IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

FRANK CLARK, President and Chairman of the Business Leadership Council, *et al.*,

Plaintiffs,

v.

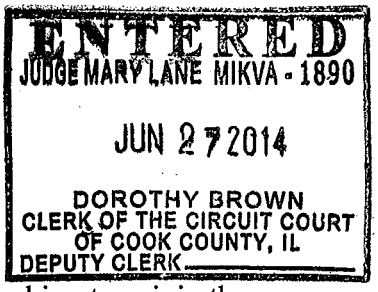
ILLINOIS STATE BOARD OF ELECTIONS, *et al.*,

Defendants.

No. 14 CH 07356

Judge Mary L. Mikva

Calendar 6



ORDER AND OPINION

Plaintiffs are proceeding, with leave of court, as private taxpayers seeking to enjoin the expenditure of the public funds needed to place on the November 2014 ballot two initiatives proposing amendments to Article IV of the Illinois Constitution of 1970. *See* 735 ILCS 5/11-301, 11-303. One of the initiatives, the "Term Limits Initiative," proposes amendments to Sections 1, 2, and 9 of Article IV. The other initiative, the "Redistricting Initiative," proposes to amend Section 3 of Article IV. Plaintiffs allege that both initiatives are unconstitutional and request declaratory and injunctive relief. The Committee for Legislative Reform and Term Limits ("Term Limits Committee") and Yes for Independent Maps intervened, with leave of Court, to defend these initiatives. Intervenor-Defendants, both well represented by talented lawyers, have strong feelings on the wisdom and desirability of the initiatives, but recognize that those merits are not currently at issue. The sole question before this court is whether these initiatives meet the constitutional requirements for placing a proposed amendment to the Illinois Constitution on the November 4, 2014 General Election ballot.

Plaintiffs, the Term Limits Committee, and Yes for Independent Maps each filed a Motion for Judgment on the Pleadings. Judgment on the pleadings is proper when the pleadings disclose no genuine issue of material fact and the movant is entitled to judgment as a matter of law. 735 ILCS 5/2-615(e); *Pekin Ins. Co. v. Wilson*, 237 Ill. 2d 446, 455 (2010). The constitutionality of these two initiatives is a legal question appropriate for determination based on the pleadings. For the reasons that follow, Plaintiffs' Motion is GRANTED and Intervenor-Defendants' Motions are DENIED.

Background

The text of both proposed initiatives are appended to this Order. As stated in its "Explanation of Amendment," the Term Limits Initiative seeks:

> (1) to establish term limits for members of the General Assembly, (2) to require a two-thirds vote in each chamber of the General Assembly to override the Governor's veto of legislation, (3) to abolish two-year senatorial terms, (4) to change the House of Representatives from 118 representatives to 123 representatives, (5) to change the Senate from 59 senators to 41 senators, and (6) to divide legislative (senatorial) districts into three representative districts rather than two.

These changes would amend Article IV, §§ 1, 2, 9.

The Redistricting Initiative proposes significant changes to Article IV, § 3. The current "Legislative Redistricting" section provides that the General Assembly will redistrict the Legislative Districts and Representative Districts after the decennial census. If the General Assembly fails to adopt a plan, it must appoint an eight-member Legislative Redistricting Commission. If deadlocked, a ninth member is appointed by random selection. Section 3 requires that the Legislative and Representative Districts be "compact, contiguous and substantially equal in population." The Illinois Supreme Court has original jurisdiction over actions concerning redistricting plans and the Attorney General is charged with initiating such actions.

The proposed Redistricting Initiative begins the redistricting plan with an Independent Redistricting Commission. The initiative creates an Applicant Review Panel to facilitate the selection of the eleven Commissioners on the Independent Redistricting Commission. If the Commission fails to enact a plan, a Special Commissioner will be appointed by the Chief Justice of the Illinois Supreme Court and the most senior Justice of the Court who is not affiliated with the same political party as the Chief Justice. The Redistricting Initiative includes qualifications for those who serve on the Applicant Review Panel and the Commission or as Special Commissioner. These include a prohibition on serving as a Senator, Representative, Officer of the Executive Branch, Judge, or any state office subject to confirmation by the Senate for ten years after service as a Commissioner or Special Commissioner. The Redistricting Initiative contains additional criteria for Legislative Districts, including not diluting the political power of racial minorities, respecting geographic integrity of units of local government and communities, and not purposefully favoring either political party. The Redistricting Initiative also provides the Commission with resources to defend any plan it adopts.

