ILLINOIS GENERAL ASSEMBLY
RESEARCH RESPONSE
PATRICK D. O'GRADY, EXECUTIVE DIRECTOR

ILLINOIS REDISTRICTING HISTORY SINCE 1970

Overview

Illinois has never enacted a law redrawing General Assembly districts by the deadline set in the 1970 Constitution (June 30 of each year ending in "1"). Instead, redistricting commissions, appointed under the Constitution, proposed redistricting plans—all of which were challenged in court. In 1971 the Illinois Supreme Court held that the way some members of the commission had been appointed was unconstitutional, but the court nevertheless adopted the commission's plan for the 1972 election only. (The General Assembly later adopted it for the rest of the decade.) In 1981 the courts held the commission plan valid except in two House districts, which it ordered redrawn to fulfill the constitutional requirement of compactness. In 1991 the Illinois Supreme Court ordered the commission to reconsider several districts in its original plan, and later approved (by a slim majority) the resulting modified plan. In 2001 the Illinois Supreme Court upheld the commission's plan over dissents by two members.

The Illinois Constitution does not mention Congressional redistricting; but federal law gives each state's legislature initial responsibility for Congressional redistricting. The General Assembly did not enact Congressional redistricting laws in 1971, 1981, or 1991. In each of those years a three-judge federal district court in Chicago adopted a Congressional redistricting plan for the state from proposals given to it. The General Assembly redrew Illinois Congressional seats in 2001.

Appendix A to this Research Response lists deadlines for action on Illinois General Assembly redistricting in 2011. Although federal law sets no specific deadline for redistricting Congressional seats, any bill to do so presumably would need to be passed by the end of the regular spring session in 2011.

1970 Illinois Constitution

The Illinois Constitution says that in the year following each decennial Census, the General Assembly is to redistrict Illinois Legislative (Senate) and Representative districts.[1] Each kind of district must be "compact, contiguous, and substantially equal in population."[2] Deadlines for Illinois legislative redistricting are set forth below and in Appendix A to this report.

Prepared by Robert M. Rogers, Staff Attorney
File 11-079,May 28, 2008, supersedes File 10-956

LRU
LEGISLATIVE RESEARCH UNIT
222 SOUTH COLLEGE · SUITE 301
SPRINGFIELD, ILLINOIS 62704-1894
PHONE: 217-782-6851 · FAX: 217-785-7572

Under the Constitution's provision on effective dates, as amended in 1994, the General Assembly must pass a redistricting bill by May 31, 2011 for it to take effect before 2012—unless such a bill is approved by three-fifths of the total membership of each house (36 in the Senate and 71 in the House).[3] Even if a redistricting bill is passed by May 31, it could still miss the deadline if the Governor vetoes it and there is not time to override.

If no redistricting plan takes effect by June 30, 2011, a legislative redistricting commission must be appointed by July 10. The commission will have eight members, with no more than four from any political party. The Speaker and Minority Leader of the House will each appoint one House member and one non-legislator; the Senate President and Minority Leader will similarly each appoint one member of the Senate and one non-legislator.

The commission is to issue a redistricting plan approved by vote of at least five members, and file it with the Secretary of State by August 10, 2011. If it fails to do so, the Illinois Supreme Court by September 1 is to send the names of two persons of different political parties to the Secretary of State. By September 5, he will randomly select one of those persons as the ninth member of the commission. (Some delegates to the 1970 constitutional convention saw this tie-breaking mechanism as likely to force the parties to compromise on a redistricting plan rather than take the risk that the other party's plan will be adopted.[4]) The expanded legislative redistricting commission will then file a redistricting plan by October 5. The Illinois Constitution says it is to be presumed valid, has the force of law, and must be promptly published by the Secretary of State.

The Illinois Supreme Court has original and exclusive jurisdiction of suits involving redistricting of the General Assembly.[5] Thus any suit on that subject (if filed in an Illinois state court) is to be filed directly with the Illinois Supreme Court.

