



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0069

Introduced 5/21/2009, by Sen. 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. Provides that the Senate by resolution (instead of the General Assembly by law) shall divide the Legislative Districts into 3 groups for the election of Senators. Provides that Legislative and Representative Districts shall maximize majority-minority districts and minimize districts that cross county or municipal boundaries (as well as be compact, contiguous, and substantially equal in population). Provides that Representative Districts need not be entirely within Legislative Districts. Provides that, on the third Tuesday in February in the year following each Federal decennial census year, a Temporary Redistricting Advisory Committee shall be appointed by the legislative leaders, with a fifth member elected by the appointed members. Sets qualifications. Provides for the Committee to redistrict the Representative, Legislative, and Congressional Districts in consultation with a Redistricting Consulting Firm procured by the Committee. Sets up a time table for submission of plans and adoption by resolution supported by two-thirds of the members. Provides for second and third plans if a plan is not adopted, with the Supreme Court, by a two-thirds majority, making a final decision if necessary. Makes other changes. Effective upon being declared adopted.

LRB096 13020 RCE 27201 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 Senate, by resolution, ~~General Assembly by law~~ shall divide
17 the Legislative Districts as equally as possible into three
18 groups. Senators from one group shall be elected for terms of
19 four years, four years and two years; Senators from the second
20 group, for terms of four years, two years and four years; and
21 Senators from the third group, for terms of two years, four
22 years and four years. The Legislative Districts in each group
23 shall be distributed 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) Legislative Districts shall be compact, be contiguous,
13 be ~~and~~ substantially equal in population, comply with all
14 applicable federal laws, and minimize the number of districts
15 that cross county or municipal boundaries. Representative
16 Districts shall be compact, be contiguous, be ~~and~~ substantially
17 equal in population, comply with all applicable federal laws,
18 and minimize the number of districts that cross county or
19 municipal boundaries. A Representative District need not be
20 entirely within a single Legislative District. The following
21 shall be excluded from consideration: (1) the residency of
22 incumbents; (2) political affiliation of registered voters;
23 and (3) previous election results.

24 (b) On the third Tuesday in February in the year following
25 each Federal decennial census year, the President of the

1 Senate, the Minority leader of the Senate, the Speaker of the
2 House, and the Minority Leader of the House shall each appoint
3 a member to the Temporary Redistricting Advisory Committee. A
4 fifth member shall, by the fourth Tuesday in February, be
5 elected by a majority of the members appointed, and that member
6 shall serve as Chair. No member of the Temporary Redistricting
7 Committee should currently hold a partisan political office or
8 political party office or be an immediate family member of a
9 member of the Illinois General Assembly or Congress. As used in
10 this Article IV, Section 3, "immediate family member" is a
11 person with whom the person has a bona fide relationship
12 established through close blood or legal relationship,
13 including parents, siblings, children, in-laws, and first
14 cousins.

15 The Temporary Redistricting Advisory Committee shall
16 redistrict the Legislative Districts, the Representative
17 Districts, and the Congressional Districts in consultation
18 with a Redistricting Consulting Firm, procured by the Temporary
19 Redistricting Advisory Committee. The Firm must be a
20 non-partisan, independent contractor that employs qualified
21 software technicians. The Committee shall approve any
22 redistricting plans by a four-fifths majority of its members.
23 After approval of the redistricting plans, the Committee shall
24 release the proposed plans to the public, conduct at least 5
25 public hearings around 5 distinct geographic regions of the
26 State, and submit a report to the Illinois General Assembly

1 summarizing the information.

2 (c) The Committee shall deliver to the House of
3 Representatives a Representative redistricting plan by the
4 fourth Monday of April. The House shall consider the plan
5 within seven days after its delivery and shall accept or reject
6 the plan through a House Resolution. A resolution to adopt the
7 plan must be supported by two-thirds of the members.

8 The Committee shall deliver to the Senate a Legislative
9 redistricting plan by the fourth Monday of April. The Senate
10 shall consider the plan within seven days after its delivery
11 and shall accept or reject the plan through a Senate
12 Resolution. A resolution to adopt the plan must be supported by
13 two-thirds of the members.

14 The Committee shall deliver to the House of Representatives
15 and the Senate a Congressional redistricting plan by the fourth
16 Monday of April. The House and Senate shall consider the plan
17 within seven days after its delivery and shall accept or reject
18 the plan through a Joint Resolution. A resolution to adopt the
19 plan must be supported by two-thirds of the members of each
20 chamber.

21 Redistricting plans may not be amended by either chamber.
22 An adopted redistricting resolution shall be filed with the
23 Secretary of State by the presiding officer of the chamber that
24 initiated the resolution. Each chamber shall have until May 10
25 to file a resolution with the Secretary of State approving the
26 redistricting plan.

1 (d) If a plan is not adopted by a chamber, the Committee
2 shall provide an alternative redistricting plan no later than
3 May 24, to be approved or rejected in the same manner
4 established by subsection (c) and filed with the Secretary of
5 State not later than June 10.

6 If a plan is not adopted by a chamber by June 10, the
7 Committee shall provide a third alternative redistricting plan
8 no later than June 17, to be approved or rejected in the same
9 manner established by subsection (c), except that the third
10 redistricting plan is subject to amendment. If a plan is
11 approved, the resolution shall be filed with the Secretary of
12 State upon adoption.

13 (e) If no plan is approved by July 1, the Committee shall
14 submit its third redistricting plan to the Illinois Supreme
15 Court. If two-thirds of the members of the court find that the
16 plan satisfies statutory and constitutional requirements, it
17 shall be adopted. If a plan fails to obtain approval by
18 two-thirds of the Supreme Court, the Court shall submit its
19 findings to the Committee, which shall amend its plan until it
20 is found to be in compliance and adopted by a two-thirds
21 majority of the Supreme Court. A plan adopted by the Supreme
22 Court shall be filed with the Secretary of State.

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

26 ~~If no redistricting plan becomes effective by June 30 of~~

1 ~~that year, a Legislative Redistricting Commission shall be~~
2 ~~constituted not later than July 10. The Commission shall~~
3 ~~consist of eight members, no more than four of whom shall be~~
4 ~~members of the same political party.~~

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

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

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

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

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

26 ~~Not later than October 5, the Commission shall file with~~

1 ~~the Secretary of State a redistricting plan approved by at~~
2 ~~least five members.~~

3 (f) A ~~An approved~~ redistricting resolution or
4 redistricting plan filed with the Secretary of State shall be
5 presumed valid, shall have the force and effect of law and
6 shall be published promptly by the Secretary of State.

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

11 (Source: Amendment adopted at general election November 4,
12 1980.)

13 SCHEDULE

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

1 limitation proclamation of the results of the vote or notice by
2 publication, are necessary for its effectiveness. This
3 Constitutional Amendment applies to redistricting beginning in
4 2011 and to the election of members of the General Assembly
5 beginning in 2012.