Requirements for Constitutional Amendment by Ballot Initiative

Until the Illinois Constitution was amended in 1970 there was no provision for constitutional amendment by ballot initiative. *See Coalition for Political Honesty v. State Bd. of Elections*, 65 Ill. 2d 453, 467 (1976) ("*Coalition I*"). Section 3 of Article XIV of the Illinois Constitution of 1970 provides a limited mechanism for amending Article IV, the Legislative Article, directly by the voters:

> Amendments to Article IV of this Constitution may be proposed by a petition signed by a number of electors equal in number to at least eight percent of the total votes cast for candidates for Governor in the preceding gubernatorial election. Amendments shall be limited to structural and procedural subjects contained in Article IV. . . .

Ill. Const. 1970, art. XIV, § 3.

The Official Text with Explanation of the Proposed 1970 Constitution explained why it allowed for amendments to Article IV only:

> Amendments to the Article on the Legislature of a structural or procedural nature, may be proposed by petition, with signatures at least equal in number to eight percent of the total vote for Governor in the preceding election. Thus a reluctance on the part of the General Assembly to propose changes in its own domain can be overcome.

7 Record of Proceedings, Sixth Illinois Constitutional Convention 2677–78 (hereafter cited as "Proceedings").

At the 1970 Constitutional Convention, the Committee on Suffrage and Constitutional Amendments declined to propose a general initiative that would have allowed broader amendments to the Constitution. The Committee was concerned that a general initiative would be subject to abuse by special interest groups and result in "ill-conceived attempts to write what should have been the subject of ordinary legislation into the Constitution." *Coalition I*, 65 Ill. 2d at 467 (citing 7 Proceedings 2298). The Committee also believed that a broader initiative provision was unnecessary in light of the other avenues for amending the Illinois Constitution, particularly the automatic periodic question on the ballot allowing the voters to call for a new constitutional convention. *Id.* (citing Ill. Const. 1970, art. XIV, § 1).

Much of the history of Article XIV, § 3, that has been cited by the Illinois Supreme Court comes from the statements of Delegate Louis Perona, the spokesman for the Committee on the Legislature at the 1970 Constitutional Convention. He was also a plaintiff in *Coalition I*, the first taxpayer case seeking to enjoin the expenditure of public funds on the basis that the proposed

amendments were outside of what was permitted by Article XIV, § 3. In *Coalition I*, the Court quoted Delegate Perona extensively as to the intended purpose and limited role of Article XIV, § 3. The Court noted that Article XIV, § 3, was designed to address only "subjects contained in the Legislative Article, namely matters of structure and procedure and not matters of substantive policy." *Id.* at 468 (quoting 6 Proceedings 1400–01 (Committee on the Legislature's explanation that accompanied the originally proposed initiative process)). Specific examples included the "structure, makeup, and organization, and details concerning it," 4 Proceedings 2711 (statements of Delegate Perona); "size [and] procedures," 6 Proceedings 1401 (Committee on the Legislature's explanation); "composition, cumulative voting and even a change to a unicameral legislature," *Coalition I*, 65 Ill. 2d at 470 (citing 4 Proceedings 2711–12 (Delegate Perona answering questions of Delegate John Tomei)).

There are only five reported cases involving challenges to initiatives under Article XIV, § 3. *Coalition I,* the first case, involved three proposed amendments to Article IV aimed at tightening conflict of interest laws for General Assembly members by limiting other compensation, disqualifying voting for members with a conflict, and prohibiting payments of members' salaries in advance of the performance of duties. *Id.* at 458. Holding that "structural and procedural" was to be read in the conjunctive, the Court struck down the three proposed amendments because they failed to meet these "dual requirements." *Id.* at 471–72. Part of the Court's rationale for this conjunctive reading was its conclusion that "any change in [Article IV] would be either structural or procedural in character," and, consequently, if it were not read conjunctively then any matter within Article IV would be appropriate for an amendment by initiative. *Id.* at 466. The Court also held that it was appropriate to bring a taxpayer suit, as Plaintiffs have done here, to enjoin the expenditures necessary to put an Article XIV, § 3, initiative on the ballot. *Id.* at 461–62.

