

September 2014

Dear Friend of the Paul Simon Institute:

For well over a decade the Paul Simon Public Policy Institute has had a keen interest in the subject of how Illinois does redistricting for the state legislature and for the U. S. House. Attached is a Simon Review paper by Cynthia Canary and Kent Redfield on that subject based on their extensive study of all redistricting cases since the 1970 Illinois Constitution was adopted.

This paper was written originally for Change Illinois, a reform advocacy group, which will soon publish a general interest edition of the paper. That paper will be distributed to a larger statewide audience.

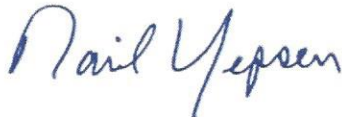
Cynthia Canary is the former Executive Director of the Illinois Campaign for Political Reform and Kent Redfield is Professor of Political Science, Emeritus at the University of Illinois Springfield. Both authors have long experience in political reform efforts in Illinois and are widely recognized for their expertise in state politics.

Their findings? While several factors can be and sometimes are considered in specific cases, the major driver of redistricting in Illinois is partisanship. Incumbency is the second most important consideration. Canary and Redfield analyze multiple important redistricting cases and find the not so hidden hand of politics in all cases.

Redistricting results in convoluted districts which may be contiguous. However, they are certainly not compact and do not uphold other more important objectives, like preserving communities of interest, recognizing existing geographic and governmental boundaries, and respecting the Voting Rights Act. The authors recommend ways the existing system can be changed.

This paper is available on our website at [paulsimoninstitute.org](http://paulsimoninstitute.org). We would be pleased to hear from you. I can be reached at [dyepsen@siu.edu](mailto:dyepsen@siu.edu). Cynthia Canary can be reached at [cprecanary@aol.com](mailto:cprecanary@aol.com) and Kent Redfield can be reached at [kredf1@uis.edu](mailto:kredf1@uis.edu).

Sincerely,



David Yepsen

Director



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## The Simon Review

Partisanship, Representation and Redistricting: An Illinois  
Case Study

By Cynthia Canary and Kent Redfield

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## **Partisan Redistricting in Illinois**

### **An Introduction to Legislative Redistricting in Illinois**

During the fall of 2012, Decatur residents were subjected to a barrage of political ads promoting and attacking the two candidates for the 48<sup>th</sup> District seat in the Illinois Senate. Decatur Mayor Mike McElroy, the Republican candidate, and Andy Manar, who at the time was the Chairman of the Macoupin County Board, spent more than \$2.5 million and saturated the airwaves with commercials. Without an incumbent on the ballot, this newly drawn Senate district was a priority for both political parties.

However, many Decatur voters didn't find McElroy or Manar on their ballots. Residents of Decatur who live in the more affluent and traditional Republican voting areas of the city east and south of Lake Decatur were drawn out of the Decatur Senate district when the General Assembly passed a redistricting plan in 2011. Because all of Decatur had been located in a single Senate district for the previous decade and because most voters pay far less attention to where district boundaries are drawn than do legislators, there's no doubt many were surprised to find only one candidate – Chapin Rose, a Republican living two counties and 45 miles away – on the ballot running for Senate from the 51<sup>st</sup> Senate District, which stretches east to the Indiana border.

It also is worth noting that Andy Manar, the Macoupin County Board Chair who went on to win the 2012 election and become the new senator from the 48<sup>th</sup> District, was chief of staff to Senate President John Cullerton when the district boundaries were drawn in 2011. A few months after the new map became law, Manar announced his candidacy for the Illinois Senate seat. He faced no opponent in the primary election and went on to defeat McElroy with 55 percent of the vote.

Some of the voters in Buckingham, a village of 300 residents located in Kankakee County, may have also been surprised their choices for the state senate on Election Day, 2012. Under the 2001 legislative map Buckingham was located in the 38<sup>th</sup> Senate District, a northern downstate district



centered in LaSalle and Grundy Counties that also contained portions of Putnam, Bureau, Will, and Kankakee Counties. From 2004 through 2012 the 38th Senate District was represented by a Republican from Peru, a city in LaSalle County.

In the 2011 legislative map Buckingham was placed in the 40<sup>th</sup> Senate District, which extended north from Kankakee County through Will County into southern Cook County. The two candidates for the State Senate seat were a Democrat from Olympia Fields in Cook County and a Republican from Frankfort, which straddles the border between Will and Cook County. The Democrat from Cook County, Toi Hutchinson, easily won the Senate seat. Rather than being the focal point of a district created to pick up a seat, the citizens of Buckingham were part of a conveniently located piece of territory that filled out the new 40<sup>th</sup> Senate District, which had been designed to help the Democrats protect an incumbent Democrat.

Because Democrats had majorities in both chambers of the General Assembly when maps were drawn in 2011, they were able to draw a map that kept Decatur's Republican-leaning neighborhoods out of 48<sup>th</sup> Senate District and moved Buckingham into a Democratic district rooted in Cook County. These kinds of changes allowed the Democrats maximize the odds of retaining strong majorities in both chambers after the 2012 election. The Democratic legislative leaders also could be confident that Gov. Pat Quinn, a fellow Democrat, would sign the legislation.

Welcome to the world of legislative redistricting in Illinois.

Partisan legislators rather than voters control Illinois' mapmaking process. Those legislators are not prohibited from drawing maps that will provide them with a partisan advantage or protect their incumbent members. Not only is that not prohibited, it is the primary goal of legislative leaders in the majority party. Shouldn't the goal in a democratic system be that voters select their representatives, rather than the other way around?

Was what happened to voters in Decatur and Buckingham dictated by population shifts between 2000 and 2010? Were the changes made in the pursuit of more effective, more equitable representation of the interest of these voters? While these explanations are possible, the history of redistricting in Illinois suggests that these changes were made as part of an overall strategy by the political party controlling the process to provide a partisan advantage in the 2012 election.

This paper examines the forces and motivations that drive the construction of new legislative districts each decade and analyzes recent Illinois legislative maps to explain how the lines reflect partisan interests first while other representative goals are a distant second.

### **Research Questions and Scope**

This paper addresses the following questions:

1. Does the Illinois redistricting process, either historically or in 2011 under the statutory changes designed to make the process more transparent, provide the level of transparency

and the timely opportunity for public examination and input necessary to ensure that citizens regard the process as open and fair?

2. Does partisan control of the redistricting process in Illinois result in the creation of legislative maps that seek to create a partisan advantage or protect incumbent legislators?
3. When legislative maps are drawn to create a partisan advantage or to protect incumbent legislators, is this done at the expense of other representation values such as protecting communities of interest, protecting minority voting rights, facilitating competitive elections, or preserving the integrity of the boundaries of political subdivisions?
4. When legislative maps are drawn to create a partisan advantage or to protect incumbent legislators, does this result in systemic distortions of representation such as the underrepresentation of the minority party in the legislature or the diminishment of essential components of representative democracy such as competition in legislative elections?

To answer these questions, we examine the outcomes of the 1981 map drawn by the Democrats, the 1991 map drawn by the Republicans, and the 2001 and 2011 maps drawn by the Democrats. We examine partisan gains, the treatment of majority and minority incumbents, the impact of the maps on competition in legislative elections, and impact of the maps on the representation of minority party interests.

Using the 1991 legislative map as a starting point, we provide a detailed examination of the changes made by the Democrats in the 2001 and 2011 maps. To put our findings in context, we examine the impact of the changes in the population demographics and the political dynamics of Illinois over the past three decades. For both brevity and clarity, we focus on the districts that were the most radically transformed through the mapmaking process.

We also examine the impact and effectiveness of legislation enacted in 2011 under the guise of enhanced transparency and public involvement in the redistricting process.

While our examination of specific districts focuses primarily on the two most recent legislative maps, which were drawn by Democrats, we strongly believe that the analysis and findings equally apply to the impact on representation of unrestricted partisan control by either political party.

### **Redistricting and Representation**

“Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.” Chief Justice Earl Warren *Reynolds v. Sims* (1964),  
An analysis of Illinois’ contemporary redistricting process must begin with an understanding of the integral role that mapmaking plays in representation. The structures, electoral processes and laws with which we manage the functioning of our democracy help to shape the level of participation, nature of representation, and public confidence that we have in government. These “rules of the game” exist to ensure fairness and balance and to provide transparency and

accountability. When these processes are flawed or people perceive that the rules are rigged, governance and public confidence in that governance suffers.

Fundamental to the principles of our democratic governance is the concept of representation. The Framers laid out a mechanism in the U.S. Constitution to ensure that the goal of representation remained balanced by requiring “that a census be taken every 10 years for the purpose of apportioning the United States House of Representatives.” (U.S. Const. art. 1, § 2)

This charge to count, apportion and district is meant to ensure that elected government is in alignment with the attitudes and opinions of the people. How apportionment and redistricting actually takes place, its evolution over time, the rules and laws that guide it and the systems that put it into practice have been hotly contested for much of our history and perhaps no time as much as today.

We tend to think about representation in terms of the 20th century formulation “of one man one vote”. That concept is now 50 years old. Since its adoption as the cornerstone of both the law and the spirit of redistricting many of the abuses that were an integral part of the practice of redistricting prior to 1964 have been eliminated. Many, but not all. Vexing questions of race, partisanship, equity, fairness, and accountability still dominate the public discourse on redistricting. And though the Courts have had an active role in adjudicating this debate for the past 50 years, it often seems that there remain more questions than answers, particularly on the role that partisanship and incumbency play or should play in redistricting.

Reasonable people will disagree on both the best process and outcomes in redistricting, but it behooves us to consider a few questions at the outset. How do we ensure representation for diverse communities and a myriad of interests? On a more basic level what does a fair map look like? And is it advisable or even possible to draw the lines which frame the political process without relying on partisanship and incumbency to do so?

The focus on redistricting has largely occurred at the federal level. We often look to congressional maps to predict the partisan direction our nation is heading, failing to look more deeply at statehouse composition to understand why lines are drawn the way that they are and how state systems effect partisan representation both locally and at the national level. It is from state politics, shaped by state maps, from which many of our national leaders emerge. However, it is important to remember that state politics matter in and of themselves. People live and work in communities and it is state and local politics and government services that impact them most directly and color their experience of government.

Why Legislative Redistricting Is Important: The strength of representative democracy rests on what the authors of the Declaration of Independence called “the consent of the governed.” While that consent comes initially through the ratification of constitutions, it is renewed through regular elections where citizens select their representatives, thereby granting them the right to exercise the power of government. For legislatures, the critical building blocks of representation are the districts from which individual legislators are elected.

How districts are drawn has a profound impact on representation, faith in government and public discourse. Theoretically, “consent of the governed” should mean that the private interests of power, partisanship and incumbency are subsumed to the broader public interest of fairness and representation. But, people are not theoretical beasts and in the quest for power and control in apportioning representation private and political interests often are in conflict with public interests. The legitimacy and the effectiveness of our democratic self-government system rest on the quality of the representation that is produced by redistricting. This is why the legislative redistricting that takes place every 10 years in Illinois and throughout the nation is so important.

The introduction of systemic partisan bias in the process of redistricting threatens the very legitimacy of government. In order for citizens to accept the outcome of elections and the outcome of public policy debates, they need to have confidence that their interests are being fairly represented in the process. Bias and distortion in representation threaten the effectiveness of government and create a breakdown of communication between citizens and policymakers and a disconnect between public opinion and public policy.

The Legacy of Bias in Legislative Redistricting: Problems of bias in legislative redistricting are not new, and they are not unique to Illinois. Historically those problems have been rooted in regionalism, race, and partisanship. Racial and ethnic discrimination has been a constant in America’s redistricting history. From the early 1900s on emerging urban majorities fueled by the immigration of ethnic populations and the in-migration of racial minorities were met with increased regional bias in redistricting controlled by rural dominated state legislatures. In some cases those legislatures refused to redistrict at all, as was the case in Illinois between 1901 and 1955.

A series of U.S. Supreme Court decisions in the mid-1960s established the principle of one man, one vote and eventually ended much of the systemic regional bias in redistricting. But these decisions came 50 years too late for the interests of urban areas as population growth and political power had already shifted to suburban regions. The historic federal Voting Rights Act of 1965 outlawed racial discrimination in drawing legislative maps, putting an end to the worst abuses. What have not gone away, however, are the lingering effects of a history of racial and regional bias in redistricting on the development of the nation’s communities and public policies.

The Continuing Problem of Partisan Bias: Unrestrained, the conflict of interest created when the power to draw legislative districts rests with those who control the legislature is impossible to overcome. Partisan control of the process produces partisan results unless the constitutionally proscribed process in a state limits or prohibits partisan consideration in the drawing of legislative districts.

From a practical standpoint, how partisan considerations are dealt with in redistricting is a state matter. The requirement for equal population among districts and the protection of minority voting rights are based in the U.S. Constitution and federal law. The U.S. Supreme Court has consistently ruled that partisan bias – a partisan gerrymander – is not on its face unconstitutional. Some states through their constitutions or laws do limit or prohibit partisan consideration in the drawing of legislative maps, but there is no federal principal or law that requires them to do so. It

is up to states to decide if legislators ultimately represent people, as Chief Justice Warren contended, or partisan interests.

Partisan Gerrymanders and Representation: Partisan gerrymanders have four primary detrimental impacts on representation.

First, the public views the partisan controlled districting process as inherently biased, which weakens the legitimacy of representation and the resulting public policy in the eyes of citizens.

Second, the pursuit of partisan advantage and incumbent protection can overshadow or eliminate competing representational values in the creation of legislative districts. Values – such as preserving communities of interest, encouraging competitive elections, maintaining the integrity of the boundaries of political subdivision such as cities, townships, and counties and protecting minority-voting rights – become secondary. At worst these values are sacrificed to the pursuit of partisan advantage or incumbent protection. This distorts representation by weakening the ability of some voices to be heard, while unfairly amplifying the voices of others.

Third, partisan control of the redistricting process can also diminish the positive effects of competitive elections by artificially increasing or decreasing competition within districts solely as an instrument of partisan advantage or incumbent protection.

Fourth, partisan control of the redistricting process can distort representation by creating a systemic bias, which underrepresents minority party interests in the legislature.

Politically gerrymandered maps can have secondary negative impacts upon the political process. They can amplify natural polarization within the legislature and produce policy decisions, which do not reflect general public opinion. They can also enhance the power of majority party legislative leaders, helping them to dominate both legislative policymaking and legislative elections.

Eliminating partisan gerrymanders will begin the process of undoing the damage that they have done to the political process and to public policy, but like the lingering effects of racial and regional bias in redistricting, the heavy hand of partisan gerrymanders will continue to weigh on state and national politics.

