



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0104

Introduced 2/18/2010, by Sen. Christine Radogno - Dale A. Righter

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 2

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution concerning redistricting. Contains provisions relating to division of Senators into 3 groups for assignment of terms, Representative Districts being decoupled from Legislative Districts, appointment of a Temporary Redistricting Advisory Commission, criteria for redistricting plans, approval of plans by Senate and House resolutions, appointment of Special Masters, and other matters. Effective upon being declared adopted.

LRB096 21293 SSS 37245 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 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 (IILCON 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 General Assembly ~~by law~~ shall divide the Legislative
17 Districts as equally as possible into three groups. Senators
18 from one group shall be elected for terms of four years, four
19 years and two years; Senators from the second group, for terms
20 of four years, two years and four years; and Senators from the
21 third group, for terms of two years, four years and four years.
22 The Legislative Districts in each group shall be distributed
23 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) On the second Tuesday in February in the year following
13 each Federal decennial census year, the President of the
14 Senate, the Minority Leader of the Senate, the Speaker of the
15 House, and the Minority Leader of the House may each,
16 considering the diversity of the State, appoint two members to
17 the Temporary Redistricting Advisory Commission. On or before
18 the second Tuesday in March, one additional member shall be
19 elected by a majority of the members appointed, and that member
20 shall serve as Chair. Members of the Temporary Redistricting
21 Advisory Commission shall not be eligible to be elected to the
22 General Assembly or appointed to any office that is subject to
23 confirmation by the Senate for ten years after completion of
24 service on the Temporary Redistricting Advisory Commission. No
25 person may serve as a member of the Temporary Redistricting

1 Advisory Commission who is at the time of appointment, becomes
2 at any time during service, or who was at any time during the
3 preceding four years (i) a registered lobbyist in Illinois;
4 (ii) an employee or contractor of the State of Illinois; (iii)
5 an elected official of or a candidate for or appointed member
6 of any elected body of: the federal government, the State, a
7 unit of local government, a school district or a political
8 party; or (iv) an immediate family member of any of the
9 foregoing. As used in this Article IV, Section 3, "immediate
10 family member" is a person with whom the person has a bona fide
11 relationship established through close blood or legal kinship.
12 If any member of the Temporary Redistricting Advisory
13 Commission shall be unable to fulfill the duties required under
14 this Section, then the person who appointed said member, or
15 that person's successor, shall appoint a person to fill said
16 vacancy within five days of the occurrence of the vacancy.

17 A meeting of a majority of a quorum of the Temporary
18 Redistricting Advisory Commission shall be open to the public
19 with at least twenty-four hour notice.

20 The Temporary Redistricting Advisory Commission shall have
21 authority to hire independent private firms for any assistance.
22 The Commission shall conduct at least five public hearings on
23 separate days around five distinct geographic regions of the
24 State before voting on any redistricting plans, and at least
25 three of the hearings shall be after receipt of the data from
26 the United States Census Bureau. Within three days after

1 receipt of the data from the United States Census Bureau, the
2 Commission shall make that data, together with redistricting
3 software, available to the public.

4 (b) The Commission shall approve any redistricting plans by
5 a majority vote of its members.

6 The Commission shall establish districts pursuant to a
7 mapping process using the following criteria as set forth in
8 the following order of priority:

9 (1) Districts shall comply with all Federal laws and
10 shall not be drawn with the intent or result of denying or
11 abridging the equal opportunity of racial or language
12 minorities to participate in the political process or to
13 diminish their ability to elect representatives of their
14 choice.

15 (2) Districts shall be contiguous.

16 (3) Districts shall be substantially equal in
17 population.

18 (4) Districts shall be compact.

19 (5) District boundaries shall, to the extent
20 practical, follow visible geographic features and
21 municipal boundaries.

22 (6) The plan shall not be drawn to purposefully or
23 significantly favor or discriminate against any political
24 party or group.

25 Party registration, voting history data and incumbency
26 shall not be considered in the mapping process, except to

1 evaluate compliance with the criteria listed in subsections
2 (b) (1) and (b) (6). The Commission shall establish definitions
3 where applicable for each of the criteria listed in subsections
4 (b) (1) - (6).

5 A Representative District need not be entirely within a
6 single Legislative District.

7 After preliminary approval of the redistricting plans, the
8 Commission shall release the proposed plans to the public,
9 conduct at least three public hearings around three distinct
10 geographic regions of the State, and submit a report to the
11 General Assembly. At any time prior to the submission of a plan
12 under subsection (c), any member of the General Assembly or
13 general public may submit a plan to be considered by the
14 Commission and for public viewing. All documents submitted to
15 or plans considered by the Commission shall be made available
16 to the public within a reasonable time period.

17 (c) After conducting the required public hearings, the
18 Commission shall approve by a majority vote a Representative
19 redistricting plan by third Monday in May, which the Chair of
20 the Commission shall deliver to the House of Representatives on
21 the third business day after approval. The House must take a
22 record vote to accept the plan by a House Resolution. The
23 Resolution is adopted if it receives the affirmative vote of at
24 least two-thirds of the members elected.

