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Proposals for legislative redistricting — good or bad ideas?

In 2011, when some of the decennial census data are available, Illinois will begin the mandatory process of redistricting the seats in the Illinois General Assembly. We must do this every 10 years in order to re-draw the districts from which we elect our state senators and state representatives. The map must reflect the shifts in population since 2000.

Many Illinoisans are dissatisfied with the “tie-breaker” feature of the current system. Under this system, if a redistricting commission cannot agree upon a map, the Illinois Supreme Court submits the names of one Democrat and one Republican to the Secretary of State, who then “draws one of the names out of a hat.” That new person then breaks the deadlock. Opponents of this system call it “redistricting by lottery.”

In fact, there was no need to resort to a tie-breaker in 1971 when Illinois elected one senator and three representatives from the same district. We were able to redistrict the state into 59 parts without much trouble. However, in 1980, voters adopted a “single member district” system. It first divides the state into 59 Senate districts and then divides each of those into two representative districts. This is how the resulting deadlock came about and the “tie-breaker” became necessary in 1981, 1991, and 2001.

There are several proposals afloat to change the method by which Illinois has redistricted since 1981. I don’t think any of the proposals is realistic.

Most of the new proposals call for “de-nesting,” which means that the borders of the Senate districts would not be the same as the borders of the Representative districts. Some proposals call for turning the entire process over to the State Board of Elections and its computer, and some even call for a commission to choose among maps that members of the public would submit.

The boldest proposal is the Illinois Fair Map Amendment proposed by the League of Women Voters of Illinois, the Republican leadership in both houses, the State Chamber of Commerce, the Better Government Association, and the Illinois Campaign for Political Reform, among others. It can be found at www.ilfairmap.com.

The League of Women Voters is spearheading a petition drive to have the proposal placed on the ballot for voter approval in November, 2010. Moreover, the Republican leaders have introduced substantially the same proposal in the House and Senate, where they hope to garner the three-fifths majorities needed to place it on the ballot.



Law and Public Issues

By Ann Lousin

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If the Fair Map Amendment is adopted, several steps will occur. Let’s take them one by one.

First, the four legislative leaders will appoint the eight members of a “Temporary Redistricting Advisory Commission” or “TRAC” on the second Tuesday in February 2011. The eight members of the TRAC must be appointed “considering the diversity of the State” and must meet strict criteria, including never having held most governmental positions for four years before the appointment or during service — and this ban extends to their “immediate family members.”

The full list of Illinoisans disqualified from serving is too lengthy to repeat here. It includes employees and contractors of the state. If I give a talk to the Illinois Judicial Conference and receive an honorarium, I’m disqualified. And so are all my “immediate family members,” defined as those with whom I have “a bona fide relationship established through close blood or legal kinship.” The ban also extends to lobbyists, elected or appointed officials, and candidates for federal, state, and local government offices, including school districts, and to officers and candidates for office in the political parties — and their families.

Is any adult Illinoisan eligible to be on the Commission? I suspect that almost anyone who is appointed will face a quo warranto lawsuit filed by a citizen objecting to the appointment.

Second, by the second Tuesday in March, the commissioners must elect a ninth member who meets the same criteria and who will be the chair. Then the nine-member Commission must begin to hold hearings and, by the third Monday in May, create maps according to a list of criteria set forth in the proposal.

I doubt that the Commission can meet these requirements within these deadlines.

Third, the TRAC will draw one map for the House of Representatives and another one for

the Senate, whose boundaries need not be the same, and then each house will have the opportunity to adopt, by a two-thirds vote, the map for that house.

The members of the 1970 Illinois Constitutional Convention were adamant about keeping the borders of the House and Senate districts identical. They remembered the period between 1964 and 1970 when the downstate districts were not identical and chaos ensued. Right now, each Senate district exactly covers two House districts.

It will probably be impossible to muster two-thirds approval in either house for any map, let alone by the deadline of the first Monday in June. Consequently, the Commission will have to draw “an alternative redistricting plan” by the third Monday in June. The voting process on this second plan will begin anew in each house.

Fourth, if the Commission fails to meet any of these deadlines, a Special Master appointed by two Illinois Supreme Court justices will act “to generate any maps not previously approved” and file a map by Sept. 30, 2011.

The Amendment’s Section 3(f) says that the Chief Justice and a justice chosen by the justices who are not of the same party as the Chief Justice will choose the Special Master. That Special Master must meet the same specifications as a commissioner. In short, Chief Justice Thomas R. Fitzgerald and one of the three Republican justices will select the Special Master.

Then the Special Master will take over from the Commission. Instead of a tie-breaker chosen by lot from two names submitted by the entire Supreme Court, as is now the case, two justices will choose a specific tie-breaker. I find this amazing. Why involve the judiciary during the redistricting process? It seems unnecessary for the court to review maps created by someone formally appointed by two of its members.

Moreover, the Court will have to select the Special Master early in 2011 in case the Commission failed to meet any deadline. Would the Court have to make its choice of the Special Master known to the commissioners at that time?

Supporters of the Fair Map Amendment claim it would give the redistricting process to “the people.” Yet the proposal hands effective control of the redistricting process to four legislative leaders and two justices. However well-intentioned they may be, these six persons are not “the people.”

The people of Illinois need to have some better ideas and fast.