



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0043**

Introduced , by Rep. Ryan Spain

**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 provisions concerning legislative redistricting apply to Congressional Districts. Requires that districts, in addition to being compact, contiguous, and substantially equal in population, must also comply with the federal Constitution and law, provide racial and ethnic minorities with equal opportunity to participate in the political process, provide racial and ethnic minorities who constitute less than a voting-age majority of a district with an opportunity to substantially influence the outcome of an election, respect geographic integrity of units of local government, respect communities sharing common social or economic interests, and not discriminate against or in favor of any political party or individual. Replaces the current method of legislative redistricting with the following: a 16-member commission, appointed by the Chief Justice of the Supreme Court and the most senior Supreme Court Judge of a different political party in accordance with specified criteria, shall adopt and file with the Secretary of State redistricting plans for Legislative, Representative, and Congressional Districts following a series of public hearings by August 1 of the year following a federal decennial census; permits the public to submit maps during the map drawing process for consideration by the Commission; and, if a redistricting plan is not adopted by August 1 of the year following a federal decennial census, then a seventeenth member shall be appointed to the Commission and redistricting plans shall be filed by September 1. Adds provisions concerning the membership of the Commission and budgetary matters related to the Commission. Removes the requirement for each Legislative District to be divided into two Representative Districts. Effective upon being declared adopted and applicable to redistricting beginning in 2021 and to the election of General Assembly members beginning in 2022.

1                                   HOUSE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE  
4 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE  
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 Article IV of the  
9 Illinois Constitution by changing Sections 2 and 3 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 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) As used in this Section, "consumer price index-u" means  
13 the index published by the Bureau of Labor Statistics of the  
14 United States Department of Labor or a successor agency that  
15 measures the average change in prices of goods and services  
16 purchased by all urban consumers, United States city average,  
17 all items, 1982-84=100.

18 (b) Each Legislative District, Representative District,  
19 and Congressional District shall, in the following order of  
20 priority:

21 (1) fully comply with the United States Constitution  
22 and federal laws, such as the federal Voting Rights Act;

23 (2) be substantially equal in population;

24 (3) provide racial minorities and language minorities  
25 with the equal opportunity to participate in the political

1 process and elect candidates of their choice;

2 (4) provide racial minorities and language minorities  
3 who constitute less than a voting-age majority of a  
4 Legislative District, Representative District, or  
5 Congressional District with an opportunity to  
6 substantially influence the outcome of an election;

7 (5) be contiguous;

8 (6) be compact;

9 (7) respect, to the extent practical, geographic  
10 integrity of units of local government;

11 (8) respect, to the extent practical, communities  
12 sharing common social or economic interests;

13 (9) and not discriminate against or in favor of any  
14 political party or individual.

15 (c) No later than August 30 of the year that each federal  
16 decennial census occurs, the Chief Justice and the most senior  
17 Supreme Court Judge who is not elected from the same political  
18 party as the Chief Justice shall select 16 commissioners to  
19 form an Independent Redistricting Commission. The  
20 commissioners must reflect the ethnic, gender, and racial  
21 demographics of Illinois, 14 of the commissioners must  
22 represent, in equal number, the two political parties whose  
23 gubernatorial candidates received the greatest number of votes  
24 in the last gubernatorial election and two of the commissioners  
25 must represent neither of those parties. There must be at least  
26 two commissioners from each Judicial District.

1       (d) A person is ineligible to serve on the Commission if  
2 within the previous four calendar years the person or his or  
3 her spouse or immediate family member was appointed or elected  
4 to a position with the State, federal, or local government; is  
5 a State employee; is a lobbyist as defined by law; has an  
6 ownership interest in an entity with a State or federal  
7 contract; or is appointed or elected to serve a political  
8 party. A commissioner is ineligible for a period of 10 years to  
9 serve in the General Assembly or to be appointed to a position  
10 subject to Senate confirmation. Commissioners must file  
11 financial disclosure statements and abide by any ethics  
12 requirements established by law.

