

96TH GENERAL ASSEMBLY State of Illinois 2009 and 2010

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT HC0035

Introduced , by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 1
ILCON Art. IV, Sec. 2
ILCON Art. IV, Sec. 3
ILCON Art. IV, Sec. 4
ILCON Art. IV, Sec. 5
ILCON Art. IV, Sec. 6
ILCON Art. IV, Sec. 7
ILCON Art. IV, Sec. 8
ILCON Art. IV, Sec. 9
ILCON Art. IV, Sec. 10
ILCON Art. IV, Sec. 11
ILCON Art. IV, Sec. 11
ILCON Art. IV, Sec. 14
ILCON Art. IV, Sec. 14

Proposes to amend the Legislature Article of the Illinois Constitution. Places the State's legislative powers and duties in a unicameral General Assembly consisting of a Senate comprised of 177 members elected 3 each from 59 districts using cumulative voting. Makes conforming changes. Provides for redistricting through the Senate's adoption of one of the 3 highest-scored maps submitted by the public to a General Assembly-appointed commission. Provides a redistricting schedule and for the Secretary of State's selection of the highest-scored map when the Senate fails to adopt a map. Imposes term limits on members and leaders. Makes changes with respect to the passage of bills, the veto authority of the Governor, and member compensation. Authorizes the judicial branch to try persons impeached by the Senate. Effective upon being declared adopted and applicable to redistricting in 2011, to the election of General Assembly members in 2012, and to the operation of the General Assembly beginning on the second Wednesday in January 2013.

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 Article IV of the
9	Illinois Constitution by changing Sections 1, 2, 3, 4, 5, 6, 7,
10	8, 9, 10, 11, and 14 and by repealing Section 15 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 <u>comprised of 177 Senators</u> and a House of
17	Representatives, elected by the electors from 59 Legislative
18	Districts and 118 Representative Districts.
19	(Source: Amendment adopted at general election November 4,
20	1980.)
21	(ILCON Art. IV, Sec. 2)

SECTION 2. LEGISLATIVE COMPOSITION

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- (a) Three Senators shall be elected from each Legislative District for terms of 4 years each. No Senator may serve for more than 3 terms after 2012. No political party shall limit its primary nomination process to fewer than 2 candidates for Senator in any Legislative District, but this provision shall not prevent a primary ballot from containing the name of a single <u>candidate</u> in a <u>Legislative District</u> if <u>only one</u> candidate runs for that office of Senator in that party. In elections for Senators, including those for nomination, each elector may cast 3 votes for one candidate or distribute them equally among no more than 3 candidates. The candidates with the highest number of votes shall be declared elected. One Senator shall be elected from each Legislative 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 Representative Districts. In 1982 and every two thereafter one Representative shall be elected from each Representative District for a term of two years.

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(c) To be eligible to serve as a member of the Senate General Assembly, a person must be a United States citizen and, at least 21 years old. A candidate for the Senate must be a resident of the district he or she is to represent for the 2 years preceding his or her election. In the general election following a redistricting, a candidate for the Senate may be elected from any district that contains a part of the district in which he or she resided at the time of the redistricting and reelected if a resident of the new district he or she represents for 18 months prior to reelection. , 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.

(c) (d) Within 30 thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. The 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 elected to serve for the remainder of the term. If 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 <u>or she</u> succeeds
- 2 and must meet all other requirements to serve as a member of
- 3 the Senate as listed in subsection (b). For the purposes of
- 4 subsection (a), a person who fills a vacancy shall be
- 5 considered to have served a full term.
- 6 (d) (e) No member of the <u>Senate</u> General Assembly shall
- 7 receive compensation as a public officer or employee from any
- 8 other governmental entity for time during which he or she is in
- 9 attendance as a member of the Senate General Assembly.
- No member of the Senate General Assembly during the term
- for which he or she was elected or appointed shall be appointed
- 12 to a public office which shall have been created or the
- compensation for which shall have been increased by the <u>Senate</u>
- 14 General Assembly during that term.
- 15 (Source: Amendment adopted at general election November 4,
- 16 1980.)
- 17 (ILCON Art. IV, Sec. 3)
- 18 SECTION 3. LEGISLATIVE REDISTRICTING
- 19 (a) Legislative Districts shall be compact, be contiguous,
- 20 be substantially equal in population, reflect minority voting
- 21 strengths, promote competition, and consider political
- 22 boundaries. The General Assembly shall establish by law a
- 23 method to determine a score for any map for Legislative
- 24 Districts.
- 25 (b) A Legislative Redistricting Commission shall be