A state legislative map can be viewed as a sort of free form jigsaw puzzle, constrained only by state boundaries and redistricting criteria, such as population. In a typical jigsaw there is only one solution because each piece has a unique fixed shape. In the redistricting puzzle there are many possible solutions depending on the outcomes sought. The outcomes to the redistricting puzzle, which mapmakers arrive at, reflects the priorities, goals and values that they bring to putting the pieces together. For us, the critical question is whether the current process for drawing Illinois' district lines has allowed partisan intent to be placed above all other considerations, thereby threatening the very core of representation.

## Illinois Mapmaking Strategy 101

Federal law and the Illinois Constitution require that a redistricting solution must produce districts that contain substantially the same number of people. In areas of the state with low population densities, districts will spread across many miles and counties. Areas with high population densities will have far more compact districts. House and Senate districts can have different shapes, but they must have the same total population. The law also prohibits drawing districts that fragment or dilute the voting power of racial minorities or create districts primarily on the basis of race.

The Illinois Constitution requires that the shape of legislative districts be contiguous and compact. A district cannot have one part in Rockford and another unconnected part in Cairo. If the two parts of that district were connected with a thin strip of land it would undoubtedly violate the requirement that districts be compact. However the parameters of the compactness requirement have not been clearly defined by the Illinois Supreme Court.

As a practical matter, the power to draw legislative districts is constrained by the population demographics of the state. The lines of the map start from the distribution and characteristics of the state's population as determined by the latest U.S. Census. These factors are fixed, and any solution to the redistricting puzzle has to be built upon them.

While "communities of interest" is a term often referred to as a core mapmaking principle, it is not explicitly referenced in the Illinois Constitution. Constitutions in other states assign the phrase a myriad of meanings ranging from shared ethnicity to shared economic interests or even common infrastructure.

Beyond these requirements and constraints, the law neither requires nor prohibits mapmakers from applying additional criteria when formulating their maps. The use of criteria such as communities of interest, competitiveness, geographic and governmental subdivision boundaries, incumbency, or partisan advantage are not prohibited, required, or encouraged. If those who control the redistricting process pursue the goal of maximizing their partisan advantage within the general principles and constraints outlined above, there is nothing in federal or Illinois constitutional law or statute to restrain them.

In redistricting, where one begins largely determines where one ends. If the objective is maximizing partisan advantage, then factors such as incumbency, electoral competition, communities of interest, the integrity of community boundaries, or protecting minority voting rights by complying with the requirements of the Voting Right Act have only instrumental value in pursuit of the strategic goal of partisan advantage.

Without consideration of partisanship, the question is "How can we comply with the Voting Rights Act?" With partisanship, the question becomes "How can we comply with the Voting Rights Act in a way which maximizes our partisan advantage?"

Without partisanship, the question is “How do we draw districts which keep communities of interest together?” With partisanship, the question becomes “Can we gain a greater partisan advantage by fragmenting a community of interest or keeping it together?”

Without partisanship, the question is “How can we draw districts which increase electoral competition?” With partisanship, the question becomes “Will increasing or decreasing competition in a district provide us with a partisan advantage?”

Part of the challenge in trying to determine if the 2011 Illinois legislative map is better in terms of competition, preserving communities of interest, and minority voting rights or worse in terms of skewing partisan advantage, or incumbent protection in comparison to previous maps, is that the 2011 map is the second bite at the apple for the Democrats who also drew a partisan map in 2001. This second round allowed them to consolidate gains and strengthen their advantage.

Illinois’ experience under the redistricting process established by the 1970 Illinois Constitution has been that once a political party gains control of the process that party will prioritize the goal of achieving a partisan advantage.

An examination of the 2001 and 2011 maps clearly shows that taking partisan advantage of the changes in the population and political demographics of Illinois between 2000 and 2010 was the primary objective of those drawing the maps. These partisan solutions resulted in honoring communities of interest and boundaries of cities, counties and townships in the construction of some districts and ignoring them in others. The maps protected incumbent Democratic legislators in some districts and exposed incumbent Republican legislators to primary competition in others. They complied with the Voting Rights Act in ways that also maximized partisan advantage and protected incumbent legislators.

Whether the maps resulted in increasing or decreasing competition within districts depended on the impact competition had on partisan advantage.

### **The Highly Partisan Redistricting Process in Illinois**

Left unrestrained, partisan redistricting produces partisan results to the detriment or exclusion of legitimate representation interests.

On its face, the process of redistricting does not have to be partisan. Law and traditional redistricting principles require respect for minority populations and communities of interest; districts must be drawn to show population equality, contiguity and compactness. But, based on their competing self-interests, maps drawn from differing partisan perspectives will look very different from one another.

If the goal of partisan politics is to win majorities at the ballot box, compelling candidates, strong messages and financial resources are all essential. Less obviously, but equally important is the impact of the map upon which these electoral battles are waged. Is competition artificially minimized? Are voters of a similar political persuasion “packed” tightly into a district to inhibit their ability to send multiple representatives to the statehouse? Or are they “cracked,” and spread thinly among multiple districts making it difficult for their votes to prevail in electing the

candidate of their choice? More fundamentally, in the quest for partisan advantage does the concept of representation get lost?

In Illinois, the correct answer to all of those questions is “yes,” no matter which party controls the General Assembly and becomes the mapmaker. Those controlling the legislative mapmaking process in Illinois have maximized partisan advantage and protected incumbents first. They have adjusted maps to insure compliance with the federal Voting Rights Act. But the top priorities always have been partisan advantage and protecting incumbents from the majority party creating the maps.

District boundaries have a profound impact on representation, and public discourse and the enactment of public policy. Representation should involve a dialogue between citizens as constituents and elected officials as representatives. Legislative districts can be drawn to either facilitate or frustrate that communication. When partisan outcomes are the primary driver in mapmaking, a fundamental principle of democracy is distorted. The relationship between the representative and the governed becomes forced and the representation of the interests of citizens suffers.

Control of the redistricting process by legislators from one political party creates an unavoidable conflict between the need for the political system to provide transparent, fair, and effective representation for citizens and the desire of legislators to further their collective and individual political goals. Legislative districts drawn to achieve a partisan advantage without regard for other representational goals are known as political gerrymanders. Political gerrymanders force representational interests to take a back seat to partisan goals.

Not all states allow the pursuit of partisan advantage by those in control of the redistricting process, and those that do usually provide some restraint and competing redistricting criteria, which limit the role of partisanship in the process.

### **Illinois Redistricting in a Historical and Legal Context**

Though framed by different demographic, legal and political realities, the struggle for dominance and partisan control that is familiar to Illinoisans today is not wildly dissimilar to what the state’s residents have experienced for the past 150 years. The various processes used to draw the map have always allowed entrenched interests, be they regional or partisan, to trump public interests. Throughout Illinois’ history, mapmaking has always been under the control of political officials and shielded from public view.

Illinois’ district lines first established in accordance with the 1848 Constitution reinforced entrenched Civil War sympathies. To counter this and to provide protections against distortions in partisan representation, delegates to the 1869-70 state constitutional convention adopted a system of cumulative voting.<sup>i</sup> This unique voting system was in place for Illinois’ lower house for over 100 years, and by fostering minority representation, it mediated and to some extent even masked Illinois’ failure to implement a truly representational map during this period.<sup>ii</sup>



From the late 19<sup>th</sup> century through the early 1960's, regional and racial gerrymanders along with political gerrymanders shaped American and Illinois politics.<sup>iii</sup> As a result, the interests of the emerging urban majorities were either discriminated against or ignored. It was not until 1962, in *Baker v. Carr*, that the US Supreme Court granting federal courts jurisdiction to consider challenges to state redistricting plans. This was followed, in 1964, by *Reynolds v. Sims*, where the U.S. Supreme Court found redistricting systems not based on equal representation of citizens unconstitutional.

The legal context was also changing at this time as with the passage of the 1964 Voting Rights Act (VRA), although its full impact would be shaped by a series of U.S. Supreme Court decisions defining the scope and application of the law.

**1970 Constitution: Contemporary Redistricting Process:** Illinois took a new tact on redistricting in its 1970 Constitution (Art. 4, Sec. 3). The General Assembly still was allowed the first chance to develop a redistricting plan through the normal legislative process. Following the decennial census, the General Assembly can pass a bill containing new district boundaries, and that bill can become law in the same manner as any other piece of legislation. However, if the legislature fails to act, the 1970 Constitution calls for the formation of a Legislative Redistricting Commission to take on the job. This commission is to be made up of eight members—with each of the state's four legislative leaders naming two members.

The Constitution's drafters were not naïve to the possibility of a stalemate and thus built a “tie-breaker” provision into the system. If the commission fails to concur on a map, the Illinois Supreme Court provides two names—one from each political party. One of those names is randomly and publicly drawn. This nine-member commission is then required to submit a map approved by at least five members.

This random tie-breaking mechanism is unique to Illinois. Reverting to the tiebreaker provision means that the party that has drawn its representative's name out of the hat completely controls the outcome of the map. The framers believed that the tiebreaker would be assiduously avoided, as both parties would recognize that a compromise map would better serve their interests than one controlled by the other party. This has not proven to be the case.

The 1970 Constitution focused on process rather than outcomes. The provision on redistricting does not address communities of interest, partisanship or minority representation. The only criteria for drawing the map put forth are that districts should be compact, contiguous and substantially equal in population.

The consensus-driven system of map-making envisioned by Illinois' 1970 Constitution happened only once, in 1971. Several factors contributed to this. First, voters in 1980 approved a constitutional amendment cutting the size of the Illinois House and replacing House districts with three members selected through cumulative voting with single member House districts. The reestablishment of single member districts altered both the electoral dynamic and partisan electoral strategies.

Second, the 1970 Constitution allowed districts to spread beyond city lines into the suburbs. Chicago's population grew steadily for its first century, however, since then, with the exception of an uptick in 2000, the city has been losing population primarily to the suburbs. Permitting district boundaries to incorporate both city and suburban territory, gave mapmakers greater flexibility in addressing these shifts and allowed them to balance population requirements with partisan desires.

Third, during the great migration north, Chicago had become a richly diverse city in a largely homogeneous state. The civil rights movement slowly began opening up society. But as neighborhoods, schools, and workplaces were integrated, there was also backlash, heightened discrimination and significant barriers to representation.

Finally, the Court's entry into redistricting in the early 1960s, at least temporarily, offered a new stage upon which to debate principles and practices. In Illinois, redistricting had historically been a political battle, which required working through the political process. Prior to the Supreme Court's entry into the arena there was no intermediary to negotiate these battles or to formalize the rules of the game. Judicial review meant additional scrutiny and a new set of rules to contend with, but also a more independent arbiter.

Against this backdrop, the 1970 Constitution's prescription for redistricting was tested and has failed as both a logical methodology and as a process that creates maps that place representation and community interests above entrenched partisan political interests.

**1981 - 2011 Maps:** A mere 10 years after the new Constitution was adopted, the 1981 map went to the tiebreaker system, a draw that the Democrats won. Behind the scenes, a young Michael Madigan is credited with crafting the 1981 map and skillfully building city-suburban districts.<sup>iv</sup> He was rewarded for his tactical drawing of lines and success in imprinting Democratic partisan advantage on the map by being elected Speaker of the House in 1983, a position he has retained, with only a brief break in the mid-nineties, to this day.

In 1991, the map was again thrown to the tiebreaker. This time, however, Republicans picked the winning name. Democrats had controlled both chambers of the General Assembly going into the new map. The Republican majority on the redistricting commission's objective was to draw a map that flipped the composition of the legislature.

For the state Senate the GOP-drawn map worked as intended. The Republicans, led by Senator James "Pate" Philip, won 32 seats in the 1992 election and controlled the chamber through 2002.

The result for the House was quite different. The Democrats retained control in 1992 with 67 seats, but lost control in the 1994 national Republican landslide. House Republicans, led by Lee Daniels were only able to maintain control of the House for the 1994-95 session. The Democrats, regained control in the 1996 election and have held it through this day.

An important lesson from the elections conducted under the 1991 map is that legislative maps provide a framework, which helps shape outcomes. But tactical political skill, salient messages,

strong candidates and abundant resources can combine to trump the advantages provided by the map.

Following the 1991 remap, it was clear that the tiebreaker mechanism had failed to facilitate compromise. A blue ribbon commission, popularly termed the Ladd Commission, was convened to consider the Illinois redistricting system in 1992. It presented sweeping recommendations for reforming the process including amending the Constitution to abolish the tiebreaker and utilizing a computer-program to draw the map if deadlock occurred. Released to great fanfare, none of the recommendations were acted upon.

In 2001, the Democrats were in charge of the House, and the Republicans were at the helm in the Senate. Chicago, which had been losing population, experienced a fairly significant uptick in numbers, while rural Illinois continued to decline. Suburban growth continued to outpace the city. Minority populations were both growing and dispersing into the suburbs.

Against this backdrop, compromise again proved impossible, and the map went to the tiebreaker once again. This time the Democrats won the lottery and were able to manipulate demographic patterns to develop a map, which helped secure their majority position to this day.

For the 2001 and 2011 cycles, the Democrats have drawn the map allowing them to strengthen and reinforce the partisan composition of the districts. This, in turn, is reflected in the partisan composition of the statehouse. In 2011, the tiebreaker was an unnecessary step. The Democrats held the Governorship and veto proof majorities in both chambers, allowing them to draw and pass the map without any votes from Republican legislators.

### **Redistricting and Federal Legislation and Jurisprudence**

*“No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.”* Voting Rights Act of 1965; Section Two, August 6, 1965

In 1965, Congress passed the landmark Voting Rights Act (VRA) prohibiting discrimination in elections. The VRA has several key provisions and has been amended over time. However, Section Two of the VRA remains the law of the land.

How the VRA relates to the racial implications of redistricting has been a nuanced and difficult question for elected officials and the courts.

Until the 1960s, redistricting was solely the province of political actors. The courts, largely on separation of powers grounds, refused to address redistricting and enter what Justice Felix Frankfurter described as a “political thicket.” This changed with *Baker v. Carr*, a 1962 U.S. Supreme Court decision granting federal courts jurisdiction to consider challenges to state redistricting plans.

The U.S. Supreme Court has considered several redistricting cases over the past 40 years and has consistently agreed upon population equality, compactness and contiguity as core redistricting principles. The Supreme Court also found that maps must respect political subdivision lines and communities of interest, and it has prohibited plans that purposefully dilute the strength of minority voters. Some of the most significant rulings shaping today's debate are noted below.

