



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0016**

Introduced 2/11/2009, by Rep. James D. Brosnahan

**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 political boundaries (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 three-fifths 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 shall be appointed and the 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 to redistrict by September 5. Requires districts to reflect minority voting strengths. Makes other changes. Effective upon being declared adopted.

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1                                   HOUSE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-SIXTH 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                   (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 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, and consider political boundaries.

15 Representative Districts shall be compact, be contiguous, be  
16 ~~and~~ substantially equal in population, reflect minority voting  
17 strengths, and consider political boundaries. A Representative  
18 District need not be entirely within a single Legislative  
19 District.

20 (b) In the year following each Federal decennial census  
21 year, the Senate, by resolution adopted by a record vote of  
22 three-fifths of the members elected, General Assembly by law  
23 shall redistrict the Legislative Districts, and the House of  
24 Representatives, by resolution adopted by a record vote of  
25 three-fifths of the members elected, shall redistrict the

1 Representative Districts. An adopted redistricting resolution  
2 shall be filed with the Secretary of State by the presiding  
3 officer of the house that adopted the resolution. Each house  
4 shall file an adopted resolution not later than June 30.

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

11 ~~The Speaker and Minority Leader of the House of~~  
12 ~~Representatives shall each appoint to the Commission one~~  
13 ~~Representative and one person who is not a member of the~~  
14 ~~General Assembly.~~ The President and Minority Leader of the  
15 Senate shall each appoint two persons to the Commission ~~one~~  
16 ~~Senator and one person who is not a member of the General~~  
17 ~~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. The  
23 Commission may hold public hearings and collect information  
24 regarding the redistricting of Legislative Districts.

25 If the Senate has failed to file a redistricting resolution  
26 with the Secretary of State by June 30, the Commission, by

1 resolution adopted by record vote of at least three  
2 Commissioners, shall redistrict the Legislative Districts.

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

16 (d) 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 (c). The  
19 Special Master shall be appointed and certified to the  
20 Secretary of State not later than August 10. The Special Master  
21 shall file a redistricting map of the Representative Districts  
22 with the Secretary of State not later than September 5.

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 (e) A ~~An~~ approved redistricting resolution or  
11 redistricting map ~~plan~~ filed with the Secretary of State shall  
12 be presumed valid, shall have the force and effect of law and  
13 shall be published promptly by the Secretary of 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 The State Board of Elections shall proceed, as soon as all  
22 the returns are received but no later than 31 days after the  
23 election, to canvass the votes given for and against this  
24 Constitutional Amendment, as shown by the abstracts of votes  
25 cast. If this Constitutional Amendment is approved by either



1 three-fifths of those voting on the question or a majority of  
2 those voting in the election, then the State Board of Elections  
3 shall declare the adoption of this Constitutional Amendment and  
4 it shall, upon declaration of its adoption, take effect and  
5 become a part of the Constitution of this State. This Schedule  
6 supersedes and applies notwithstanding any statute to the  
7 contrary, and no other requirements, including without  
8 limitation proclamation of the results of the vote or notice by  
9 publication, are necessary for its effectiveness. This  
10 Constitutional Amendment applies to redistricting beginning in  
11 2011 and to the election of members of the General Assembly  
12 beginning in 2012.