Coalition for Political Honesty v. State Board of Elections ("*Coalition II*") involved a proposed amendment that sought to reduce the size of the House of Representatives from 177 to 118 members, provide for the election of one Representative from each of the 118 districts, and abolish cumulative voting for Representatives. 83 Ill. 2d 236, 239 (1980) (per curiam). The Court upheld the initiative, noting that the proposed amendment "relate[d] directly to the ultimate purpose of structural and procedural change in the House of Representatives." *Id.* at 275.

Lousin v. State Board of Elections, an appellate court decision from the First District, involved a proposed amendment to Article IV that would have allowed voters to introduce bills on any subject to the General Assembly by initiative. 108 Ill. App. 3d 496, 498 (1st Dist. 1982). Emphasizing the narrowness of Article XIV, § 3, the court held that allowing voters to introduce bills would be a substantive rather than a structural or procedural change, because it shifts legislative power from the General Assembly to the voters. *Id.* at 503–04. Therefore, the proposed amendment failed to meet the precepts of Article XIV, § 3. *Id.* at 504.

Chicago Bar Association v. State Board of Elections ("*CBA I*") involved a proposed "Tax Accountability Amendment" that would have required a three-fifths majority vote of the members in each house of the General Assembly to approve any bill that increased taxes. 137 Ill. 2d 394, 397–98 (1990) (per curiam). The Court noted that the "most significant" aspect of the discussion in the 1970 Constitutional Convention was the concern that "the limited initiative *not be used to accomplish substantive changes* in the constitution." *Id.* at 403 (citing 6 proceedings 1401) (emphasis in original). The Court found the proposed amendment outside of what was permitted by Article XIV, § 3, stating, "Wrapped up in this structural and procedural package is a substantive issue not found in article IV—the subject of increasing State revenue or increasing taxes." *Id.* at 404.

Chicago Bar Association v. Illinois State Board of Elections ("*CBA II*"), the last occasion the Court addressed a proposed constitutional amendment by initiative, involved an amendment that would impose an eight-year limit on service in the General Assembly under Article IV, § 2(c). 161 Ill. 2d 502, 504–05 (1994) (per curiam). The Court found this initiative to be invalid on the basis that term limits involved eligibility or qualifications and that these were neither structural nor procedural. *Id.* at 509–10. The Court held, "The eligibility or qualifications of an individual legislator does not involve the structure of the legislature *as an institution*," because the "General Assembly would remain a bicameral legislature . . . with 177 members, and would maintain the same organization." *Id.* at 509 (emphasis in original). In addition, the Court concluded that the eligibility or qualifications of General Assembly members were not procedural because "[t]he *process* by which the General Assembly adopts a law would remain unchanged." *Id.* (emphasis in original).

These cases have provoked spirited discussion among the Justices of the Illinois Supreme Court. Justice Schaefer dissented vigorously in *Coalition I*. He argued that the majority had lost

sight of the fact that the initiative process had primarily been limited so that it could not be used to accomplish a substantive change—like abolishing the death penalty or prohibiting abortions. *Coalition I*, 65 Ill. 2d at 474–75 (Shaefer, J., dissenting). Justice Schaefer accused the majority of rewriting Article XIV, § 3, to make it narrower than it was intended, leaving out of the initiative process things that were clearly intended to be included. *Id.* at 475–76 (Schaefer, J., dissenting). Justice Schaefer also argued that the function of *and* in "structural *and* procedural" was more naturally read as a disjunctive conjunction and that the majority's statement that any change in the legislative article would be either structural or procedural in character was "erroneous." *Id.* at 473 (Schaefer, J., dissenting).

Justice Harrison's dissent in *CBA II* echoed Justice Schaefer's dissent in *Coalition I*. Justice Harrison advocated for a disjunctive reading of "structural and procedural," *CBA II*, 161 Ill. 2d at 519 (Harrison, J., dissenting), and he repeated Justice Schaefer's assertion that Article XIV, § 3, was designed to prevent initiatives as a means to add substantive matters to the Constitution, *id.* (Harrison, J., dissenting) (citing 6 Proceedings 1401, 1561; *CBA I*, 137 Ill. 2d at 403–04). He concluded that "[t]he proposed term-limit amendment . . . would in no way produce a substantive change in the constitution." *Id.* (Harrison, J., dissenting).