*Thornburg v. Gingles*, (478 U.S. 30) 1986, the Court put forward criteria for determining a violation of Section 2 of the VRA. The minority group in question must be: large and compact enough to be a majority in a district (a "majority-minority" district); politically cohesive; and that bloc voting by the majority will usually defeat the minority group's candidate of choice.

*Davis v. Bandhemer*, (478 US 109) 1986, the Court found that political gerrymandering could be ruled unconstitutional but was unable to establish a standard for scrutiny.

*Shaw v. Reno*, (509 U.S. 630) 1993 the Court ruled that drawing districts "primarily" to create minority districts was unconstitutional racial gerrymandering, amounting to a type of reverse discrimination that violated the voting rights of the majority community.

*Hunt v. Cromartie* (532 U.S. 234) 2001, the Court recognized the correlation between partisan voting patterns and race and found that the creation of minority districts was acceptable if a district was "primarily" intended to be a political rather than a racial gerrymander.

*Veith v. Jubelirer* (541 US 267) 2004, the Court found that political gerrymandering was not unconstitutional because there was no manageable standard "for adjudicating political gerrymandering claims."

When viewed together, these cases show the relatively small legal playing field the Court has allowed for challenging the creation of districts. Mapping is ultimately a technical process undertaken at the behest of politicians. By carefully conforming to traditional redistricting principles of equality of population, compactness and contiguity, it is possible to draw a map that places partisan interests ahead of representation, minimizes competition and fails to maximize communities of interest without falling afoul of the Court.

### **The Reality of Redistricting in Illinois – A Secret, Partisan Affair**

**Transparency and Public Involvement:** Redistricting is a challenging issue for public involvement. On the one hand, the public intuitively understands the conflict inherent in legislators drawing their own districts. On the other, the legal and technical aspects of the process can be mind-numbingly complex. This can make public engagement challenging and provide cover to insiders who would prefer to minimize public participation and scrutiny of the map. Transparency is not, however, simply a nicety of government. It is essential to establishing the legitimacy of the redistricting plans.

Illinois has never had a transparent process of mapmaking. Historically, the map has been presented as an instrument of politics under the sole control of politicians. The state constitution has never provided a mechanism for public input or scrutiny of the map. The public has,

however, weighed in when distortions to the map grew extreme, as was the case when no redistricting took place between 1901 and 1955, despite Chicago's massive population growth. Likewise, concerns that the map was limiting minority representation provoked public outcry and judicial review in the 1980's and 1990's.

In advance of the 2011 map, redistricting again managed to secure a foothold on the public agenda. In part this grew out of frustration over a decade of high-level corruption and a growing public concern that no good deeds occurred behind closed doors in Springfield.

The Illinois Reform Commission, established in the wake of Rod Blagojevich's arrest, set forth a detailed plan for changing the state Constitution to establish a nonpartisan, independent commission to handle Illinois' redistricting.<sup>v</sup> While this recommendation failed to gain traction within the legislature, it formed the basis of a proposal to amend the State Constitution put forward by the Illinois League of Women Voters.

The League's redistricting initiative effort attracted significant press and put statehouse Democrats on the defensive. Democrats, who held solid majorities in both chambers, promised the 'most transparent and participatory redistricting process ever.' A Senate Redistricting Commission led by state Senator Kwame Raoul, was established in August 2009 and immediately began holding hearings throughout the state.

Late in 2009, Raoul proposed a constitutional amendment (SJRC 121). If the League's effort had been successful and made it to the fall ballot as a referendum question, Raoul's proposal might have been before voters at the same election. His plan kept mapping power in the hands of the legislature, but required public hearings both before and after the formulation of a proposed map, and mandated public access to data and mapping software. Ultimately, the League amendment failed to obtain the signatures necessary to be placed on the ballot.

With this threat safely disposed of, Raoul's proposed amendment, which had passed along party lines in the Senate, was not considered by the House – guaranteeing that the 2011 mapmaking would continue to follow the process called for in the 1970 Illinois Constitution.

While often lacking substance, the 2011 redistricting hearing debates were both numerous and contentious. Reformers and legislators had a series of heated face-offs largely centered on the most effective process for guaranteeing minority representation. Newspaper editorials across the state decried the partisan gamesmanship of the process adding to the clamor for change.

In response to this growing furor, and undoubtedly with a concern for fairer representation of minority communities, Raoul introduced a new piece of legislation Senate Bill 3976. While not as far reaching as his original proposed constitutional amendment, the proposed statute did address equity and transparency in the process.

The first provision was titled the *Illinois Voting Rights Act of 2011*. It mandated that in addition to complying with all federal laws, Illinois legislative lines be drawn to create "crossover districts, coalition districts, or influence districts."

According to the definitions contained in the legislation, a "crossover district" is a district where a racial or linguistic minority is potentially large enough to elect the candidate of its choice if voters who are members of the majority cross over to support the minority's preferred candidate. A "coalition district" district is one where a group of racial or linguistic minorities may form a coalition to elect the candidate of the coalition's choice. An "influence district" is a district where a racial minority or language minority can influence the outcome of an election even if its preferred candidate cannot be elected.

The intent of this provision was to mandate the creation of districts that increased the likelihood that the minority community's candidate of choice could be elected without their having the population numbers to do so independently. The jury remains out on exactly how this provision will be reflected in mapmaking and even whether it is compliant with the U.S. Supreme Court's *Shaw* decision remains questionable. However, its stated intent was widely lauded.

The second provision, entitled the *Redistricting Transparency and Public Participation Act of 2011* was received more skeptically. It mandated the holding of four regional public hearings following the release of the census data, but none once the remap had been formulated.

It did not require providing the public with access to mapping data or provide a mechanism allowing the submission of alternative district maps. Nor did it require the legislative map be presented with any meaningful explanation of the factors guiding the drawing of district lines. Despite hearty objections based on these limitations, the bill was affirmed by the Democratic majority in both chambers and signed into law on March 7, 2011 (10 ILCS 120/).

Raoul argued that the new law established a floor not a ceiling for public hearings. Numerically, he was correct. Legislators held 28 hearings prior to the release of the proposed legislative map.<sup>vi</sup>

Despite holding copious hearings following release of the Census data, the opportunity for public review of the map with the House and Senate districts once it was actually released was a hurried and limited affair. Over the weekend of May 21<sup>st</sup>, hearings on the proposed House and Senate maps were held in Chicago and a joint public hearing was held on the maps in Springfield on May 24<sup>th</sup>. No other areas of the state were given the opportunity to preview the maps. The Senate posted a summary of the proposed new district demographics on-line, but the House didn't post information online until the day before the map was signed into law, making a careful independent analysis of their compliance with the Voting Rights Act impossible. On May 27<sup>th</sup>, the map with the House and Senate Districts was incorporated into SB 1177, which then passed both chambers along party lines.

Signing the legislative map into law on June 3, 2011, Gov. Quinn stated, "Ensuring that everyone's voice is heard in government is crucial to our democracy. For the first time, the people of Illinois have been able to participate in public hearings and have their voices heard in drawing their legislative districts."<sup>vii</sup>

Despite the Governor's effusive praise of the process, it is fair to question whether devoting time and resources to a year's worth of hearings in every corner of the state actually contributed much to the actual shape of the districts in the new map or provided the public with any legitimate say

on the process. Once the final map was released to the public, comment from citizens with suggested changes were far less welcome.

The standard for transparency and public access in redistricting should include public input prior to the drafting of a map, transparency in the process of shaping the final maps and a timely opportunity to examine the final map and have input before it is adopted. The process in Illinois still falls far short of the ideal.

### **Partisan Redistricting and Partisan Bias**

Within the constraints of constitutional law and the population and racial demographics of the state, whichever party controls the redistricting process in Illinois is free to pursue maximum partisan advantage in drawing the map. Committee hearings and floor debates are conducted in public, but there are no public transcripts or written record of the work done out of public view – the various draft maps, caucus meetings and face-to-face meetings between legislative leaders and rank-and-file legislators pleading for changes to give them an advantage in the next election. Critical data, such as the voting history and estimates of the partisan leanings of proposed districts, are not made available to the public. Reasonable conclusions can be drawn about the partisan intent of a legislative map from examining the aggregate treatment of voters and incumbent legislators, election outcomes, and the construction of individual districts. But the motivations and factors that drove the individual decisions remain hidden behind a wall of secrecy.

**Election Outcomes and Partisan Bias:** Looking only at presidential elections, Illinois has moved from a competitive, but Republican leaning state to a solidly Democratic state. Between 1964 and 1992, Republican candidates for president won every election in Illinois. Since Bill Clinton's victory in 1992, Democratic candidates have won every presidential election in Illinois. At the state level the pattern is more mixed. While Democrats have won the last three gubernatorial elections, Republicans held the office between 1976 and 2002. In 2010 a Republican was elected to the U.S. Senate, while a Republican came within 32,000 votes of being elected Governor. Illinois leans strongly Democratic, but it is nowhere near a one party state.

Regardless of the shifting political trends, partisan control of the redistricting process makes a difference in the composition of the legislature. In each of the last four legislative maps, the party controlling the redistricting process achieved an immediate net gain in seats in both chambers. A change in control over the process in 1981 produced a change in party control in the House. Changes in control over the process in 1991 and 2001 produced a shift in control of the Senate to the party drawing the map. (Table 1)

**Table 1 Partisan Gains Resulting from Adopting a New Legislative Map<sup>viii</sup>**

	<b>Map</b>	<b>House gains</b>	<b>Control</b>	<b>Senate Gains</b>	<b>Control</b>
1982 Election	Dem	D +13	Turns D	D + 3	Stays D
1992 Election	Rep	R + 5	Stays D	R + 4	Turns R
2002 Election	Dem	D + 4	Stays D	D + 5	Turns D
2012 Election	Dem	D + 7	Stays D	D + 6	Stays D

A comparison of the aggregate votes statewide for legislative seats by party (the ratio of votes to seats) is a crude measure of the impact of the partisanship on the election results. In legislative elections with single member districts there can be a number of factors (the process of creating districts itself, incumbency, political demographic, partisan bias, etc.) which introduce bias into the outcome. In the 2012 Congressional election, the Republican received slightly less than 50 percent of the vote and won 54 percent of the seats. Looking across 50 state systems, it is clear that partisanship played a role in the outcome of the 2012 Congressional election, but how much of a role is subject to debate among academics.<sup>ix</sup> The ratio of votes to seats provides a baseline from which to assess the performance of a legislative map or part of the answer to the question, “Does a map yield results that suggest a reasonable relationship between the distribution of public opinion in the state and the partisan identities of those selected to represent the public in the legislature?”

Using a votes to seats ratio as a metric for evaluating the “fairness” of a legislative map in Illinois is also complicated by the State’s extremely large number of uncontested legislative races. Still, a comparison of the results of the 2002 and 2012 election is illuminating. In spite of winning a slightly smaller percentage of the total vote for legislative seats in 2012 than in 2002, the 2011 map produced significant gains in both chambers for the Democrats (Table 2) in comparison to the first election under the 2001 map. The percentage of seats held by the Democrats in the House increased from 56% to 60% in 2012 and the percentage of seats they held in the Senate increased from 54% to 68%.

**Table 2 Number of legislative seats in relation to percent total vote<sup>x</sup>**

**2002**

**House Senate**

53%	55%	Percentage of aggregate votes for Democratic candidates
56%	54%	Percentage of seats won by Democratic candidates

**2012**

**House Senate**

52%	54%	Percentage of aggregate votes for Democratic candidates
60%	68%	Percentage of seats won by Democratic candidates

These patterns in Tables 1 and 2 indicate how the pursuit of partisan advantage dominates the drawing of legislative maps in Illinois. A shift in partisan control over the process produces significantly different election results from contests held only two years earlier under the old maps. Neither the goals and principals of representation, nor the basic nature of the electorate changed during the two years between the last election under the old map and the first election



under the new map. Given the opportunity to draw two consecutive maps, the Democrats were able to significantly increase the percentage of seats won in relation to the number of votes they received in 2012 in comparison to the 2002 election. The difference is in which party controls the redistricting process and is thereby free to pursue a partisan advantage. Redistricting processes that allow partisan control produce partisan results.

**The Partisan Treatment of Incumbent Legislators:** The 2011 Democratic map placed the residences of 25 incumbent Republican legislators in districts that contained the residences of one or more other incumbent Republican legislators. The residences of eight incumbent Democratic legislators were placed in districts containing the residences of one or more other incumbent Democratic legislators. When two incumbents of the same party are placed in the same district the options are to run against each other in the primary or to run in a district that contains part of an incumbent's old district in the previous map. If a legislator makes the choice to run in a new district and wins in the general election, the legislator has 18 months to move into the new district and establish residency. Partisan maps in Illinois create these dilemmas for minority party incumbents in disproportionate numbers in order to gain a partisan advantage.

The Republicans' legal challenge to the 2011 Democratic map filed in state court asserted that the map retained on average two-thirds of the core constituency of Democratic incumbents, while Republican incumbents retained 55 percent of their core constituencies. The Democratic response did not challenge the facts of the Republican claims. Rather, it focused on the need to show specific harm and the need to offer a judicially acceptable remedy to sustain a claim of an unconstitutional partisan gerrymander. The political gerrymander portion of the Republican suit was dismissed on those grounds.<sup>xi</sup>

The 2011 map treated Democratic incumbents much more favorably than Republican incumbents. Incumbency has significant electoral value. Incumbent legislators have some level of name recognition in their districts. Over time, legislators who are attentive to their districts build relationships with their constituents. Having a level of support tied to service and attentiveness, gives incumbents an initial advantage over any challenger. An incumbent legislator placed in a new district with a significant number of new voters has to win their support without these advantages. When two incumbents run against each other another district is left without an incumbent. This can create a better opportunity for the other party to pick up a seat. The political party drawing the map benefits politically by forcing opposition party incumbents to spend time and resources fighting each other or working to establish themselves in a new district.

Every redistricting cycle, some incumbent legislators face off in primary elections. Some incumbent legislators choose to run in new districts even though winning means they will have to move their residency. Faced with those choices some incumbent legislators chose not to run. If these choices are created naturally by changes in demographics, they are by-products of the process of providing fair and effective representation. If these choices are created by the pursuit of partisan advantage, they are not. Allowing partisan control of the redistricting process introduces the factor of incumbency to the partisan calculus.

**Redistricting and Election Competition:** By any measure, there is not a lot of competition in Illinois legislative elections, and it is becoming progressively worse. The more interesting and difficult questions are “What role, if any, does partisan redistricting play in the lack of competition?” and “How might redistricting reform impact the level of competition?”

