

HB3699



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3699

Introduced 2/24/2005, by Rep. Lee A. Daniels

SYNOPSIS AS INTRODUCED:

New Act

Creates the Legislative and Congressional Redistricting Act. Requires that in each year ending in one, the Legislative Research Unit prepare one or more bills for introduction in the General Assembly that embody legislative and congressional redistricting plans. Specifies the standards for the plans. Requires appointment by the legislative leaders of a temporary commission to advise the Legislative Research Unit and report to the General Assembly upon public hearings it conducts on the initial legislation.

LRB094 09855 JAM 40111 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning redistricting.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Legislative and Congressional Redistricting Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context requires otherwise:

8 "Commission" means the temporary redistricting advisory
9 commission appointed under Section 25.

10 "Federal census" means the decennial census required by
11 federal law to be conducted by the United States bureau of the
12 census in every year ending in zero.

13 "Joint Committee" means the Joint Committee on Legislative
14 Support Services.

15 "Legislative district" means a senatorial district or a
16 representative district.

17 "Legislative leaders" means the President and Minority
18 Leader of the Senate and the Speaker and Minority Leader of the
19 House of Representatives.

20 "Partisan public office" means:

21 (1) An elective or appointive office in the executive
22 or legislative branch or in an independent establishment of
23 the federal government.

24 (2) An elective office in the executive or legislative
25 branch of the government of this State, or an office that
26 is filled by appointment and is exempt from the Personnel
27 Code.

28 (3) An office of a unit of local government, school
29 district, or other political subdivision of this State that
30 is filled by an election process involving nomination and
31 election of candidates on a partisan basis.

32 "Plan" means a plan for legislative and congressional

1 reapportionment drawn up pursuant to the requirements of this
2 Act.

3 "Political party office" means an elective office in the
4 national or State organization of a political party.

5 "Relative" means an individual who is related to the person
6 in question as father, mother, son, daughter, brother, sister,
7 uncle, aunt, first cousin, nephew, niece, husband, wife,
8 grandfather, grandmother, father-in-law, mother-in-law,
9 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
10 stepfather, stepmother, stepson, stepdaughter, stepbrother,
11 stepsister, half brother, or half sister.

12 "Representative district" means a legislative district
13 from which a member of the Illinois House of Representatives is
14 elected.

15 "Senatorial district" means a legislative district from
16 which a member of the Illinois Senate is elected.

17 Section 10. Preparations for redistricting.

18 (a) The Legislative Research Unit shall acquire
19 appropriate information, review and evaluate available
20 facilities, and develop programs and procedures in preparation
21 for drawing congressional and legislative redistricting plans
22 on the basis of each federal census. Funds shall be expended
23 for the purchase or lease of equipment and materials only with
24 prior approval of the Joint Committee.

25 (b) By December 31 of each year ending in zero, the
26 Legislative Research Unit shall obtain from the United States
27 bureau of the census information regarding geographic and
28 political units in this State for which federal census
29 population data has been gathered and will be tabulated. The
30 Legislative Research Unit shall use the data so obtained to:

31 (1) Prepare necessary descriptions of geographic and
32 political units for which census data will be reported and
33 that are suitable for use as components of legislative
34 districts.

35 (2) Prepare maps of counties, municipalities, and

1 other geographic units within the State that may be used to
2 illustrate the locations of legislative district
3 boundaries proposed in plans drawn in accordance with
4 Section 20.

5 (c) As soon as possible after January 1 of each year ending
6 in one, the Legislative Research Unit shall obtain from the
7 United States bureau of the census the population data needed
8 for legislative districting that the census bureau is required
9 to provide this State under United States Pub. L. 94-171, and
10 shall use that data to assign a population figure based upon
11 certified federal census data to each geographic or political
12 unit described pursuant to subsection (b)(1). Upon completing
13 that task, the Legislative Research Unit shall begin the
14 preparation of congressional and legislative districting plans
15 as required by Section 15.