The Court has also ruled that the Free and Equal Clause of Section 3 of Article III of the Illinois Constitution of 1970 is a limitation on initiatives. The Court has held that the Free and Equal Clause prohibits the combination of separate and unrelated questions in a single proposition on any initiative, including an initiative to amend the Illinois Constitution brought under Article XIV, § 3. *Coalition II*, 83 Ill. 2d at 253–54. The Free and Equal test articulated in *Coalition II* is that "[i]f there is a reasonable, workable relationship to the same subject, the proposal may be submitted for approval or rejection by the voters." *Id.* at 258.

As these cases illustrate, there has been but one initiative that has survived challenge and four that have failed. *Coalition II*, the lone survivor, contains no discussion of what was substantive or procedural; the decision instead focused on the sufficiency of the petition signatures and a finding that the initiative met the requirements of the Free and Equal Clause. In all, precedent dictates a very narrow provision for allowing the voters to directly enact amendments to the Illinois Constitution of 1970.

The Term Limits Initiative

The eight-year term limit that is at the heart of the Term Limits Initiative runs headlong into *CBA II*. There, the Court held that the proposed eight-year term limit did not meet the structural and procedural requirement of Article XIV, § 3. *CBA II*, 161 Ill. 2d at 509. "The eligibility or qualifications of an individual legislator does not involve the structure of the legislature *as an institution*." *Id.* (emphasis in original). And "the eligibility or qualifications of an individual legislator does not involve any of the General Assembly's procedures." *Id.* As the Court made clear in *CBA II*, not even a disjunctive reading of Article XIV, § 3, would save term limits. *Id.* at 510.

The Term Limits Committee attempts to distinguish this case from *CBA II* on two bases. First, the initiative at issue here puts the term limits in a new subsection, proposed Article IV, § 2(f), rather than amending existing Article IV, § 2(c), which begins "To be eligible to serve as a member of the General Assembly . . . ." Second, this proposed initiative includes additional components that the Term Limits Committee argues are both structural and procedural.

Neither of these differences can overcome *CBA II*. The Term Limits Committee is correct that under the Term Limits Initiative, unlike *CBA II*, term limits are not in Subsection 2(c), the eligibility subsection of Article IV, § 2, on "Legislative Composition." But *CBA II* ruled that term limits are matters of eligibility or qualifications and that eligibility or qualifications for legislators are neither structural nor procedural. *Id.* at 509. There is simply nothing in *CBA II*'s holding or reasoning that would depend on whether Subsection 2(c) was being amended or new Subsection 2(f) was being added.

The addition of other components, like changing the number of Legislative Districts and Representative Districts and the number of votes necessary to override a Governor's veto, which may well be structural or procedural, cannot save this initiative because any initiative under Article XIV, § 3, must be "'*limited* to structural and procedural *subjects contained in Article IV*.'" *CBA I*, 137 Ill. 2d at 403 (quoting Ill. Const. 1970, art. XIV, § 3) (emphasis in original).

The Term Limits Committee argues that, unlike the attempt to affect State revenues in *CBA I*, the Term Limits Initiative makes no attempt to include anything within the initiative that is plainly substantive in nature. This is true, but including matters the Court has ruled are neither structural nor procedural renders the initiative beyond what is permitted under Article XIV, § 3. Though the Court in *CBA I* was most concerned with ensuring that Article XIV, § 3, not be used

to enact substantive legislation outside of Article IV, both that case and the plain language of Article XIV, § 3, make clear that the initiative must be limited to structural and procedural subjects.

The inclusion of these other components also puts this initiative in conflict with the Free and Equal Clause in Article III, § 3. As *Coalition II* makes clear, separate questions in an initiative must be "reasonably related to a common objective in a workable manner." 83 Ill. 2d at 256. The components of a proposed referendum must "relate directly to the ultimate purpose of the structural and procedural change" that is being proposed and be "compatibly interrelated to provide a consistent and workable whole in the sense that reasonable voters can support the entire proposition." *Id.* at 260.