13       (e) The Commission shall act in public meetings by the  
14 affirmative vote of 10 commissioners. The Commission shall  
15 elect its chairperson and vice chairperson, who shall not be  
16 affiliated with the same political party. Each meeting of the  
17 Commission shall be open to the public and there must be public  
18 notice at least seven days before a meeting. All records of the  
19 Commission, including all communications to or from the  
20 Commission regarding the work of the Commission, shall be  
21 available for public inspection. The Commission shall adopt  
22 rules governing its procedures. The Commission shall be  
23 considered a public body subject to the Freedom of Information  
24 Act or a successor Act and the Open Meetings Act or a successor  
25 Act. Commissioners and staff may not communicate with or  
26 receive communications about redistricting matters from anyone

1 outside of a public hearing.

2 (f) The Commission shall hold at least 20 public hearings  
3 throughout the State before adopting a redistricting plan, with  
4 a majority occurring before the Commission releases any  
5 proposed redistricting plan and at least 10 public hearings  
6 must occur throughout the State after the release of any  
7 proposed redistricting plan.

8 The Commission must provide a meaningful opportunity for  
9 racial minorities and language minorities to participate in the  
10 public hearings, including, but not limited to, issuing notices  
11 in multiple languages and ensuring that translation services  
12 are available at all hearings at the Commission's expense or  
13 through partnership with outside organizations. These public  
14 hearings must be open to all members of the public and must be  
15 planned to encourage attendance and participation across the  
16 State, including the use of technology that allows for  
17 real-time, virtual participation and feedback during the  
18 hearings. When releasing a proposed redistricting plan, the  
19 Commission must also release population data, geographic data,  
20 election data, and any other data used to create the plan, when  
21 the Commission receives this information. The Commission must  
22 also provide terminals for members of the public to access the  
23 data and associated software. During the map drawing process,  
24 any member of the public may submit maps for consideration to  
25 the Commission. Those submissions are public records that are  
26 open to comment.

1       The Commission may not adopt a redistricting plan until the  
2       Commission adopts and publishes a report explaining the plan's  
3       compliance with the United States Constitution and Illinois  
4       Constitution. Before the adoption of a redistricting plan, the  
5       Commission shall release to the public the final plan and its  
6       associated compliance report. The meeting to vote on adoption  
7       of a redistricting plan shall occur no sooner than 30 days  
8       after the release of the final plan and its associated  
9       compliance report. All proposed and adopted maps and any data  
10       used to develop these maps are public records. The Commission  
11       shall maintain a website or other similar electronic platform  
12       to disseminate information about the Commission, including  
13       records of its meetings and hearings, proposed redistricting  
14       plans, assessments and reports on plans, and to allow the  
15       public to view its meetings and hearings in both live and  
16       archived form. The website or electronic platform must allow  
17       the public to submit redistricting plans and comments on  
18       redistricting plans to the Commission for its consideration.

19       (g) The Commission shall adopt and file with the Secretary  
20       of State a redistricting plan for the Legislative Districts,  
21       Representative Districts, and Congressional Districts by  
22       August 1 of the year following the federal decennial census.  
23       The Commission may adopt separate redistricting plans for the  
24       Legislative Districts, the Representative Districts, and the  
25       Congressional Districts.

26       (h) If the Commission fails to adopt and file a



1 redistricting plan by August 1 of the year following a federal  
2 decennial census, the Chief Justice of the Supreme Court and  
3 the most senior Supreme Court Judge who is not elected from the  
4 same political party as the Chief Justice shall appoint, by  
5 August 8, a seventeenth member to the Commission. The  
6 seventeenth member of the Commission must not be affiliated  
7 with either major political party. The 17-member Commission  
8 shall adopt and file with the Secretary of State redistricting  
9 plans for the Legislative Districts, Representative Districts,  
10 and Congressional Districts by September 1 of the year  
11 following the federal decennial census.

12 (i) Members of the Commission shall be compensated at the  
13 rate of \$300 for each day the member is engaged in Commission  
14 business. For each succeeding Commission, the rate of  
15 compensation shall be adjusted in each year of the federal  
16 decennial census by the cumulative change in inflation based on  
17 the consumer price index-u or a successor metric. Members of  
18 the Commission are eligible for reimbursement of personal  
19 expenses incurred in connection with the duties performed  
20 pursuant to this act. A member's residence is deemed to be the  
21 member's post of duty for purposes of reimbursement of  
22 expenses.