- constituted by March 1 of the year following each federal
 decennial census year. The Commission shall consist of 8
 members, no more than 4 of whom shall be members of the same
 political party. The Senate President and Senate Minority
 Leader shall each appoint 4 persons to the Commission. For the
 redistricting process in 2011 only, 4 members of the Commission
 must be members of the Illinois House of Representatives.
 - (c) The members of the Commission shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within 5 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. The Commission shall provide to the public data and tools to create Legislative Districts not later than April 7. The Commission shall accept maps for the redistricting of Legislative Districts through May 7.
 - (d) The Commission shall evaluate all submitted maps according to the criteria set forth in subsection (a) as implemented by law and assign each map a score. The Commission shall eliminate maps that fail to meet federal and State law and shall eliminate maps that are substantially the same geographically as other maps of equal or better score. Not later than May 22, the Commission shall give to the Senate the maps for Legislative Districts with the 3 best scores.
 - (e) The Senate, by a record vote of three-fifths of the members elected, may adopt a redistricting resolution from the

- 1 <u>3 maps for Legislative Districts submitted by the Commission.</u>
- 2 If the Senate has failed to file a redistricting resolution by
- 3 June 30, the Secretary of State shall certify the redistricting
- 4 map for Legislative Districts that received the best score from
- 5 the Commission. In the event of multiple maps with the same
- 6 best high score, the map to be certified shall be selected at
- 7 random.
- 8 (f) A redistricting resolution or redistricting map filed
- 9 with the Secretary of State shall be presumed valid, shall have
- the force and effect of law, and shall be published promptly by
- 11 the Secretary of State.
- 12 (g) The Illinois Supreme Court shall have original and
- 13 exclusive jurisdiction over actions concerning redistricting
- 14 the General Assembly. Aggrieved individuals shall be entitled
- 15 to file objections with the Legislative Redistricting
- 16 Commission (i) for the Commission's failure to perform duties
- 17 associated with any portion of this Section or (ii) if their
- 18 maps were scored inconsistently with this Section or eliminated
- 19 unfairly. The aggrieved individual shall be entitled to
- 20 judicial review of any complaint filed with the Commission. (a)
- 21 Legislative Districts shall be compact, contiquous and
- 22 substantially equal in population. Representative Districts
- 23 shall be compact, contiquous, and substantially equal in
- 24 population.
- 25 (b) In the year following each Federal decennial census
- 26 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. 1
- 2 Not later than October 5, the Commission shall file with
- the Secretary of State a redistricting plan approved by at 3
- least five members. 4
- 5 An approved redistricting plan filed with the Secretary of
- State shall be presumed valid, shall have the force and effect 6
- of law and shall be published promptly by the Secretary of 7
- 8 State.
- 9 The Supreme Court shall have original and exclusive
- 10 jurisdiction over actions concerning redistricting the House
- 11 and Senate, which shall be initiated in the name of the People
- 12 of the State by the Attorney General.
- 13 (Source: Amendment adopted at general election November 4,
- 1980.) 14
- 15 (ILCON Art. IV, Sec. 4)
- 16 SECTION 4. ELECTION
- (a) At the general election in 2012, odd-numbered 17
- Legislative Districts shall have elections for 2-year terms and 18
- even-numbered Legislative Districts shall have elections for 19
- 20 4-year terms. Thereafter, all Senators shall be elected for
- 21 4-year terms.
- 22 (b) The requirements for a person to be listed on the
- ballot for election as Senator shall be the same regardless of 23
- 24 political affiliation or non-affiliation. Members of the
- 25 General Assembly shall be elected at the general election in

- even-numbered years. 1
- 2 (Source: Illinois Constitution.)
- (ILCON Art. IV, Sec. 5) 3
- SECTION 5. SESSIONS 4

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- 5 (a) The <u>Senate</u> General Assembly shall convene each year on 6 the second Wednesday of January following each general election. The Senate General Assembly shall be a continuous 7 8 body during the succeeding 2-year term for which members of the 9 House of Representatives are elected.
 - (b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the Senate General Assembly may also be convened by a joint proclamation of the presiding officer of the Senate officers of both houses, issued as provided by law.
 - (c) Sessions of the Senate each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions of the Senate and meetings of Senate committees and legislative commissions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed

- 1 if two-thirds of the members elected to each house so
- 2 determine.

