



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0017**

Introduced 2/11/2009, by Rep. Kay Hatcher

**SYNOPSIS AS INTRODUCED:**

Proposes to amend the Legislature Article of the Illinois Constitution. Provides that a Representative District (for election of a member of the House of Representatives) need not be entirely within a single Senatorial District (for election of a member of the Senate, now referred to as a Legislative District). Provides that (i) the Senate redistricts Senatorial Districts by resolution adopted by a record vote of three-fifths of the members elected and (ii) the House of Representatives redistricts Representative Districts by resolution adopted by a record vote of three-fifths of the members elected (now, redistricting is by law). Eliminates the Legislative Redistricting Commission. Provides instead that if a Senatorial or Representative redistricting plan is not adopted by June 15 of the year following a federal decennial census year, then the State Board of Elections shall produce a redistricting plan using a computer program. Requires the State Board of Elections to designate its computer program by April 15. The computer program designated by the State Board of Elections must disregard specified data and must consider certain prioritized factors; the computer program shall otherwise produce districts in a random manner. Authorizes the House and Senate to designate different computer programs for their respective chambers; doing so requires adoption of a resolution by a three-fifths vote on or before June 15. Removes the requirement that actions concerning redistricting the House or Senate may be initiated only by the Attorney General. Increases the number of Representatives from 118 to 119. Proposes to amend the Constitutional Revision Article to make a change to conform nomenclature. Effective beginning with redistricting in 2011 and applies to members elected in 2012 and thereafter.

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1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
 5 SENATE 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 Sections 1, 2, and 3 of  
 9 Article IV and Section 1 of Article XIV of the Illinois  
 10 Constitution as follows:

11 ARTICLE IV  
 12 THE LEGISLATURE

13 (ILCON Art. IV, Sec. 1)

14 SECTION 1. LEGISLATURE - POWER AND STRUCTURE

15 The legislative power is vested in a General Assembly  
 16 consisting of a Senate and a House of Representatives, elected  
 17 by the electors from 59 Senatorial ~~Legislative~~ Districts and  
 18 119 ~~118~~ Representative Districts.

19 (Source: Amendment adopted at general election November 4,  
 20 1980.)

21 (ILCON Art. IV, Sec. 2)

22 SECTION 2. LEGISLATIVE COMPOSITION

23 (a) One Senator shall be elected from each Senatorial

1 ~~Legislative~~ District. Immediately following each decennial  
2 redistricting, the General Assembly by law shall divide the  
3 Senatorial ~~Legislative~~ Districts as equally as possible into  
4 three groups. Senators from one group shall be elected for  
5 terms of four years, four years and two years; Senators from  
6 the second group, for terms of four years, two years and four  
7 years; and Senators from the third group, for terms of two  
8 years, four years and four years. The Senatorial ~~Legislative~~  
9 Districts in each group shall be distributed substantially  
10 equally over the State.

11 (b) ~~Each Legislative District shall be divided into two~~  
12 ~~Representative Districts. In 1982 and every two years~~  
13 ~~thereafter~~ One Representative shall be elected from each  
14 Representative District for a term of two years.

15 (c) To be eligible to serve as a member of the General  
16 Assembly, a person must be a United States citizen, at least 21  
17 years old, and for the two years preceding his election or  
18 appointment a resident of the district which he is to  
19 represent. In the general election following a redistricting, a  
20 candidate for the General Assembly may be elected from any  
21 district which contains a part of the district in which he  
22 resided at the time of the redistricting and reelected if a  
23 resident of the new district he represents for 18 months prior  
24 to reelection.

25 (d) Within thirty days after a vacancy occurs, it shall be  
26 filled by appointment as provided by law. If the vacancy is in

1 a Senatorial office with more than twenty-eight months  
2 remaining in the term, the appointed Senator shall serve until  
3 the next general election, at which time a Senator shall be  
4 elected to serve for the remainder of the term. If the vacancy  
5 is in a Representative office or in any other Senatorial  
6 office, the appointment shall be for the remainder of the term.  
7 An appointee to fill a vacancy shall be a member of the same  
8 political party as the person he succeeds.