The trend in the level of competition in legislative elections over the past four legislative maps is striking. A minimal measure of competition is the existence of choices on the ballot. An examination of whether a seat is contested in the general election (official candidates from the two major parties appear on the ballot) shows that the percentage of contested legislative races declined dramatically after the 2001 and 2011 legislative maps were adopted.

Table 3 shows the dramatic fall off in contested general elections since 1982. The decline from 90 out of 118 House seats and 47 out of 59 Senate seats contested in 1982 to 47 House seats and 29 Senate seats contested in 2012 is stunning.

**Table 3 Contested general elections: candidates from each major party on ballot<sup>xiii</sup>**

**1982**

House	Senate
90 contested	47 contested
28 uncontested	12 uncontested

**1992**

House	Senate
100 contested	42 contested
18 uncontested	17 uncontested

**2002**

House	Senate
73 contested	27 contested
45 uncontested	32 uncontested

**2012**

House	Senate
47 contested	29 contested
71 uncontested	30 uncontested

While the low number of legislative general election races with at least two candidates is troubling, the numbers do not reveal anything about the quality of the competition in elections. Even using a weak standard to measure competitiveness (the losing candidate received 45 percent or more of the vote), table 4 shows an extremely low level of competition in legislative elections, particularly under the last two legislative maps.

In 1982, there were 19 House elections out of 118 and nine Senate elections out of 59 where the losing candidate received 45 percent or more of the vote. In 1992, the numbers were similar. In 2002, the number of House races that met the 45 percent standard for the losing candidate

dropped to 10, while the number of Senate races that met the standard dropped to four. In 2012, the number of competitive house races dropped again while the number of competitive Senate races increased to eight.

**Table 4 Number of competitive legislative elections (losing candidate receives 45 percent or more of vote)<sup>xiii</sup>**

	<b>House</b>	<b>Senate</b>
1982	19	9
1992	21	9
2002	10	4
2012	8	8

Competition is a positive factor in legislative elections. It promotes citizen engagement and public dialogue on public policy issues. The prospect of competition also motivates legislators to be responsive to their constituents. How politically competitive a district is depends upon a number of factors. One of the most important is the makeup of the districts. The more homogenous a district is in terms of socio-economic status, race, or political identity, the less likely it will be competitive in general elections.

Due to the overwhelming number of Democratic voters in Chicago, legislative districts contained wholly within the City of Chicago do not produce competitive general elections. When competition is seen in city legislative contests, it is during the primary elections. While district lines can be drawn out from Chicago to encompass some suburban voters, the partisan makeup of the inner suburbs has also grown increasingly Democratic, making it difficult to create city-suburban districts with meaningfully competitive general elections.

Academic research indicates that partisan control of redistricting contributes to decreases in competition and increases in polarization by artificially creating homogenous safe districts. However, changing demographic patterns are a more significant factor. The depopulation and aging of rural areas, the depopulation of central cities, and growing economic segregation and racial re-segregation in suburban communities are all contributing to what author and political commentator Bill Bishop has called the “big sort” – a geographic compartmentalization and polarization of American society. Redistricting reform will not create significantly more competitive elections unless increased competition is placed ahead of preserving communities of interest as the primary criterion for redistricting. Even without the overlay of partisanship, mapmaking requires making tradeoffs between competing redistricting values.<sup>xiv</sup>

The dramatic increase in the number of uncontested legislative elections in Illinois corresponds with the increased skill of political parties in creating districts whose identity and coherence is defined in partisan terms rather than communities of interest, partisan boundaries, or previous patterns of representation. Redistricting reform cannot fix everything, but it can eliminate the distortions that the pursuit of partisan interests create in the patterns of competition that arise out of the changing population demographics of a state.

## The 2001 and 2011 Democratic Maps<sup>xv</sup>

### Redistricting in Downstate Illinois

(See Appendix D for a map of the 2011 Downstate Illinois districts)

**Downstate Political and Population Demographics and Mapmaking Strategy:** The stagnant population growth in Downstate counties combined with explosive population growth in the northeastern suburban counties produced pressure to reduce the number of legislative districts in downstate Illinois in 2001 and 2011. At the same time Downstate areas continued to vote more Republican in local and legislative elections. This dynamic created partisan opportunities for the Republicans when they controlled the redistricting process and challenges for Democrats when they controlled the process. (See Appendix A – Illinois Population Demographics and Appendix B – Illinois Political Demographics)

With weak population growth and declining Democratic voting strength, it is not surprising that the Democrats' approach to redistricting Downstate Illinois was largely defensive in 2001, trying to shore up Democratic leaning House and Senate Districts and protect Democratic incumbents. The same was true in 2011 with one notable exception. In 2011 the Democratic map created a new district in central Illinois designed to pick up a Senate seat and a House seat in an area where the Democrats had suffered growing election losses during the previous decade.

### Inventing a Democratic Senate District and a Democratic House District in Central Illinois:

The problems created for the Democrats in downstate by the decline in Democratic voting and slow population growth can be seen in the election history of the 50<sup>th</sup>, 51<sup>st</sup> and 49<sup>th</sup> Senate districts under the 1981, 1991, and 2001 legislative maps. The Democrats' response to those trends in the 2011 map clearly shows the wide latitude provided by the current redistricting process to pursue partisan advantage to the exclusion of representation values.

Under the 1981 Democratic map, Democrats were competitive in Senate and House districts centered in Springfield/Sangamon County (50<sup>th</sup>) and in Decatur/Macon County (51<sup>st</sup>) and in a rural district located south of Springfield (49<sup>th</sup>). Under the 1991 Republican map, Republicans controlled the Springfield Senate District. Democrats won both House seats in the district in 1992, but they lost them in 1994 to the Republicans. The incumbent Democratic Senator from the Decatur area was reelected in 1992, but a Republican won the seat when it became open in 1996 and remained Republican. Under the 1991 map, a Democrat won the House district containing most of Decatur, while Republicans won the House district outside of Decatur. The rural district south of Sangamon County continued to elect a Democratic Senator and one Democrat and one Republican House member.

Under the 2001 Democratic map, the Springfield district continued to elect Republicans. A restructured Senate district containing Decatur but only part of Macon County continued to elect a Republican senator and a Republican from the rural House district along with a Democrat from an urban House district containing most of Decatur until 2010 when a Republican also captured the seat. When Vince Demuzio, the long-time incumbent Democratic Senator from the rural district located south of Sangamon County died in 2004, his wife Deanna replaced him. In 2009,

the long-time Democratic House member from the district retired. In 2010, Republicans easily won the Senate seat and the two House seats from the district.

In drafting of a new legislative map in 2011, it was likely that maintaining the structure of one Senate district containing Springfield, one containing Decatur, and a third more rural district containing the counties south of Springfield and Decatur would likely mean three Republicans being elected from those three Senate districts and Republican victories in all but possibly one of the House districts within those Senate districts. However, with the Democrats in control of the mapmaking process, they were free to explore a partisan solution to their growing election problem in central Illinois. The result was the new 48<sup>th</sup> Senate District. (See Appendix D for a 2011 map of 48th Senate District)

Under the 2011 map, the 48th Senate District combines most of Decatur with part of Springfield by connecting Macon and Sangamon Counties through the northern edge of Christian County. The Sangamon County portion of the district includes Springfield's downtown including the State Capitol and the east side of Springfield, which contains most of its African-American population. The district contains most of the City of Decatur but excludes the more affluent areas on the city's east and south sides. This portion of the Senate district makes up one of the two House districts. This northern House district combines African-American populations from Springfield and Decatur, giving the district a minority Voting Age Population (VAP) of 25 percent.<sup>xvi</sup> In defending the district in federal court, House Democrats stressed – in keeping with the *Shaw* decision – that the reason for combining the two areas was for partisan enhancement, not minority representation.

From Decatur, the 48th Senate District runs south through Christian, Montgomery and Macoupin counties into Madison County almost to Collinsville. The southern House district for the 48th Senate District contains much of the same territory as the eastern House district of the old 49th Senate District. Most Macon County residents outside of Decatur were placed into the reconfigured 51st Senate District, which stretches east to the Illinois-Indiana border.

The new 48th Senate District may look odd, but it creates opportunities for Democrats to win. The northern House district which links Decatur to part of Springfield leans Democratic. The counties and areas added to the district to the southeast of Decatur are less Republican than the rural areas joined to Decatur under the 2001 map. In the 2012 election, Andy Manar, the Democrat with a home base in that more Republican portion of the district, won the Senate seat in a close and very expensive election. A Democrat easily won the House district, which contains Decatur and part of Springfield, while a Republican easily won the House district, which contains the southern part of the Senate district.

The creation of the new 48th District out of Springfield, Decatur, and rural central Illinois produced a net gain of one Senate seat and one House seat for the Democrats. The cost of this partisan reworking is the fragmentation of Springfield into three Senate districts. Springfield residents are now in districts running north to Bloomington in McLean County, south to northern Madison County in the Metro-east area, and west to the Mississippi River across from Hannibal, Missouri. In addition, Decatur is now in a different Senate district than the rest of Macon County. Macoupin County, with a population of only 47,000, had been the anchor of a rural

Senate district, and is now split into two Senate districts, one anchored by the west side of Springfield and the other by Decatur.

There is only one apparent reason for adopting this configuration, which splits county and municipal boundaries and casts aside communities of interest: the pursuit of partisan advantage.

### **Dividing Bloomington and Normal and Fragmenting McLean County for Partisan**

**Reasons:** Bloomington and Normal are two cities with a common border located in McLean County in central Illinois with a combined population in 2010 of 128,000. They anchor the Bloomington-Normal metropolitan statistical area. Under the 1981 Democratic map and 1991 Republican map, almost all portions of Bloomington and Normal were in the same House district and were in the Senate district that included most of McLean County. In the 2001 Democratic map, most neighborhoods of Bloomington and Normal were again placed together in a House district, but the Senate district did not include the rest of McLean County. In the 2011 map, the two cities were split between two House and Senate districts. The Senate district containing most of Bloomington (the 44th) runs south from Bloomington to include part of northern Springfield. It also runs northwest to just outside of Peoria. Normal became the population center of a largely rural Senate district (the 53rd), which stretches north and east to include Iroquois County located along the Indiana border.

All of the different iterations of districts containing Bloomington and Normal and McLean County elected Republicans to the Senate and House in elections under the 1981, 1991, 2001, and 2011 maps. The reconfigurations of the districts containing these cities in 2001 and 2011 were done to provide the necessary population totals for the Republican districts that were constructed to fill out the map around districts created by the Democrats. The 2001 and 2011 maps were drawn to protect Democratic incumbents or elect new Democrats. With no imperative to value communities of interest or political boundaries and no limitations on creating partisan advantage, the Democrats in control of the mapmaking process were free to distribute the populations of Bloomington and Normal and the rest of McLean County to advance their partisan objective.

**Dividing and Reuniting Champaign and Urbana for Partisan Interests:** Champaign and Urbana, another pair of twin cities, share a common border and portions of both cities are home to the campus of the University of Illinois. These Champaign County communities represent one of the more Democratic leaning areas of Downstate Illinois. They had a combined population in 2010 of 125,000. After the change to single member districts, the 1981 Democratic map placed the two cities into the same House district. That district elected a Democrat in each election during the life of the map. The corresponding Senate district and the companion House district elected Republicans.

The 1991 Republican map kept Champaign and Urbana in the same Senate district, but put them in separate House districts combined with voters from more rural areas. One House district elected a Republican each election during the life of the map, while the other elected Republicans four out of the five elections. The Senate district continued to elect Republicans.

In 2001, the Democratic map returned the majority of Champaign and Urbana to the same House district. The 2001 map also joined Danville and most of Vermilion County with Champaign County in a Senate district. This change shifted the Senate district from a Republican leaning district to a Democratic leaning district. After the retirement of the Republican incumbent senator, the district elected a Democrat to the Senate in 2006 and 2010. The House district containing Champaign and Urbana elected Democrats during the life of the 2001 map. The companion House district continued to vote Republican. Under the 2011 map, the basic configuration of the House and Senate districts remained the same, although they are more compact because of the population growth in Champaign County. In 2012, the district elected a Democratic senator and one Republican and one Democratic House member.

The 1981, 2001 and 2011 Democratic maps created both a safe Democrat House district and a safe Republican House district by keeping together the community of interest that is Champaign-Urbana and the University of Illinois. By contrast, the 1991 map created two competitive, but Republican leaning districts by dividing Champaign and Urbana into two separate House districts.

The driving force behind these choices was not a desire to increase or decrease competition or preserve a community of interest, but a desire to achieve a partisan advantage. The level of competition and the treatment of communities of interest were by-products of partisan calculations. A future Republican drawn map could not only separate Champaign and Urbana into separate House districts, it could also place them in different Senate districts, further diluting the concentration of Democratic voters while fragmenting a community of interest.

**Picking Up a Seat in Rockford by Eliminating an Incumbent:** In 1981 the Democratic map placed the majority of Rockford and the majority of the adjoining townships in Winnebago County to the north, west and south of Rockford in the 34th Senate District. The district elected a Democratic senator, and the two corresponding House districts elected Democratic representatives during the life of the map.

In 1991, the Republican map placed a large portion of Rockford and the portion of Winnebago County to the east of Rockford in the 34th Senate District along with a large portion of Boone County and a small portion of DeKalb County. The rest of Winnebago County was placed into a different Senate district that included parts of counties to the west and south. The 34th Senate District elected a Republican state Senator during the life of the 1991 map. The House district located primarily in Rockford elected a Democrat during the life of the map, while the other House district elected a Republican four of five times. By splitting Rockford and joining it with more rural and Republican leaning areas, the Republicans achieved a partisan advantage under the 1991 map, picking up a Senate seat and a House seat.

In 2001, the Democrats placed the 34th Senate District completely back within Winnebago County. The Senate district ran from the southern border of Winnebago County to the Illinois-Wisconsin state line. The southern House district contained most of Rockford. The new 34th District leaned more Democratic than the old district. In spite of the redesign of the district, David Syverson, an incumbent Republican senator who had represented the Rockford area since 1992, was reelected from the new 34th District in every election under the 2001 map. The

southern House district located primarily in Rockford elected a Democrat in every election under the map, while the northern House district elected a Republican during the life of the map.

The 2011 Democratic map made the 34th Senate district more compact and more urban, taking advantage of population growth to shrink the borders of the 2001 district from the north and south. But the most important change in the new district was altering the district's border to place the home of the incumbent Republican Senator outside the district and within a safe Republican district, the 35th. Syverson, the incumbent senator ran and won easily in the 35th Senate District. A Democrat was elected by a comfortable margin in the open race for the 34th Senate seat. The northern House district elected a Republican in a competitive election. The southern House district elected a Democrat.