Term limits may reasonably be related to the elimination of staggered two- and four-year senatorial terms. Yet term limits do not appear to have any direct relationship either to increasing the size of the House of Representatives and decreasing the size of the Senate or to the vote threshold needed to override a Governor's veto. While the Term Limits Committee argues that all provisions are directed to an increase in legislative responsiveness and a reduction in the influence of narrow, partisan, or special interests, these objectives are so broad that they cannot be viewed as bases to bring these component parts into a consistent, workable whole. Thus, the Term Limits Initiative is in conflict with the Free and Equal Clause.

Plaintiffs raise additional arguments for granting their Motion. Some, like the argument that this initiative undermines the right to vote, are, in this Court's view, strained; but they are also unnecessary. In light of the clear precedent under Article XIV, § 3, and the Free and Equal Clause, there is no need to reach those arguments.

The Redistricting Initiative

Unlike the Term Limits Initiative, a redistricting initiative has never been proposed or challenged. Thus, there is no precedent squarely on point. Yes for Independent Maps urges this court to begin this analysis by looking at the Redistricting Initiative's overall purpose. Plaintiffs stress that various details of the initiative are not limited to structural and procedural subjects contained in Article IV. It does not matter where this court starts, however, because the initiative's purpose and details must fit within the Article XIV, § 3, requirements. Nevertheless, to put these details in context, this court begins with the purpose of the Redistricting Initiative.

Yes for Independent Maps contends that the initiative is at the very core of what the Delegates envisioned when they provided a limited amendment mechanism in Article XIV, § 3. Yes for Independent Maps cites a colloquy between Delegates Tomei and Perona in which Delegate Tomei asks, "power, structure, composition, and apportionment . . . is that the kind of thing, also, that would be subject to initiative . . . ?"; Delegate Perona responds, "Yes. Those are the critical areas, actually." 4 Proceedings 2712 (colloquy of Delegates Perona and Tomei). Plaintiffs respond that "apportionment" is not the same as redistricting, citing *Department of Commerce v. U.S. House of Representatives*, in which the U.S. Supreme Court distinguished between the calculation of numbers necessary to apportion representation and drawing district lines. 525 U.S. 316, 328 (1999). Regardless of how the U.S. Supreme Court uses these two terms, the 1970 Illinois Constitutional Convention legislative history clearly used "apportionment" to mean "redistricting." 6 Proceedings, Committee on the Legislature, Committee Proposal 1298–99 (providing a section titled "Apportionment" setting forth standards, methods, and post apportionment residency requirements for defining districts). "Legislative Redistricting," moreover, is a specific subject contained in Article IV. Accordingly, redistricting appears to be fair game for amendment by Article XIV, § 3, initiative.

Plaintiffs' argument that any redistricting initiative is impermissible relies on *CBA II*'s rejection of term limits. Plaintiffs contend that the only permissible subjects of an Article XIV, § 3, initiative involve the "structure of the legislature *as an institution*" or the "*process* by which the General Assembly adopts a law." 161 Ill. 2d at 509 (emphasis in original). The court agrees with Yes for Independent Maps that *CBA II*'s references are best understood in context as examples of permissible Article XIV, § 3, initiatives, rather than a description of the entirety of permissible subjects. Article IV, titled "The Legislature," contains fifteen sections, all of which deal with the legislative branch. Thus, the structural and procedural subjects of Article IV, § 3, titled Legislative Redistricting, could be the basis of a valid Article XIV, § 3, initiative.

Plaintiffs are correct, however, that the Redistricting Initiative contains provisions that are neither structural nor procedural under *CBA II* and, therefore, the initiative is not limited to the structural and procedural subjects in Article IV. The clearest example of an impermissible subject is the inclusion of eligibility or qualification requirements for Commissioners, including a prohibition on any Commissioner or Special Commissioner serving as a legislator or in various appointed or elected offices for ten years after serving as a Commissioner. Though the

Redistricting Initiative does not speak directly to eligibility or qualifications of legislators, the ten-year bar on any Commissioner or Special Commissioner serving in the General Assembly effectively adds the qualification that a legislator not have served as a Commissioner in the past ten years. This qualification renders some potential candidates ineligible and might, in effect, bar as many individuals from serving as legislators at any given time as do term limits, depending on how many potential legislative candidates have already served two terms. Furthermore, the service ban is not limited to legislators, but applies to positions outside of Article IV.