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

13 No member of the General Assembly during the term for which  
14 he was elected or appointed shall be appointed to a public  
15 office which shall have been created or the compensation for  
16 which shall have been increased by the General Assembly during  
17 that term.

18 (Source: Amendment adopted at general election November 4,  
19 1980.)

20 (ILCON Art. IV, Sec. 3)

21 SECTION 3. LEGISLATIVE REDISTRICTING

22 (a) Senatorial ~~Legislative~~ Districts shall be compact,  
23 contiguous and substantially equal in population.  
24 Representative Districts shall be compact, contiguous, and  
25 substantially equal in population. A Representative District

1 need not be entirely within a single Senatorial District.

2 (b) By April 15 of the year following each Federal  
3 decennial census year, the State Board of Elections, by a  
4 record vote of a majority of the total number of members  
5 authorized by law as provided in Section 5 of Article III,  
6 shall designate a computer program for redistricting the Senate  
7 and House of Representatives that meets the requirements of  
8 this Section. The designation shall include detailed  
9 specifications of the computer program.

10 Any computer program designated by the State Board of  
11 Elections under this Section shall embody the following  
12 standards and criteria, as defined by Common Law, in this order  
13 of priority:

14 (1) contiguity;

15 (2) substantial equality of population;

16 (3) compactness;

17 (4) minimization of the number of districts that cross  
18 county or municipal boundaries; and

19 (5) a fair reflection of minority voting strength.

20 Any computer program designated by the State Board of Elections  
21 under this Section shall not consider the following data:

22 (1) residency of incumbent legislators;

23 (2) political affiliations of registered voters;

24 (3) previous election results; and

25 (4) demographic information not required to be used by  
26 this Section or by the United States Constitution or

1 federal law.

2 Except as specified in this Section, the computer program shall  
3 produce districts in a random manner.

4 The Senate, by resolution adopted by a record vote of  
5 three-fifths of the members elected, may by June 15 of that  
6 year designate a different computer program for redistricting  
7 the Senate. The House of Representatives, by a resolution  
8 adopted by a record vote of three-fifths of the members  
9 elected, may by June 15 of that year designate a different  
10 computer program for redistricting the House of  
11 Representatives.

12 (c) ~~(b)~~ In the year following each Federal decennial census  
13 year, (i) the Senate, by resolution adopted by a record vote of  
14 three-fifths of the members elected, ~~General Assembly by law~~  
15 shall redistrict the Senatorial ~~Legislative~~ Districts and (ii)  
16 the House of Representatives, by resolution adopted by a record  
17 vote of three-fifths of the members elected, shall redistrict  
18 the Representative Districts. Each adopted redistricting  
19 resolution shall be filed with the Secretary of State by the  
20 presiding officer of the house that adopted the resolution.

21 (d) If a Senatorial or Representative redistricting  
22 resolution is not adopted and effective by June 15 of that  
23 year, the State Board of Elections, as soon thereafter as is  
24 practicable, shall produce a Senatorial or Representative  
25 redistricting plan, or both as the case may be, through the use  
26 of the computer program designated by the affected chamber, if

1 it made a designation under subsection (b), or else through the  
2 use of the computer program designated by the State Board of  
3 Elections under that subsection. The State Board of Elections  
4 shall file the redistricting plan with the Secretary of State.