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- 3 (Source: Illinois Constitution.)
- 4 (ILCON Art. IV, Sec. 6)
- 5 SECTION 6. ORGANIZATION
- 6 (a) A majority of the members elected to the Senate each
 7 house constitutes a quorum.
- (b) On the first day of the January session following each 8 9 general election, of the General Assembly in odd numbered 10 years, the Secretary of State shall convene the House of 11 Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor 12 shall convene the Senate to elect from its membership a 1.3 14 President of the Senate as presiding officer. No person may 15 hold the same leadership position for more than 2 terms. A 16 "leadership position" is defined as President of the Senate, Majority Leader, Minority Leader, Committee Chairperson, or 17 18 Committee Minority Spokesperson.
 - (c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.
 - (d) The Senate Each house shall determine the rules of its proceedings, judge the elections, returns, and qualifications

- of its members, and choose its officers. No member shall be
- 2 expelled by the Senate either house, except by a vote of
- 3 two-thirds of the members elected to that house. A member may
- 4 be expelled only once for the same offense. The Senate Each
- 5 house may punish by imprisonment any person, not a member,
- 6 guilty of disrespect to the <u>Senate</u> house by disorderly or
- 7 contemptuous behavior in its presence. Imprisonment shall not
- 8 extend beyond 24 twenty four hours at one time unless the
- 9 person persists in disorderly or contemptuous behavior.
- 10 (Source: Illinois Constitution.)
- 11 (ILCON Art. IV, Sec. 7)
- 12 SECTION 7. TRANSACTION OF BUSINESS
- 13 (a) Committees of each house, joint committees of the two
- 14 houses and legislative commissions of the Senate shall give
- 15 reasonable public notice of meetings, including a statement of
- subjects to be considered.
- 17 (b) The Senate Each house shall keep a journal of its
- 18 proceedings and a transcript of its debates. The journal shall
- 19 be published and the transcript shall be available to the
- 20 public.
- 21 (c) The Senate Either house or any committee thereof as
- 22 provided by law may compel by subpoena the attendance and
- 23 testimony of witnesses and the production of books, records,
- and papers.
- 25 (Source: Illinois Constitution.)

- 1 (ILCON Art. IV, Sec. 8)
- 2 SECTION 8. PASSAGE OF BILLS
- 3 (a) The enacting clause of the laws of this State shall be:
- 4 "Be it enacted by the People of the State of Illinois,
- 5 represented in the <u>Senate</u> General Assembly."
- 6 (b) The <u>Senate</u> General Assembly shall enact laws only by
- 7 bill. Bills may originate in either house, but may be amended
- 8 or rejected by the other.
- 9 (c) No bill shall become a law without the concurrence of a
- 10 majority of the members elected to the Senate each house. Final
- 11 passage of a bill shall be by record vote. At In the Senate at
- 12 the request of 2 two members, and in the House at the request
- of five members, a record vote may be taken on any other
- 14 occasion. A record vote is a vote by yeas, and nays, and
- abstentions entered on the journal. Abstentions shall not count
- towards the total number of votes.
- 17 (d) A bill shall be read by title on 3 three different days
- 18 in each house. A bill and each amendment thereto shall be
- 19 reproduced and placed on the desk of each member before final
- 20 passage.
- 21 (e) No bill shall receive its final vote unless it has been
- 22 public in its final form for 7 calendar days, which includes
- posting of the bill on the General Assembly's website.
- 24 <u>(f) Each bill must be substantially similar to its</u>
- 25 condition when introduced. If amendments have significantly

- altered the nature of the bill, it must be reintroduced as a new bill and meet all of the requirements of a new bill.
- (g) Bills, except bills for appropriations and for the codification, revision, or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.
- 7 (h) A bill expressly amending a law shall set forth 8 completely the sections amended.
- 9 <u>(i) Any bill shall be called for a vote within 14 calendar</u> 10 days upon the motion of at least 25 Senators.
- 11 <u>(j)</u> The Speaker of the House of Representatives and the
 12 President of the Senate shall sign each bill that passes both
 13 houses to certify that the procedural requirements for passage
 14 have been met.
- 15 (Source: Illinois Constitution.)
- 16 (ILCON Art. IV, Sec. 9)
- 17 SECTION 9. VETO PROCEDURE
- 18 (a) Every bill passed by the <u>Senate General Assembly</u> shall
 19 be presented to the Governor within 30 calendar days after its
 20 passage. The foregoing requirement shall be judicially
 21 enforceable. If the Governor approves the bill, he <u>or she</u> shall
 22 sign it and it shall become law.
- 23 (b) If the Governor does not approve the bill, he <u>or she</u>
 24 shall veto it by returning it with his <u>or her</u> objections to the
 25 Senate house in which it originated. Any bill not so returned

- by the Governor within 60 calendar days after it is presented to him <u>or her</u> shall become law. If recess or adjournment of the <u>Senate General Assembly</u> prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the <u>Senate originating</u> house promptly upon the next meeting of the <u>Senate same General Assembly at which the bill can be considered</u>.
- (c) The <u>Senate</u> house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry the <u>Senate</u> that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law.
- (d) The Governor may reduce or veto any item of appropriations in a bill presented to him or her, using the line-item veto power. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the Senate house in which it originated and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the Senate house in which it originated and may be restored to its original amount in the same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to the Senate each house. If a

reduced item is not so restored, it shall become law in the reduced amount.