Yes for Independent Maps responds that the ten-year ban is intended as a means to avoid conflicts of interest, not as a qualification. It also argues that the ban is really a qualification for Commissioners, not legislators. But these distinctions are not helpful. Whatever the intent, the ban's effect is the disqualification of otherwise eligible candidates. Further, there is no reason to assume that the eligibility or qualifications of Commissioners is a permissible subject. If eligibility or qualifications is neither structural nor procedural, then it would appear improper for an initiative to describe eligibility or qualifications for any positions defined in Article IV.

Plaintiffs make additional, less compelling arguments that this court rejects. They argue that, like the initiatives at issue in *Lousin* and *CBA I*, the Redistricting Initiative seeks to take power from the General Assembly to enact substantive laws. But nothing in the initiative limits the General Assembly's power to enact substantive laws; rather, it limits redistricting power that derives from Article IV. Plaintiffs also argue that the Redistricting Initiative removes the Governor's veto power over any proposed redistricting plan and the Attorney General's responsibility to initiate actions concerning the redistricting plan, and neither of these state officers are part of the legislative branch. Yes for Independent Maps counters that the Redistricting Initiative is limited to Article IV subjects and eliminating the Governor's right to veto a plan or the Attorney General's role in redistricting litigation does not take this initiative outside of Article IV. This court agrees.

Plaintiffs also contend that the Redistricting Initiative violates the Free and Equal Clause. The Redistricting Initiative contains a complicated and detailed plan for redistricting, yet the plan appears to have "a reasonable, workable relationship to the same subject." *Coalition II*, 83 Ill. 2d at 258. While Plaintiffs are correct that some voters might like certain aspects of the plan and dislike others, that was equally true in *Coalition II*, where the initiative reduced the size of the legislature, abolished cumulative voting, and adopted single member districts. *Id.* at 239. The test

is whether the proposal provides a "consistent and workable whole in the sense that reasonable voters can support the entire proposition." *Id.* at 260. The Redistricting Initiative meets this test because the entire proposition is a new redistricting approach that is focused exclusively on addressing perceived problems in the current Article IV, § 3.

Conclusion

Neither of these initiatives survives the Plaintiffs' challenge. Any term limits initiative appears to be outside of what is permissible under Article XIV, §3, and the Term Limits Committee has said it intends to ask the Illinois Supreme Court to overrule *CBA II.* In contrast, a differently drafted redistricting initiative could be valid, but, for the reasons stated, the proposed Redistricting Initiative is not.

For these reasons,

I. The Term Limits Initiative is declared invalid;

II. The Redistricting Initiative is declared invalid;

III. Defendants Illinois State Board of Elections, the State Comptroller, the State Treasurer, the Board of Election Commissioners for the City of Chicago, and the Secretary of State are permanently enjoined from expending any public funds or taking any further actions connected to placing these initiatives on the November 4, 2014 General Election ballot.

This order is final and appealable.

ENTERED
JUDGE MARY LANE MIKVA - 1890
JUN 27 2014
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

IT IS SO ORDERED.

Mary L Mikva 1890

Judge Mary L. Mikva, #1890
Circuit Court of Cook County, Illinois
County Department, Chancery Division

PETITION FOR AMENDMENT TO THE CONSTITUTION OF THE STATE OF ILLINOIS

We, the undersigned, being qualified electors of the State of Illinois, who have affixed our signatures in our own proper person to this Petition after July 1, 2013, do hereby petition, pursuant to Section 3 of Article XIV of the Constitution of the State of Illinois, that there be submitted to the qualified electors of this State, for adoption or rejection at the General Election to be held on Tuesday, November 4, 2014, in the manner provided by law, a nonseverable proposition to amend Sections 1, 2, and 9 of Article IV of the Constitution of the State of Illinois, the amended Sections and the Transition Schedule applicable thereto to read as follows:

ARTICLE IV SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 41 Legislative Districts and 123 Representative Districts, with such numeration to become effective on January 1, 2023. These Legislative Districts and Representative Districts shall be drawn as provided by law following each decennial census.