16 Section 15. Timetable for preparation of plan.

17 (a) Not later than April 1 of each year ending in one, the
18 Legislative Research Unit shall deliver to the Secretary of the
19 Senate and the Clerk of the House of Representatives identical
20 bills embodying a plan of legislative and congressional
21 districting prepared in accordance with Section 20. It is the
22 intent of this Act that the General Assembly shall bring the
23 bill to a vote in either the Senate or the House of
24 Representatives expeditiously, but not less than 7 days after
25 the report of the commission required by Section 30 is received
26 and made available to the members of the General Assembly,
27 under a procedure or rule permitting no amendments except those
28 of a purely corrective nature. It is further the intent of this
29 Act that if the bill is approved by the first house in which it
30 is considered, it shall expeditiously be brought to a vote in
31 the second house under a similar procedure or rule.

32 (b) If the bill embodying the plan submitted by the
33 Legislative Research Unit under subsection (a) fails to be
34 approved by a constitutional majority in either the Senate or
35 the House of Representatives, the Secretary of the Senate or

1 the Clerk of the House, as the case may be, shall at once
2 transmit to the Legislative Research Unit information that the
3 Senate or House may direct regarding reasons why the plan was
4 not approved. The Legislative Research Unit shall prepare a
5 bill embodying a second plan of legislative and congressional
6 districting prepared in accordance with Section 20 taking into
7 account the reasons cited by the Senate or House of
8 Representatives for its failure to approve the plan insofar as
9 it is possible to do so within the requirements of Section 20.
10 If a second plan is required under this subsection, the bill
11 embodying it shall be delivered to the Secretary of the Senate
12 and the Clerk of the House of Representatives not later than
13 May 1 of the year ending in one, or 21 days after the date of
14 the vote by which the Senate or the House of Representatives
15 failed to approve the bill submitted under subsection (a),
16 whichever date is later. It is the intent of this Act that if
17 it is necessary to submit a bill under this subsection, the
18 bill be brought to a vote not less than 7 days after the bill is
19 printed and made available to the members of the General
20 Assembly in the same manner as prescribed for the bill required
21 under subsection (a).

22 (c) If the bill embodying the plan submitted by the
23 Legislative Research Unit under subsection (b) fails to be
24 approved by a constitutional majority in either the Senate or
25 the House of Representatives, the same procedure as prescribed
26 by subsection (b) shall be followed. If a third plan is
27 required under this subsection, the bill embodying it shall be
28 delivered to the Secretary of the Senate and the Clerk of the
29 House of Representatives not later than June 1 of the year
30 ending in one. It is the intent of this Act that if it is
31 necessary to submit a bill under this subsection, the bill
32 shall be brought to a vote within the same time period after
33 its delivery to the Secretary of the Senate and the Clerk of
34 the House of Representatives as is prescribed for the bill
35 submitted under subsection (b), but shall be subject to
36 amendment in the same manner as other bills.

1 (d) Notwithstanding subsections (a), (b), and (c) of this
2 Section:

3 (1) If population data from the federal census that is
4 sufficient to permit preparation of a congressional
5 districting plan becomes available at an earlier time than
6 the population data needed to permit preparation of a
7 legislative districting plan in accordance with Section
8 20, the Legislative Research Unit shall so inform the
9 President of the Senate and the Speaker of the House of
10 Representatives. If the President and Speaker so direct,
11 the Legislative Research Unit shall prepare a separate bill
12 establishing congressional districts and submit it
13 separately from the bill establishing legislative
14 districts. It is the intent of this Act that the General
15 Assembly shall proceed to consider the congressional
16 districting bill in substantially the manner prescribed by
17 subsections (a), (b), and (c) of this Section.