- initiative or referendum proposed by the citizens of the State.

 The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house. Such bill shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, he shall return it as a vetoed bill to the house in which it originated.
- 15 (Source: Illinois Constitution.)
- 16 (ILCON Art. IV, Sec. 10)
- 17 SECTION 10. EFFECTIVE DATE OF LAWS

The <u>Senate</u> General Assembly shall provide by law for a uniform effective date for laws passed prior to June 1 of a calendar year. The <u>Senate</u> General Assembly may provide for a different effective date in any law passed prior to June 1. A bill passed after May 31 shall not become effective prior to June 1 of the next calendar year unless the <u>Senate</u> General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date.

- 1 (Source: Amendment adopted at general election November 8,
- 2 1994.)
- 3 (ILCON Art. IV, Sec. 11)
- 4 SECTION 11. COMPENSATION AND ALLOWANCES
- 5 A member shall receive a salary and allowances as provided
- 6 by law, but changes in the salary of a member shall not take
- 7 effect during the term for which he <u>or she</u> has been elected.
- 8 Salary and allowances for Senators cannot be changed without a
- 9 bill passing the Senate consistent with this Article.
- 10 (Source: Illinois Constitution.)
- 11 (ILCON Art. IV, Sec. 14)
- 12 SECTION 14. IMPEACHMENT
- 13 (a) The Senate shall have the sole power of impeachment,
- but a majority of the members elected must concur therein.
- 15 Proceedings may be initiated in either a regular session or a
- special <u>session of the Senate.</u>
- 17 (b) A resolution of impeachment shall give reasonable
- 18 notice of the acts or omissions alleged to constitute
- impeachable offenses but need not conform to any particular
- 20 style. Upon the adoption of a resolution of impeachment, a
- 21 notice of an impeachment of any officer, other than a Judge of
- 22 the Supreme Court, shall be served upon the Chief Justice by
- 23 the Secretary of the Senate. The Chief Justice shall call a
- 24 session of the Supreme Court to meet at the Capitol in an

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expeditious fashion after receiving such notice to try the impeachment. A notice of an impeachment of any Judge of the Supreme Court shall be served by the Secretary of the Senate upon the clerk of the judicial district within which the Capitol is located. The clerk of the judicial district shall choose at random seven Judges of the District Courts in the State to meet within 30 days at the Capitol to sit as a Court to try such impeachment. This Court shall organize by electing one of its number to preside.

(c) The case against the impeached civil officer shall be brought in the name of the General Assembly and shall be managed by 2 Senators appointed by the Senate. The 2 Senators may make technical or procedural amendments to the articles of impeachment, as they deem necessary. The trial shall be conducted in the manner of a civil proceeding, and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case.

(d) No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that the person committed one or more impeachable offenses. Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust in this State. The person impeached, whether convicted or acquitted, may still be subject to

separate prosecution and punishment according to law. No 1 officer may exercise official duties after impeachment and 2 notice until the officer is acquitted. The House of 3 Representatives has the sole power to conduct legislative 4 5 investigations to determine the existence of cause for impeachment and, by the vote of a majority of the members 6 7 elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for 8 9 that purpose, Senators shall be upon oath, or affirmation, to 10 do justice according to law. If the Governor is tried, the 11 Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the 12 Senators elected. Judgment shall not extend beyond removal from 13 office and disqualification to hold any public office of this 14 State. An impeached officer, whether convicted or acquitted, 15 16 shall be liable to prosecution, trial, judgment and punishment 17 according to law.

- 18 (Source: Illinois Constitution.)
- 19 (ILCON Art. IV, Sec. 15)

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- 20 SECTION 15. ADJOURNMENT (REPEALED)
 - (a) When the General Assembly is in session, neither house without the consent of the other shall adjourn for more than three days or to a place other than where the two houses are sitting.
- 25 (b) If either house certifies that a disagreement exists

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- 1 between the houses as to the time for adjourning a session,
- 2 Governor may adjourn the General Assembly to a time not later
- than the first day of the next annual session. 3
- (Source: Illinois Constitution.)

5 SCHEDULE

> This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to redistricting beginning in 2011, to the election of General Assembly members beginning in 2012, and to the operation of the General Assembly beginning on the second Wednesday in January 2013.

> Should any part of this Amendment be rendered or declared invalid by a court of competent jurisdiction of the State of Illinois or the United States, that invalidation of the part or portion of this Amendment should not invalidate the remaining portions of this Amendment, and they shall remain in full force and effect.