The reconfiguration of the 34th Senate coupled with the slow population growth in rural downstate areas created the need to add population to the 35th Senate District. To capture the needed population, the southern boundary was extended southeast into Kane County. As a result, voters in Kane County now share a Senate district with voters along the Wisconsin border in northwestern Winnebago County.

The partisan goal of the 2001 and 2011 maps was to elect a Democratic Senator from the Rockford area. Ultimately, what made this possible was the manipulation of the district boundaries in 2011 to force the incumbent Republican senator, David Syverson, to choose between moving in order to continue to represent the area he had served since 1992 or staying in his home and running in a new, safe district. When the goal of a map is to gain a partisan advantage, districts can be drawn to protect the incumbents of the party controlling the process. But they can also be drawn to put pressure on an incumbent from the other party to choose between the incumbent's family and personal life and his or her party's electoral interests.

If the Republicans had been in control of the 2011 map, they could have drawn the 34th Senate District to include the incumbent Republican Senator while making the Rockford-based House district less Democratic by splitting the areas in Rockford that lean Democratic. This would have made the House district more competitive. But the goal would have been to gain a partisan advantage, not to increase competition for its own sake.

**Not every partisan move is successful: A failed attempt to maintain Democratic districts:** Under the Republican's 1991 map the large area of rural Illinois east of Madison and St. Clair County running all the way to the Indiana border and swinging north along the far eastern part of central Illinois contained three Senate districts. During the life of the map one of those districts (S-54) elected one Democratic Senator and one Democratic House member. The adjoining district to the west elected one Democratic House member. These Senate and House districts, like most of rural downstate Illinois, were increasingly voting Republican in statewide and national elections in during the 1990s.

In 2001, the Democrats moved the 54th Senate border west, dropping three counties on the eastern border and adding two new counties to the west of the district. This change altered the partisan profile to make the new 54th district slightly more Democratic. But more importantly it created a district which was home to a Democrat incumbent Senator and two incumbent



Democratic House members. It also put a Republican incumbent House member into one of the House districts. The intent was to create a district which would reelect the incumbent Democrats. The two incumbent Democratic House members were reelected. But the incumbent Republican House member who had been matched up with an incumbent House Democrat instead ran successfully for the State Senate, defeating the incumbent Democratic senator. When one of the Democratic incumbent representatives retired in 2003, a Republican replaced him in the next election. When the other Democratic representative retired before the 2008 election a Republican also replaced him.

When the Democrats drew the 2011 map they created three Senate districts in this area of south central and southeastern Illinois (51<sup>st</sup>, 55<sup>th</sup>, and 54<sup>th</sup> Senate) which generally occupy the same territory as the three Senate districts drawn by the Republicans in 1991. All of the Senate and House seats in these districts are safe Republican districts. All elected Republicans in 2012. The critical point is that it is not just the immediate or long-term electoral outcome of the maps, but the partisan intent of the mapmakers. Faced with the continued loss of seats in southern Illinois, the Democrats in control of the process in 2001 hoped to create a situation where the three Democratic incumbents would help each other's prospects. The absence of restraint on those controlling the map-making process from seeking partisan advantage resulted in a dramatic reconfiguration of the patterns of representation that existed in this area between 1981 and 2001. Attempts to gain a partisan advantage can have negative impacts on representation regardless of whether or not they achieve their election goals.

### **Redistricting in Northeastern Illinois**

(See Appendix D for a map of the 2011 northeastern Illinois districts)

Between 1990 and 2000, the collar counties of DuPage, Lake, Will, McHenry, Kane and Kendall grew much more rapidly than the rest of Illinois. Suburban Cook County grew significantly but at a slower rate than the collar counties. Chicago's population was stable during the decade, and Downstate counties grew slowly, if at all, during the decade.

These broad demographic trends intensified between 2000 and 2010. Chicago lost population while suburban Cook County's growth slowed. While DuPage County grew only slightly, the other collar counties continued to grow at a rapid rate, as did the counties bordering them. With a few exceptions, Downstate counties grew even more slowly. The demographic pressure for both the 2001 and 2011 maps was to increase the number of suburban legislative districts by decreasing the number of Downstate and Chicago districts.

Beneath these aggregate changes in total population, there were significant changes in the racial demographics of Illinois. Between 1990 and 2010, the percentage of Latinos and Asian-Americans in Illinois increased dramatically, the percentage of African-Americans increased moderately, and the percentage of non-Latino whites decreased. The vast majority of the growth in minority populations took place in northeastern Illinois. While largely concentrated in Chicago, a significant amount of the growth in Latino and Asian-American populations occurred in suburban Cook County and the collar counties, particularly in Lake, Will, and DuPage. As a result, the collar counties have not only grown dramatically; they have also become more racially diverse.

Suburban Cook also became racially more diverse between 1990 and 2010, with Latinos providing the largest increase. The Latino population of Chicago increased significantly, while the Non-Latino white population declined. After holding steady between 1990 and 2000, the African-American population of Chicago declined by more than 200,000 between 2000 and 2010. Data suggest a large portion of the loss was due to migration out of the state. (See Appendix A - Illinois Population Dynamics)

Since 1990, the political demographics of northeastern Illinois have also changed. While Chicago remains overwhelmingly Democratic in its voting patterns, suburban Cook County has shifted from being the reliable Republican stronghold of 30 years ago to a strongly Democratic leaning area. Cook County voters have supported Democratic candidates for President since 1992 and for Governor since 2002. While still reliably Republican overall, the growing racial diversity in the collar counties has contributed to a decrease in the size of the Republican margins they produce in statewide races. While the overall population trends in northeastern Illinois presented challenges for Democrats trying to achieve a partisan advantage, the changes in the political demographics and the increased racial diversity also created options for them to construct partisan districts. (See Appendix B - Illinois Political Dynamics)

**2001 – Taking Back the Senate by Picking Up Seats Through a Partisan Map:** The Republican Party took control of the Senate under the 1991 map. After the 2000 election, Republicans had a 32-27 majority. In the 2001 map, the Democrats made aggressive changes in three Senate districts in Cook County to reverse the Republicans partisan advantage.

The 1991 Republican map located the 18th Senate district in southwestern Cook County. The district began at the western border of Cook County in Palos Township and ran east where it spread north into Worth Township and south in Bremen Township, reaching the western border of Chicago. The district reflected the Republicans' 1991 map strategy of limiting the overlap of districts between heavily Democratic Chicago and less Democratic areas in suburban Cook County. Unfortunately for the Republicans, the population growth and the shifting political leanings of southern Cook County during the decade partially mitigated their strategy. While the 18th Senate District elected Republicans in each election under the 1991 map, the Democrats captured the two House seats in the 1996 election.

The 2001 Democratic map moved the eastern boundary of 18<sup>th</sup> Senate District into Chicago. This change increased the percentage of voters from Chicago in the district from 1 percent to approximately 35 percent.<sup>xvii</sup> The non-Latino white VAP population of the district fell from 94 percent to 81 percent. It eliminated territory from the northeastern part of Worth Township and from the northern part of Bremen Township. Based on statewide election data, the Senate district leaned Democratic, and the primarily Chicago House district was more Democratic than the other House district. Republican Sen. Patrick O'Malley, who had represented the district since 1993, chose not to run for reelection in 2002 and ran for Governor instead. He was defeated in the primary election. Democrats won that Senate seat and the two House seats during the life of the 2001 map. The addition of Democratic leaning voters from Chicago and the elimination of areas of Republican strength in the southern part of the old district made the new 18<sup>th</sup> Senate District reliably Democratic.

The 1991 Republican maps located the 19th Senate District in far southeastern Cook County and northern Will County. Approximately 70 percent of the voters were located in Cook County and 30 percent in Will County. The white, non-Latino VAP population of the 19th district was slightly less than 90 percent. The Republicans' strategy was to join moderate-voting Cook County areas with Republican leaning areas in Will County to create a Republican leaning district. The 19th Senate district elected Republicans in each election under the 1991 map, as did the 38th House district. In 1996, a Democrat won the 37th House District, which was located in Cook County.

The 2001 Democratic map shifted the district to the north. As a result, approximately 95 percent of the voters were located in in Cook County. The 37th House District ran from the far northeast corner of Will County north to include Orland Park and Oak Forest in Cook County. The 38th House District ran from the southern border of Rich Township north and east southwest of Harvey. The 38th House District had an African-American VAP population of 57 percent. The overall white, non-Latino VAP population of the 19th Senate District fell from 90 percent under the 1991 map to 63 percent. After the 2001 map was adopted, Sen. William Mahar, a Republican who had represented the old 19th District since 1984, declined to seek reelection from the district. Instead, he ran in a new district, which contained some voters from the old 19<sup>th</sup> Senate District and new territory east of his old district. He lost to another incumbent Republican senator in the primary. The new 19th Senate District elected Democrats to the Senate seat and the two House seats in each election under the 2001 Democratic maps. The Democratic mapmakers took advantage of the outmigration of African-Americans from Chicago into southern Cook County and the overall population growth in southern Cook County to reshape the 19th Senate District into a strong, reliable Democratic district.

Under the 1991 map, the 7th Senate District was located in northeastern Cook County. Approximately half of the district's voters were located in Chicago, and half were located in suburban Cook County. The district had a VAP population of 92 percent non-Latino white in 1990. It leaned Republican but was competitive in statewide elections. Under the 1991 map, the 7th Senate District and the 14th House District elected Republicans to the legislature while the 13th House District elected Democrats.

The 2001 Democratic map reshaped the old 7<sup>th</sup> Senate District, shifting it south and renumbering it as the 10<sup>th</sup> Senate District. Approximately 90 percent of the voters in the Senate district were located in Chicago. Overall the new district leaned Democratic based on past statewide elections. After the 2001 map was adopted, Sen. Walter Dudycz, a Republican who had represented the 7th Senate District under the 1991 map, chose not to seek reelection. In the 2002 election, an incumbent Democrat Senator from another district was elected as the senator in the new district while one House district was won by an incumbent Republican and the other by an incumbent Democratic. The shifting of most of the old 7<sup>th</sup> District into Chicago and the exclusion of suburban territory which leaned Republican made a Republican leaning Senate seat disappear while creating a reconfigured district that elected a Democratic senator.

**2001 and 2011 - Retaining a Partisan Advantage by Reshaping Districts:** In the 1991 Republican map, approximately 85 percent of the voters of the 40<sup>th</sup> Senate District were

located in southeastern Cook County and 15 percent were located in northeastern Will County. The district elected a Republican senator and one Democratic and one Republican state representative in 1992. With the growing population in Cook and Will County and the shift toward the Democratic Party in these areas, the district grew more competitive over time. In 1996, the Democrats captured the Senate seat and the two House seats.

Under the 2001 map, the 40th Senate District was shifted south, running through Will County and overlapping into Kankakee County. Instead of approximately 85 percent of the district's voters located in Cook County, the new map placed 33 percent in Cook County, 31 percent in Will County, and 34 percent in Kankakee County. Because of the growing population of southern Cook County, the northern part of the district was more compact. By lowering the southern border of the district, Democrats were able to shift the 18<sup>th</sup>, 19<sup>th</sup> and 15<sup>th</sup> Senate districts east and south and pick up more Democratic leaning areas in southern Cook County. The portion of Kankakee County that was added to the 40<sup>th</sup> Senate District had been part of the Joliet-centered 43rd Senate District under the 1991 map. The newly configured 40th Senate District elected Democrats to the Senate and House throughout the life of the 2001 map.

In 2011, a large majority of the population of Kankakee County was included in the 40th Senate District. Kankakee County now accounted for 41 percent of the district's population while Cook County accounted for 30 percent and Will 25 percent. The northern part of the 80th House district contained large portions of Chicago Heights, Flossmoor and Park Forest. The VAP percentage of African-American in the 80th House district increased from 23 percent in 1991 to 35 percent in 2011. The 40th Senate District and the 79th and 80th House districts elected Democrats in the 2012 election. To maintain the 40<sup>th</sup> Senate District as Democratic while accommodating changes in Cook County districts, the district was shifted south while maintaining a core of strong Democratic areas in Cook County. (See Appendix D for a 2011 map of the 40th Senate District)

Because of overall population loss in the central core of Chicago, the 2001 Democratic map reduced the number of districts in the northern part of Chicago. The 6th and 7th Senate districts were reconfigured and relocated to include most of the territory of the old 17th District. A new district was created in far southern Chicago and southern Cook County along Lake Michigan and the Indiana border and was designated as the 17<sup>th</sup> Senate District. The areas in the new 17<sup>th</sup> District contained parts of the 15th, 16th, and 40th districts from under the 1991 map.

Under the 2001 Democratic map, approximately 90 percent of the 17<sup>th</sup> Senate District's voters were located in the Chicago and 10 percent were located in suburban Cook County. The district's VAP population was 67 percent African-American, 19 percent non-Latino white and 12 percent Latino. The top of the district was intersected by I-90. The portion of the district in Cook County contained Calumet City and ran south along I-80/94 to Lansing. This was a strong Democratic district, which elected Democrats who were African-American to the House and the Senate during the life of the 2001 map. The shifting of this district to south Chicago and southern Cook County reflected the population trends in the city and the county. The core of Chicago had declined in population while steady growth continued on the far south side of Chicago and in southern Cook County. (See Appendix D for a 2011 map of the 17th Senate District)

The 2011 Democratic map extended the 17th Senate District to the south through Will County and into Kankakee County. The northern boundary of the district (located in Chicago) remained largely unchanged. The eastern portion of the district (33rd House District) now extends south to the Will County line and included Calumet City, Lansing, and Sauk Village. The western portion of the district (34th House District) now runs through far eastern Will County (including Beecher) and then into northeastern Kankakee County. The eastern border of the district in Kankakee County is the Illinois-Indiana border. The western border of the district in Kankakee County extends west past Manteno and ends west of I-57.

Under the 2011 Democratic map, the 17th Senate District's VAP population is 60 percent African-American, 30 percent non-Latino white and 9 percent Latino. It is strongly Democratic and elected a Democratic Senator and two Democratic House members in 2012. The expansion of the district into Will and Kankakee counties is a function of the need to address the population lost in Chicago, the lack of growth in suburban Cook County and the outflow of minority population to the southern suburbs during the last decade. This change preserved the Democrats' partisan advantage by adding enough residents to meet the population requirement but was not enough to change the nature of the Senate and House districts, which remain strongly Democratic and based within Chicago.