18 (2) If the population data for legislative districting
19 that the United States census bureau is required to provide
20 this State under United States Pub. L. 94-171 and, if used
21 by the Legislative Research Unit, the corresponding
22 topologically integrated geographic encoding and
23 referencing data file for that population data are not
24 available to the Legislative Research Unit on or before
25 February 1 of the year ending in one, the dates set forth
26 in this Section shall be extended by a number of days equal
27 to the number of days after February 1 of the year ending
28 in one that the federal census population data and the
29 topologically integrated geographic encoding and
30 referencing data file for legislative districting become
31 available, except that the bill required under subsection
32 (c) shall be delivered no later than June 1 of the year
33 ending in one.

34 Section 20. Redistricting standards.

35 (a) Legislative and congressional districts shall be

1 established on the basis of population.

2 (1) Senatorial and representative districts,
3 respectively, shall each have a population as nearly equal
4 practical to the ideal population for such districts, to be
5 established into the population of the State reported in
6 the federal decennial census. Senatorial districts and
7 representative districts shall not vary in population from
8 the respective ideal district populations except as
9 necessary to comply with one of the other standards
10 enumerated in this Section. In no case shall the quotient,
11 obtained by dividing the total of the absolute values of
12 the deviations of all district populations from the
13 applicable ideal district population by the number of
14 districts established, exceed 1% of the applicable ideal
15 district population. No senatorial district shall have a
16 population that exceeds that of any other senatorial
17 district by more than 5%, and no representative district
18 shall have a population that exceeds that of any other
19 representative district by more than 5%.

20 (2) Congressional districts shall each have a
21 population as nearly equal as practical to the ideal
22 district population, derived as prescribed in paragraph
23 (1) of this subsection. No congressional district shall
24 have a population that varies by more than 1% from the
25 applicable ideal district population.

26 (3) If a challenge is filed with the Supreme Court
27 alleging excessive population variance among districts
28 established in a plan adopted by the General Assembly,
29 the General Assembly has the burden of justifying any
30 variance in excess of 1% between the population of a
31 district and the applicable ideal district population.

32 (b) To the extent consistent with subsection (a), district
33 boundaries shall coincide with the boundaries of political
34 subdivisions of the State. The number of counties and
35 municipalities divided among more than one district shall be as
36 small as possible. When there is a choice between dividing

1 local political subdivisions, the more populous subdivisions
2 shall be divided before the less populous, but this statement
3 does not apply to a legislative district boundary drawn along a
4 county line that passes through a municipality that lies in
5 more than one county.

6 (c) Districts shall be composed of convenient contiguous
7 territory. Areas that meet only at the points of adjoining
8 corners are not contiguous.

9 (d) It is preferable that districts be compact in form, but
10 the standards established by subsections (a), (b) and (c) take
11 precedence over compactness where a conflict arises between
12 compactness and these standards. In general, compact districts
13 are those that are square, rectangular, or hexagonal in shape
14 to the extent permitted by natural or political boundaries.
15 When it is necessary to compare the relative compactness of 2
16 or more districts, or of 2 or more alternative districting
17 plans, the tests prescribed by paragraphs (2) and (3) of this
18 subsection shall be used. If the results of these 2 tests are
19 contradictory, the standard referred to in paragraph (2) of
20 this subsection shall be given greater weight than the standard
21 referred to in paragraph (3) of this subsection.

22 (1) As used in this subsection:

23 (A) "Population data unit" means a township,
24 election precinct, census enumeration district, census
25 city block group, or other unit of territory having
26 clearly identified geographic boundaries and for which
27 a total population figure is included in or can be
28 derived directly from certified federal census data.

29 (B) The "geographic unit center" of a population
30 data unit is that point approximately equidistant from
31 the northern and southern extremities, and also
32 approximately equidistant from the eastern and western
33 extremities, of a population data unit. This point
34 shall be determined by visual observation of a map of
35 the population data unit, unless it is otherwise
36 determined within the context of an appropriate

1 coordinate system developed by the federal government
2 or another qualified and objective source and obtained
3 for use in this State with prior approval of the Joint
4 Committee.

