

1 AN ACT concerning government.

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 Interstate Compact for Fair Representation Act.

6 Section 5. Interstate Compact for Fair Representation. The  
7 Governor is hereby authorized to enter into a compact on behalf  
8 of this State with any state of the United States legally  
9 joining therein in the form substantially as follows:

10 INTERSTATE COMPACT FOR FAIR REPRESENTATION

11 Article I - Membership.

12 Any state of the United States may become a member of this  
13 Interstate Compact for Fair Representation by enacting this  
14 agreement.

15 Article II - Definitions.

16 In this agreement the following words have the meanings  
17 indicated:

18 (a) "Coalition district" means a district where more  
19 than one group of racial minorities or language minorities  
20 may form a coalition to elect the candidate of the

1 coalition's choice.

2 (b) "Commission" means the independent redistricting  
3 commission established by the compacting states under this  
4 agreement.

5 (c) "Communities of interest" means a group of people  
6 concentrated in a geographic area, such as a specific  
7 region or neighborhood, who share similar social,  
8 cultural, ethnic, economic, religious, or political  
9 interests and priorities.

10 (d) "Competitive district" means a district that has a  
11 substantially equal partisan balance.

12 (e) "Crossover district" means a district where a  
13 racial minority or language minority constitutes less than  
14 a majority of the voting-age population but where this  
15 minority, at least potentially, is large enough to elect  
16 the candidate of its choice with help from voters who are  
17 members of the majority and who cross over to support the  
18 minority's preferred candidate.

19 (f) "District" means a congressional or state  
20 legislative district.

21 (g) "Influence district" means a district where a  
22 racial minority or language minority can influence the  
23 outcome of an election even if its preferred candidate  
24 cannot be elected.

25 (h) "Language minority" means a class of voters who are  
26 members of a language group receiving protection under the

1 federal Voting Rights Act.

2 (i) "Member state" means each state that has enacted  
3 this agreement.

4 (j) "Plan" means the redistricting plan drawn for a  
5 member state by the commission under this agreement.

6 (k) "Racial minority" means a class of voters who are  
7 members of a race or color group receiving protection under  
8 the federal Voting Rights Act.

9 Article III - Independent redistricting commission.

10 Each member state shall establish an independent  
11 redistricting commission. Each member of the commission shall  
12 serve a 10-year term. The following applies to the selection of  
13 the members of the commission:

14 (a) The selection process is intended to produce a  
15 commission that is independent from legislative influence  
16 and reasonably representative of the member state's  
17 diversity.

18 (b) The commission shall consist of 14 members: 5 who  
19 are affiliated with the largest political party in the  
20 member state; 5 who are affiliated with the second largest  
21 political party in the member state; and 4 who are not  
22 affiliated with either of the two largest political parties  
23 in the member state.

24 (c) To be considered affiliated with one of the 2  
25 largest political parties in the member state, a commission

1 member must have voted in 3 of the last 4 statewide primary  
2 elections for the same political party. To be considered  
3 unaffiliated with either of the 2 largest political parties  
4 in the member state, a commission member must have either  
5 (i) voted in no more than one of the last four statewide  
6 primary elections or (ii) voted for a political party that  
7 is not one of the 2 largest political parties in the member  
8 state in 2 or more of the last 4 statewide primary  
9 elections. An unaffiliated commission member who has made  
10 campaign contributions to one or both of the 2 largest  
11 political parties in the member state may not have  
12 contributed more to one party than the other, as determined  
13 by the state auditor.

14 (d) The commission must reflect the race and gender  
15 demographics of the state;

16 (e) To the extent practicable, the commission should  
17 represent distinct geographic regions of the state  
18 according to population distribution;

19 (f) To be eligible to become a member of the  
20 commission, an individual may not:

21 (1) hold an elected office;

22 (2) be a candidate for an elected office;

23 (3) be the spouse, parent, or child of an  
24 individual who holds an elected office or is a  
25 candidate for elected office;

26 (4) serve as an officer, an employee, or a paid

1           consultant of a political party or candidate campaign  
2           for elected office;

3                     (5) be a registered lobbyist; or

4                     (6) have held elected office or run as a candidate  
5           for elected office at any time during the ten-year  
6           period ending on December 31 preceding the date of  
7           appointment.