Congressional Redistricting Law

The U.S. Constitution says that representatives are to be apportioned among the states every 10 years by population.[6] A federal law says that after each decennial Census, the President must send Congress a report showing the number of persons in each state (except Indians not taxed) and the number of House seats to which each state is entitled. This report goes to Congress during the first week of the first regular session of Congress after each Census. The report is to show apportionment of seats by the "equal proportions" method, with each state to have at least one seat.[7] The U.S. Supreme Court discussed the history of and various methods for apportioning seats among the states in a 1992 case in which it upheld the "equal proportions" method.[8]

Within 15 days after receipt of the report, the Clerk of the U.S. House of Representatives is to send each state's Governor a certificate showing the number of House seats to which it is entitled.[9] Due to the 2000 Census, Illinois lost one Congressional seat, reducing its number to 19.[10]

Federal law also says that each state entitled to more than one House seat is to enact a law creating one district for each seat.[11] Decisions by the U.S. Supreme Court say that if a state legislature fails to redistrict, a federal court should adopt or fashion a plan to redraw the state's U.S. House districts.[12]

Another federal law requires the Census Bureau to provide Census data to state Governors, and bodies or officials charged with legislative redistricting, by April 1 after each Census (thus April 1, 2011). That report must include population data for the various geographical areas within the state, including the smallest areas (Census blocks or tracks).[13]

1971 Redistricting

General Assembly

The 77th General Assembly failed to pass a redistricting bill by the June 30, 1971 deadline. Thus a legislative redistricting commission was established. The House Speaker and Minority Leader, and the Senate President Pro Tem, each appointed himself to the commission and appointed one of his legislative aides as a non-legislative member. The Senate Minority Leader appointed another senator to the commission and appointed another person as the non-legislative member. The resulting commission approved a plan by vote of 6-2,[14] and filed it with the Secretary of State before the August 10, 1971 deadline.[15]

Various lawsuits contesting the redistricting plan were consolidated and heard by the Illinois Supreme Court in *People ex rel. Scott v. Grivetti*. That court made these rulings:

- Creation of a legislative redistricting commission did not violate the U.S. Constitution on First Amendment or Equal Protection grounds.
- The Illinois Constitution's delegation of redistricting authority to the commission was not an improper delegation of legislative power, because it was contained in the state constitution—not a statute.
- The three legislative leaders mentioned above violated the public policy against self-appointment by naming themselves to the commission, and violated the intent of the Constitution to have half of the commission consist of public members by appointing their legislative aides to the commission.
- However, the commission's plan met federal and state constitutional requirements of substantially equal populations in compact, contiguous districts.[16]

Because the commission's composition violated the Illinois Constitution, the court held that the commission's redistricting plan had no legal effect. But finding the plan itself constitutionally acceptable, the court adopted that plan as a "provisional redistricting plan" for the 1972 election only.[17] In 1973 the General Assembly enacted an identical districting plan for legislative districts for the rest of the decade.[18] In 1974 the Illinois Supreme Court held that senators elected in 1972 for 4-year terms need not run again in 1974; they could finish the 4-year terms for which they had been elected under the 1971 redistricting.[19]

A parallel case was filed in federal district court in Chicago. A three-judge panel[20] of the district court abstained from deciding issues involving the Illinois Constitution, since those issues were being heard concurrently by the Illinois Supreme Court. But the federal panel did rule on the federal constitutional questions—after consultation between one judge of the panel and the Chief Justice of the Illinois Supreme Court to ensure that both courts would reach the same conclusion. The panel said that the population figures for legislative districts indicated "a scrupulous regard for equality of population . . . ."[21] It also rejected a claim that the plan unnecessarily divided municipalities and disenfranchised independent voters. The court stated: "[I]t is inconceivable that a state-sponsored plan with near-absolute equality could be considered constitutionally infirm, with the possible exception of one incorporating flagrant racial gerrymandering."[22] Finally, the panel held that the principle of one person, one vote did not apply to appointive bodies such as the legislative redistricting commission, even though it exercised a special legislative function.[23]

Congressional

The General Assembly also failed to enact a Congressional redistricting law before adjourning its spring session. Thus a three-judge panel of the federal district court assumed that task as provided by federal law.[24] The panel considered four redistricting plans presented to it for consideration, and chose one that was submitted by Speaker Robert Blair and Representatives Henry Hyde and Edward Madigan (both later to become members of Congress).[25] The panel's majority said that plan not only met the primary consideration of equality of district populations, but also achieved that goal "without substantially impairing recognized political boundaries and communities of interest."[26] The dissenting judge preferred a plan submitted by Illinois' Congressional delegation.[27] Two suits contesting the resulting plan were filed in the Illinois Supreme Court; but a majority of the three-judge federal panel enjoined the parties from contesting the plan in the Illinois Supreme Court.[28]

