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LRB096 21826 RCE 40157 a

1 AMENDMENT TO SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 121

3 AMENDMENT NO. _____. Amend Senate Joint Resolution
4 Constitutional Amendment 121 by replacing everything after the
5 title with the following:

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

13 ARTICLE IV
14 THE LEGISLATURE

15 (ILCON Art. IV, Sec. 2)

1 SECTION 2. LEGISLATIVE COMPOSITION

2 (a) One Senator shall be elected from each Legislative
3 District. Immediately following each decennial redistricting,
4 the General Assembly ~~by law~~ shall divide the Legislative
5 Districts as equally as possible into three groups. Senators
6 from one group shall be elected for terms of four years, four
7 years and two years; Senators from the second group, for terms
8 of four years, two years and four years; and Senators from the
9 third group, for terms of two years, four years and four years.
10 The Legislative Districts in each group shall be distributed
11 substantially equally over the State.

12 (b) ~~Each Legislative District shall be divided into two~~
13 ~~Representative Districts.~~ In 2012 ~~1982~~ and every two years
14 thereafter one Representative shall be elected from each
15 Representative District for a term of two years.

16 (c) To be eligible to serve as a member of the General
17 Assembly, a person must be a United States citizen, at least 21
18 years old, and for the two years preceding his election or
19 appointment a resident of the district which he is to
20 represent. In the general election following a redistricting, a
21 candidate for the General Assembly may be elected from any
22 district which contains a part of the district in which he
23 resided at the time of the redistricting and reelected if a
24 resident of the new district he represents for 18 months prior
25 to reelection.

26 (d) Within thirty days after a vacancy occurs, it shall be

1 filled by appointment as provided by law. If the vacancy is in
2 a Senatorial office with more than twenty-eight months
3 remaining in the term, the appointed Senator shall serve until
4 the next general election, at which time a Senator shall be
5 elected to serve for the remainder of the term. If the vacancy
6 is in a Representative office or in any other Senatorial
7 office, the appointment shall be for the remainder of the term.
8 An appointee to fill a vacancy shall be a member of the same
9 political party as the person he succeeds.

10 (e) No member of the General Assembly shall receive
11 compensation as a public officer or employee from any other
12 governmental entity for time during which he is in attendance
13 as a member of the General Assembly.

14 No member of the General Assembly during the term for which
15 he was elected or appointed shall be appointed to a public
16 office which shall have been created or the compensation for
17 which shall have been increased by the General Assembly during
18 that term.

19 (Source: Amendment adopted at general election November 4,
20 1980.)

21 (ILCON Art. IV, Sec. 3)

22 SECTION 3. LEGISLATIVE REDISTRICTING

23 (a) On the second Tuesday in February in the year following
24 each Federal decennial census year, the President of the
25 Senate, the Minority Leader of the Senate, the Speaker of the

1 House, and the Minority Leader of the House may each,
2 considering the diversity of the State, appoint two members to
3 the Temporary Redistricting Advisory Commission. On or before
4 the second Tuesday in March, one additional member shall be
5 elected by a majority of the members appointed, and that member
6 shall serve as Chair. Members of the Temporary Redistricting
7 Advisory Commission shall not be eligible to be elected to the
8 General Assembly or appointed to any office that is subject to
9 confirmation by the Senate for ten years after completion of
10 service on the Temporary Redistricting Advisory Commission. No
11 person may serve as a member of the Temporary Redistricting
12 Advisory Commission who is at the time of appointment, becomes
13 at any time during service, or who was at any time during the
14 preceding four years (i) a registered lobbyist in Illinois;
15 (ii) an employee or contractor of the State of Illinois; (iii)
16 an elected official of or a candidate for or appointed member
17 of any elected body of: the federal government, the State, a
18 unit of local government, a school district or a political
19 party; or (iv) an immediate family member of any of the
20 foregoing. As used in this Article IV, Section 3, "immediate
21 family member" is a person with whom the person has a bona fide
22 relationship established through close blood or legal kinship.
23 If any member of the Temporary Redistricting Advisory
24 Commission shall be unable to fulfill the duties required under
25 this Section, then the person who appointed said member, or
26 that person's successor, shall appoint a person to fill said

1 vacancy within five days of the occurrence of the vacancy.

2 A meeting of a majority of a quorum of the Temporary
3 Redistricting Advisory Commission shall be open to the public
4 with at least twenty-four hour notice.

5 The Temporary Redistricting Advisory Commission shall have
6 authority to hire independent private firms for any assistance.
7 The Commission shall conduct at least five public hearings on
8 separate days around five distinct geographic regions of the
9 State before voting on any redistricting plans, and at least
10 three of the hearings shall be after receipt of the data from
11 the United States Census Bureau. Within three days after
12 receipt of the data from the United States Census Bureau, the
13 Commission shall make that data, together with redistricting
14 software, available to the public.

15 (b) The Commission shall approve any redistricting plans by
16 a majority vote of its members.

17 The Commission shall establish districts pursuant to a
18 mapping process using the following criteria as set forth in
19 the following order of priority:

20 (1) Districts shall comply with all Federal laws and
21 shall not be drawn with the intent or result of denying or
22 abridging the equal opportunity of racial or language
23 minorities to participate in the political process or to
24 diminish their ability to elect representatives of their
25 choice.

26 (2) Districts shall be contiguous.