8           The state auditor shall accept applications from the member  
9           state's residents who meet the above qualifications for service  
10          on the commission. From the applicant pool, the state auditor  
11          shall, no later than May 1 of the year following a federal  
12          decennial census, select 60 of the most qualified applicants,  
13          including a subpool of 20 who are affiliated with the largest  
14          political party in the member state, a subpool of 20 who are  
15          affiliated with the second largest political party in the  
16          member state, and a subpool of 20 who are not affiliated with  
17          either of the two largest political parties in the member  
18          state. These applicants shall be selected on the basis of  
19          relevant analytical skills, ability to be impartial, and  
20          appreciation for the member state's diverse demographics and  
21          geography.

22          The state auditor shall present its pool of recommended  
23          applicants to the state legislature. The leaders of the  
24          political party with the greatest number of seats in each  
25          chamber of the state legislature, and the leaders of the  
26          political party with the second greatest number of seats in

1 each chamber of the state legislature, may each strike up to 2  
2 applicants from each subpool of 20 for a total of 8 possible  
3 strikes per subpool. If the member state has a unicameral  
4 legislature, the leader of the political party with the  
5 greatest number of seats in the state legislature and the  
6 leader of the political party with the second greatest number  
7 of seats in the state legislature may each strike up to 4  
8 applicants from each subpool of 20. After all legislative  
9 leaders have exercised their strikes, and no later than May 15  
10 of the year following a federal decennial census, the state  
11 legislature shall present the pool of remaining names to the  
12 state auditor.

13 No later than June 1 of the year following a federal  
14 decennial census, the state auditor shall randomly draw 8 names  
15 from the remaining pool of applicants as follows: 3 from the  
16 remaining subpool of applicants affiliated with the largest  
17 political party in the member state; 3 from the remaining  
18 subpool of applicants affiliated with the second largest  
19 political party in the member state; and 2 from the remaining  
20 subpool of applicants who are not affiliated with either of the  
21 2 largest political parties in the member state. These 8  
22 individuals shall serve on commission.

23 No later than July 1 of the year following a federal  
24 decennial census, the 8 commissioners shall review the  
25 remaining names in the pool of applicants and appoint 6  
26 applicants to the commission as follows: 2 from the remaining

1 subpool of applicants affiliated with the largest political  
2 party in the member state; 2 from the remaining subpool of  
3 applicants affiliated with the second largest political party  
4 in the member state; and 2 from the remaining subpool of  
5 applicants who are not affiliated with either of the 2 largest  
6 political parties in the member state. The 6 appointees must be  
7 approved by at least 5 affirmative votes, which must include at  
8 least 2 votes of commissioners affiliated with each of the 2  
9 largest parties and one vote from a commissioner who is not  
10 affiliated with either of the 2 largest political parties in  
11 the member state.

12 If the member state does not have a state auditor, the  
13 responsibilities of the state auditor set forth in this Compact  
14 shall be performed by a special master appointed by a majority  
15 of the judges of the member state's highest court.

16 Article IV - Vacancy.

17 A vacancy in the commission shall be filled in the manner  
18 in which the original appointment was made.

19 Article V - Independent redistricting plan.

20 The commission shall develop a redistricting plan for the  
21 member state's congressional and state legislative districts.  
22 The commission's starting point for drawing the plan shall be  
23 the member state's census tract map according to the most  
24 recent federal decennial census. Adjustments to the map shall

1 then be made as necessary to accomplish the goals as set forth  
2 below. Each district shall, in order of priority:

3 (a) be substantially equal in population;

4 (b) be consistent with the federal Voting Rights Act  
5 and any other applicable federal or state law;

6 (c) provide racial minorities and language minorities  
7 with the equal opportunity to participate in the political  
8 process and elect candidates of their choice;

9 (d) create crossover districts, coalition districts,  
10 or influence districts to provide racial minorities and  
11 language minorities who constitute less than a voting-age  
12 majority of a district with an opportunity to control or  
13 substantially influence the outcome of an election;

14 (e) be contiguous, except to the extent necessary to  
15 include any area which is surrounded by a body of water;

16 (f) respect, to the extent practicable, communities of  
17 interest as determined on the basis of census tract or  
18 other relevant information;

19 (g) respect, to the extent practicable, visible  
20 geographic features, city, town, and county boundaries,  
21 and undivided census tracts;

22 (h) be compact; and

23 (i) not consider the place of residence of any  
24 incumbent or political candidate in the creation of a map.  
25 Districts shall not be drawn for the purpose of favoring or  
26 discriminating against an incumbent, political candidate,



1 or political party.