1981 Redistricting

General Assembly

The 82nd General Assembly did not enact a state redistricting plan based on 1980 Census data. A legislative redistricting commission was therefore appointed, but its eight members could not agree on a redistricting plan by the June 30 deadline. The Illinois Supreme Court then sent to the Secretary of State the names of former Governors Richard B. Ogilvie and Samuel H. Shapiro. By random selection the Secretary of State drew the name of ex-Governor Shapiro, who became the ninth member of the commission and cast the deciding vote for the Democratic plan. Supporters of the plan then filed a suit in the Illinois Supreme Court for a declaration that it was constitutionally valid. Representative Judy Koehler filed a counterclaim challenging the constitutionality of the plan's boundaries for the 89th Representative District.[29]

Since the only attack on the redistricting plan was Representative Koehler's, the Illinois Supreme Court said that it need address only her claim regarding the 89th District. She alleged that the district as drawn by the redistricting commission violated the compactness requirement of the Illinois Constitution. Regarding its boundaries, the court said:

> As presently drawn, the district would stretch through seven counties and more than 60 towns, and would cover parts of four congressional districts, two Illinois Appellate Court districts, and five (pre-1981 apportionment) Illinois House of Representative districts. The proposed district would not be served by either a single common television station, or a single common newspaper.[30]

The court said the constitutional requirement of compactness means that the parts of a district must be closely united territorially.[31] It found the 89th District to be "a tortured, extremely elongated form which is not compact in any sense."[32] The court ordered the boundaries of the 89th and 90th Districts redrawn to achieve compactness.[33]

The commission's plan was also challenged in federal court by three separate groups: one headed by Chester Rybicki, a second by Miguel del Valle, and a third by Bruce Crosby. The three-judge panel that heard those cases rejected claims by the Rybicki plaintiffs on behalf of Republican and suburban interests claiming noncompactness, partisan unfairness, and impermissible division of counties and suburban communities. It accepted the Crosby plaintiffs' claims that the commission plan unconstitutionally diluted black voting strength, and adopted several adjustments to the plan to counter such dilution. The federal panel also accepted a settlement agreement between the del Valle plaintiffs and the commission as to districts representing Hispanic voters.[34]

Congressional

The 1980 Census caused Illinois to lose two U.S. House of Representatives seats, requiring the number of districts to be reduced from 24 to 22. The General Assembly did not enact a bill to redraw the state's Congressional districts. Two suits were filed challenging the constitutionality of the state's existing Congressional districts. Federal District Judge Frank McGarr refused to convene a three-judge panel to hear those cases, but the U.S. Court of Appeals in Chicago ordered them referred to a three-judge panel.[35] That panel considered three different redistricting proposals and, after a trial, selected (with slight modifications) a plan proposed by Earl Neil Otto.[36]

1991 Redistricting

General Assembly

Following the 1990 Census, the General Assembly in 1991 passed a bill to redistrict itself.[37] The bill was passed by both houses on June 30, but was vetoed by Governor Jim Edgar and the veto was not overridden. The legislative leaders then appointed an eight-member legislative redistricting commission.[38] It was unable to agree on a redistricting plan by the August 10 deadline,[39] so the constitutionally required tie-breaking member was added.[40] The Illinois Supreme Court submitted the names of Albert R. Jourdan (Republican Party state chairman) and Daniel P. Ward (a retired justice of that court). The Secretary of State randomly drew Jourdan's name. The resulting nine-member commission filed a redistricting plan with the Secretary of State on October 4. The Illinois Attorney General, as authorized by the Constitution, then filed an original proceeding in the Illinois Supreme Court challenging that plan.[41]

The Illinois Supreme Court in a December 13 opinion stated that it had insufficient information to determine the constitutionality of the districts in the commission's plan. The majority opinion raised questions about the constitutionality of a number of those districts,[42] and recommended that the commission follow the guidelines in a case described later,[43] which had recently been decided by the federal district court in Chicago.[44] The court said that unless a constitutional redistricting plan was proposed by early January 1992, it would have to order an at-large election for the General Assembly that year.[45] The court remanded the issues to the commission, directing it to hold hearings on its plan. Chief Justice Benjamin Miller, joined by Justice Thomas Moran, dissented. They thought the court should proceed to decide the validity of the commission's plan based on the record already before it.[46]

The commission in early January 1992 held hearings, at which it considered both its own plan and an alternative plan proposed by a group of intervenors. The commission then sent the Illinois Supreme Court a revised plan.[47] The court's second opinion in the case reluctantly approved that plan. The court said that it lacked the staff and budget to draft its own redistricting plan; the public interest required holding primary elections on schedule; and an at-large election would burden the state budget and impose time constraints on the State Board of Elections.[48] It added that compromise is necessary in redistricting, especially in a diverse state such as Illinois with many interests to balance.[49]

