



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0121

Introduced 4/6/2010, by Sen. Kwame Raoul - Deanna Demuzio - Don Harmon - Mattie Hunter

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 2
ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution concerning the decennial redistricting of Legislative and Representative Districts. Provides that the Senate, by resolution, instead of "the General Assembly by law", shall divide the Legislative Districts into 3 groups for the determination of terms of office. Eliminates the requirement that Legislative Districts be divided into 2 Representative Districts. Requires Districts, in order of priority, to be substantially equal in population; provide racial minorities and language minorities with the equal opportunity to participate in the political process and elect candidates of their choice; provide racial minorities and language minorities who constitute less than a voting-age majority of a District with an opportunity to control or substantially influence the outcome of an election; be contiguous; respect, to the extent practical, communities of interest; respect, to the extent practical, municipal boundaries; and be compact. Provides for the General Assembly to redistrict Legislative and Representative Districts by law by June 20. If that fails, provides for the Senate to redistrict Legislative Districts and the House to redistrict Representative Districts, each by resolution adopted by three-fifths of the members elected. If no resolution is adopted by July 20, provides for a Senate or House Redistricting Commission to redistrict by August 20. If that fails, provides for a Special Master. If that fails or a bill, resolution, or plan is invalidated, the General Assembly may redistrict by law. Requires hearings and allows for the public to submit plans. Effective upon being declared adopted.

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 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 and Representative Districts
13 shall each, in order of priority, be substantially equal in
14 population; provide racial minorities and language minorities
15 with the equal opportunity to participate in the political
16 process and elect candidates of their choice; provide racial
17 minorities and language minorities who constitute less than a
18 voting-age majority of a District with an opportunity to
19 control or substantially influence the outcome of an election;
20 be contiguous; respect, to the extent practical, communities of
21 interest; respect, to the extent practical, municipal
22 boundaries; and be compact, contiguous and substantially equal
23 in population. Representative Districts shall be compact,
24 contiguous, and substantially equal in population.

25 (b) In the year following each Federal decennial census

1 year, the General Assembly by law shall redistrict the
2 Legislative Districts and the Representative Districts,
3 subject to the hearing and notice requirements of subsection
4 (c).

5 A bill passed by the General Assembly pursuant to this
6 subsection shall be presented to the Governor not later than
7 June 3. The foregoing requirement shall be judicially
8 enforceable. If the Governor approves the bill, then the
9 Governor shall sign it by June 10 and it shall become law. If
10 the Governor vetoes the bill or makes specific recommendations
11 for change to the bill, then the Governor shall return it with
12 his or her objections or specific recommendations by June 10
13 directly to the house in which it originated whether or not the
14 General Assembly is in recess or adjourned. Any bill not so
15 returned on or before June 10 of that year shall become law.

16 A vetoed bill or bill returned with specific
17 recommendations for change shall be considered in the manner
18 set forth in this subsection notwithstanding any provision of
19 Section 9 of this Article to the contrary. Not later than June
20 15, the originating house may either override the Governor's
21 veto or specific recommendations for change by a record vote of
22 three-fifths of the members elected or accept the Governor's
23 specific recommendations for change by a record vote of a
24 majority of the members elected. If the originating house
25 passes the bill by the required vote, then it shall be
26 delivered immediately to the second house, which, not later

1 than June 20, may take the same action as the originating house
2 by the same record vote requirements applicable to the
3 originating house. A bill having received the required record
4 vote in both houses shall become law and shall take effect
5 immediately notwithstanding any provision of Section 10 of this
6 Article to the contrary. If no redistricting bill for the
7 Legislative Districts or Representative Districts, or both,
8 becomes law by June 20 of that year, then the General Assembly
9 may not redistrict by law for the remainder of that year,
10 except as provided in subsection (f).

11 If no redistricting bill for the Legislative Districts or
12 Representative Districts, or both, becomes law by June 20 of
13 that year, then the Senate may redistrict Legislative Districts
14 and the House of Representatives may redistrict the
15 Representative Districts, as applicable, by resolution adopted
16 by a record vote of three-fifths of the members elected to that
17 house, subject to the hearing and notice requirements of
18 subsection (c). An adopted redistricting resolution shall be
19 filed with the Secretary of State by the presiding officer of
20 the house that adopted the resolution not later than July 20.

21 If no redistricting resolution is filed for the Legislative
22 Districts or Representative Districts, or both, by July 20,
23 then not later than August 20 the Senate Redistricting
24 Commission shall redistrict the Legislative Districts and the
25 House Redistricting Commission shall redistrict the
26 Representative Districts, as applicable, each in a manner

1 consistent with subsection (e).