2 To the extent practicable: (1) competitive districts  
3 should be favored where to do so would create no significant  
4 detriment to goals (a) through (i); and (2) member states shall  
5 consider amending any structural rules governing legislative  
6 districts, including, but not limited to, requirements that  
7 districts are nested, if amending the rules will further  
8 provide racial and language minorities with the equal  
9 opportunity to participate in the political process; create  
10 crossover, coalition, or influence districts; or respect  
11 communities of interest.

12 Article VI - Population count.

13 The population count used for the purpose of creating the  
14 independent redistricting plan shall count individuals  
15 incarcerated in state or federal correctional facilities, as  
16 determined by the federal decennial census, at their last known  
17 residence before incarceration if the individuals were  
18 residents of the member state. The population count may not  
19 include individuals incarcerated in state or federal  
20 correctional facilities who were not residents of the state  
21 before their incarceration.

22 Article VII - Voting.

23 Nine members of the commission shall constitute a quorum.  
24 Nine or more affirmative votes shall be required for any

1 official action. The final redistricting maps must be approved  
2 by at least nine affirmative votes which must include at least  
3 3 votes of members affiliated with each of the 2 largest  
4 political parties in the member state and 3 votes from members  
5 who are not affiliated with either of these 2 political  
6 parties.

7 Article VIII - Timing.

8 The commission shall adopt a redistricting plan following  
9 each federal decennial census. The commission shall not adopt  
10 any redistricting plan mid-decade before the next federal  
11 decennial census.

12 Article IX - Internet website.

13 As soon as practicable after establishing the commission,  
14 the member state shall establish and maintain a public Internet  
15 website for the commission which meets all of the following  
16 requirements:

17 (a) The site is updated continuously to provide advance  
18 notice of commission hearings and to otherwise provide  
19 timely information on the activities of the commission.

20 (b) The site contains the most recent available  
21 information from the United States Bureau of the Census on  
22 voting-age population, voter registration, and voting in  
23 the state, including precinct-level and census tract-level  
24 data as well as detailed maps reflecting such information.

1           (c) The site includes interactive software that  
2 enables any individual to design a redistricting plan for  
3 the member state in accordance with the criteria described  
4 in Article IV.

5           (d) The site permits any individual to submit a  
6 proposed redistricting plan to the commission, and to  
7 submit questions, comments, and other information with  
8 respect to the commission's activities.

9 Article X - Public hearings.

10           The commission shall operate in an open and transparent  
11 manner and shall solicit public feedback in drawing a plan. The  
12 commission shall hold public hearings in distinct geographic  
13 regions of the state according to population distribution at  
14 which members of the public may provide input, including  
15 submitting proposed redistricting plans. The commission shall  
16 hold at least one public hearing in each congressional district  
17 and shall hold the following minimum number of hearings:

18           (a) A member state with at least 3 congressional  
19 districts shall hold at least 6 hearings.

20           (b) A member state with no fewer than 3 but not more  
21 than 6 congressional districts shall hold at least 8  
22 hearings.

23           (c) A member state with no fewer than 6 but not more  
24 than 9 congressional districts shall hold at least 12  
25 hearings.

1           (d) A member state with no fewer than 9 but not more  
2 than 15 congressional districts shall hold at least 18  
3 hearings.

4           (e) A member state with no fewer than 15 but not more  
5 than 20 congressional districts shall hold at least 22  
6 hearings.

7           (f) A member state with more than 20 congressional  
8 districts shall hold at least one hearing for each district  
9 plus 5 additional hearings.

10 Article XI - Public notice.

11           (a) Hearings. Not fewer than 7 days before a public  
12 hearing, the commission shall issue public notice of the  
13 hearing time and location, including but not limited to  
14 posting the notice on the commission's website.

15           (b) Certification to Secretary of State. Not fewer than  
16 7 days before certifying a redistricting plan to the  
17 Secretary of State, the commission shall issue public  
18 notice, including but not limited to posting the notice on  
19 the commission's web site. The notice shall contain the  
20 following information:

21           (1) A detailed version of the plan, including a map  
22 showing each district established under the plan and  
23 the voting-age population by race of each district;

24           (2) A statement providing specific information on  
25 the commission's methodology for drawing the plan and

1           how the plan would serve the public interest;

2                   (3) Any dissenting statements of any members of the  
3           commission who did not approve of the plan.