The court said challengers of the commission plan would have to show not only that their plan was better, but also that the commission's plan failed legal tests.[50] It listed four tests it had used in considering the commission's plan:

- substantially equal population in each district;
- adequate representation of minorities and other interests;
- compactness of each district; and
- legal requirements for political fairness.[51]

The court concluded that both the commission plan and the challengers' plans met the compactness requirement to similar degrees. It added that the commission plan met all four requirements. For those reasons, the court adopted the commission's revised plan for legislative seats.[52]

Three justices dissented. Two of them (William Clark, joined by Charles Freeman) criticized both the commission's and challengers' plans on compactness, saying they did not preserve communities of interest (communities sharing the same values, ethnicity, or economy).[53] The other dissenter (Michael Bilandic), in an opinion in which the first two dissenters joined, also argued that the random selection of a tie-breaking member of the commission was arbitrary and against fundamental fairness, and thus violated the due process requirement of the U.S. Constitution's 14th Amendment.[54]

Supporters and opponents of the redistricting plan sought review of it in the federal district court in Chicago under the federal Voting Rights Act of 1965 and the 14th and 15th Amendments to the U.S. Constitution.[55] The single federal district judge who decided that case noted that section 2 of the Voting Rights Act[56] prohibits redistricting plans that have the effect of denying or abridging minority voters' ability to participate in elections.[57] He added that three preconditions must be met in Voting Rights Act challenges:

- the challenging minority group must be large enough to have a majority in a single-member district;
- the group must be politically cohesive; and
- racial bloc voting must typically prevent the group from electing candidates of its choice.[58]

The judge allowed the challengers to present their claims that the redistricting plan fractured or diluted minority voting strength in some districts. The challengers claimed that a number of House and Senate districts on the south side of Chicago with 65% African-American populations split black communities of interest such as city wards and their political organizations, community groups, and

church congregations. They argued that this splitting of such communities of interest would likely result in multiple black candidates in those districts, allowing white bloc voting to elect white candidates in the Democratic primary—tantamount to election in Chicago.[59] The judge rejected this argument, saying that a 65% African-American population in a district met the requirements of the Voting Rights Act and that increasing that percentage would run the risk of "packing" black voters into fewer districts—itself violating the Voting Rights Act.[60]

The challengers also argued that a 50% Hispanic district could have been created in Chicago by putting some Hispanic neighborhoods that were in the 3rd and 4th House districts into the 33rd House district. But the judge said voting-age population is a more significant factor than total population in determining whether a minority can elect candidates of its choosing. He said no evidence was presented that the 33rd district could be given a Hispanic voting-age majority while retaining Hispanic supermajorities in the 3rd and 4th districts.[61]

The challengers further argued that black and Hispanic communities around the state had been divided among several districts, rather than kept together where they could exert influence on the outcome despite lack of majorities. The judge said so-called "influence" districts had been recognized by very few courts, primarily because of the lack of an objective limit to these claims. He said that whether raising minority voting strength in these districts would result in greater minority electoral influence is speculative. As an example, he said the challengers had not shown that a 13.0% minority population in a Springfield district would be significantly more influential than the 12.7% minority population that the plan provided; or that a 12.8% minority population would be significantly more powerful than the 11.9% in a Champaign-Urbana district.[62]

The judge stated that racially motivated drawing of district lines, if intended to minimize or cancel the voting strength of a racial minority, violates both the 14th Amendment's Equal Protection clause and the 15th Amendment. But he held that the commission plan did not weaken or cancel black or Hispanic voting strength, and was not racially motivated or drawn along racial lines.[63] He therefore upheld the plan.

After the 1992 primary election, challengers to the redistricting plan sought a new trial on its validity, contending that the primary election results should be considered.[64] The judge who had heard the federal suit noted that every district in which the challengers claimed that a supermajority black population was insufficient to nominate a black candidate held a primary contest in which a single white candidate ran against multiple black candidates. He said the results did not show that African-Americans were denied a meaningful opportunity to elect their candidates—merely that their candidates were not guaranteed election.[65] He denied a new trial.[66]

Congressional

The General Assembly did not enact a law to redraw Illinois Congressional districts. Several groups filed suits asking the federal district court in Chicago to adopt a redistricting plan for those districts.[67]

A three-judge panel of the federal district court adopted a plan proposed by Representative Dennis Hastert and other Republican members of the Illinois Congressional delegation as the one best meeting the legal criteria for Congressional redistricting.[68] The panel stated several points about the legal criteria for Congressional redistricting plans.

