101ST GENERAL ASSEMBLY
State of Illinois
2019 and 2020
HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT
HC0041


SYNOPSIS AS INTRODUCED:

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

Proposes to amend the Legislature Article of the Illinois Constitution. Removes the requirement for each Legislative District to be divided into 2 Representative Districts. Modifies provisions concerning legislative redistricting. Provides specified requirements for each Legislative District, Representative District, and Congressional District for redistricting purposes. Replaces the current method of legislative redistricting with a 17-member Commission, appointed by the Chief Justice of the Supreme Court and the most senior Supreme Court Justice of a different political party in accordance with specified criteria. Specifies requirements for the Commission concerning redistricting plans. Adds provisions concerning the membership of the Commission and budgetary matters related to the Commission. Provides the Supreme Court with original and exclusive jurisdiction over redistricting matters. Defines terms. Makes conforming and other changes. Effective upon being declared adopted and applicable to redistricting beginning in 2021 and to the election of General Assembly members beginning in 2022.
HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article IV of the Illinois Constitution by changing Sections 2 and 3 as follows:

ARTICLE IV

THE LEGISLATURE

(ILCON Art. IV, Sec. 2)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.
(b) Each Legislative District shall be divided into two Representative Districts. In 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

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

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

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

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

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

(ILCON Art. IV, Sec. 3)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) As used in this Section:

"Coalition districts" means districts in which more than one group of racial minorities or language minorities may form a coalition to elect the candidate of the coalition's choice.

"Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84=100.

"Crossover districts" means districts in which a racial minority or language minority constitutes less than a majority of the voting-age population, but where this minority, at least potentially, is large enough to elect the candidate of its choice with help from voters who are members of the majority
who cross over to support the minority's preferred candidate.

"Influence districts" means districts in which a racial minority or language minority can influence the outcome of an election even if its preferred candidate cannot be elected.

"Racial minorities or language minorities", in either the singular or the plural, means the same class of voters who are members of a race, color, or language minority group receiving protection under the federal Voting Rights Act.

(b) Each Legislative District, Representative District, and Congressional District shall, in the following order of priority:

(1) fully comply with the United States Constitution and federal laws, such as the federal Voting Rights Act;

(2) be substantially equal in population;

(3) provide racial minorities and language minorities with the equal opportunity to participate in the political process and elect candidates of their choice;

(4) provide racial minorities and language minorities who constitute less than a voting-age majority of a Legislative District, Representative District, or Congressional District with an opportunity to substantially influence the outcome of an election through the creation of crossover districts, coalition districts, or influence districts;

(5) be contiguous;

(6) be compact;
(7) respect, to the extent practical, geographic integrity of units of local government;

(8) respect, to the extent practical, communities sharing common social or economic interests; and

(9) not discriminate against or in favor of any political party or individual.

(c) No later than March 1 of the year that follows the federal decennial census, the Chief Justice and the most senior Supreme Court Justice who is not elected from the same political party as the Chief Justice shall select 17 commissioners to form an Independent Redistricting Commission. The commissioners shall reflect the ethnic, gender, and racial demographics of Illinois to reflect the demographic data provided by the decennial census, each commissioner shall be a voter who has been continuously affiliated in Illinois with the same political party or unaffiliated with a political party and who has not changed political party affiliation for 5 or more years immediately preceding the date of his or her appointment. Fourteen of the commissioners shall represent, in equal number, the two political parties whose gubernatorial candidates received the greatest number of votes in the last gubernatorial election and 3 of the commissioners must represent neither of those parties. No more than one commissioner shall be from the same Congressional District. If the total number of Congressional Districts equal less than 17, then at-large commissioners will be appointed to fill vacancies, and no more
than 2 commissioners shall be from the same Congressional District. The 2 Justices responsible for selecting the 17 commissioners shall consider party identification and all campaign contributions in determining a potential commissioner's eligibility.

(d) A person is ineligible to serve on the Commission if within the previous 5 calendar years the person or his or her spouse or immediate family member, including his or her parents, children, step-children, or siblings, is or has been:

(1) appointed or elected to a position with the State, federal, or local government;
(2) a candidate for State, federal or local office;
(3) a paid consultant or employee of a State, federal, or local elected official or political candidate, of a federal, State, or local political candidate's campaign, or of a political action committee or any other electioneering entity;
(4) a State, federal, or local lobbyist as defined by law;
(5) an individual with an ownership interest in an entity with a State, federal, or local government contract; or
(6) appointed or elected to serve a State, federal, or local political party.

(e) A commissioner is ineligible for a period of 10 years to serve in the General Assembly or to be appointed to a
(f) Commissioners must file financial disclosure statements and abide by any ethics requirements established by law.

(g) Each prospective applicant for commissioner shall attest under oath that they meet the qualifications set forth in this Section, and attest either that they affiliate with one of the 2 political parties whose gubernatorial candidates received the 2 greatest number of votes in the last gubernatorial election, and if so, identify the party with which they affiliate, or that they do not affiliate with either of the major parties.

(h) Any vacancy, whether created by removal, resignation, death, or absence, in the 17 commission positions shall be filled within the 30 days after the vacancy occurs, from the pool of applicants of the same political party as the vacating nominee that was remaining as of the end of the commissioner selection process. If none of those remaining applicants are available for service, the Chief Justice of the Supreme Court and the most senior Supreme Court Judge of a different political party shall fill the vacancy from a new application pool created to maintain the partisan balance of the commission and to the extent possible, to keep the geographic and racial demographics of the commission the same as it was prior to the vacancy.