5 ~~If no redistricting plan becomes effective by June 30 of~~  
6 ~~that year, a Legislative Redistricting Commission shall be~~  
7 ~~constituted not later than July 10. The Commission shall~~  
8 ~~consist of eight members, no more than four of whom shall be~~  
9 ~~members of the same political party. The Speaker and Minority~~  
10 ~~Leader of the House of Representatives shall each appoint to~~  
11 ~~the Commission one Representative and one person who is not a~~  
12 ~~member of the General Assembly. The President and Minority~~  
13 ~~Leader of the Senate shall each appoint to the Commission one~~  
14 ~~Senator and one person who is not a member of the General~~  
15 ~~Assembly. The members shall be certified to the Secretary of~~  
16 ~~State by the appointing authorities. A vacancy on the~~  
17 ~~Commission shall be filled within five days by the authority~~  
18 ~~that made the original appointment. A Chairman and Vice~~  
19 ~~Chairman shall be chosen by a majority of all members of the~~  
20 ~~Commission. Not later than August 10, the Commission shall file~~  
21 ~~with the Secretary of State a redistricting plan approved by at~~  
22 ~~least five members.~~

23 ~~If the Commission fails to file an approved redistricting~~  
24 ~~plan, the Supreme Court shall submit the names of two persons,~~  
25 ~~not of the same political party, to the Secretary of State not~~  
26 ~~later than September 1.~~

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

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

7 (e) A ~~An~~ approved redistricting plan, adopted by  
 8 redistricting resolution or produced by the State Board of  
 9 Elections, that is filed with the Secretary of State shall be  
 10 presumed valid, shall have the same force and effect as a ~~of~~  
 11 law, and shall be published promptly by the Secretary of State.

12 (f) The Supreme Court shall have original and exclusive  
 13 jurisdiction over actions concerning redistricting the House  
 14 and Senate, ~~which shall be initiated in the name of the People~~  
 15 ~~of the State by the Attorney General.~~

16 (Source: Amendment adopted at general election November 4,  
 17 1980.)

18 ARTICLE XIV

19 CONSTITUTIONAL REVISION

20 (ILCON Art. XIV, Sec. 1)

21 SECTION 1. CONSTITUTIONAL CONVENTION

22 (a) Whenever three-fifths of the members elected to each  
 23 house of the General Assembly so direct, the question of  
 24 whether a Constitutional Convention should be called shall be  
 25 submitted to the electors at the general election next



1 occurring at least six months after such legislative direction.

2 (b) If the question of whether a Convention should be  
3 called is not submitted during any twenty-year period, the  
4 Secretary of State shall submit such question at the general  
5 election in the twentieth year following the last submission.

6 (c) The vote on whether to call a Convention shall be on a  
7 separate ballot. A Convention shall be called if approved by  
8 three-fifths of those voting on the question or a majority of  
9 those voting in the election.

10 (d) The General Assembly, at the session following approval  
11 by the electors, by law shall provide for the Convention and  
12 for the election of two delegates from each Senatorial  
13 ~~Legislative~~ District; designate the time and place of the  
14 Convention's first meeting which shall be within three months  
15 after the election of delegates; fix and provide for the pay of  
16 delegates and officers; and provide for expenses necessarily  
17 incurred by the Convention.

18 (e) To be eligible to be a delegate a person must meet the  
19 same eligibility requirements as a member of the General  
20 Assembly. Vacancies shall be filled as provided by law.

21 (f) The Convention shall prepare such revision of or  
22 amendments to the Constitution as it deems necessary. Any  
23 proposed revision or amendments approved by a majority of the  
24 delegates elected shall be submitted to the electors in such  
25 manner as the Convention determines, at an election designated  
26 or called by the Convention occurring not less than two nor

1 more than six months after the Convention's adjournment. Any  
2 revision or amendments proposed by the Convention shall be  
3 published with explanations, as the Convention provides, at  
4 least one month preceding the election.

5 (g) The vote on the proposed revision or amendments shall  
6 be on a separate ballot. Any proposed revision or amendments  
7 shall become effective, as the Convention provides, if approved  
8 by a majority of those voting on the question.

9 (Source: Illinois Constitution.)

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#### SCHEDULE

11 This Constitutional Amendment takes effect beginning with  
12 redistricting in 2011 and applies to the election of members of  
13 the General Assembly in 2012 and thereafter.