



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0040

Introduced , by Rep. Jim Durkin - Mike Fortner

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution. Creates the Independent Redistricting Commission to adopt and file with the Secretary of State a redistricting plan for Legislative and Representative Districts. Provides for the selection of Commissioners and establishes the authority of a Special Commissioner to design a redistricting plan in the event that the Commission fails to properly adopt and file a redistricting plan. Effective beginning with redistricting in 2021 and applies to members elected in 2022 and thereafter.

LRB099 12540 JLK 36004 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-NINTH 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 Section 3 of Article IV
9 of the Illinois Constitution as follows:

10 ARTICLE IV
11 THE LEGISLATURE

12 (ILCON Art. IV, Sec. 3)

13 SECTION 3. LEGISLATIVE REDISTRICTING

14 (a) The Independent Redistricting Commission comprising 11
15 Commissioners shall adopt and file with the Secretary of State
16 a redistricting plan for Legislative Districts and
17 Representative Districts by June 30 of the year following each
18 Federal decennial census. Legislative Districts shall be
19 contiguous and substantially equal in population.
20 Representative Districts shall be contiguous and substantially
21 equal in population. The redistricting plan shall comply with
22 Federal law. Subject to the foregoing, the Commission shall
23 apply the following criteria: (1) the redistricting plan shall

1 not dilute or diminish the ability of a racial or language
2 minority community to elect the candidates of its choice,
3 including when voting in concert with other persons; (2) the
4 redistricting plan shall respect the geographic integrity of
5 units of local government; and (3) the redistricting plan shall
6 respect the geographic integrity of communities sharing common
7 social and economic interests, which do not include
8 relationships with political parties or candidates for office.
9 The redistricting plan shall not either intentionally or unduly
10 discriminate against or intentionally or unduly favor any
11 political party, political group, or particular person. In
12 designing the redistricting plan, the Commission shall
13 consider party registration and voting history data only to
14 assess compliance with the requirements in this subsection (a).

15 (b) For the purpose of conducting the Commissioner
16 selection process, an Applicant Review Panel comprising three
17 Reviewers shall be chosen in the manner set forth in this
18 subsection (b). Beginning not later than January 1 and ending
19 not later than March 1 of the year in which the Federal
20 decennial census occurs, the Auditor General shall request and
21 accept applications to serve as a Reviewer. The Auditor General
22 shall review all applications and select a pool of 30 potential
23 Reviewers. The Auditor General should select applicants for the
24 pool of potential Reviewers who would operate in an ethical and
25 non-partisan manner by considering whether each applicant is a
26 resident and registered voter of the State and has been for the

1 four years preceding his or her application, has demonstrated
2 understanding of and adherence to standards of ethical conduct,
3 and has been unaffiliated with any political party for the
4 three years preceding appointment. By March 31 of the year in
5 which the Federal decennial census occurs, the Auditor General
6 shall publicly select by random draw the Panel of three
7 Reviewers from the pool of potential Reviewers.

8 (c) Beginning not later than January 1 and ending not later
9 than March 1 of the year in which the Federal decennial census
10 occurs, the Auditor General shall request and accept
11 applications to serve as a Commissioner on the Independent
12 Redistricting Commission. By May 31, the Panel shall select a
13 pool of 100 potential Commissioners. The Panel should select
14 applicants for the pool of potential Commissioners who would be
15 diverse and unaffected by conflicts of interest by considering
16 whether each applicant is a resident and registered voter of
17 the State and has been for the four years preceding his or her
18 application, as well as each applicant's prior political
19 experience, relevant analytical skills, ability to contribute
20 to a fair redistricting process, and ability to represent the
21 demographic and geographic diversity of the State. The Panel
22 shall act by affirmative vote of two Reviewers. All records of
23 the Panel, including applications to serve on the Panel, shall
24 be open for public inspection, except private information about
25 applicants for which there is no compelling public interest in
26 disclosure.

1 (d) Within 45 days after the Panel has selected the pool of
2 100 potential Commissioners, but not later than June 23 of the
3 year in which the Federal decennial census occurs, the Speaker
4 and Minority Leader of the House of Representatives and the
5 President and Minority Leader of the Senate each may remove up
6 to five of those potential Commissioners. Thereafter, but not
7 later than June 30, the Panel shall publicly select seven
8 Commissioners by random draw from the remaining pool of
9 potential Commissioners; of those seven Commissioners,
10 including any replacements, (1) the seven Commissioners shall
11 reside among the Judicial Districts in the same proportion as
12 the number of Judges elected therefrom under Section 3 of
13 Article VI of this Constitution, (2) two Commissioners shall be
14 affiliated with the political party whose candidate for
15 Governor received the most votes cast in the last general
16 election for Governor, two Commissioners shall be affiliated
17 with the political party whose candidate for Governor received
18 the second-most votes cast in such election and the remaining
19 three Commissioners shall not be affiliated with either such
20 political party, and (3) no more than two Commissioners may be
21 affiliated with the same political party. The Speaker and
22 Minority Leader of the House of Representatives and the
23 President and Minority Leader of the Senate each shall appoint
24 one Commissioner from among the remaining applicants in the
25 pool of potential Commissioners on the basis of the appointee's
26 contribution to the demographic and geographic diversity of the

1 Commission. A vacancy on the Panel or Commission shall be
2 filled within five days by a potential Reviewer or potential
3 Commissioner from among the applicants remaining in the pool of
4 potential Reviewers or potential Commissioners, respectively,
5 in the manner in which the office was previously filled.