25 After conducting the required public hearings, the
26 Commission shall approve by a majority vote a Senate

1 redistricting plan by the third Monday in May, which the Chair
2 of the Commission shall deliver to the Senate on the third
3 business day after approval. The Senate must take a record vote
4 to accept the plan by a Senate Resolution. The Resolution is
5 adopted if it receives the affirmative vote of at least
6 two-thirds of the members elected.

7 Redistricting plans may not be amended by either chamber.
8 An adopted redistricting resolution shall be filed with the
9 Secretary of State by the presiding officer of the chamber that
10 initiated the resolution. Each chamber shall have until the
11 first Monday in June to file a resolution with the Secretary of
12 State approving the redistricting plan.

13 (d) If a plan is not adopted by a chamber of the General
14 Assembly, the Commission shall approve an alternative
15 redistricting plan no later than third Monday in June, and the
16 Chair of the Commission shall deliver that plan to the
17 appropriate chamber of the General Assembly on the third
18 business day after approval. The appropriate chamber of the
19 General Assembly shall approve or reject that plan in the same
20 manner established by subsection (c). Each chamber shall have
21 until the first Monday in July to file a resolution with the
22 Secretary of State approving the alternative redistricting
23 plan.

24 (e) If a plan is not approved by a chamber of the General
25 Assembly by the first Monday in July, the Commission shall
26 approve by a majority one of the two previous plans submitted

1 to the appropriate chamber of the General Assembly under
2 subsections (c) and (d). The Chair of the Commission shall file
3 the approved redistricting plan for the appropriate chamber
4 with the Secretary of State not later than the third Monday in
5 July.

6 (f) If at any time the Temporary Redistricting Advisory
7 Commission fails to meet one of the deadlines set forth herein,
8 the Chief Justice of the Supreme Court and a Supreme Court
9 Judge chosen by the Judges of the Supreme Court who are not of
10 the political party of the Chief Justice shall within ten days
11 jointly appoint and certify to the Secretary of State one
12 person to act as Special Master to generate any maps not
13 previously approved. No person may serve as Special Master who
14 is not eligible to serve on the Temporary Redistricting
15 Advisory Commission. A person who serves as Special Master is
16 not eligible to be elected to the General Assembly or appointed
17 to any office that is subject to confirmation by the Senate for
18 ten years after completion of service as a Special Master. A
19 Special Master shall consider all redistricting plans
20 delivered by or submitted to the Temporary Redistricting
21 Advisory Commission, the Senate, or the House as applicable.
22 The Special Master shall have authority to hire independent
23 assistance, make available the data received from the United
24 States Census Bureau, together with redistricting software, to
25 the public within three days of receipt unless the Temporary
26 Redistricting Advisory Commission has already done so; shall

1 conduct at least five public hearings on separate days around
2 five distinct geographic regions of the State after receipt of
3 the data from the United States Census Bureau and before
4 promulgating any preliminary redistricting plans, and shall
5 hold at least three public hearings on separate days around
6 three distinct geographic regions of the State after
7 promulgating any preliminary redistricting plans and before
8 finalizing any plan or plans. All documents submitted to or
9 utilized by the Special Master shall be made available to the
10 public within a reasonable amount of time. The Special Master
11 shall file a redistricting plan complying with the criteria set
12 forth in subsection 3(b) for the Legislative Districts and
13 Representative Districts, as applicable, with the Secretary of
14 State not later than September 30.

15 ~~(a) Legislative Districts shall be compact, contiguous and~~
16 ~~substantially equal in population. Representative Districts~~
17 ~~shall be compact, contiguous, and substantially equal in~~
18 ~~population.~~

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

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

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

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

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

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

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

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

25 (g) A ~~An~~ approved redistricting resolution or
26 redistricting plan filed with the Secretary of State shall be

1 presumed valid, shall have the force and effect of law and
2 shall be published promptly by the Secretary of State.

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

7 (Source: Amendment adopted at general election November 4,
8 1980.)

9 SCHEDULE

10 The State Board of Elections shall proceed, as soon as all
11 the returns are received but no later than 31 days after the
12 election, to canvass the votes given for and against this
13 Constitutional Amendment, as shown by the abstracts of votes
14 cast. If this Constitutional Amendment is approved by either
15 three-fifths of those voting on the question or a majority of
16 those voting in the election, then the State Board of Elections
17 shall declare the adoption of this Constitutional Amendment and
18 it shall, upon declaration of its adoption, take effect and
19 become a part of the Constitution of this State. This Schedule
20 supersedes and applies notwithstanding any statute to the
21 contrary, and no other requirements, including without
22 limitation proclamation of the results of the vote or notice by
23 publication, are necessary for its effectiveness. This
24 Constitutional Amendment applies to redistricting beginning in
25 2011 for the election of members of the General Assembly

1 beginning in 2012.