While this reconfiguration maintains the Democrats' partisan advantage, it also appears to make a mockery of the concepts of communities of interest and fair, effective representation by linking exurban and rural voters in Kankakee County to House and Senate districts based in Chicago.

**The Treatment of Will and Kankakee Counties by the 2011 Democratic Map:** Under the 2011 map, Will County (pop. 677,000) is divided among 10 Senate districts and 15 House districts. In contrast, Lake County (pop. 703,000) is divided among five Senate districts and nine House districts, and DuPage County (pop. 916,000) is divided among nine Senate districts and 13 House districts.

Will County residents comprise the majority population in only the 43rd Senate District, which is based in Joliet, and the 49th Senate District, which contains a part of Joliet. Outside of the two Senate districts in the Joliet area, Will County has been used by the Democrats to fill out the population of districts based in other counties. Three of those Senate districts were safe Republican suburban districts, and another was a Downstate district. The other four Senate districts were based in Cook County and constructed to give the Democrats a partisan advantage. The 2011 Democratic map either overlapped Senate districts from Cook County into Will County (15th and 19th) or they ran Cook County based districts through Will County into Kankakee County (17th and 40th).

A Republican map could have used the border of Will and Cook counties as a dividing line and eliminated any overlapping of districts between the counties. The eastern portion of Will County could have been joined to the Joliet area, as was the case in the 1991 Republican map. Or it could have been joined to urban areas of Kankakee County, as was the case in the 2001 Democratic map.

Without clear objectives and standards for drawing legislative maps and prohibitions on the use of partisan considerations or incumbency, partisan actors seeking partisan advantage will make these decisions.

Under the 2011 map, Kankakee County is divided between two Senate districts (17th and the 40th) and two House districts (34th and the 79th). The 17th Senate District begins in Chicago and runs through southern Cook County and eastern Will County. It then takes in the northeastern part of Kankakee County. The portion of Kankakee County in the 17th Senate District is also in the 34th House District.

The 40th Senate District begins in southern Cook County within Chicago Heights and Flossmoor. It runs south and east through southern Cook County and passes through a portion of Will County before moving into Kankakee County. It takes in about two-thirds of the land area of Kankakee County, including the largest cities of Kankakee and Bourbonnais. The part of Kankakee County that is in the 40th Senate District is also in the 79th House District. The 79th House district brings Kankakee, Bourbonnais, and Bradley together in the same House district. The three previous maps did not. A state senator who lives in Chicago, a state senator and a state representative who both live in southern Cook County, and a state representative who lives in Kankakee currently represent Kankakee County in the legislature.

In the 1981 Democratic map, Kankakee County was the center of downstate Senate district. In the 1991 Republican map, most of the county was part of the Senate district anchored by Joliet. The rest was part of a downstate Senate district. Under the 2001 Democratic map, it was part of district that overlapped a small portion of Cook County through Will and Kankakee counties and then into a large portion of Iroquois County. In 2011, Kankakee County was used by the Democrats to fill out the population of districts dominated by Cook County residents. The only common theme over four legislative maps is the need to make districts fit to achieve a partisan goal.

The treatment of Kankakee County and the part of Will County outside the Joliet area by the 2001 and 2011 maps had little to do with principles of representation or communities of interest. The populations were distributed in ways that made the map fit the partisan objectives of those who controlled the redistricting process.

**2001 and 2011 - Picking Up Seats and Solidifying Gains in the Collar Counties and Suburban Cook:** In the 1991 map, the Republicans created the 33<sup>rd</sup> Senate District located primarily in Kane County with a small portion of far northwestern Cook County. One House district contained Elgin and territory in Cook County, while the other House district contained a large portion of Kane County. This strong Republican district elected Republicans to the House and Senate during the life of the map.

In 2001, the Democrats placed the part of northeastern Kane County that contained Elgin in the 22<sup>nd</sup> Senate District, which ran east into southwestern Cook County. The old 33<sup>rd</sup> Senate District's VAP population was 85 percent non-Latino white and 10 percent Latino. The 22<sup>nd</sup> Senate District's VAP population was 61 percent non-Latino white, 25 percent Latino, and 8 percent Asian. While the district leaned Democratic, the incumbent Republican senator from the

old 33<sup>rd</sup> District was elected in the 22<sup>nd</sup> Senate District in 2002. A Democrat won the open Senate seat in 2006. The two House seats were also won by Republicans in 2002 but turned Democratic in 2006 (44<sup>th</sup> House) and 2008 (43<sup>rd</sup> House).

Under the 2001 Democratic map, the Democrats also picked up a Senate seat in the 33<sup>rd</sup> Senate District in northeastern Cook County, but not the accompanying House districts. They captured the 56<sup>th</sup> House District in 2008, which was adjacent to the 44<sup>th</sup> House District. These areas had seen a substantial increase in the Latino and Asian populations during the 1990s, which the Democrats effectively embedded into their 2001 maps.

In the 2011 maps, the Democrats sought to capitalize further on the growth of the Latino and Asian communities in northwestern Cook County and the Elgin area in Kane County. The 2011 Democratic map retained the 22<sup>nd</sup> Senate District with minimal changes. The Latino VAP population of the 22<sup>nd</sup> District had increased from 25 percent in 2000 to 35 percent in 2010, while the Asian VAP population had increased from 7 percent to 11 percent. The 43<sup>rd</sup> House District, located primarily in Elgin and Dundee Township in Kane County, had a Latino VAP population of 48 percent. The 44<sup>th</sup> House District, located primarily in Hanover Township in Cook County, has an Asian VAP population of 18 percent and a Latino VAP population of 23 percent. The district elected Democrats to the Senate seat and the two House seats by large margins in 2012.

In 2011, the 33<sup>rd</sup> Senate District from the 2001 map was renumbered as the 28<sup>th</sup> Senate District and restructured by absorbing territory from the 56<sup>th</sup> House District, extending the border west past I-290 and moving the eastern border west to just east of Park Ridge. All but a small part of the newly drawn district fell within Cook County. Compared to the old 33<sup>rd</sup> Senate District, the new 28<sup>th</sup> was more diverse with a VAP population of 13 percent Asian and 12 percent Latino. In 2012, the incumbent Democrats won the newly drawn 28<sup>th</sup> Senate District (57 percent) and the 56<sup>th</sup> House District (60 percent). A Democrat was also elected in a competitive election in the 55<sup>th</sup> House District with 53 percent of the vote.

The 23<sup>rd</sup> Senate District in DuPage County was moved east along the county border. The district's eastern border was moved west to exclude the Republican population centers of Addison, Wood Dale, and Elmhurst, which had been in the prior district. The southern border was moved south to include Villa Park. The northwestern border of the district was extended to include Bartlett and small portion of Cook County (5 percent of the district).

Under the 2001 map, the district's VAP population was 77 percent non-Latino white, 12 percent Asian, 7 percent Latino and 2 percent African-American. The district had consistently elected Republicans to the Senate and House under the 2001 map. Under the 2011 Democratic map, the new 23<sup>rd</sup> Senate District VAP population was 69 percent non-Latino white, 13 percent Asian, 14 percent Latino and 3 percent African-American. The corresponding 46<sup>th</sup> House district VAP population was 60 percent white, 15 percent Asian, 19 percent Latino, and 6 percent African-American. These adjustments to the maps created a district that was competitive in the 2012 election. A Democrat won the 23<sup>rd</sup> Senate District with 51 percent of the vote. A Democrat also won the 46<sup>th</sup> House District with 57 percent of the vote while a Republican won the 45<sup>th</sup> House District with 56 percent of the vote.

The Democratic mapmaking strategy in 2011 for the 22nd, 28th and 23rd Senate districts was to take advantage of the growing diversity of the population in the area and the general decrease in the base Republican vote to strengthen existing Democratic districts and reconfigure adjoining districts so that they could elect Democrats. They were able to craft a competitive Senate district (23rd) and a Democratic leaning Senate district (28th) without decreasing their partisan advantage in the 22nd Senate district. The choices to include or exclude territory reflect both the partisan tendencies of the voters and favorable demographic trends. Creating competition served the Democrats' partisan objective.

The partisan results from the 2001 and 2011 maps for these three districts allowed the Democrats to pick up three Senate seats and five House seats. The logic was to create a partisan advantage, not to increase or decrease competition in elections or necessarily to make them more representative. Only one of the House districts and none of the Senate districts have a large enough minority population to trigger consideration under either the VRA or Illinois law. As such, the construction of these districts involved grouping Democratic voters together for partisan advantage. Maps constructed by the Republicans for partisan advantage could have easily configured these districts so that the partisan outcomes of the 2001 and 2011 maps would have been mitigated or reversed.

Under the current redistricting process in Illinois, voters can be grouped together or dispersed based on their partisan leanings. As long as partisanship and incumbency are the ruling interest in mapmaking, communities of interest, competition, political boundaries, and the quality of representation will always be secondary criteria.

**The 2001 and 2011 Maps in Cook County and the Northeastern Suburban Counties:** As with their efforts in the Downstate portions of the 2001 and 2011 maps, the Democrats have created districts designed to provide a partisan advantage. Some of these appear to disregard the interests of the residents in having meaningful representation in the General Assembly. Competition was created or increased in some districts and decreased in others – all in the pursuit of partisan advantage. The configuration would have been different in a Republican map. But it is unlikely, given past experience through four maps with partisan control over the redistricting process, that the resulting districts would have been less partisan or more representative or meaningful to the people who live in these areas.

### **Redistricting and Protecting Minority Voting Strength**

**Minority Population Growth from 1990 to 2010<sup>xviii</sup>:** Because most of the minority population of the state is located in the Chicago metropolitan region, population changes in that region have the greatest impact on minority representation and the creation of minority districts. In 1990, Cook County had a population of 5.1 million, and the collar counties had a population of 2.2 million. In 2010, Cook County had a population of 5.2 million, and the collar counties had a population of 3.2 million, a relative shift of 1 million residents. Among the House districts from the 2001 map located in northeastern Illinois, the 20 that lost the most population between 2000 and 2010 were located completely or in part of Chicago. The partisan challenge for the Democrats when constructing the 2001 and 2011 maps in northeastern Illinois was how to deal



with the small population growth in Cook County and the population lost in Chicago relative to the continued strong population growth in the suburban counties.

Complicating the partisan task were changes in the demographics of the region, particularly the loss of the African-American and non-Latino white population in Chicago and the rapid growth of the Latino population. These factors presented additional challenges in addressing minority representation and creating minority districts within the context of pursuing a partisan advantage. Of those 20 House districts from the region that lost the most population between 2000 and 2010, 13 had majority African-American populations and four had majority Latino populations.

Between 1990 and 2010, the Latino population of Illinois more than doubled and almost all of that growth took place in the Chicago metropolitan area. The Latino population in Illinois now exceeds 2 million, surpassing the 1.86 million African-Americans in the state. Chicago, suburban Cook and the six collar counties all saw significant growth in their Latino populations between 1990 and 2000. Between 2000 and 2010, Latino growth basically stopped in Chicago, while it continued at a strong rate in suburban Cook and the collar counties.

Between 1990 and 2000, the African-American population increased modestly in the metropolitan region, except within Chicago where there was a slight decrease. Between 2000 and 2010, Chicago lost more than 180,000 African-American residents. At the same time the African-American population of suburban Cook, DuPage, and Will counties grew at a modest overall rate.

The Asian population in Illinois also more than doubled between 1990 and 2010 with most of that growth taking place in northeastern Illinois. In absolute numbers, Illinois' Asian population in 2010 was more than 587,000. According to U.S. Census data and definitions, the majority of Illinois' Asian population is made up of Asian Indians, Filipinos, Chinese, and Koreans.

In the Chicago metropolitan region, the non-Latino white population of suburban Cook County fell from 1.86 million in 1990 to 1.42 million in 2010. Chicago suffered a similar decline from 1.06 million in 1990 to 850,000 in 2010. In the suburban counties, the non-Latino white population grew from 1.88 million in 1990 to 2.20 million in 2010. (See also Appendix A – Illinois Population Dynamics)

**Cook County Minority Districts in the 2001 Democratic Map:** The 2001 Democratic map created 17 House districts and eight Senate districts located exclusively or primarily in Chicago with African-American VAP populations of 50 percent or more. Four of the eight Senate districts had African-American VAP populations over 60 percent, as did 11 of the 17 House districts. While still high, the overall percentage of the African-American voters in these Chicago districts was lower than in those created under the 1991 map. This reflects a relative decrease in the African-American population in relation to the makeup of Chicago's population in 2001, while keeping the same number of African-American districts based in Chicago as there were in the 1991 map.

The 2001 Democratic map created seven House districts and four Senate districts in Chicago with Latino VAP populations over 50 percent. Three of those Senate districts and six of those

House districts had Latino VAP populations over 60 percent. The 1991 map had four House districts and two Senate districts with Latino VAP population over 60 percent.

In the 2001 Democratic map, there were five House districts with Asian VAP populations between 12 percent and 22 percent. All were located in Cook County. The area in the core of Chicago, which has traditionally been known as Chinatown, was split among four House Districts by the 2001 map. The fragmentation of this community of interest generated significant controversy in the aftermath of the adoption of the 2001 map.

The process prior to the adoption of the map in 2001 was marked by tension between groups seeking the creation of more Latino majority districts in Chicago and groups seeking to maintain existing African-American districts. The total African-American population of Chicago fell by 20,000 during the decade while the total Latino population grew by 208,000. At the same time the Collar Counties added 313,000 more residents than did Cook County. There was pressure to increase the number of majority Latino districts beyond the numbers in the final map.

There was also pressure to retain the same number of African-American districts and protect incumbents. Relieving that pressure involved expanding Chicago districts into Cook County and expanding suburban Cook County districts into the collar counties. It also meant making tradeoffs between creating Latino districts with supermajorities to increase the likelihood of electing Latino legislators and creating districts with smaller VAP population majorities in order to achieve the Democrats' other goals of creating a partisan advantage and protecting African-American incumbents.

The tradeoffs contained in the final 2001 map were not acceptable to all of the groups representing Latino interests during the negotiations. Some of those groups joined the suit filed by the Republicans in the legislature challenging the 2001 map in support of the contention that the map was in violation of the VRA because it did not protect the voting rights of Latinos in Chicago.

**Cook County Minority Districts in the 2011 Democratic Map:** In spite of the significant decline in Chicago's total African-American population, the 2011 Democratic map kept the number of Chicago based Senate districts with majority African-American VAP populations at eight. Only one district had an African-American VAP population of 60 percent.. The map also created 16 House districts with African-American VAP populations over 50 percent, but only two had African-American VAP population majorities over 60 percent. The continued decreases in the percentage of African-Americans in these districts reflects the difficulty of dealing with the substantial decline in the African-American population in Chicago since 2000, while maintaining all of the existing African-American districts from the 2001 map.

