



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0042**

Introduced , by Rep. Jim Durkin

**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 13053 JLK 36932 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.