First, the panel noted that the U.S. Supreme Court in *Wesberry v. Sanders* (1964)[69] said that Congressional districts must be drawn so that as nearly as is practicable, one person's vote is worth as much as another's in a Congressional election.[70] The panel added that the Supreme Court in *Kirkpatrick v. Preisler* (1969)[71] said the "as nearly as is practicable" standard required a good-faith effort to achieve precise mathematical equality, requiring justification for any variance—no matter how small.[72] The panel concluded that because the Hastert plan had the smallest total deviation, the opposing plan's supporters could not claim a good-faith effort to achieve precise mathematical equality, so they must justify each variance.[73]

The panel then examined the competing plans for their fairness to the voting rights of racial and language minorities. Finding no discriminatory motive in either plan, they turned to discriminatory impact—which they said can occur in either of two ways:

- fragmenting large concentrations of minority voting strength among several districts; or
- "packing" minorities into fewer districts where they constitute an excessive majority.[74]

The opinion said that although the U.S. Supreme Court has held that courts can hear and decide political gerrymandering claims, only a plurality of the Court agreed on what is required to prove such a case. That plurality said that challengers must prove an intent by plan drafters to discriminate against an identifiable political group, and an actual discriminatory effect on that group.[75] On that point, the panel found the Hastert plan somewhat fairer to both major political parties.

The panel also rejected a nonconstitutional argument—that four districts in Southern Illinois had not been drawn to reflect their communities of interest—commenting:

> The community of interest concept could be employed in every congressional district across the country in which a congressional incumbent feels threatened by an impending redistricting. We need

> look no further than the present case for evidence that supports this conclusion. We have received affidavits from most members of the Illinois congressional delegation asserting, in essence, that their districts possess unique characteristics that deserve special consideration in the redistricting process. No doubt this is true for each district in Illinois and across the nation. We believe that there is a place where particular nonconstitutional communities of interest should be considered in the redistricting process. That place is the halls and committee chambers of the state legislature. The courtroom is not the proper arena for lobbying efforts regarding the districting concerns of local, nonconstitutional communities of interest.[76]

Another case, *King v. State Board of Elections*,[77] addressed challenges to the constitutionality of a Hispanic-majority district created by the Hastert plan. The plaintiff alleged that Illinois' 4th Congressional District was unconstitutional because its lines were based predominantly on race, and that no compelling state interest justified this race-based redistricting.[78] A three-judge panel of the federal district court that heard the case agreed with the plaintiff that race was the predominant factor in drawing the district's lines; but it said the race-based redistricting was justified by compelling state interests.[79]

The panel said the 4th District's "uncouth configuration . . . cannot be understood as anything other than an effort to separate voters into different districts on the basis of race."[80] They said this configuration stemmed from efforts to maintain three supermajority black districts, and to create one Hispanic district where the two densest areas of Hispanic population were separated by an expressway and by medical and educational institutions.[81] The panel said the redistricting survived strict scrutiny because it served the compelling interest of remedying a violation of the Voting Rights Act and was narrowly tailored to achieve that remedy.[82]

The U.S. Supreme Court vacated that decision and remanded for reconsideration in light of two intervening Supreme Court redistricting decisions.[83] After reconsideration, the three-judge panel reaffirmed its previous decision.[84] The panel said those two cases established the following criteria for determining whether a plan is narrowly tailored to achieve the objectives of section 2 of the Voting Rights Act:

> A § 2 district is narrowly-tailored if (1) at a minimum, the district remedies the anticipated violation or achieves § 2 compliance, and (2) its consideration of race is no more than reasonably necessary to fulfill its remedial purpose.[85]

But the panel added that a redistricting plan cannot be held to remedy a violation of section 2 if the minority group contained in it is not (1) geographically compact, (2) politically cohesive, and (3) potentially barred by majority bloc voting from electing its preferred candidate without such redistricting.[86] The panel concluded that the 4th District's boundaries met the requirement of being narrowly tailored to avoid a violation of the Voting Rights Act, and thus were valid.[87]

2001 Redistricting

General Assembly

The General Assembly did not pass a redistricting bill. A legislative redistricting commission was named, but as in earlier decades did not agree on a redistricting plan. The Illinois Supreme Court nominated two of its former members, Michael Bilandic and Benjamin Miller, to be the tie-breaking ninth member of the commission. The Secretary of State drew the name of Bilandic, a Democrat.[88] The enlarged commission filed a redistricting plan, which was challenged in the Illinois Supreme Court. That court upheld the plan over dissents by two members, who faulted the procedures used by the commission and the shapes of some resulting districts.[89] Challengers attacked the constitutionality of the tie-breaking procedure in a suit in federal district court, but the court held that this plan (said to be unlike that of any other state) was not unconstitutional. The U.S. Supreme Court affirmed without issuing an opinion.[90]