The 2011 Democratic map created 10 House districts and five Senate districts with VAP majority Latino populations in Chicago. Only two of the five Senate districts and five of the 10 House districts had VAP majorities over 60 percent. The increase from the two Latino districts created by the 1991 Republican map to five in the 2011 map reflects the dramatic growth of the Latino population in the area over the last two decades.

There are five House districts in the 2011 Democratic map with Asian VAP populations between 17 percent and 26 percent. In response to criticism of the 2001 map, the 2011 map also consolidated the community of interest traditionally known as Chicago's Chinatown into the 2<sup>nd</sup> House District. That district has an Asian VAP population of 23 percent.

As in 2001, the process prior to the adoption of the map in 2011 was marked by tension between groups seeking the creation of more Latino majority districts in Chicago and groups seeking to maintain existing African-American districts. The African-American population of Chicago fell by 182,000 during the decade while the Latino population grew by 25,000. This again created pressure to increase the number of majority Latino districts in the new map.

Between 2000 and 2010, the collar counties added 467,000 residents while the total population of Cook County fell by 180,000. Again, this put pressure on the Democratic mapmakers to maintain their partisan advantage by expanding Chicago districts into Cook County and suburban Cook County districts into the collar counties. As in 2011, there was pressure to protect incumbents and retain the same number of African-American districts. All of this meant making tradeoffs between creating new Latino districts and creating Latino districts with supermajorities to increase the likelihood of electing Latino legislators on one hand and maximizing the goals of creating a partisan advantage and protecting incumbents by retaining the same basic number of African-American and Latino districts on the other hand.

While the tradeoffs contained in the final 2011 map were less than satisfying for the groups seeking increased Latino representation through more and stronger districts, an informal process of negotiations produced an agreement that met some of their concerns. No group representing Latino interests joined the suit filed by the Republicans in the legislature challenging the 2011 map even though one of the claims was the contention that the map was in violation of the VRA because it did not protect the voting rights of Latinos in Chicago. One factor in this outcome may have been the fact that a number of districts with majority Latino VAP populations were home to non-Hispanic white incumbents who would likely be replaced by Hispanic legislators when the currently sitting legislators eventually retire.

**The Impact of Demographics and Politics on Creating Minority Districts – 16<sup>th</sup> Senate District:** The dramatic population changes and shifts in the racial composition of Chicago, suburban Cook County, and the Collar Counties combined with the need to comply with the provisions of the VRA made approaching redistricting from a partisan perspective in the region a very difficult task for the Democrats.

The 16<sup>th</sup> Senate District and corresponding 31<sup>st</sup> and 32<sup>nd</sup> House districts created by the 2011 maps are products of that struggle. In 2001 the 16<sup>th</sup> Senate district had a VAP population that was 65 percent African-American. More than 90 percent of the district was located inside Chicago with the remaining portion in Cook County. The 32<sup>nd</sup> House District was located entirely in Chicago, while about 20 percent of the 31<sup>st</sup> House District was located in Cook County. Democrats who were African-Americans won every Senate and House election in these districts under the 2001 map.

Under the 2001 map the 16<sup>th</sup> Senate District started east of I-94 and ran west for seven miles to the western border of Chicago. The 32<sup>nd</sup> House District ended at the Chicago border. The 31<sup>st</sup> House District ran along a narrow band for another seven miles and ended after crossing I-294. Along its 14-mile length, the Senate district is never more than two miles wide.

According to information released by the House and Senate Democrats in their official redistricting resolutions, 2010 U.S. Census figures showed the old 16<sup>th</sup> Senate District was more than 26,000 short of the population target for the 2011 map. In addition, the Latino population had increased significantly in some areas within the district, particularly along the northern border of the 32<sup>nd</sup> House District. Under the 2011 map, the 16<sup>th</sup> Senate District was shifted west. Approximately 60 percent of the population from the old district was retained. Only a small percentage of the new residents added to the west end of the district were African-American.

Under the 2011 map, the percentage of the 16<sup>th</sup> Senate District located in Cook County increased from 10 percent to 25 percent. The percentage of the Senate district's VAP population that is African-American fell from 65 percent to 53 percent. In 2012, the Senate and House districts reelected long-time Democratic African-American incumbents.

The new 16<sup>th</sup> Senate District starts east of I-94 in Chicago and runs west for a distance of 13 miles to US 45. The 32<sup>nd</sup> House District ends just west of US 45. The 31<sup>st</sup> House District continues by turning north and running an additional five miles to the junction of US 45 and 55<sup>th</sup> Avenue. The district varies between one and three miles in width along its 18-mile length.

If current population trends hold up, it will be very difficult for a map drawn by the Democrats in 2021 to maintain the current 16<sup>th</sup> Senate District as a VAP majority African-American district and protect the Democratic incumbents representing the district (all of whom would likely be African-Americans). Three House districts have growing Latino populations with VAP majorities on the boundary of the current 16th Senate District on the north. On the east, four House districts bound the district with African-American VAP majorities, all of which are declining in population. The House district to the south of the 16<sup>th</sup> Senate District has a non-Latino white VAP population of 76 percent and was stretched west in the 2011 map to address population lost under the 2001 map. (See Appendix D for a 2011 map of the 16th Senate District)

A map drawn by the Republicans in 2021 would likely reduce the number of African-American VAP minority districts in Chicago and increase the number of Latino VAP minority districts. The Republicans would certainly have no concerns about the fate of incumbent Democrats. All of this begs the question of why sorting out the representation of the evolving racial populations in Cook County, under whatever VRA provisions may exist at that time, should be in any way a partisan affair.

The 2011 map provided a partisan solution for the districts in Cook County and complied with the provisions of the federal and state VRAs. The process did not fully engage the mounting pressures created by changes in the population dynamics of the concentrations of minority voters in the Chicago Metropolitan area. That pressure will only increase in the coming decade.

It is likely that Latinos will become the largest racial group within Chicago by the 2022 election. It is also possible that continued out-migration by African-Americans and in-migration of upper and middle class whites could relegate African-Americans to third place among Chicago's racial groups.

The implication of that change for Chicago and Democratic politics are staggering.

Whoever controls the map-making process in 2021 will be thrust into what could be a historic realignment. Poisoning that process by allowing one political party to control redistricting will only make its resolution more difficult.

The other factor of great concern that needs to be addressed in 2021 is the question of whether mapmakers will continue to view groups of minority voters as partisan pieces to be manipulated for partisan ends. Or will they finally be recognized as true communities of interest?

Throwing together groups of Democratic leaning voters (some of whom are minorities) from two different cities (as in the case of Springfield and Decatur in the 96<sup>th</sup> House District) into the same House district does not make a community of interest. Neither does combining concentrations of Latino and Asian voters in the collar counties and suburban Cook County as was done in 2011 in creating the 28<sup>th</sup> and 23<sup>rd</sup> Senate districts.

The continued growth of Latino and Asian populations in suburban areas in the Chicago metropolitan area and the continued out-migration of African-American voters from Chicago will require those drawing the 2021 map to address the question of what constitutes a community of interest and what constitutes a minority community in a multi-racial society. Coming to terms with these issues will be difficult enough without placing the process under the control of one political party.

### **Redistricting in Illinois – Findings**

***The process is not transparent and does not welcome public involvement.*** Even with statutory changes adopted in 2011, the process lacks transparency and does not create timely opportunities for public examination and input into proposed maps. The political party controlling the process negotiates agreements and draws the final maps in secret. Once this secret process is completed, maps are quickly adopted with little time for analysis and no opportunity for modification. Nothing in the history of the process provides any basis for expecting this to change.

***Partisan intent produces partisan outcomes.*** Because the partisan identities of voters are not randomly distributed throughout the state, it is impossible for any district boundary map to mirror the exact partisan makeup of any state. However, partisan maps produce systemic bias. Each of the last four legislative maps was drawn to give the political party controlling the process an advantage in the election following the adoption of the map. The changes from one map to the next cannot be interpreted any other way. Each map drawn after one party gained control of the process produced a net gain for the party drawing the map in the first election following adoption – an average of more than four seats in the Senate and more than seven seats in the House. When control over the process rotates between political parties, the bias may be

smoothed out over time. However, Democratic control over the 2001 and 2011 maps produced a dramatic increase in partisan advantage for Democrats without any increase in the percentage of votes cast statewide for Democratic candidates for the House and Senate.

***The quality and nature of representative government has been diluted and distorted.*** In seeking a partisan advantage, the political party in control of the process treated the essential elements of representation as a means to an end. Some districts were drawn to honor communities of interest and historic patterns of representation. Others were created by fragmenting or ignoring those interests, often by joining together groups of voters who shared nothing but a partisan identification. Some districts maintained the integrity of political boundaries, while others ignored them. Majority party incumbents were protected in some districts, while other districts were drawn to disadvantage minority party incumbents. Election competition was created in some districts and muted in others. All of this was done to increase the number of seats held by the party controlling the process. In doing so, the quality and nature of representation was diluted and distorted.

***Partisan redistricting decreases voter choice in legislative elections.*** Maps drawn to produce a partisan advantage tend to produce safe districts that minimize general election competition. In addition, some districts are created by connecting voters who identify with the majority party without regard for communities of interest, political boundaries, or historic patterns of representation. These districts lack the sense of identity or community that can motivate people to run for office to represent their community regardless of the degree of political homogeneity in the district. The dramatic decrease in competition in legislative general elections corresponds directly to the increased skill with which the political parties construct partisan maps without regard to communities of interest.

***Partisan redistricting places a political party's interests ahead of minority voting interests.*** First and foremost, redistricting in Illinois is highly partisan. Before making adjustments to insure maps comply with the federal Voting Rights Act, those in control of the process have sought to maximize partisan advantage and protect incumbents. The racial demographics of Illinois have changed dramatically since 1990 – explosive increases in Latino and Asian populations and a significant decline in the African-American population. The Latino community's dissatisfaction with the 2001 and 2011 maps was directed at a perceived bias – that interests of the African-American community were being favored over the interests of the Latino community. But that bias was rooted in partisanship rather than racial politics. The Democratic mapmakers treated the interests of the Latino community the same way they treated all other interests that might interfere with their top priority – maps that maximized their partisan advantage and protected incumbents. Left unrestrained, partisan redistricting produces partisan results to the detriment or exclusion of legitimate representation interests.

## **Why This Matters: Illinois Redistricting and the Cost of Partisanship**

Representation should be at the heart of redistricting. It is the system through which we ensure that the voices of citizens can be fairly and effectively heard in government. Placing partisan electoral gains above the relationship between the elected and the electorate when drawing legislative maps weakens democratic processes and undermines public confidence and participation in government.

The partisan and policy distortions created by partisan redistricting are not unique to Illinois, but they are acute within the state. The way Illinois has created legislative districts over the past 40 years has weakened democratic self-government, making it less legitimate in the eyes of its residents and less able to solve their problems. This is occurring at a time when we need to maximize the connection and support between citizens and elected officials and we need to join together to solve policy problems.

Representation rests on two-way communication between the voters in a district and the legislator elected to represent them. Some of that communication takes place in elections. Some of it takes place through an ongoing process of interaction. Citizens need mechanisms and structures to make their voices heard. Legislators need to be able to identify and locate groups and interests in their district in order to listen and communicate.

Reducing representation to the lowest common denominator of partisan identification to achieve a partisan electoral advantage can drive out factors essential to effective, equitable representation. At its most basic level, representative districts should make sense to the citizens within them. Citizens should have a degree of unity beyond partisan tendencies, such as geography or municipal boundaries or even identifiable shared facilities or institutions. When a district is drawn to stretch from the south side of Chicago into exurban Will County and semi-rural Kankakee Country, the residents lack a shared common identity. This makes it difficult for citizens to identify, organize around and effectively communicate issues and priorities.

Not every community of interests can be represented through a district in the state legislature. However, maintaining the integrity of communities of interest and recognizing the importance of political boundaries are critical to the quality of representation produced by a legislative map. These are values that should be honored consistently, not embraced in one district and ignored in another based on their value in achieving or justifying partisan goals.

Protecting minority-voting rights in a rapidly changing, multi-racial society is complex. For citizens to accept redistricting and representation as legitimate, they must be confident that their interests were fairly considered. Given the history of voting rights in the United States, this is particularly true for minority groups. It is an impossible task if the reality or the perception is that those drawing the maps are seeking ways to maximize their partisan advantage or protect incumbents while achieving minimal compliance with the national Voting Rights Act.

Sorting out partisan advantage and minority community voting interests has clearly worked at cross-purposes in the creation of legislative maps under the current process. Removing partisan considerations and incumbent protection will not make the choices between competing interests

in protecting minority-voting rights in Illinois easy. But it would make them less complicated and more focused on the real objective.

The legitimacy of the redistricting process is an issue for all voters. After the enactment of new legislative maps in 1981, 1991, 2001, and 2011, there were complaints and lawsuits by the minority political parties and by groups representing the interests of minority voters. The redistricting process in each of those years resulted in a public outcry and strong editorial criticism. These criticisms were aimed at the lack of transparency in the process, the irrationality of picking a partisan winner in the process by picking a name out of a hat (except in 2011) and the partisan bias in maps that ignored communities of interest, minority voting rights, and the boundaries of political subdivisions.

The widespread perception that the process is flawed and secretive and produces biased partisan outcomes only serves to undermine the public's faith in the legitimacy of the process.

That perception also reinforces widely held attitudes that Illinois politics is a rigged game of deals and corruption. Without substantial reform, it is unlikely that the process in 2021 will produce a different reaction among the general public or those on the losing political side.

Competition in Illinois' legislative elections is at historic lows, particularly in terms of the number of contested races. Partisan redistricting is not the sole cause of a decrease in competition in legislative elections, but it is a factor. Residential patterns in Illinois are becoming more compartmentalized and homogenous along economic and racial lines, which often translate into strong partisan voting patterns. Legislative districts that are extremely homogenous politically do not tend to generate competition in general elections. However, districts which correspond to communities of interest broadly defined in social and economic terms and to the boundaries of political subdivision have a coherence which contributes to the organization of political interests regardless of how politically homogenous they are. Districts that are created for partisan purposes and disregard communities of interest and boundaries of political subdivision do not.

The drop in the number of contested legislative races in Illinois corresponds directly with the increased ability and willingness of those drawing legislative districts to craft districts organized around partisan identification to the exclusion of other factors.