2 (c) In the year following each Federal decennial census
3 year, the Senate and House of Representatives shall each
4 establish a committee to consider proposals to redistrict the
5 Legislative Districts or Representative Districts, as
6 applicable. Each committee must conduct at least four public
7 hearings statewide to receive testimony and inform the public
8 on the applicable existing Districts, with one hearing held in
9 each of four distinct geographic regions of the State
10 determined by the respective committee. All hearings of a
11 committee shall be open to the public. The Chairperson of each
12 committee shall, no later than six days before any proposed
13 hearing, post a notice with the Secretary of the Senate or
14 Clerk of the House, as applicable. The notice shall identify
15 any measure and subject matter that may be considered during
16 that hearing. The notice shall contain the day, hour, and place
17 of the hearing.

18 If a committee favorably reports a redistricting
19 resolution or bill redistricting the Legislative Districts or
20 Representative Districts, or both, as applicable, then the
21 committee shall conduct at least one final hearing in each of
22 four distinct geographic regions previously determined by the
23 committee in order to receive testimony and inform the public
24 of the proposed Districts. All hearings of a committee shall be
25 open to the public. The Chairperson shall, no later than two
26 days before any proposed hearing, post a notice with the

1 Secretary of the Senate or Clerk of the House, as applicable.
2 The notice shall identify any measure and subject matter that
3 may be considered during that hearing. The notice shall contain
4 the day, hour, and place of the hearing. After the committee
5 completes the required hearings, then the Senate or House of
6 Representatives, or both, as applicable, may amend a
7 redistricting bill or resolution and may take final action on
8 the bill or resolution.

9 (d) As soon as practical, the General Assembly shall make
10 available to the public, the Commissions, and the Special
11 Masters all Federal decennial census data it receives from the
12 Federal government and any other data required by law. The
13 General Assembly shall provide a means by which members of the
14 public may submit redistricting proposals or comment on or
15 obtain a copy of any proposal submitted to the Senate, the
16 House, a Commission, or a Special Master.

17 (e) By February 1 of the year following each Federal
18 decennial census year, ~~If no redistricting plan becomes~~
19 ~~effective by June 30 of that year,~~ a Senate Legislative
20 Redistricting Commission shall be constituted and consist of
21 ~~ten members, no more than five~~ not later than July 10. The
22 ~~Commission shall consist of eight members, no more than four~~ of
23 whom shall be members of the same political party. ~~The Speaker~~
24 ~~and Minority Leader of the House of Representatives shall each~~
25 ~~appoint to the Commission one Representative and one person who~~
26 ~~is not a member of the General Assembly.~~ The President and

1 Minority Leader of the Senate shall each appoint five persons
2 to the Commission, no more than two of whom shall be Senators
3 ~~one Senator~~ and at least three of whom shall be persons ~~one~~
4 ~~person~~ who do not hold an elected or a political party office,
5 are not employees of the General Assembly, are not employees of
6 a political party, are not immediate family members of a member
7 of the General Assembly or Congress, and are not lobbyists as
8 defined by law.

9 By February 1 of the year following each Federal decennial
10 census year, a House of Representatives Redistricting
11 Commission shall be constituted and consist of ten members, no
12 more than five of whom shall be members of the same political
13 party. The Speaker and Minority Leader of the House of
14 Representatives shall each appoint five persons to the
15 Commission, no more than two of whom shall be Representatives
16 and at least three of whom shall be persons who do not hold an
17 elected or a political party office, are not employees of the
18 General Assembly, are not employees of a political party, are
19 not immediate family members of a member of the General
20 Assembly or Congress, and are not lobbyists as defined by law.

21 An "immediate family member", for purposes of this
22 subsection, is a person with whom the person has a bona fide
23 relationship established through close blood or legal
24 relationship, including parents, siblings, children, spouses,
25 and first cousins is not a member of the General Assembly.

26 Persons appointed to each Commission should reflect the

1 racial, ethnic, geographic, and cultural diversity of the
2 State.

3 The members shall be certified to the Secretary of State by
4 the appointing authorities. A vacancy on the Commission shall
5 be filled within five days by the authority that made the
6 original appointment. For each Commission, a Chairperson ~~A~~
7 ~~Chairman~~ and Vice Chairperson ~~Chairman~~ shall be chosen by a
8 majority of all members of the Commission.

9 Each Redistricting Commission shall conduct at least ten
10 public hearings statewide to receive testimony and inform the
11 public, with two hearings held in each of five distinct
12 geographic regions of the State determined by the respective
13 Commission. All hearings of a Commission shall be open to the
14 public. The Chairperson of the Commission shall, no later than
15 six days before any proposed hearing, post a notice with the
16 Secretary of the Senate or Clerk of the House, as applicable,
17 who shall immediately make the notice available to the public.
18 The notice shall identify any measure and subject matter that
19 may be considered during that hearing. The notice shall contain
20 the day, hour, and place of the hearing. Each Commission shall
21 conduct the public hearings by April 1 of that year and must
22 file a report with its respective chamber regarding its
23 hearings, including hearing transcripts. Each Commission shall
24 also file a copy of its report and hearing transcripts with the
25 State Board of Elections, which shall make the report and
26 hearing transcripts available to the public.