The Illinois Republican Party and some voters filed suit in federal district court, alleging that the redistricting plan drawn by the commission violated section 2 of the Voting Rights Act by failing to have enough districts in which the candidate elected would be the choice of either African-American or Latino voters. On a motion by the League of United Latin American Citizens, defendant-intervenor, the judge issued a directed verdict against the claim with respect to Latino voters. As to districts for African-American voters, the plaintiffs argued that to be "effective" a district must have at least a 60% minority voting-age population or 65% total minority population under a "rule of thumb" stated by the U.S. Court of Appeals in Chicago in *Ketchum v. Byrne* (1984).[91] The district court added that using total minority population was inappropriate if voting-age population numbers were available, and that using a "rule of thumb" of 60% voting-age population was not appropriate if actual vote totals from elections in the districts were available.

Expert witnesses for both the plaintiffs and the intervenor-defendants disavowed use of the "rule of thumb" and offered statistical analyses of related elections on the issue whether the districts were "effective" majority-minority districts. With credible statistical evidence to support the plan drawn by the commission, the court held that the plaintiffs had failed to carry their burden of proving that the plan did not provide African-Americans effective opportunities to elect candidates of their choice.[92]

Congressional

The General Assembly passed a Congressional redistricting plan in 2001, which the Governor signed into law.[93] Congressman David Phelps unsuccessfully challenged it in state court on the grounds that it (1) violated the Due Process and Equal Protection clauses of the Illinois Constitution,[94] and (2) violated the Illinois Constitution's

requirement that "Legislative Districts shall be compact, contiguous and substantially equal in population."[95] He also alleged that the plan was a result of political gerrymandering and/or collusive bipartisan gerrymandering, and that it failed to preserve communities of interest. The Sangamon County trial court stated that the Illinois Constitution does not require Congressional districts to be compact. The judge also held that political factors are legitimate legislative concerns in redistricting, and dismissed the complaint.[96]

The federal district court in Chicago initially assumed parallel jurisdiction over the dispute, on the basis that it retained jurisdiction over Illinois Congressional redistricting efforts after a settlement in the 1991 federal redistricting case.[97] But the federal court later concluded that due to Illinois' new Congressional redistricting plan, the 1991 redistricting order no longer applied. It released all parties from the 1991 judgment and terminated the case.[98]

Notes

1. Ill. Const., Art. 4, subsec. 3(b).
2. Ill. Const., Art. 4, subsec. 3(a).
3. Ill. Const., Art. 4, sec. 10.
4. See, for example, Record of Proceedings, Sixth Illinois Constitutional Convention, vol. V, p. 4077 (remarks of Delegate Perona).
5. Ill. Const., Art. 4, subsec. 3(b).
6. U.S. Const., Art. 1, sec. 2, cl. 3 and Amdt. 14, sec. 2.
7. 2 U.S. Code subsec. 2a(a).
8. *United States Dept. of Commerce v. Montana*, 503 U.S. 442, 112 S. Ct. 1415 (1992).
9. 2 U.S. Code subsec. 2a(b).
10. U.S. Department of Commerce, Bureau of the Census, "Apportionment Population and Number of Representatives, by State, Census 2000" (table, downloaded January 11, 2001 from Census Bureau's Internet site).
11. 2 U.S. Code sec. 2c.
12. *White v. Weiser*, 412 U.S. 783 at 794-795, 93 S. Ct. 2348 at 2354 (1973) (quoting *Reynolds v. Sims*, 377 U.S. 533 at 586, 84 S. Ct. 1362 at 1394 (1964)); *Hastert v. State Bd. of Elections*, 777 F. Supp. 634 at 640-641 (N.D. Ill. 1991).
13. 13 U.S. Code subsec. 141(c); see National Conference of State Legislatures, *Redistricting Law 2000* (February 1999), p. 7.
14. *Grivetti v. Illinois State Electoral Board*, 335 F. Supp. 779 at 782 (N.D. Ill. 1971). See also Illinois Legislative Council, *Redistricting in Illinois* (File 9-171, April 1981).
15. *People ex rel. Scott v. Grivetti*, 50 Ill. 2d 156 at 158, 277 N.E.2d 881 at 883 (1972).
16. 50 Ill. 2d at 159-167, 277 N.E.2d at 884-888.
17. 277 N.E.2d at 884-888.

