



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 322

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 322, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Interstate Compact for Fair Representation Act.

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

11 INTERSTATE COMPACT FOR FAIR REPRESENTATION

12 Article I - Membership.

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

1 agreement.

2 Article II - Definitions.

3 In this agreement the following words have the meanings  
4 indicated:

5 (a) "Coalition district" means a district where more  
6 than one group of racial minorities or language minorities  
7 may form a coalition to elect the candidate of the  
8 coalition's choice.

9 (b) "Commission" means the independent redistricting  
10 commission established by the compacting states under this  
11 agreement.

12 (c) "Communities of interest" means a group of people  
13 concentrated in a geographic area, such as a specific  
14 region or neighborhood, who share similar social,  
15 cultural, ethnic, economic, religious, or political  
16 interests and priorities.

17 (d) "Competitive district" means a district that has a  
18 substantially equal partisan balance.

19 (e) "Crossover district" means a district where a  
20 racial minority or language minority constitutes less than  
21 a majority of the voting-age population but where this  
22 minority, at least potentially, is large enough to elect  
23 the candidate of its choice with help from voters who are  
24 members of the majority and who cross over to support the  
25 minority's preferred candidate.

1           (f) "District" means a congressional or state  
2 legislative district.

3           (g) "Influence district" means a district where a  
4 racial minority or language minority can influence the  
5 outcome of an election even if its preferred candidate  
6 cannot be elected.

7           (h) "Language minority" means a class of voters who are  
8 members of a language group receiving protection under the  
9 federal Voting Rights Act.

10          (i) "Member state" means each state that has enacted  
11 this agreement.

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

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

17 Article III - Independent redistricting commission.

18          Each member state shall establish an independent  
19 redistricting commission. Each member of the commission shall  
20 serve a 10-year term. The following applies to the selection of  
21 the members of the commission:

22           (a) The selection process is intended to produce a  
23 commission that is independent from legislative influence  
24 and reasonably representative of the member state's  
25 diversity.

1           (b) The commission shall consist of 14 members: 5 who  
2           are affiliated with the largest political party in the  
3           member state; 5 who are affiliated with the second largest  
4           political party in the member state; and 4 who are not  
5           affiliated with either of the two largest political parties  
6           in the member state.

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

22          (d) The commission must reflect the race and gender  
23          demographics of the state;

24          (e) To the extent practicable, the commission should  
25          represent distinct geographic regions of the state  
26          according to population distribution;

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

3           (1) hold an elected office;

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

5           (3) be the spouse, parent, or child of an  
6 individual who holds an elected office or is a  
7 candidate for elected office;

8           (4) serve as an officer, an employee, or a paid  
9 consultant of a political party or candidate campaign  
10 for elected office;

11           (5) be a registered lobbyist; or

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

16           The state auditor shall accept applications from the member  
17 state's residents who meet the above qualifications for service  
18 on the commission. From the applicant pool, the state auditor  
19 shall, no later than May 1 of the year following a federal  
20 decennial census, select 60 of the most qualified applicants,  
21 including a subpool of 20 who are affiliated with the largest  
22 political party in the member state, a subpool of 20 who are  
23 affiliated with the second largest political party in the  
24 member state, and a subpool of 20 who are not affiliated with  
25 either of the two largest political parties in the member  
26 state. These applicants shall be selected on the basis of

1 relevant analytical skills, ability to be impartial, and  
2 appreciation for the member state's diverse demographics and  
3 geography.

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

21 No later than June 1 of the year following a federal  
22 decennial census, the state auditor shall randomly draw 8 names  
23 from the remaining pool of applicants as follows: 3 from the  
24 remaining subpool of applicants affiliated with the largest  
25 political party in the member state; 3 from the remaining  
26 subpool of applicants affiliated with the second largest

1 political party in the member state; and 2 from the remaining  
2 subpool of applicants who are not affiliated with either of the  
3 2 largest political parties in the member state. These 8  
4 individuals shall serve on commission.

5 No later than July 1 of the year following a federal  
6 decennial census, the 8 commissioners shall review the  
7 remaining names in the pool of applicants and appoint 6  
8 applicants to the commission as follows: 2 from the remaining  
9 subpool of applicants affiliated with the largest political  
10 party in the member state; 2 from the remaining subpool of  
11 applicants affiliated with the second largest political party  
12 in the member state; and 2 from the remaining subpool of  
13 applicants who are not affiliated with either of the 2 largest  
14 political parties in the member state. The 6 appointees must be  
15 approved by at least 5 affirmative votes, which must include at  
16 least 2 votes of commissioners affiliated with each of the 2  
17 largest parties and one vote from a commissioner who is not  
18 affiliated with either of the 2 largest political parties in  
19 the member state.

20 If the member state does not have a state auditor, the  
21 responsibilities of the state auditor set forth in this Compact  
22 shall be performed by a special master appointed by a majority  
23 of the judges of the member state's highest court.

24 Article IV - Vacancy.

25 A vacancy in the commission shall be filled in the manner

1 in which the original appointment was made.

2 Article V - Independent redistricting plan.

3 The commission shall develop a redistricting plan for the  
4 member state's congressional and state legislative districts.  
5 The commission's starting point for drawing the plan shall be  
6 the member state's census tract map according to the most  
7 recent federal decennial census. Adjustments to the map shall  
8 then be made as necessary to accomplish the goals as set forth  
9 below. Each district shall, in order of priority:

10 (a) be substantially equal in population;

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

13 (c) provide racial minorities and language minorities  
14 with the equal opportunity to participate in the political  
15 process and elect candidates of their choice;

16 (d) create crossover districts, coalition districts,  
17 or influence districts to provide racial minorities and  
18 language minorities who constitute less than a voting-age  
19 majority of a district with an opportunity to control or  
20 substantially influence the outcome of an election;

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

23 (f) respect, to the extent practicable, communities of  
24 interest as determined on the basis of census tract or  
25 other relevant information;



1 (g) respect, to the extent practicable, visible  
2 geographic features, city, town, and county boundaries,  
3 and undivided census tracts;

4 (h) be compact; and

5 (i) not consider the place of residence of any  
6 incumbent or political candidate in the creation of a map.  
7 Districts shall not be drawn for the purpose of favoring or  
8 discriminating against an incumbent, political candidate,  
9 or political party.

10 To the extent practicable, competitive districts should be  
11 favored where to do so would create no significant detriment to  
12 goals (a) through (i).

13 Article VI - Population count.

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

23 Article VII - Voting.

24 Nine members of the commission shall constitute a quorum.

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

8 Article VIII - Timing.

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

13 Article IX - Internet website.

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

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

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

1 data as well as detailed maps reflecting such information.

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

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

10 Article X - Public hearings.

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

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

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

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

1 hearings.

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

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

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

11 Article XI - Public notice.

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

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

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

25 (2) A statement providing specific information on

1           the commission's methodology for drawing the plan and  
2           how the plan would serve the public interest;

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

5   Article XII - Certification to Secretary of State.

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

24   Article XIII - Judicial review.

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

14 Article XIV - Other laws.

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

21 Article XV - Effective date.

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

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

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

17 Article XVI - Withdrawal.

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

23 Article XVII - Compliance.

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

1 if:

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

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

10 Article XVIII - Severability.

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

13 Article XIX - Enforcement.

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

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