5 (C) The "x" co-ordinate of a point in this State
6 refers to the relative location of that point along the
7 east-west axis of the State. Unless otherwise measured
8 within the context of an appropriate co-ordinate
9 system obtained for use as permitted by subparagraph
10 (B) of this paragraph, the "x" co-ordinate shall be
11 measured along a line drawn due east from a due north
12 and south line running through the point that is the
13 northwestern extremity of the State of Illinois, to the
14 point to be located.

15 (D) The "y" co-ordinate of a point in this State
16 refers to the relative location of that point along the
17 north-south axis of the State. Unless otherwise
18 measured within the context of an appropriate
19 co-ordinate system obtained for use as permitted by
20 subparagraph (B) of this paragraph, the "y"
21 co-ordinate shall be measured along a line drawn due
22 south from the northern boundary of the State, or the
23 eastward extension of that boundary, to the point to be
24 located.

25 (2) The compactness of a district is greatest when the
26 length of the district and the width of the district are
27 equal. The measure of a district's compactness is the
28 absolute value of the difference between the length and the
29 width of the district.

30 (A) In measuring the length and the width of a
31 district by means of electronic data processing, the
32 difference between the "x" co-ordinates of the
33 easternmost and the westernmost geographic unit
34 centers included in the district shall be compared to
35 the difference between the "y" co-ordinates of the
36 northernmost and southernmost geographic unit centers

1 included in the district.

2 (B) To determine the length and width of a district
3 by manual measurement, the distance from the
4 northernmost point or portion of the boundary of a
5 district to the southernmost point or portion of the
6 boundary of the same district and the distance from the
7 westernmost point or portion of the boundary of the
8 district to the easternmost point or portion of the
9 boundary of the same district shall each be measured.
10 If the northernmost or southernmost portion of the
11 boundary, or each of these points, is a part of the
12 boundary running due east and west, the line used to
13 make the measurement required by this paragraph shall
14 either be drawn due north and south or as nearly so as
15 the configuration of the district permits. If the
16 easternmost or westernmost portion of the boundary, or
17 each of these points, is a part of the boundary running
18 due north and south, a similar procedure shall be
19 followed. The lines to be measured for the purpose of
20 this paragraph shall each be drawn as required by this
21 paragraph, even if some part of either or both lines
22 lies outside the boundaries of the district that is
23 being tested for compactness.

24 (C) The absolute values computed for individual
25 districts under this paragraph may be cumulated for all
26 districts in a plan in order to compare the overall
27 compactness of 2 or more alternative districting plans
28 for the State or for a portion of the State. It is not
29 valid, however, to cumulate or compare absolute values
30 computed under subparagraph (A) with those computed
31 under subparagraph (B) of this paragraph.

32 (3) The compactness of a district is greatest when the
33 ratio of the dispersion of population about the population
34 center of the district to the dispersion of population
35 about the geographic center of the district is one to one,
36 the nature of this ratio being such that it is always

greater than zero and can never be greater than one to one.

(A) The population dispersion about the population center of a district and about the geographic center of a district is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers that are included in the district. The population center of the district is defined by computing the population-weighted average of the "x" co-ordinates and "y" co-ordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(B) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of 2 or more alternative districting plans for the State or for a portion of the State.

(e) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

(1) Addresses of incumbent legislators or members of Congress.

(2) Political affiliations of registered voters.

(3) Previous election results.

(4) Demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

1 (f) In order to minimize electoral confusion and to
2 facilitate communication within State legislative districts,
3 each plan drawn under this Section shall provide that each
4 representative district is wholly included within a single
5 senatorial district and that, so far as possible, each
6 representative and each senatorial district shall be included
7 within a single congressional district. The standards
8 established by subsections (a) through (e), however, shall take
9 precedence where a conflict arises between these standards and
10 the requirement, so far as possible, of including a senatorial
11 or representative district within a single congressional
12 district.