18. P.A. 78-42 (1973).
19. *People ex rel. Pierce v. Lavelle*, 56 Ill. 2d 278, 307 N.E.2d 115 (1974).
20. Federal law calls for a three-judge district court to be impaneled in Congressional and statewide redistricting cases, or if required by another act of Congress (28 U.S. Code subsec. 2284(a)). At least one member of the three-judge panel must be a U.S. Circuit Court of Appeals judge (subsec. 2284(b)(1)).
21. *Grivetti v. Illinois State Electoral Board*, 335 F. Supp. 779 at 786-787 (N.D. Ill. 1971).
22. 335 F. Supp. at 789.
23. 335 F. Supp. at 790-791.
24. See 28 U.S. Code subsec. 2284(a).
25. *Skolnick v. State Electoral Board of Illinois*, 336 F. Supp. 839 (N.D. Ill. 1971).
26. 336 F. Supp. at 846.
27. 336 F. Supp. at 856 (Campbell, J., dissenting).
28. 336 F. Supp. at 860-863 and 869-876 (orders dated November 5 and 15, 1971); see also National Legislative Conference and Council of State Governments, *Reapportionment in the States* (June 1972), p. 48.
29. *Schrage v. State Board of Elections*, 88 Ill. 2d 87 at 92-93, 430 N.E.2d 483 at 484 (1981).
30. 88 Ill. 2d at 94, 430 N.E.2d at 485.
31. 88 Ill. 2d at 95, 430 N.E.2d at 485-486.
32. 88 Ill. 2d at 98, 430 N.E.2d at 487.
33. 88 Ill. 2d at 105-109, 430 N.E.2d at 491-494.
34. See *Rybicki v. State Board of Elections*, 574 F. Supp. 1082 at 1084 (N.D. Ill. 1982).
35. *Ryan v. Otto*, 661 F.2d 1130 at 1132-1133 (7th Cir. 1981).
36. *In re Congressional Districts Reapportionment Cases*, 704 F. 2d 380 at 381 (7th Cir. 1983) (citing *In re Congressional Districts Reapportionment Cases*, No. 81 C 3915 (N.D. Ill. Nov. 23, 1981) (unpublished)).
37. 1991 H.B. 1354 (M.Madigan—Rock) (vetoed).
38. Ill. Const., Art. 4, subsec. 3(b), second and third paragraphs.
39. See Ill. Const., Art. 4, subsec. 3(b), fifth paragraph.
40. See Ill. Const., Art. 4, subsec. 3(b), sixth and seventh paragraphs.
41. See Ill. Const., Art. 4, subsec. 3(b), last paragraph. These events are described in more detail in *People ex rel. Burris v. Ryan*, 147 Ill. 2d 270 at 275-280, 588 N.E.2d 1023 at 1025-1027 (1992).
42. *People ex rel. Burris v. Ryan*, 147 Ill. 2d 270 at 285-286, 588 N.E.2d 1023 at 1030 (1992).
43. *Hastert v. State Board of Elections*, 777 F. Supp. 634 (N.D. Ill. 1991).
44. 147 Ill. 2d at 286, 588 N.E.2d at 1030.

