



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0021

Introduced 2/23/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

- ILCON Art. IV, Sec. 1
- ILCON Art. IV, Sec. 2
- ILCON Art. IV, Sec. 3
- ILCON Art. XIV, Sec. 1

Proposes to amend the Legislature Article of the Illinois Constitution. Provides that a Representative District (for election of a member of the House of Representatives) need not be entirely within a single Senatorial District (for election of a member of the Senate, now referred to as a Legislative District). Provides that (i) the Senate redistricts Senatorial Districts by resolution adopted by a record vote of three-fifths of the members elected and (ii) the House of Representatives redistricts Representative Districts by resolution adopted by a record vote of three-fifths of the members elected (now, redistricting is by law). Eliminates the Legislative Redistricting Commission. Provides instead that if a Senatorial or Representative redistricting plan is not adopted by June 15 of the year following a federal decennial census year, then the State Board of Elections shall produce a redistricting plan using a computer program. Requires the State Board of Elections to designate its computer program by April 15. The computer program designated by the State Board of Elections must disregard specified data and must consider certain prioritized factors; the computer program shall otherwise produce districts in a random manner. Authorizes the House and Senate to designate different computer programs for their respective chambers; doing so requires adoption of a resolution by a three-fifths vote on or before June 15. Removes the requirement that actions concerning redistricting the House or Senate may be initiated only by the Attorney General. Increases the number of Representatives from 118 to 119. Proposes to amend the Constitutional Revision Article to make a change to conform nomenclature. Effective beginning with redistricting in 2011 and applies to members elected in 2012 and thereafter.

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 1, 2, and 3 of
 9 Article IV and Section 1 of Article XIV of the Illinois
 10 Constitution as follows:

11 ARTICLE IV
 12 THE LEGISLATURE

13 (ILCON Art. IV, Sec. 1)

14 SECTION 1. LEGISLATURE - POWER AND STRUCTURE

15 The legislative power is vested in a General Assembly
 16 consisting of a Senate and a House of Representatives, elected
 17 by the electors from 59 Senatorial ~~Legislative~~ Districts and
 18 119 ~~118~~ Representative Districts.

19 (Source: Amendment adopted at general election November 4,
 20 1980.)

21 (ILCON Art. IV, Sec. 2)

1 SECTION 2. LEGISLATIVE COMPOSITION

2 (a) One Senator shall be elected from each Senatorial
3 ~~Legislative~~ District. Immediately following each decennial
4 redistricting, the General Assembly by law shall divide the
5 Senatorial ~~Legislative~~ Districts as equally as possible into
6 three groups. Senators from one group shall be elected for
7 terms of four years, four years and two years; Senators from
8 the second group, for terms of four years, two years and four
9 years; and Senators from the third group, for terms of two
10 years, four years and four years. The Senatorial ~~Legislative~~
11 Districts in each group shall be distributed substantially
12 equally over the State.

13 (b) ~~Each Legislative District shall be divided into two~~
14 ~~Representative Districts. In 1982 and every two years~~
15 ~~thereafter~~ One Representative shall be elected from each
16 Representative District for a term of two years.

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

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

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

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

20 (Source: Amendment adopted at general election November 4,
21 1980.)

22 (ILCON Art. IV, Sec. 3)

23 SECTION 3. LEGISLATIVE REDISTRICTING

24 (a) Senatorial ~~Legislative~~ Districts shall be compact,
25 contiguous and substantially equal in population.

1 Representative Districts shall be compact, contiguous, and
2 substantially equal in population. A Representative District
3 need not be entirely within a single Senatorial District.

4 (b) By April 15 of the year following each Federal
5 decennial census year, the State Board of Elections, by a
6 record vote of a majority of the total number of members
7 authorized by law as provided in Section 5 of Article III,
8 shall designate a computer program for redistricting the Senate
9 and House of Representatives that meets the requirements of
10 this Section. The designation shall include detailed
11 specifications of the computer program.

12 Any computer program designated by the State Board of
13 Elections under this Section shall embody the following
14 standards and criteria, as defined by Common Law, in this order
15 of priority:

16 (1) contiguity;

17 (2) substantial equality of population;

18 (3) compactness;

19 (4) minimization of the number of districts that cross
20 county or municipal boundaries; and

21 (5) a fair reflection of minority voting strength.

22 Any computer program designated by the State Board of Elections
23 under this Section shall not consider the following data:

24 (1) residency of incumbent legislators;

25 (2) political affiliations of registered voters;

26 (3) previous election results; and

1 (4) demographic information not required to be used by
2 this Section or by the United States Constitution or
3 federal law.

4 Except as specified in this Section, the computer program shall
5 produce districts in a random manner.

6 The Senate, by resolution adopted by a record vote of
7 three-fifths of the members elected, may by June 15 of that
8 year designate a different computer program for redistricting
9 the Senate. The House of Representatives, by a resolution
10 adopted by a record vote of three-fifths of the members
11 elected, may by June 15 of that year designate a different
12 computer program for redistricting the House of
13 Representatives.