ARTICLE IV 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. Notwithstanding the foregoing, effective January 1, 2023, all Senate terms will be for four years.

(b) Each Legislative District shall be divided into three Representative Districts. In 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

. . .

(f) No person may serve more than eight years in the General Assembly. No person may be elected or appointed as Senator or Representative if upon completion of the term of office that person will have been a member of the General Assembly for more than eight years. Time served in the General Assembly before the session beginning in January 2015 does not count toward the eight-year service limitation.

ARTICLE IV SECTION 9. VETO PROCEDURE

(c) The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of two-thirds of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of two-thirds of the members elected passes the bill, it shall become law.

TRANSITION SCHEDULE

This Amendment takes effect upon adoption by the electors at the general election on November 4, 2014.

We also petition that, to the extent permitted by law, this proposition be submitted on a separate blue ballot and that the proposition and the related explanation be printed in substantially the following terms:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ILLINOIS, ARTICLE IV, SECTIONS 1, 2, AND 9

Explanation of Amendment.

The purpose of this amendment is: (1) to establish term limits for members of the General Assembly; (2) to require a two-thirds vote in each chamber of the General Assembly to override the Governor's veto of legislation; (3) to abolish two-year senatorial terms; (4) to change the House of Representatives from 118 representatives to 123 representatives; (5) to change the Senate from 59 senators to 41 senators; and (6) to divide legislative (senatorial) districts into three representative districts rather than two.

Place an "X" in the blank box opposite "Yes" or "No" to indicate your choice.

YES		For the proposed amendment to the Constitution of the State of Illinois, Article IV, Sections 1, 2, and 9
NO		

Illinois Independent Redistricting Amendment

Section 3. Legislative Redistricting

(a) The Independent Redistricting Commission comprising 11 Commissioners shall adopt and file with the Secretary of State a district plan for Legislative Districts and Representative Districts by June 30 of the year following each Federal decennial census.

Legislative Districts shall be contiguous and substantially equal in population. Representative Districts shall be contiguous and substantially equal in population. The district plan shall comply with federal law. Subject to the foregoing, the Commission shall apply the following criteria: (1) the district plan shall not dilute or diminish the ability of a racial or language minority community to elect the candidates of its choice, including when voting in concert with other persons; (2) districts shall respect the geographic integrity of units of local government; (3) districts shall respect the geographic integrity of communities sharing common social and economic interests, which do not include relationships with political parties or candidates for office; and (4) the district plan shall not either purposefully or significantly discriminate against or favor any political party or group. In designing the district plan, the Commission shall consider party registration and voting history data only to assess compliance with the foregoing criteria, and shall not consider the residence of any person.

The Commission shall hold at least one public hearing in each Judicial District before, and at least one public hearing in each Judicial District after, releasing the initial proposed district plan. The Commission may not adopt a final district plan unless the plan to be adopted without further amendment, and a report explaining its compliance with this Constitution and the criteria applied, have been publicly noticed at least seven days before the final vote on such plan. An adopted district plan shall have the force and effect of law and shall be published promptly by the Secretary of State.

The State Board of Elections shall provide the Commission and the public with complete and accurate census information and technology sufficient to propose district plans. The Commission shall adopt rules governing its procedure and the implementation of matters under this Section.

(b) The Commission shall act in public meetings by affirmative vote of six Commissioners, except that approval of any district plan shall require the affirmative vote of at least (1) seven Commissioners total, (2) two Commissioners from each political party whose candidate for Governor received the most and second-most votes cast in the last general election for Governor and (3) two Commissioners not affiliated with either such political party. The Commission shall elect its chairperson and vice chairperson, who shall not be affiliated with the same political party. Six Commissioners shall constitute a quorum. All meetings of the Commission attended by a majority of its quorum, except for meetings qualified under attorney-client privilege during pending litigation, shall be open to the public and publicly noticed at least two days prior to the meeting. All records of the Commission, including communications between Commissioners regarding the Commission's work, shall be open for public inspection, except for records qualified under attorney-client privilege during pending litigation. The Commission may retain assistance from counsel, technical staff and other persons with relevant skills and shall be provided with adequate resources to complete its work.