13 Section 25. Temporary redistricting advisory commission.

14 (a) Not later than February 15 of each year ending in one,
15 a 5-member temporary redistricting advisory commission shall
16 be established as provided by this Section. The commission's
17 only functions shall be those prescribed by Section 30.

18 Each of the 4 legislative leaders shall certify to the
19 State Board of Elections his or her appointment of a person to
20 serve on the commission.

21 Within 30 days after the legislative leaders have certified
22 their respective appointments to the commission, but in no
23 event later than February 15 of the year ending in one, the 4
24 commission members so appointed shall select, by a vote of at
25 least 3 members, and certify to the State Board of Elections
26 the 5th commission member, who shall serve as chairperson.

27 A vacancy on the commission shall be filled by the initial
28 selecting authority within 15 days after the vacancy occurs.

29 Members of the commission shall receive no compensation but
30 shall be reimbursed for their actual and necessary expenses
31 incurred in performing their duties under this Act, from funds
32 appropriated for that purpose.

33 (b) No person shall be appointed to the commission who:

34 (1) Is not an eligible elector of the State at the time
35 of selection.

1 (2) Holds partisan public office or political party
2 office.

3 (3) Is a relative of or is employed by a member of the
4 General Assembly or of the United States Congress or is
5 employed directly by the General Assembly or by the United
6 States Congress.

7 Section 30. Duties of commission. The functions of the
8 commission shall be as follows:

9 (1) If, in preparation of plans as required by this
10 Act, the Legislative Research Unit is confronted with the
11 necessity to make any decision for which no clearly
12 applicable guideline is provided by Section 20, the
13 Legislative Research Unit may submit a written request for
14 direction to the commission.

15 (2) Prior to delivering any plan and the bill embodying
16 that plan to the Secretary of the Senate and the Clerk of
17 the House of Representatives in accordance with Section 15,
18 the Legislative Research Unit shall provide to persons
19 outside the Legislative Research Unit staff only such
20 information regarding the plan as may be required by
21 policies agreed upon by the commission. This paragraph does
22 not apply to population data furnished to the Legislative
23 Research Unit by the United States bureau of the census.

24 (3) Upon each delivery by the Legislative Research Unit
25 to the General Assembly of a bill embodying a plan pursuant
26 to Section 15, the commission shall at the earliest
27 feasible time make available to the public the following
28 information:

29 (A) Copies of the bill delivered by the Legislative
30 Research Unit to the General Assembly.

31 (B) Maps illustrating the plan.

32 (C) A summary of the standards prescribed by
33 Section 20 for development of the plan.

34 (D) A statement of the population of each district
35 included in the plan and the relative deviation of each

1 district population from the ideal district
2 population.

3 (4) Upon the delivery by the Legislative Research Unit
4 to the General Assembly of a bill embodying an initial plan
5 as required by subsection (a) of Section 15, the commission
6 shall:

7 (A) As expeditiously as reasonably possible,
8 schedule and conduct at least 3 public hearings in
9 different geographic regions of the State on the plan
10 embodied in the bill delivered by the Legislative
11 Research Unit to the General Assembly.

12 (B) Following the hearings, promptly prepare and
13 submit to the Secretary of the Senate and the Clerk of
14 the House of Representatives a report summarizing
15 information and testimony received by the commission
16 in the course of the hearings. The commission's report
17 shall include any comments and conclusions that its
18 members deem appropriate on the information and
19 testimony received at the hearings or otherwise
20 presented to the commission.

21 Section 40. Compliance with constitutional provisions. It
22 is the intent of this Act that enactment of a bill proposed in
23 accordance with this Act constitutes the redistricting of the
24 State by the General Assembly by law as required by subsection
25 (a) of Section 3 of Article IV of the Illinois Constitution.