissioners, shall redistrict the Representative  
9 Districts.

10 Not later than July 31, the Commission shall file an  
11 adopted resolution with the Secretary of State. If the  
12 Commission fails to file an adopted resolution by July 31, the  
13 Chief Justice of the Supreme Court and a Supreme Court Judge  
14 selected by the Supreme Court Judges from a political party  
15 other than the political party of the Chief Justice shall  
16 jointly appoint one person to act as Special Master to  
17 redistrict the Representative Districts, who may not be the  
18 same person appointed Special Master under subsection (d). A  
19 Special Master must be a retired federal judge who has not held  
20 a partisan elected office within the past five years. The  
21 Special Master shall be appointed and certified to the  
22 Secretary of State not later than August 10. The Special Master  
23 shall file a redistricting map of the Representative Districts  
24 with the Secretary of State not later than September 5.

25 ~~Not later than August 10, the Commission shall file with~~  
26 ~~the Secretary of State a redistricting plan approved by at~~



1 ~~least five members.~~

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

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

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

12 (f) A ~~An~~ approved redistricting resolution or  
 13 redistricting map plan filed with the Secretary of State shall  
 14 be presumed valid, shall have the force and effect of law and  
 15 shall be published promptly by the Secretary of State.

16 The Supreme Court shall have original and exclusive  
 17 jurisdiction over actions concerning redistricting the House  
 18 and Senate, which shall be initiated in the name of the People  
 19 of the State by the Attorney General, but the jurisdiction of  
 20 the Supreme Court is limited to compelling the discharge of  
 21 duties and responsibilities set forth in this Section.

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

24 SCHEDULE

25 The State Board of Elections shall proceed, as soon as all

1 the returns are received but no later than 31 days after the  
2 election, to canvass the votes given for and against this  
3 Constitutional Amendment, as shown by the abstracts of votes  
4 cast. If this Constitutional Amendment is approved by either  
5 three-fifths of those voting on the question or a majority of  
6 those voting in the election, then the State Board of Elections  
7 shall declare the adoption of this Constitutional Amendment and  
8 it shall, upon declaration of its adoption, take effect and  
9 become a part of the Constitution of this State. This Schedule  
10 supersedes and applies notwithstanding any statute to the  
11 contrary, and no other requirements, including without  
12 limitation proclamation of the results of the vote or notice by  
13 publication, are necessary for its effectiveness. This  
14 Constitutional Amendment applies to redistricting beginning in  
15 2011 and to the election of members of the General Assembly  
16 beginning in 2012.