

## **LWVIL 2017 Issues Briefing: State Redistricting**

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The 1970 Illinois Constitution under Article IV, Section 3 details procedures to be followed in legislative redistricting. Five redistrictings have taken place using these rules. In 1981, 1991, and 2001, because there was no agreement on the proposed maps in either the legislature or the Legislative Redistricting Commission, it was necessary to select a tiebreaker member for the Legislative Redistricting Commission. The selected maps reflected the partisanship of the tiebreaker member's vote. In 2011 the governor and both chambers of the General Assembly were controlled by the same party. The maps drawn with little input from the public favored the party in control.

### Activity in Illinois

The LWVIL Redistricting Position is based on a LWVIL Task Force report that was adopted by concurrence of delegates at the 1993 Convention. LWVIL has supported three Citizen Initiatives to change the Redistricting Process in Article IV, Section 3. LWVIL prepared for the redistricting in 2011 by educating its members with programs at the Issues Briefings and articles in League publications. It promoted a citizen initiative known as the *Fair Map* Amendment and led the effort to collect enough signatures to get the proposal on the ballot in the November 2010 General Election. The effort fell short of the signatures needed and the proposal was not on the ballot. However, the League did succeed in raising the awareness of the public and the media about redistricting and its impact on voting and governance.

**In 2011 LWVIL worked in a coalition called the Illinois Campaign for Accountable Redistricting to try to influence the General Assembly's maps. LWVIL also filed a lawsuit challenging the constitutionality of the maps for the U. S. House that was dismissed by the court.**

**Following the *Fair Map* effort another coalition, CHANGE Illinois, proposed Language to amend Article IV of the Illinois Constitution to allow an independent commission to draw maps for the Illinois General Assembly and introduced it to the public in July 2013. In August 2013 the LWVIL joined the *Yes for Independent Maps* ballot initiative campaign. The *Yes* initiative failed to be placed on the November 2014 ballot because of a lack of valid signatures and a ruling in the Circuit Court of Cook County that while Legislative Redistricting appeared to be a valid subject for a citizen initiative, there were some amendment provisions that were neither structural nor procedural as required by the Illinois Constitution.**

**A campaign called *Independent Maps* was the latest attempt to get a redistricting amendment providing for an Independent Commission to draw state legislative maps on the ballot for the November 2016 General Election. The Independent Maps Board was bipartisan and had a board range of representation from non-profits and the business community.**

On May 6, 2016 the bipartisan *Independent Maps* coalition submitted over 570,000 petition signatures to the Illinois State Board of Elections. In May, the ISBE completed a five-percent sampling of the petition signatures, finding a 73% validity rate – well in excess of the signatures 290,199 signatures required to place the redistricting amendment on the November 8<sup>th</sup> ballot. The board formally approved placing the Independent Map Amendment on the ballot at its June 13<sup>th</sup> meeting. A lawsuit the People's Map V. The Illinois State Board of Elections was filed and heard by Cook County Circuit Court Judge Diane Larson. On July 18, 2006 Judge Larsen handed down a ruling that the Independent Map Amendment was unconstitutional.

*Independent Maps* filed an appeal directly to the Illinois Supreme Court. On July 28<sup>th</sup> LWVIL as part of a diverse coalition of two dozen business, consumer and public interest organizations filed an amicus with the Illinois Supreme Court urging it “to allow democracy to prevail and to let the people have their vote” on the Independent Map amendment in the November election. *Independent Maps* filed its final brief to the Court on August 9<sup>th</sup> arguing the lower court ruling if not reversed “would eviscerate the constitutional right conferred on the people of Illinois by the 1970 constitution to bypass self-interested legislators and directly propose needed reforms.”

The Independent Map Amendment did not appear on the November 8, 2016 Election Ballot. On Thursday, August 25 the Illinois Supreme Court in a decision split along party lines ruled 4 to 3 affirming the Cook County Circuit Court decision that the proposed amendment failed to meet constitutional requirements.

The Court decision rested on the fact that the job duties of the Auditor General are not stated in Article IV Section 3, the Legislative Article, of the Illinois Constitution. Therefore the proposal is a violation of the limitation in Article XIV Section 3, Constitutional Initiative for Legislative Article that states, “Amendments shall be limited to structural and procedural subjects contained in Article IV.” *The Court ruled on only one of seven arguments made by plaintiffs and did not consider the other six counts – leaving those questions “for another day.”*

*LWVIL and local Leagues participated in the Independent Maps effort by having the LWVIL President serve on the Board, passing petitions, holding community meetings and presenting a strategy workshop at the 2016 Issues Briefing. A LWVIL steering committee was formed to develop materials and facilitate local League efforts in urging a Yes vote for the amendment.*

**Outlook:** The Independent Maps Board has decided not to pursue another citizen initiative to change the Legislative Article on Redistricting in the Illinois Constitution. The Illinois Supreme Court ruling limited to one of the seven counts objecting to the proposed amendment makes it difficult without better guidance to make another attempt. *Independent Maps* turned over lists of its supporters to CHANGE IL. The CHANGE IL coalition is in the process of deciding what the next steps are which could include but not be limited to encouraging the ILGA to place a redistricting amendment on the November 2018 ballot or to write rules to provide for a more open redistricting process.