(i) The Commission shall act in public meetings by the
affirmative vote of 11 commissioners. The Commission shall elect its chairperson and vice chairperson, who shall not be affiliated with the same political party. Each meeting of the Commission shall be open to the public and there must be public notice at least 7 days before a meeting. All records of the Commission, including all communications to or from the Commission regarding the work of the Commission, shall be available for public inspection. The Commission shall adopt rules governing its procedures. The Commission shall be considered a public body subject to the Freedom of Information Act or a successor Act and the Open Meetings Act or a successor Act.

(j) In each year in which the federal decennial census is taken but in which the United States Bureau of the Census allocates incarcerated persons as residents of correctional facilities, the Secretary of State shall request that each agency that operates a federal correctional facility in this State that incarcerates persons convicted of a criminal offense to provide the Secretary of State with a report that includes the last known place of residence prior to incarceration of each inmate, except an inmate whose last known place of residence is outside of Illinois. The Secretary of State shall deliver such report to the Commission by December 30 of that same year. For purposes of reapportionment and redistricting, the Commission shall count each incarcerated person as residing at his or her last known place of residence, rather than at the
institution of his or her incarceration.

(k) The Commission shall hold at least 20 public hearings throughout the State before adopting a redistricting plan, with a majority occurring before the Commission releases any proposed redistricting plan and at least 10 public hearings must occur throughout the State after the release of any proposed redistricting plan.

The Commission must provide a meaningful opportunity for racial minorities and language minorities to participate in the public hearings, including, but not limited to, issuing notices in multiple languages and ensuring that translation services are available at all hearings at the Commission's expense or through partnership with outside organizations. These public hearings must be open to all members of the public and must be planned to encourage attendance and participation across the State, including the use of technology that allows for real-time, virtual participation and feedback during the hearings. When releasing a proposed redistricting plan, the Commission must also release population data, geographic data, election data, and any other data used to create the plan, when the Commission receives this information. The Commission must also provide terminals for members of the public to access the data and associated software. During the map drawing process, any member of the public may submit maps for consideration to the Commission. The Commission must consider public input and respond to it. Those submissions are public records that are
open to comment.

The Commission may not adopt a redistricting plan until the Commission adopts and publishes a report explaining the plan’s compliance with the United States Constitution and Illinois Constitution. Before the adoption of a redistricting plan, the Commission shall release to the public the final plan and its associated compliance report. The meeting to vote on adoption of a redistricting plan shall occur no sooner than 30 days after the release of the final plan and its associated compliance report. All proposed and adopted maps and any data used to develop these maps are public records. The Commission shall maintain a website or other similar electronic platform to disseminate information about the Commission, including records of its meetings and hearings, proposed redistricting plans, assessments and reports on plans, and to allow the public to view its meetings and hearings in both live and archived form. The website or electronic platform must allow the public to submit redistricting plans and comments on redistricting plans to the Commission for its consideration.

(l) The Commission shall adopt and file with the Secretary of State a redistricting plan for the Legislative Districts, Representative Districts, and Congressional Districts by September 1 of the year following the federal decennial census. The Commission may adopt separate redistricting plans for the Legislative Districts, the Representative Districts, and the Congressional Districts.
(m) Members of the Commission shall be compensated at the rate of $37.50 for each hour the member is engaged in Commission business. For each succeeding Commission, the rate of compensation shall be adjusted in each year of the federal decennial census by the cumulative change in inflation based on the consumer price index-u or a successor metric. Members of the Commission are eligible for reimbursement of personal expenses incurred in connection with the duties performed pursuant to this Section. A member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

(n) Within the first 30 days after the selection of the Independent Redistricting Commission, the Governor shall include in the budget submitted under Section 2 of Article VIII to the General Assembly amounts of funding for the Commission and the Secretary of State that are sufficient to meet the estimated expenses of each of those officers or entities in implementing the redistricting process required by this Section for a 3-year period, including, but not limited to, adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process. The Governor shall also make adequate office space available for the operation of the Commission. The General Assembly shall make the necessary appropriation in a Budget Implementation Act, and the appropriation shall be available during the entire 3-year period. The appropriation made shall be equal to the
greater of $3,000,000 or the amount expended in accordance with 
this subsection (n) in the immediately preceding redistricting 
process, as each amount is adjusted by the cumulative change in 
inflation based on the consumer price index-u or a successor 
metric, since the date of the immediately preceding 
appropriation made in accordance with this subsection (n). The 
General Assembly may make additional appropriations in any year 
that it determines that the Commission requires additional 
funding in order to fulfill its duties. The Commission, with 
fiscal oversight from the Comptroller or its successor, shall 
have procurement and contracting authority and may hire staff 
and consultants, for the purposes of this Section, including 
legal representation.

(o) A redistricting plan filed with the Secretary of State 
shall be presumed valid and shall be published promptly by the 
Secretary of State.

(p) The Supreme Court shall have original and exclusive 
jurisdiction over actions concerning the redistricting of the 
Congressional, Legislative, and Representative Districts, 
which shall be initiated in the name of the People of the State 
by the Attorney General. Each person who resides or is 
domiciled in the State, or whose executive office or principal 
place of business is located in the State, may bring an action 
in a court of competent jurisdiction to obtain any of the 
relief available.

(a) Legislative Districts shall be compact, contiguous and
substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in
distribution.

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section of the Illinois Constitutional Amendment Act and applies to redistricting beginning in 2021 and to the election of General Assembly members beginning in 2022.