1 (3) Districts shall be substantially equal in
2 population.

3 (4) Districts shall be compact.

4 (5) District boundaries shall, to the extent
5 practical, follow visible geographic features and
6 municipal boundaries.

7 (6) The plan shall not be drawn to purposefully or
8 significantly favor or discriminate against any political
9 party or group.

10 Party registration, voting history data and incumbency
11 shall not be considered in the mapping process, except to
12 evaluate compliance with the criteria listed in subsections
13 (b)(1) and (b)(6). The Commission shall establish definitions
14 where applicable for each of the criteria listed in subsections
15 (b)(1)-(6).

16 A Representative District need not be entirely within a
17 single Legislative District.

18 After preliminary approval of the redistricting plans, the
19 Commission shall release the proposed plans to the public,
20 conduct at least three public hearings around three distinct
21 geographic regions of the State, and submit a report to the
22 General Assembly. At any time prior to the submission of a plan
23 under subsection (c), any member of the General Assembly or
24 general public may submit a plan to be considered by the
25 Commission and for public viewing. All documents submitted to
26 or plans considered by the Commission shall be made available

1 to the public within a reasonable time period.

2 (c) After conducting the required public hearings, the
3 Commission shall approve by a majority vote a Representative
4 redistricting plan by third Monday in May, which the Chair of
5 the Commission shall deliver to the House of Representatives on
6 the third business day after approval. The House must take a
7 record vote to accept the plan by a House Resolution. The
8 Resolution is adopted if it receives the affirmative vote of at
9 least two-thirds of the members elected.

10 After conducting the required public hearings, the
11 Commission shall approve by a majority vote a Senate
12 redistricting plan by the third Monday in May, which the Chair
13 of the Commission shall deliver to the Senate on the third
14 business day after approval. The Senate must take a record vote
15 to accept the plan by a Senate Resolution. The Resolution is
16 adopted if it receives the affirmative vote of at least
17 two-thirds of the members elected.

18 Redistricting plans may not be amended by either chamber.
19 An adopted redistricting resolution shall be filed with the
20 Secretary of State by the presiding officer of the chamber that
21 initiated the resolution. Each chamber shall have until the
22 first Monday in June to file a resolution with the Secretary of
23 State approving the redistricting plan.

24 (d) If a plan is not adopted by a chamber of the General
25 Assembly, the Commission shall approve an alternative
26 redistricting plan no later than third Monday in June, and the

1 Chair of the Commission shall deliver that plan to the
2 appropriate chamber of the General Assembly on the third
3 business day after approval. The appropriate chamber of the
4 General Assembly shall approve or reject that plan in the same
5 manner established by subsection (c). Each chamber shall have
6 until the first Monday in July to file a resolution with the
7 Secretary of State approving the alternative redistricting
8 plan.

9 (e) If a plan is not approved by a chamber of the General
10 Assembly by the first Monday in July, the Commission shall
11 approve by a majority one of the two previous plans submitted
12 to the appropriate chamber of the General Assembly under
13 subsections (c) and (d). The Chair of the Commission shall file
14 the approved redistricting plan for the appropriate chamber
15 with the Secretary of State not later than the third Monday in
16 July.

17 (f) If at any time the Temporary Redistricting Advisory
18 Commission fails to meet one of the deadlines set forth herein,
19 the Chief Justice of the Supreme Court and a Supreme Court
20 Judge chosen by the Judges of the Supreme Court who are not of
21 the political party of the Chief Justice shall within ten days
22 jointly appoint and certify to the Secretary of State one
23 person to act as Special Master to generate any maps not
24 previously approved. No person may serve as Special Master who
25 is not eligible to serve on the Temporary Redistricting
26 Advisory Commission. A person who serves as Special Master is

1 not eligible to be elected to the General Assembly or appointed
2 to any office that is subject to confirmation by the Senate for
3 ten years after completion of service as a Special Master. A
4 Special Master shall consider all redistricting plans
5 delivered by or submitted to the Temporary Redistricting
6 Advisory Commission, the Senate, or the House as applicable.
7 The Special Master shall have authority to hire independent
8 assistance, make available the data received from the United
9 States Census Bureau, together with redistricting software, to
10 the public within three days of receipt unless the Temporary
11 Redistricting Advisory Commission has already done so; shall
12 conduct at least five public hearings on separate days around
13 five distinct geographic regions of the State after receipt of
14 the data from the United States Census Bureau and before
15 promulgating any preliminary redistricting plans, and shall
16 hold at least three public hearings on separate days around
17 three distinct geographic regions of the State after
18 promulgating any preliminary redistricting plans and before
19 finalizing any plan or plans. All documents submitted to or
20 utilized by the Special Master shall be made available to the
21 public within a reasonable amount of time. The Special Master
22 shall file a redistricting plan complying with the criteria set
23 forth in subsection 3(b) for the Legislative Districts and
24 Representative Districts, as applicable, with the Secretary of
25 State not later than September 30.

26 ~~(a) Legislative Districts shall be compact, contiguous and~~

1 ~~substantially equal in population. Representative Districts~~
2 ~~shall be compact, contiguous, and substantially equal in~~
3 ~~population.~~

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

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

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

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 (g) A ~~An approved~~ redistricting resolution or
11 redistricting plan filed with the Secretary of State shall be
12 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 for the election of members of the General Assembly
12 beginning in 2012."