4   Article XII - Certification to Secretary of State.

5           By September 1 of the year following a federal decennial  
6   census, the commission shall approve final maps that separately  
7   set forth the district boundary lines for the member state's  
8   congressional and state legislative districts. Upon approval,  
9   the commission shall certify the final maps to the member  
10   state's Secretary of State. The commission shall issue, with  
11   each final map, a report that explains the basis on which the  
12   commission made its decisions in achieving compliance with the  
13   criteria listed in Article V and shall include definitions of  
14   the terms and standards used in drawing each final map. An  
15   approved redistricting plan filed with the Secretary of State  
16   shall be presumed valid, shall have the force and effect of law  
17   and shall be published promptly by the Secretary of State. If  
18   the member state does not have a Secretary of State, the  
19   responsibilities of the Secretary of State set forth in this  
20   Compact shall be performed by the Secretary of the Commonwealth  
21   or other state official designated by the member state's chief  
22   executive.

23   Article XIII - Judicial review.

24           If the commission does not approve a final map by at least

1 the requisite votes or if a final map is not certified to the  
2 Secretary of State by September 15 of the year following a  
3 federal decennial census, the Secretary of State shall  
4 immediately petition the highest court of the member state for  
5 an order directing the appointment of special masters to adjust  
6 the boundary lines of that map in accordance with the  
7 redistricting criteria and requirements set forth in Article V.  
8 Upon its approval of the special masters' map, the court shall  
9 certify the resulting map to the Secretary of State no later  
10 than October 1 of the year following a federal decennial  
11 census, and that map shall constitute the certified final map  
12 for the district.

13 Article XIV - Other laws.

14 Nothing in this agreement shall be construed, applied, or  
15 implemented in a way that imposes any requirement or obligation  
16 that conflicts with the United States Constitution or any  
17 federal law regarding redistricting congressional or state  
18 legislative districts, including, but not limited to, the  
19 Voting Rights Act.

20 Article XV - Effective date.

21 The several states are invited to concur in this agreement  
22 by enactment of a similar act. This agreement shall take effect  
23 when every state with three or more congressional districts at  
24 the time of redistricting has enacted this agreement in

1 substantially the same form and the enactments by such states  
2 have taken effect in each state. It shall continue in effect if  
3 a member state with 3 congressional districts loses a district  
4 following a federal decennial census occurring after the  
5 agreement takes effect. If, following a federal decennial  
6 census occurring after the agreement takes effect, a non-member  
7 state is entitled to an additional congressional district that  
8 would bring the non-member state's total number of  
9 congressional districts to 3 or more, the agreement shall be  
10 suspended until the non-member state enacts this agreement and  
11 the enactment takes effect.

12 The chief executive of each member state shall promptly  
13 notify the chief executive of all other states when this  
14 agreement has been enacted in that official's state or when the  
15 state has withdrawn from this agreement.

16 Article XVI - Withdrawal.

17 Any member state may withdraw from this agreement, except  
18 that a withdrawal occurring 6 months or less before a general  
19 election in which any Congressional or state legislative seat  
20 is on the ballot shall not become effective until after the  
21 election results are certified.

22 Article XVII - Compliance.

23 A member state is not required to comply with this compact  
24 if:

1           (a) the commission of any member state fails to adopt a  
2           redistricting plan; or

3           (b) the Attorney General of any member state determines  
4           that another member state has repealed, replaced, or failed  
5           to implement any aspect of this compact, including but not  
6           limited to failing to establish an independent  
7           redistricting commission or failing to implement the  
8           district map adopted by the commission.

9           Article XVIII - Severability.

10           If any provision of this agreement is held invalid, the  
11           remaining provisions shall not be affected.

12           Article XIX - Enforcement.

13           The agencies and officers of each member state and its  
14           subdivisions shall enforce this compact and do all things  
15           appropriate to effect its purpose and intent that may be within  
16           their respective jurisdictions, including but not limited to  
17           adopting any legislation or regulations necessary to implement  
18           this agreement.

19           Section 99. Effective date. This Act takes effect upon  
20           becoming law.