6 (e) The Commission shall act in public meetings by
7 affirmative vote of six Commissioners, except that approval of
8 any redistricting plan shall require the affirmative vote of at
9 least (1) seven Commissioners total, (2) two Commissioners from
10 each political party whose candidate for Governor received the
11 most and second-most votes cast in the last general election
12 for Governor, and (3) two Commissioners not affiliated with
13 either such political party. The Commission shall elect its
14 chairperson and vice chairperson, who shall not be affiliated
15 with the same political party. Six Commissioners shall
16 constitute a quorum. All meetings of the Commission attended by
17 a quorum, except for meetings qualified under attorney-client
18 privilege, shall be open to the public and publicly noticed at
19 least two days prior to the meeting. All records of the
20 Commission, including communications between Commissioners
21 regarding the Commission's work, shall be open for public
22 inspection, except for records qualified under attorney-client
23 privilege. The Commission shall adopt rules governing its
24 procedure, public hearings, and the implementation of matters
25 under this Section. The Commission shall hold public hearings
26 throughout the State both before and after releasing the

1 initial proposed redistricting plan. The Commission may not
2 adopt a final redistricting plan unless the plan to be adopted
3 without further amendment, and a report explaining its
4 compliance with this Constitution, have been publicly noticed
5 at least seven days before the final vote on such plan.

6 (f) If the Commission fails to adopt and file with the
7 Secretary of State a redistricting plan by June 30 of the year
8 following a Federal decennial census, the Chief Justice of the
9 Supreme Court and the most senior Judge of the Supreme Court
10 who is not affiliated with the same political party as the
11 Chief Justice shall appoint jointly by July 31 a Special
12 Commissioner for Redistricting. The Special Commissioner shall
13 adopt and file with the Secretary of State by August 31 a
14 redistricting plan satisfying the requirements set forth in
15 subsection (a) of this Section and a report explaining its
16 compliance with this Constitution. The Special Commissioner
17 shall hold at least one public hearing in the State before
18 releasing his or her initial proposed redistricting plan and at
19 least one public hearing in a different location in the State
20 after releasing his or her initial proposed redistricting plan,
21 and before filing the final redistricting plan with the
22 Secretary of State. All records of the Special Commissioner
23 shall be open for public inspection, except for records
24 qualified under attorney-client privilege.

25 (g) An adopted redistricting plan filed with the Secretary
26 of State shall be presumed valid and shall be published

1 promptly by the Secretary of State.

2 (h) The Supreme Court shall have original jurisdiction in
3 cases relating to matters under this Section.

4 ~~(a) Legislative Districts shall be compact, contiguous and~~
5 ~~substantially equal in population. Representative Districts~~
6 ~~shall be compact, contiguous, and substantially equal in~~
7 ~~population.~~

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

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

16 ~~The Speaker and Minority Leader of the House of~~
17 ~~Representatives shall each appoint to the Commission one~~
18 ~~Representative and one person who is not a member of the~~
19 ~~General Assembly. The President and Minority Leader of the~~
20 ~~Senate shall each appoint to the Commission one Senator and one~~
21 ~~person who is not a member of the General Assembly.~~

22 ~~The members shall be certified to the Secretary of State by~~
23 ~~the appointing authorities. A vacancy on the Commission shall~~
24 ~~be filled within five days by the authority that made the~~
25 ~~original appointment. A Chairman and Vice Chairman shall be~~
26 ~~chosen by a majority of all members of the Commission.~~

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

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

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

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

14 ~~An approved redistricting plan filed with the Secretary of~~
15 ~~State shall be presumed valid, shall have the force and effect~~
16 ~~of law and shall be published promptly by the Secretary of~~
17 ~~State.~~

18 ~~The Supreme Court shall have original and exclusive~~
19 ~~jurisdiction over actions concerning redistricting the House~~
20 ~~and Senate, which shall be initiated in the name of the People~~
21 ~~of the State by the Attorney General.~~

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

24 SCHEDULE

25 This Constitutional Amendment takes effect beginning with

1 redistricting in 2021 and applies to the election of members of
2 the General Assembly in 2022 and thereafter.