(c) For the purpose of conducting the Commissioner selection process, an Applicant Review Panel comprising three Reviewers shall be chosen in the following manner in the year in which each census occurs. Beginning not later than January 1 and ending not later than March 1 of the year in which the census occurs, the Auditor General shall request and accept applications to serve as

Reviewers. By March 31, the Auditor General shall appoint a Panel of three Reviewers, selected by random draw from eligible applicants.

The Panel shall act in public meetings by affirmative vote of two Reviewers. All meetings of the Panel shall be open to the public and publicly noticed at least two days prior to the meeting. All records of the Panel, including applications to serve on the Panel or the Commission, shall be open for public inspection, except private information about applicants for which there is no compelling public interest in disclosure. The Panel may retain assistance from counsel, technical staff and other persons with relevant skills and shall be provided with adequate resources to complete its work.

(d) A Commission shall be chosen in the following manner in the year in which each census occurs.

Beginning not later than January 1 and ending not later than March 1 of the year in which the census occurs, the Auditor General shall request and accept applications to serve as Commissioners.

By May 31, the Applicant Review Panel shall select 100 eligible applicants based on their relevant analytical skills, impartiality, and ability to contribute to a fair redistricting process, and shall ensure that such applicants reflect the demographic and geographic diversity of the State. The Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate each may remove up to five of the applicants selected by the Panel.

By June 30, the Panel shall publicly select seven Commissioners by random draw from the remaining applicants; of those seven Commissioners, including any replacements, (1) the seven Commissioners shall reside among the Judicial Districts in the same proportion as the number of Judges elected therefrom under Section 3 of Article VI of this Constitution, (2) two Commissioners shall be affiliated with the political party whose candidate for Governor received the most votes cast in the last general election for Governor, two Commissioners shall be affiliated with the political party whose candidate for Governor received the second-most votes cast in such election, and the remaining three Commissioners shall not be affiliated with either such political party, and (3) no more than two Commissioners may be affiliated with the same political party. The Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate each shall appoint one Commissioner from among the remaining applicants on the basis of the appointee's contribution to the demographic and geographic diversity of the Commission.

(e) To be eligible to serve as a Reviewer, a person must have education and experience in the examination and assessment of personnel, records, systems, or procedures for ten years preceding his or her application, must have demonstrated understanding of and adherence to standards of ethical conduct, and must not have been affiliated with any political party within the three years preceding appointment. To be eligible to serve as a Commissioner, Special Commissioner, or Reviewer, a person must (1) be a resident and registered voter of the State for the four years preceding appointment, (2) within the three years preceding appointment, must not have been the holder of, or a candidate for, any public office in the State, an employee or officer of the State or a unit of local government or a political party, registered as a lobbyist anywhere in the United States, or party to a contract to provide goods or services to the State or a principal, officer, or executive employee of such a contractor, and (3) within the three years preceding appointment, must not have resided with any person described in clause (2) of this subsection. For ten years after service as a Commissioner or Special Commissioner, a person is ineligible to serve as a Senator, Representative, officer of the Executive Branch, Judge, or Associate Judge of the State

or an officer or employee of the State whose appointment is subject to confirmation by the Senate. A vacancy on the Commission or Panel shall be filled within five days by an eligible applicant in the manner in which the office was previously filled; with respect to the Commission, the replacement Commissioner shall be drawn where possible from the remaining applicants previously selected by the Panel.

(f) If the Commission fails to adopt and file with the Secretary of State a district plan by June 30 of the year following a Federal decennial census, the Chief Justice of the Supreme Court and the most senior Judge of the Supreme Court who is not affiliated with the same political party as the Chief Justice shall appoint jointly by July 31 a Special Commissioner for Redistricting. The Special Commissioner shall design and file with the Secretary of State by August 31 a district plan satisfying the requirements and criteria set forth in subsection (a) and a report explaining its compliance with this Constitution and the criteria applied. The Special Commissioner shall hold at least one public hearing in the State before releasing his or her initial proposed district plan and at least one public hearing in a different location in the State after releasing his or her initial proposed district plan and before filing the final district plan with the Secretary of State. The district plan shall have the force and effect of law and shall be published promptly by the Secretary of State.

(g) The Supreme Court shall have original jurisdiction in cases relating to matters under this Section. The Commission shall have exclusive authority, and shall be provided adequate resources, to defend any district plan adopted by the Commission.