1 If no law redistricting the Legislative Districts or
2 Representative Districts, or both, takes effect by June 20 and
3 the Senate or House, as applicable, fails to file a
4 redistricting resolution with the Secretary of State by July
5 20, then the applicable Redistricting Commission, by
6 resolution adopted by a record vote of at least six
7 Commissioners, shall redistrict the Legislative Districts or
8 Representative Districts, as applicable. If a Commission
9 adopts a redistricting resolution, then the Commission shall
10 conduct at least one public hearing in each of the five
11 distinct geographic regions previously determined by the
12 Commission in order to receive testimony and inform the public
13 of the redistricting plan. The Commission must complete the
14 required hearings prior to filing an adopted redistricting
15 resolution with the Secretary of State. All hearings of a
16 Commission shall be open to the public. The Chairperson of the
17 Commission shall, no later than two days before any proposed
18 hearing, post a notice with the Secretary of the Senate or
19 Clerk of the House, as applicable, who shall immediately make
20 the notice available to the public. The notice shall identify
21 any measure and subject matter that may be considered during
22 that hearing. The notice shall contain the day, hour, and place
23 of the hearing. The Commission shall file an adopted resolution
24 with the Secretary of State not later than August 20.

25 If a Redistricting Commission fails to file an adopted
26 resolution by August 20, then the Supreme Court Judges most

1 senior from each political party represented on the Supreme
2 Court shall jointly appoint one person to act as Special Master
3 to redistrict the Legislative Districts and a different person
4 to act as Special Master to redistrict the Representative
5 Districts, as applicable. A Special Master shall be a person
6 who does not hold an elected or a political party office, is
7 not an employee of the General Assembly, is not an employee of
8 a political party, is not a member of the General Assembly or
9 Congress, is not an immediate family member of a member of the
10 General Assembly or Congress, and is not a lobbyist as defined
11 by law. The Special Master shall be appointed and certified to
12 the Secretary of State not later than August 27. The
13 appointment of the Special Master by any Supreme Court Judge
14 shall not be considered an actual or potential conflict of
15 interest for which the Judge shall recuse himself or herself
16 from any action concerning redistricting the House and Senate.

17 The Special Master may consider any redistricting plan
18 filed by members of the General Assembly, the applicable
19 Commission, or members of the public. The Special Master shall
20 conduct at least one public hearing in each of the five
21 distinct geographic regions previously determined by the
22 applicable Commission in order to receive testimony and inform
23 the public of the redistricting plan. The Special Master must
24 complete the required public hearings prior to filing a
25 redistricting plan with the Secretary of State. All hearings
26 conducted by a Special Master shall be open to the public. The

1 Special Master shall, no later than two days before any
2 proposed hearing, post a notice with the Secretary of the
3 Senate or Clerk of the House, as applicable, who shall
4 immediately make the notice available to the public. The notice
5 shall identify any measure and subject matter that may be
6 considered during that hearing. The notice shall contain the
7 day, hour, and place of the hearing. The Special Master shall
8 file a redistricting plan of the Legislative Districts or
9 Representative Districts, as applicable, with the Secretary of
10 State not later than October 5.

11 (f) If a redistricting bill, resolution, or plan is
12 invalidated in whole or in part by a court of competent
13 jurisdiction or a redistricting plan is not filed with the
14 Secretary of State by October 5, then the General Assembly may
15 redistrict by law.

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

19 ~~If the Commission fails to file an approved redistricting~~
20 ~~plan, the Supreme Court shall submit the names of two persons,~~
21 ~~not of the same political party, to the Secretary of State not~~
22 ~~later than September 1.~~

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

26 ~~Not later than October 5, the Commission shall file with~~

1 ~~the Secretary of State a redistricting plan approved by at~~
2 ~~least five members.~~

3 (g) A ~~An approved~~ redistricting resolution or plan filed
4 with the Secretary of State shall be presumed valid, shall have
5 the force and effect of law and shall be published promptly by
6 the Secretary of State.

7 (h) The Supreme Court shall have original and exclusive
8 jurisdiction over actions concerning redistricting the House
9 and Senate, which shall be initiated in the name of the People
10 of the State by the Attorney General.

11 (Source: Amendment adopted at general election November 4,
12 1980.)

13 SCHEDULE

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