45. 147 Ill. 2d at 287-288, 588 N.E.2d at 1031.
46. 147 Ill. 2d at 288-293, 588 N.E.2d at 1031-1033 (Miller, C.J., joined by Moran, J., dissenting).
47. See *People ex rel. Burris v. Ryan* (second opinion), 147 Ill. 2d 270, 588 N.E.2d 1033 (1992).
48. 147 Ill. 2d at 293-295, 588 N.E.2d at 1035.
49. 147 Ill. 2d at 294, 588 N.E.2d at 1035.
50. 147 Ill. 2d at 296, 588 N.E.2d at 1035.
51. 147 Ill. 2d at 296, 588 N.E.2d at 1035-1036.
52. 147 Ill. 2d at 296, 588 N.E.2d at 1036.
53. 147 Ill. 2d at 303-308, 588 N.E.2d at 1039-1041 (Clark, J., joined by Freeman, J., dissenting).
54. 147 Ill. 2d at 308-314, 588 N.E.2d at 1041-1044 (Bilandic, J., joined by Clark and Freeman, JJ., dissenting).
55. *Illinois Legislative Redistricting Comm'n v. LaPaille*, 786 F. Supp. 704 (N.D. Ill. 1992).
56. 42 U.S. Code sec. 1973.
57. 786 F. Supp. at 710.
58. 786 F. Supp. at 711.
59. 786 F. Supp. at 712.
60. 786 F. Supp. at 713.
61. 786 F. Supp. at 713-714.
62. 786 F. Supp. at 713-716.
63. 786 F. Supp. at 717.
64. *Illinois Legislative Redistricting Comm'n v. LaPaille*, 792 F. Supp. 1110 (N.D. Ill. 1992).
65. 792 F. Supp. at 1112.
66. 792 F. Supp. at 1113.
67. *Hastert v. State Board of Elections*, 777 F. Supp. 634 at 638-639 (N.D. Ill. 1991) (3-judge court).
68. 777 F. Supp. at 662.
69. *Wesberry v. Sanders*, 376 U.S. 1, 84 S. Ct. 526 (1964).
70. 777 F. Supp. at 642 (citing *Wesberry v. Sanders*, 376 U.S. at 7-8, 84 S. Ct. at 530).
71. *Kirkpatrick v. Preisler*, 394 U.S. 526, 89 S. Ct. 1225 (1969).
72. 777 F. Supp. at 642-643 (citing *Kirkpatrick v. Preisler*, 394 U.S. at 530-531, 89 S. Ct. at 1228-1229).
73. 777 F. Supp. at 644.
74. 777 F. Supp. at 645-646.
75. 777 F. Supp. at 656.
76. 777 F. Supp. at 660.
77. *King v. State Board of Elections*, 979 F. Supp. 582 (N.D. Ill. 1996).
78. 979 F. Supp. at 586-587.
79. 979 F. Supp. at 605 and 616-617.
80. 979 F. Supp. at 606.

81. 979 F. Supp. at 607-610.
82. 979 F. Supp. at 611-617.
83. *King v. Illinois Board of Elections*, 519 U.S. 978, 117 S. Ct. 429 (1996). The two intervening decisions were *Shaw v. Hunt*, 517 U.S. 899, 116 S. Ct. 1894 (1996) and *Bush v. Vera*, 517 U.S. 952, 116 S. Ct. 1941 (1996).
84. *King v. State Board of Elections*, 979 F. Supp. 619 (N.D. Ill. 1997).
85. 979 F. Supp. at 623.
86. 979 F. Supp. at 624.
87. 979 F. Supp. at 624-627.
88. Finke, "Democrats win remap draw: Take control of legislative redistricting panel," *State Journal-Register*, Sept. 6, 2001, News section, p. 1.
89. *Cole-Randazzo v. Ryan*, 198 Ill. 2d 233, 762 N.E.2d 485 (2001) and *Beaubien v. Ryan*, 198 Ill. 2d 294, 762 N.E.2d 501 (2001).
90. *Winters v. State Board of Elections*, 197 F. Supp. 2d 1110 (N.D. Ill. 2001) (three-judge court), aff'd without opinion 535 U.S. 967, 122 S. Ct. 1433 (2002).
91. *Ketchum v. Byrne*, 740 F.2d 1398 at 1415-16 (7th Cir. 1984).
92. *Campuzano v. Illinois State Board of Elections*, 200 F. Supp. 2d 905 (N.D. Ill. 2002).
93. P.A. 92-4 (2001).
94. Ill. Const., Art. 1, sec. 2.
95. Ill. Const., Art. 4, subsec. 3(a).
96. *Phelps v. Illinois State Board of Elections*, No. 01-MR-440 (7th Jud. Circ., Sangamon County, Oct. 10, 2001).
97. *Hastert v. Illinois State Board of Elections*, No. 91 C 4028 (N.D. Ill. 2001) (minute order, Aug. 21, 2001).
98. *Hastert v. Illinois State Board of Elections*, No. 91 C 4028 (2002 U.S. Dist Lexis 27818 at *6 (N.D. Ill. 2002).

Appendix A: Deadlines for Next Redistricting of General Assembly Seats

2011

Month	*Day*	
April	1	Census-tract data to be sent to state officials
May	31	Last day for General Assembly to pass redistricting bill by less than three-fifths majority in each house
June	30	Redistricting law to take effect
July	10	If no redistricting law takes effect, legislative redistricting commission to be named
August	10	Commission to file plan approved by at least five members
September	1	If no redistricting plan was filed by August 10, Illinois Supreme Court to submit two names to Secretary of State
September	5	Secretary of State to select ninth commission member by lot
October	5	Expanded commission to file redistricting plan
October November	31- 7	Candidates for General Assembly must file petitions
December	8	Last day for State Board of Elections to certify candidates for primary election ballot to county clerks