14 (c) ~~(b)~~ In the year following each Federal decennial census
15 year, (i) the Senate, by resolution adopted by a record vote of
16 three-fifths of the members elected, ~~General Assembly by law~~
17 shall redistrict the Senatorial ~~Legislative~~ Districts and (ii)
18 the House of Representatives, by resolution adopted by a record
19 vote of three-fifths of the members elected, shall redistrict
20 the Representative Districts. Each adopted redistricting
21 resolution shall be filed with the Secretary of State by the
22 presiding officer of the house that adopted the resolution.

23 (d) If a Senatorial or Representative redistricting
24 resolution is not adopted and effective by June 15 of that
25 year, the State Board of Elections, as soon thereafter as is
26 practicable, shall produce a Senatorial or Representative

1 redistricting plan, or both as the case may be, through the use
2 of the computer program designated by the affected chamber, if
3 it made a designation under subsection (b), or else through the
4 use of the computer program designated by the State Board of
5 Elections under that subsection. The State Board of Elections
6 shall file the redistricting plan with the Secretary of State.

7 ~~If no redistricting plan becomes effective by June 30 of~~
8 ~~that year, a Legislative Redistricting Commission shall be~~
9 ~~constituted not later than July 10. The Commission shall~~
10 ~~consist of eight members, no more than four of whom shall be~~
11 ~~members of the same political party. The Speaker and Minority~~
12 ~~Leader of the House of Representatives shall each appoint to~~
13 ~~the Commission one Representative and one person who is not a~~
14 ~~member of the General Assembly. The President and Minority~~
15 ~~Leader of the Senate shall each appoint to the Commission one~~
16 ~~Senator and one person who is not a member of the General~~
17 ~~Assembly. The members shall be certified to the Secretary of~~
18 ~~State by the appointing authorities. A vacancy on the~~
19 ~~Commission shall be filled within five days by the authority~~
20 ~~that made the original appointment. A Chairman and Vice~~
21 ~~Chairman shall be chosen by a majority of all members of the~~
22 ~~Commission. Not later than August 10, the Commission shall file~~
23 ~~with the Secretary of State a redistricting plan approved by at~~
24 ~~least five members.~~

25 ~~If the Commission fails to file an approved redistricting~~
26 ~~plan, the Supreme Court shall submit the names of two persons,~~

1 ~~not of the same political party, to the Secretary of State not~~
 2 ~~later than September 1.~~

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

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

9 (e) A ~~An~~ approved redistricting plan, adopted by
 10 redistricting resolution or produced by the State Board of
 11 Elections, that is filed with the Secretary of State shall be
 12 presumed valid, shall have the same force and effect as a ~~of~~
 13 law, and shall be published promptly by the Secretary of State.

14 (f) The Supreme Court shall have original and exclusive
 15 jurisdiction over actions concerning redistricting the House
 16 and Senate, ~~which shall be initiated in the name of the People~~
 17 ~~of the State by the Attorney General.~~

18 (Source: Amendment adopted at general election November 4,
 19 1980.)

20 ARTICLE XIV

21 CONSTITUTIONAL REVISION

22 (ILCON Art. XIV, Sec. 1)

23 SECTION 1. CONSTITUTIONAL CONVENTION

24 (a) Whenever three-fifths of the members elected to each
 25 house of the General Assembly so direct, the question of

1 whether a Constitutional Convention should be called shall be
2 submitted to the electors at the general election next
3 occurring at least six months after such legislative direction.

4 (b) If the question of whether a Convention should be
5 called is not submitted during any twenty-year period, the
6 Secretary of State shall submit such question at the general
7 election in the twentieth year following the last submission.

8 (c) The vote on whether to call a Convention shall be on a
9 separate ballot. A Convention shall be called if approved by
10 three-fifths of those voting on the question or a majority of
11 those voting in the election.

12 (d) The General Assembly, at the session following approval
13 by the electors, by law shall provide for the Convention and
14 for the election of two delegates from each Senatorial
15 ~~Legislative~~ District; designate the time and place of the
16 Convention's first meeting which shall be within three months
17 after the election of delegates; fix and provide for the pay of
18 delegates and officers; and provide for expenses necessarily
19 incurred by the Convention.

20 (e) To be eligible to be a delegate a person must meet the
21 same eligibility requirements as a member of the General
22 Assembly. Vacancies shall be filled as provided by law.

23 (f) The Convention shall prepare such revision of or
24 amendments to the Constitution as it deems necessary. Any
25 proposed revision or amendments approved by a majority of the
26 delegates elected shall be submitted to the electors in such

1 manner as the Convention determines, at an election designated
2 or called by the Convention occurring not less than two nor
3 more than six months after the Convention's adjournment. Any
4 revision or amendments proposed by the Convention shall be
5 published with explanations, as the Convention provides, at
6 least one month preceding the election.

7 (g) The vote on the proposed revision or amendments shall
8 be on a separate ballot. Any proposed revision or amendments
9 shall become effective, as the Convention provides, if approved
10 by a majority of those voting on the question.

11 (Source: Illinois Constitution.)

12 SCHEDULE

13 This Constitutional Amendment takes effect beginning with
14 redistricting in 2011 and applies to the election of members of
15 the General Assembly in 2012 and thereafter.