23 (j) In the year before each federal decennial census, the  
24 Governor shall include in the budget submitted under Section 2  
25 of Article VIII to the General Assembly amounts of funding for  
26 the Commission and the Secretary of State that are sufficient

1 to meet the estimated expenses of each of those officers or  
2 entities in implementing the redistricting process required by  
3 this Section for a 3-year period, including, but not limited  
4 to, adequate funding for a statewide outreach program to  
5 solicit broad public participation in the redistricting  
6 process. The Governor shall also make adequate office space  
7 available for the operation of the Commission. The Legislature  
8 shall make the necessary appropriation in a budget  
9 implementation Act, and the appropriation shall be available  
10 during the entire 3-year appropriation shall be available  
11 during the entire three-year period. The appropriation made  
12 shall be equal to the greater of \$3,000,000 or the amount  
13 expended in accordance with this subsection in the immediately  
14 preceding redistricting process, as each amount is adjusted by  
15 the cumulative change in inflation based on the consumer price  
16 index-u or a successor metric, since the date of the  
17 immediately preceding appropriation made in accordance with  
18 this subsection. The Legislature may make additional  
19 appropriations in any year that it determines that the  
20 Commission requires additional funding in order to fulfill its  
21 duties. The Commission, with fiscal oversight from the  
22 Comptroller or its successor, shall have procurement and  
23 contracting authority and may hire staff and consultants, for  
24 the purposes of this Section, including legal representation.

25 (k) A redistricting plan filed with the Secretary of State  
26 shall be presumed valid and shall be published promptly by the

1 Secretary of State.

2 (1) The Supreme Court shall have original and exclusive  
3 jurisdiction over actions concerning redistricting the House  
4 and Senate, which shall be initiated in the name of the People  
5 of the State by the Attorney General. Each person who resides  
6 or is domiciled in the State, or whose executive office or  
7 principal place of business is located in the State, may bring  
8 an action in court of competent jurisdiction to obtain any of  
9 the relief available.

10 ~~(a) Legislative Districts shall be compact, contiguous and~~  
11 ~~substantially equal in population. Representative Districts~~  
12 ~~shall be compact, contiguous, and substantially equal in~~  
13 ~~population.~~

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

17 ~~If no redistricting plan becomes effective by June 30 of~~  
18 ~~that year, a Legislative Redistricting Commission shall be~~  
19 ~~constituted not later than July 10. The Commission shall~~  
20 ~~consist of eight members, no more than four of whom shall be~~  
21 ~~members of the same political party.~~

22 ~~The Speaker and Minority Leader of the House of~~  
23 ~~Representatives shall each appoint to the Commission one~~  
24 ~~Representative and one person who is not a member of the~~  
25 ~~General Assembly. The President and Minority Leader of the~~  
26 ~~Senate shall each appoint to the Commission one Senator and one~~

1 ~~person who is not a member of the General Assembly.~~

2 ~~The members shall be certified to the Secretary of State by~~  
3 ~~the appointing authorities. A vacancy on the Commission shall~~  
4 ~~be filled within five days by the authority that made the~~  
5 ~~original appointment. A Chairman and Vice Chairman shall be~~  
6 ~~chosen by a majority of all members of the Commission.~~

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

10 ~~If the Commission fails to file an approved redistricting~~  
11 ~~plan, the Supreme Court shall submit the names of two persons,~~  
12 ~~not of the same political party, to the Secretary of State not~~  
13 ~~later than September 1.~~

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

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

20 ~~An approved redistricting plan filed with the Secretary of~~  
21 ~~State shall be presumed valid, shall have the force and effect~~  
22 ~~of law and shall be published promptly by the Secretary of~~  
23 ~~State.~~

24 ~~The Supreme Court shall have original and exclusive~~  
25 ~~jurisdiction over actions concerning redistricting the House~~  
26 ~~and Senate, which shall be initiated in the name of the People~~

1 ~~of the State by the Attorney General.~~

2 (Source: Amendment adopted at general election November 4,  
3 1980.)

4 SCHEDULE

5 This Constitutional Amendment takes effect upon being  
6 declared adopted in accordance with Section of the Illinois  
7 Constitutional Amendment Act and applies to redistricting  
8 beginning in 2021 and to the election of General Assembly  
9 members beginning in 2022.