

# 96TH GENERAL ASSEMBLY State of Illinois 2009 and 2010

# HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT HC0032

Introduced , by Rep. Mike Fortner

# 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 boundaries of Legislative Representative districts may be separate. Requires that both types of districts, in addition to being compact, contiguous, and substantially equal in population, must reflect minority voting strengths, promote competition, and consider political boundaries. Replaces the current method of redistricting of the Senate and House of Representatives with the following: a commission, appointed by the legislative leaders and in accordance with scoring criteria provided by law, shall score separate Legislative District and Representative District maps submitted by the public; the Senate and House, each by a three-fifths vote, shall adopt one of the 3 maps with the best scores for its districts; and the Secretary of State shall certify the map with the best score if a chamber fails to adopt a map. Specifies the schedule for redistricting activities. Effective upon being declared adopted and applicable to redistricting beginning in 2011 and to the election of General Assembly members beginning in 2012.

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### 1 HOUSE JOINT RESOLUTION

## 2 CONSTITUTIONAL AMENDMENT

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

10 ARTICLE IV

THE LEGISLATURE

- 12 (ILCON Art. IV, Sec. 2)
- 13 SECTION 2. LEGISLATIVE COMPOSITION
- 14 (a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, 15 16 the Senate, by resolution, General Assembly by law shall divide 17 the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of 18 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 Senators from the third group, for terms of two years, four 21 22 years and four years. The Legislative Districts in each group 23 shall be distributed substantially equally over the State.

- (b) Each Legislative District shall be divided into two Representative Districts. In 2012 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.
  - Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.
  - (d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.
  - (e) No member of the General Assembly shall receive 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.
- 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, promote competition, and consider political
- 15 boundaries. Representative Districts shall be compact, be
- 16 contiguous, be and substantially equal in population, reflect
- minority voting strengths, promote competition, and consider
- 18 political boundaries. A Representative District need not be
- 19 entirely within a single Legislative District. The General
- 20 Assembly shall establish by law a method to determine a score
- 21 for any map for Legislative or Representative districts.
- 22 (b) In the year following each Federal decennial census
- 23 year, the General Assembly by law shall redistrict the
- 24 Legislative Districts and the Representative Districts.
- 25 <u>A</u> If no redistricting plan becomes effective by June 30 of

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that year, a Legislative Redistricting Commission shall be 1 2 constituted by March 1 of the year following each Federal decennial census year <del>not later than July 10</del>. The Commission 3 4 shall consist of eight members, no more than four of whom shall

be members of the same political party.

and Minority Leader of the Speaker House of Representatives shall each appoint two persons to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint two persons to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission shall provide to the public data and tools to create Legislative and Representative districts not later than April 7. The Commission shall accept maps for the redistricting of Legislative and Representative districts through May 7.

The Commission shall evaluate all submitted maps according to criteria set forth in subsection (a) as implemented by law and assign each map a score. The Commission shall eliminate maps that fail to meet federal and State law and shall eliminate maps that are substantially the same as other maps of

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equal or better score. Not later than May 22 the Commission 1 2 shall give to the Senate the maps for Legislative Districts with the best three scores. Not later than May 22 the 3 4 Commission shall give to the House of Representatives the maps

for Representative Districts with the best three scores.

(c) The Senate by a record vote of three-fifths of the members elected may adopt a redistricting resolution from the three maps for Legislative Districts submitted by the Commission. If the Senate has failed to file a redistricting resolution with the Secretary of State by June 30, the Secretary of State shall certify the redistricting map for Legislative Districts that received the best score from the Commission.

The House by a record vote of three-fifths of the members elected may adopt a redistricting resolution from the three maps for Representative Districts submitted by the Commission. If the House has failed to file a redistricting resolution with the Secretary of State by June 30, the Secretary of State shall certify the redistricting map for Representative Districts that received the best score from the Commission.

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

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State

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- Not later than September 5, the Secretary of State publicly
  shall draw by random selection the name of one of the two
  persons to serve as the ninth member of the Commission.
- Not later than October 5, the Commission shall file with
  the Secretary of State a redistricting plan approved by at
  least five members.
- 8 <u>(d) A An approved</u> redistricting <u>resolution or</u>
  9 <u>redistricting map plan</u> filed with the Secretary of State shall
  10 be presumed valid, shall have the force and effect of law and
  11 shall be published promptly by the Secretary of State.
- The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.
- 16 (Source: Amendment adopted at general election November 4, 1980.)

18 SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to redistricting beginning in 2011 and to the election of General Assembly members beginning in 2012.