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.
HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article IV of the Illinois Constitution by changing Sections 2 and 3 as follows:

ARTICLE IV

THE LEGISLATURE

(ILCON Art. IV, Sec. 2)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. 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 two Representative Districts. In 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, 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.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. 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 be elected to serve for the remainder of the term. If the 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 succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other
governmental entity for time during which he is in attendance
as a member of the General Assembly.

No member of the General Assembly during the term for which
he was elected or appointed shall be appointed to a public
office which shall have been created or the compensation for
which shall have been increased by the General Assembly during
that term.
(Source: Amendment adopted at general election November 4,
1980.)

(ILCON Art. IV, Sec. 3)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) As used in this Section, "consumer price index-u" means
the index published by the Bureau of Labor Statistics of the
United States Department of Labor or a successor agency that
measures the average change in prices of goods and services
purchased by all urban consumers, United States city average,
all items, 1982-84=100.

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

(1) fully comply with the United States Constitution
and federal laws, such as the federal Voting Rights Act;
(2) be substantially equal in population;
(3) provide racial minorities and language minorities
with the equal opportunity to participate in the political
process and elect candidates of their choice;

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

(5) be contiguous;

(6) be compact;

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

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

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

(c) No later than August 30 of the year that each federal decennial census occurs, the Chief Justice and the most senior Supreme Court Judge who is not elected from the same political party as the Chief Justice shall select 16 commissioners to form an Independent Redistricting Commission. The commissioners must reflect the ethnic, gender, and racial demographics of Illinois, 14 of the commissioners must represent, in equal number, the two political parties whose gubernatorial candidates received the greatest number of votes in the last gubernatorial election and two of the commissioners must represent neither of those parties. There must be at least two commissioners from each Judicial District.
(d) A person is ineligible to serve on the Commission if within the previous four calendar years the person or his or her spouse or immediate family member was appointed or elected to a position with the State, federal, or local government; is a State employee; is a lobbyist as defined by law; has an ownership interest in an entity with a State or federal contract; or is appointed or elected to serve a political party. A commissioner is ineligible for a period of 10 years to serve in the General Assembly or to be appointed to a position subject to Senate confirmation. Commissioners must file financial disclosure statements and abide by any ethics requirements established by law.

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

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

The Commission must provide a meaningful opportunity for racial minorities and language minorities to participate in the public hearings, including, but not limited to, issuing notices in multiple languages and ensuring that translation services are available at all hearings at the Commission's expense or through partnership with outside organizations. These public hearings must be open to all members of the public and must be planned to encourage attendance and participation across the State, including the use of technology that allows for real-time, virtual participation and feedback during the hearings. When releasing a proposed redistricting plan, the Commission must also release population data, geographic data, election data, and any other data used to create the plan, when the Commission receives this information. The Commission must also provide terminals for members of the public to access the data and associated software. During the map drawing process, any member of the public may submit maps for consideration to the Commission. Those submissions are public records that are open to comment.
The Commission may not adopt a redistricting plan until the Commission adopts and publishes a report explaining the plan's compliance with the United States Constitution and Illinois Constitution. Before the adoption of a redistricting plan, the Commission shall release to the public the final plan and its associated compliance report. The meeting to vote on adoption of a redistricting plan shall occur no sooner than 30 days after the release of the final plan and its associated compliance report. All proposed and adopted maps and any data used to develop these maps are public records. The Commission shall maintain a website or other similar electronic platform to disseminate information about the Commission, including records of its meetings and hearings, proposed redistricting plans, assessments and reports on plans, and to allow the public to view its meetings and hearings in both live and archived form. The website or electronic platform must allow the public to submit redistricting plans and comments on redistricting plans to the Commission for its consideration.

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

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

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

(j) In the year before each federal decennial census, the
Governor shall include in the budget submitted under Section 2
of Article VIII to the General Assembly amounts of funding for
the Commission and the Secretary of State that are sufficient
to meet the estimated expenses of each of those officers or
entities in implementing the redistricting process required by
this Section for a 3-year period, including, but not limited
to, adequate funding for a statewide outreach program to
solicit broad public participation in the redistricting
process. The Governor shall also make adequate office space
available for the operation of the Commission. The Legislature
shall make the necessary appropriation in a budget
implementation Act, and the appropriation shall be available
during the entire 3-year appropriation shall be available
during the entire three-year period. The appropriation made
shall be equal to the greater of $3,000,000 or the amount
expended in accordance with this subsection in the immediately
preceding redistricting process, as each amount is adjusted by
the cumulative change in inflation based on the consumer price
index-u or a successor metric, since the date of the
immediately preceding appropriation made in accordance with
this subsection. The Legislature may make additional
appropriations in any year that it determines that the
Commission requires additional funding in order to fulfill its
duties. The Commission, with fiscal oversight from the
Comptroller or its successor, shall have procurement and
contracting authority and may hire staff and consultants, for
the purposes of this Section, including legal representation.

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

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

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

(b) In the year following each Federal decennial census 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.

Net 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.

Net later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

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

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People
of the State by the Attorney General.
(Source: Amendment adopted at general election November 4, 1980.)

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