



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

INTRODUCED _____, BY

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 Senate by resolution (instead of the General Assembly by law) shall divide the Legislative Districts into 3 groups for the election of Senators. Provides that Legislative and Representative Districts shall maximize majority-minority districts and minimize districts that cross county or municipal boundaries (as well as be compact, contiguous, and substantially equal in population). Provides that Representative Districts need not be entirely within Legislative Districts. Provides that, on the third Tuesday in February in the year following each Federal decennial census year, a Temporary Redistricting Advisory Committee shall be appointed by the legislative leaders, with a fifth member elected by the appointed members. Sets qualifications. Provides for the Committee to redistrict the Representative, Legislative, and Congressional Districts in consultation with a Redistricting Consulting Firm procured by the legislative leaders. Sets up a time table for submission of plans and adoption by resolution supported by two-thirds of the members. Provides for second and third plans if a plan is not adopted, with the Supreme Court, by a two-thirds majority, making a final decision if necessary. Makes other changes. Effective upon being declared adopted.

LRB096 12891 RCE 26739 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-SIXTH 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 Sections 2 and 3 of
9 Article IV of the Illinois Constitution as follows:

10 ARTICLE IV
11 THE LEGISLATURE

12 (ILCON 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 shall be compact, be contiguous,
13 be ~~and~~ substantially equal in population, reflect minority
14 voting strengths, and consider political boundaries.
15 Representative Districts shall be compact, be contiguous, be
16 ~~and~~ substantially equal in population, maximize the number of
17 majority-minority districts consistent with the 1965 Voting
18 Rights Act, and minimize the number of districts that cross
19 county or municipal boundaries. A Representative District need
20 not be entirely within a single Legislative District. The
21 following shall be excluded from consideration: (1) the
22 residency of incumbents; (2) political affiliation of
23 registered voters; and (3) previous election results.

24 (b) On the third Tuesday in February in the year following
25 each Federal decennial census year, the President of the

1 Senate, the Minority leader of the Senate, the Speaker of the
2 House, and the Minority Leader of the House shall each appoint
3 a member to the Temporary Redistricting Advisory Committee. A
4 fifth member shall be elected by a majority of the members
5 appointed, and that member shall serve as Chair. No member of
6 the Temporary Redistricting Committee should hold a partisan
7 political office or political party office or be a close
8 relative of a member of the Illinois General Assembly or
9 Congress.

10 The Temporary Redistricting Advisory Committee shall
11 redistrict the Legislative Districts, the Representative
12 Districts, and the Congressional Districts in consultation
13 with a Redistricting Consulting Firm, procured by the majority
14 and minority leaderships of both the House and the Senate. The
15 Firm must be a non-partisan, independent contractor that
16 employs qualified software technicians. The Committee shall
17 release proposed redistricting plans to the public, conduct at
18 least 5 public hearings around 5 distinct geographic regions of
19 the State, and submit a report to the Illinois General Assembly
20 summarizing the information.

21 (c) The Committee shall deliver to the House of
22 Representatives a Representative redistricting plan by the
23 second Monday of April. The House shall consider the plan
24 within seven days after its delivery and shall accept or reject
25 the plan through a House Resolution. A resolution to adopt the
26 plan must be supported by two-thirds of the members.

1 The Committee shall deliver to the Senate a Legislative
2 redistricting plan by the second Monday of April. The Senate
3 shall consider the plan within seven days after its delivery
4 and shall accept or reject the plan through a Senate
5 Resolution. A resolution to adopt the plan must be supported by
6 two-thirds of the members.

7 The Committee shall deliver to the House of Representatives
8 and the Senate a Congressional redistricting plan by the second
9 Monday of April. The House and Senate shall consider the plan
10 within seven days after its delivery and shall accept or reject
11 the plan through a Joint Resolution. A resolution to adopt the
12 plan must be supported by two-thirds of the members of each
13 chamber.

14 Redistricting plans may not be amended by either chamber.
15 An adopted redistricting resolution shall be filed with the
16 Secretary of State by the presiding officer of the chamber that
17 initiated the resolution. Each chamber shall file an adopted
18 resolution not later than April 30.

19 (d) If a plan is not adopted by a chamber, the Committee
20 shall provide an alternative redistricting plan no later than
21 the first session day of May, to be approved or rejected in the
22 same manner established by subsection (c) and filed with the
23 Secretary of State not later than May 31.

24 If a plan is not adopted by a chamber by May 31, the
25 Committee shall provide a third alternative redistricting plan
26 no later than June 1, to be approved or rejected in the same

1 manner established by subsection (c), except that the third
2 redistricting plan is subject to amendment. If a plan is
3 approved, the resolution shall be filed with the Secretary of
4 State upon adoption.

5 (e) If no plan is approved by June 14, the Committee shall
6 submit its third redistricting plan to the Illinois Supreme
7 Court. If three members of the court find that the plan
8 satisfies statutory and constitutional requirements, it shall
9 be adopted. If five members of the Supreme Court determine that
10 the plan does not satisfy statutory and constitutional
11 requirements, the Court shall submit its findings to the
12 Committee, which shall amend its plan until it is found to be
13 in compliance and adopted by a two-thirds majority of the
14 Supreme Court. A plan adopted by the Supreme Court shall be
15 filed with the Secretary of State.

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

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

24 ~~The Speaker and Minority Leader of the House of~~
25 ~~Representatives shall each appoint to the Commission one~~
26 ~~Representative and one person who is not a member of the~~

1 ~~General Assembly. The President and Minority Leader of the~~
2 ~~Senate shall each appoint to the Commission one Senator and one~~
3 ~~person who is not a member of the General Assembly.~~

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

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

12 ~~If the Commission fails to file an approved redistricting~~
13 ~~plan, the Supreme Court shall submit the names of two persons,~~
14 ~~not of the same political party, to the Secretary of State not~~
15 ~~later than September 1.~~

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

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

22 (f) A ~~An~~ approved redistricting resolution or
23 redistricting plan filed with the Secretary of State shall be
24 presumed valid, shall have the force and effect of law and
25 shall be published promptly by the Secretary of State.

26 The Supreme Court shall have original and exclusive

1 jurisdiction over actions concerning redistricting the House
2 and Senate, which shall be initiated in the name of the People
3 of the State by the Attorney General.

4 (Source: Amendment adopted at general election November 4,
5 1980.)

6 SCHEDULE

7 The State Board of Elections shall proceed, as soon as all
8 the returns are received but no later than 31 days after the
9 election, to canvass the votes given for and against this
10 Constitutional Amendment, as shown by the abstracts of votes
11 cast. If this Constitutional Amendment is approved by either
12 three-fifths of those voting on the question or a majority of
13 those voting in the election, then the State Board of Elections
14 shall declare the adoption of this Constitutional Amendment and
15 it shall, upon declaration of its adoption, take effect and
16 become a part of the Constitution of this State. This Schedule
17 supersedes and applies notwithstanding any statute to the
18 contrary, and no other requirements, including without
19 limitation proclamation of the results of the vote or notice by
20 publication, are necessary for its effectiveness. This
21 Constitutional Amendment applies to redistricting beginning in
22 2011 and to the election of members of the General Assembly
23 beginning in 2012.