In addition, districts that are created without regard for communities of interest and political subdivisions exist in a political vacuum that might otherwise be filled by ward, township, municipal or county political organizations. This creates opportunities for legislative leaders, interest groups, and wealthy individuals to recruit candidates whose loyalties can be torn between their patrons and the citizens they represent.

Removing partisanship from the redistricting process would not magically reverse the trends of the past three decades, but it would help to elevate the role of communities of interest and political subdivisions in recruiting and supporting candidates.



Legislative leaders in Illinois have extraordinary power in comparison to their peers in most other states. That power is rooted in their control of the legislative process and their ability to influence legislative elections by providing money and campaign staff to candidates. Placing the power to draw maps in the hands of the legislative leaders solidifies this power. When the leaders design the districts, recruit candidates, and fund and manage legislative campaigns, the result is a relationship of obligation and trust between rank and file members and the leaders. This is not the leaders' only source of power, and its effect can diminish over the course of a decade. But the anticipation and impact of a partisan map overseen by a leader does enhance the power of legislative leaders in Illinois. Stripping leaders of their role in drawing legislative maps would reduce their power by some measure.

A candidate who wins in a district that is competitive in the general election will tend to vote in ways that appeal to the middle rather than the extremes. Competitive districts can provide an element of compromise and moderation to the legislature. The decrease in the number of competitive districts contributes to the growing polarization of the electorate. Political competition has value in that it produces public debate and engages citizens in the electoral process. But it also forces legislators to appeal to a wider range of public interests.

Finally, political competition at the level of an individual district or in aggregate terms for the entire legislature is a positive factor in the health of democratic institutions. It insures that a variety of opinions and ideas are part of the public discourse. Partisan maps can distort the natural level of competition within an area by creating districts which ignore communities of interest and the boundaries of political subdivisions while they fragment or concentrate minority party voting strength in ways that reduce the chance of the minority party winning an election. The aggregate effect of this process can result in a bias which produces an under representation of minority party interest in the legislature.

Given the opportunity to draw two maps in a row, the Democrats in 2011 were able to increase the amount of partisan bias in the legislative map. The 2011 map resulted in only 19 Republicans among the 59 state senators elected in 2012 (32 percent). In the House the Republicans held 47 of 118 seats (40%). This is not reflective of the partisan balance in the state. Republican State Senate candidates received 46 percent of the votes in 2012, while Republican candidates in the House received 48 percent of the votes. In 2010 statewide elections, the Republican candidate for governor received 49.5 percent of the vote, and the Republican candidates for the U.S. Senate won with 51 percent of the vote. The Republican Party in Illinois has serious problems in terms of broadening its base to appeal to the emerging demographic profile of the Illinois electorate, but the 2011 Democratic map produced a result in the legislature which clearly under represents the strength of the Republican Party in the state electorate.

When one party is politically dominant, it can use redistricting to increase its electoral advantage. The impact of redistricting and incumbency over time can create legislative majorities that are not reflective of the distribution of the two parties in the electorate. With one party control of a state, the policy outcomes tend to reflect the values and goals of party activists and core interest groups. The result is policies that please and motivate the base but are not necessarily reflective of broader public opinion or even best practices.

Political gerrymanders alone have not created the heightened polarization in American politics, but they have reinforced it. In partisan gerrymandered maps, majority party districts tend to be safe districts with a concentration of like-minded voters. If it occurs at all, the electoral competition in these safe districts occurs in the primary election. In these primary contests, candidates can be pulled to their party's ideological extremes. This pulls the policy goals of the majority party to the left or right, not the middle. Safe minority party districts have the same effect. The result is a decline in the basis for communication and compromise.

The sophistication of political gerrymanders and incumbent protection gerrymanders shift control of the playing field from the electorate to the elected elite. This manipulation quietly, but decisively is damaging the quality of representation and the linkages between citizens and government.

The results of this development range from extreme concentration of political power and political gridlock to policy distortions, and citizen alienation. The damage to democratic institutions and to citizen engagement and support for the political system will continue to erode without remedial action. Like the effects of racial and regional malapportionment during the first two-thirds of the last century, the costs are ongoing and cumulative.

The partisan and policy distortions created by partisan redistricting are not unique to Illinois, but they are acute within the state. How Illinois has created legislative districts over the past 40 years has weakened democratic self-government, making it less legitimate in the eyes of its residents and less able to solve their problems. This is occurring at a time when we need to maximize the connection and support between citizens and elected officials and we need to join together to solve policy problems.

### **The Way Forward – Time for Reform**

Sorting out partisan advantage and the interests of citizens as members of communities of interests, members of minority communities, or residents of cities, townships and counties has clearly worked at cross-purposes in the creation of legislative maps under the current process. Partisan interests have dominated to the detriment of fair representation. Removing partisan considerations and incumbent protection will not make the choices between respecting different communities of interests and respecting the boundaries of political subdivisions while protecting minority-voting rights in Illinois easy. But it would make them less complicated and more focused on the real objective--representation.

Even if partisanship were vanquished in mapmaking, the criteria that are prioritized for drawing legislative boundaries impacts their outcomes and ultimately how representation is distributed. Districts are required to be substantially equal in population and contiguous. But is it more important that they be compact or that they keep communities of interest together? Likewise, should districts be drawn to encourage competitiveness? Should they be required to keep political units, such as cities and counties together? In *Shaw*, the Court ruled that districts could not be drawn primarily to create minority districts. This begs the question of how we ensure broad minority representation, without infringing upon majority representation. These are all difficult questions for map-makers to wrestle with. However, it is clear that unless partisanship

is removed from the equation we will continue to create maps for representatives and not those who should be represented.

Recommending specific policy changes is beyond the scope of this report. But the consequences of not reforming Illinois' failed, flawed redistricting system are clear. The partisan and policy distortions created by partisan redistricting will continue to get worse every 10 years. The way Illinois has created legislative districts over the past 40 years has weakened democratic self-government, making it less legitimate in the eyes of its residents and less able to solve their problems. The current crisis in government in Illinois makes the need to reform the system and maximize the connection and support between citizens and elected officials even more acute.

## **Additional Resources of Information about Redistricting in Illinois**

*Almanac of Illinois Politics* 1994, 1996, 1998, 2000, 2002, 2004, 2006 (various editors), Institute for Public Affairs: University of Illinois, Springfield.

CHANGE Illinois!, *Reforming Redistricting*, (website), <http://changeil.org/redistricting/>

Chicago Community Trust/Rob Paral and Associates, *What Does the 2010 Census Tell Us about Metropolitan Chicago*, Chicago Community Trust, May, 2011.

Green, Paul M., *Legislative Redistricting in Illinois: An Historical Analysis*, Illinois Commission Intergovernmental Cooperation: Springfield, 1987.

House Resolution 385 - General Assembly Redistricting Summary, May 27, 2011, <http://www.ilga.gov/legislation/97/HR/PDF/09700HR0385lv.pdf>

Illinois House Democrats, 2011 Redistricting Website, <http://www.ilhousedems.com/redistricting/>

Institute for Government and Public Affairs, *Rethinking Redistricting: A Discussion about the Future of Legislative Mapping in Illinois*, Board of Trustees of the University of Illinois: Champaign, 2011.

Jackson, John S., *Redistricting Illinois*, Simon Review Occasional Paper: Paul Simon Public Policy Institute: Southern Illinois University: Carbondale, 2005.

Levitt, Justin, *A Citizen's Guide to Redistricting*, Brennan Center for Justice: New York, 2008.

Levitt, Justin, *All About Redistricting* (website), <http://redistricting.ils.edu/>

McDonald, Michael P., "Redistricting and Competitive Districts" in McDonald, Michael P. and Samples, James, *The Marketplace of Democracy: Electoral Competition and American Politics*, Brookings Institution Press and Cato Institute, 2006.

McDonald, Michael P., *A Comparative Analysis of Redistricting Institutions in the United States, 2001-2002*, *State Policy and Politics Quarterly*, Vol. 4, No. 4 (Winter 2004).

Midwest Democracy Network, *Redistricting and Representation in the Great Lakes Region*, Midwest Democracy Network, April 2013.

Paul Simon Public Policy Institute, *Redistricting In Illinois: Who Hold the Crayons?* (website), <http://paulsimoninstitute.siu.edu/focus-initiatives/illinois-redistricting .php>

Redfield, Kent, "Chapter 3 Elections," in Nowlan, James, *Illinois Politics: A Citizen's Guide*, University of Illinois Press, 2010

Redistricting Process Review Commission, *Report of the Redistricting Process Review Commission*, submitted to the Illinois General Assembly, January 8, 1999.

Senate Resolution - 249 Redistricting, May 27, 2011

<http://www.chicagoelections.com/dm/general/SummaryReport.pdf>

## About the Authors

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Canary and Redfield are also the authors of *Lessons Learned: What the successes and failures of recent reform efforts tell us about the prospects for political reform in Illinois* (2012). The Simon Review (Occasional Papers of the Paul Simon Public Policy Institute). Paper 33.

## **Appendix A - Illinois Population Demographics<sup>xix</sup>**

### 2010 – 2012 Population Dynamics

In 2010, the results of the U.S. Census showed that Illinois had a population of approximately 12,831,000. Cook County accounts for 40 percent of Illinois' total population with 5,196,000 residents, of which 2,696,000 of those reside within Chicago's city limits. The six suburban collar counties – Will, DuPage, Lake, McHenry, Kane and Kendall contain 25 percent of the state's population – 3,237,000. The remaining 35 percent of the state's population – 4,399,000 are spread out among the 95 Downstate counties.

Between 2000 and 2010, the population of Illinois increased by 411,000 residents. The state's rate of growth was 3.3 percent, which was much slower than the national average of 9.7 percent. Population growth in Illinois was not uniform. The population of Chicago declined significantly, losing over 200,000 residents, almost 7 percent of its population. The suburban population in Cook County and the population of DuPage County were stagnant. Downstate Illinois grew only modestly, increasing by 126,000 residents. But the five counties around Cook and DuPage counties expanded dramatically, growing by more than 24 percent or 454,000 residents.

Illinois' African-American population decreased by more than 23,000 between 2000 and 2010, falling from 14.9 percent to 14.3 percent of the state's population. Chicago lost 181,000 African-American residents during the decade. Suburban Cook County and the six collar counties gained around 85,000 African-Americans, while 63,000 were added to the 95 downstate counties. Of the state's 1,833,000 African-American residents, 872,000 live in Chicago, 393,000 in suburban Cook County, 200,000 in the six collar counties, and 370,000 in the 95 Downstate counties.

Illinois' Latino population increased by almost one-third between 2000 and 2012, adding more than 497,000 residents. The Latino percentage of the state's population increased from 12.3 percent to 15.8 percent. Chicago gained only 26,000 Latinos during the decade. Suburban Cook County gained 159,000 while the six suburban collar counties gained 231,000. The Latino population of Downstate Illinois increased by 82,000. Of the state's 2,027,000 Latino residents, 779,000 live in Chicago, 466,000 live in suburban Cook County, 579,000 live in the six collar counties, and 200,000 in the 95 Downstate counties.

Illinois' Asian population increased by more than 38 percent between 2000 and 2010, adding more than 161,000 residents. The Asian percentage of the state's population increased from 3.5 percent to 4.7 percent. Chicago gained more than 20,000 Asians during the decade while suburban Cook County gained about 41,000. The six suburban collar counties gained 77,000.

The Asian population of Downstate Illinois increased by 25,000. Of the state's 587,000 Asian residents, 145,000 live in Chicago, 174,000 live in suburban Cook County, 195,000 live in the six collar counties, and 73,000 in the 95 Downstate counties.

Illinois' non-Latino white population decreased by 3 percent between 2000 and 2010. That represents a decrease of 256,000 residents. The non-Latino white percentage of the state's population fell from 67.7 percent to 63.8 percent. Within the Chicago metro area, the general pattern was a decrease in the non-Latino white population and an increase in the surrounding

suburban counties. That translates into losses in suburban Cook County of 281,000 non-Latino white residents, while DuPage County lost 66,000 and Lake County lost 14,000. Chicago lost 53,000 non-Latino white residents between 2000 and 2010 with large increases in the areas close to the lakefront partially offsetting significant losses in the rest of the city. In contrast, Kane County added 31,000 non-Latino white residents, while Kendall added 36,000, McHenry added 26,000 and Will County added 67,000. The non-Latino white population of the remaining 95 Downstate counties decreased by 56,000 residents during the decade. Of the state's 8,167,000 non-Latino white residents, 855,000 live in Chicago, 1,423,000 live in suburban Cook County, 2,209,000 live in the six collar counties, and 3,680,000 are located in the remaining 95 Downstate counties.

#### 2010 Illinois Population

63.8% non-Latino white

15.8 Latino

14.3% African-American

4.7% Asian

1.4% other

#### Downstate Population Demographics

Downstate Illinois (defined as the 95 counties outside the Chicago Metropolitan area) has a population of 4,399,000. This represents an increase of 3 percent or 126,000 between 2000 and 2010. The pattern of growth downstate was not uniform. The four counties on the rim of the Chicago metropolitan area grew at rates between 9 percent and 33 percent. Only 10 of the remaining 91 counties had growth rates of more than 5 percent while 60 Downstate counties actually lost population during the decade.

Downstate Illinois contains 10 MSAs (Metropolitan Statistical Areas). An MSA is defined by the U.S. Census as one or more adjacent counties or county equivalents that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties. The MSAs in Downstate Illinois are associated with Rockford, Kankakee and Bradley, Moline and Rock Island, Peoria, Bloomington and Normal, Champaign-Urbana, Danville, Decatur, Springfield, and the Metro-East area across from St. Louis, Missouri.

The non-Latino white population of Downstate Illinois is 3,680,000, a decrease of 56,000 over the past decade. The African-American population of Downstate Illinois is 370,000, an increase of 63,000 over 2000. The Downstate Latino population is 200,000, an increase of 82,000 over 2000. The Asian population of Downstate is 67,000, an increase of 25,000 since 2000.

#### 2010 Downstate Illinois population

84% non-Latino White

8% African-American

5% Latino

2% Asian

1% other



Northeastern Illinois Population Dynamics - 1990 to 2010

Between 1990 and 2000, the total population of suburban Cook County increased by 160,000 and Chicago increased by 112,000. At the same time, the total population of the six suburban counties increased by 573,000. This put pressure on the Democrats to draw districts in 2001 that protected their base in Cook County.

These pressures only increased between 2000 and 2010. During this period, the total population of suburban Cook County increased by 18,000 residents, while the population of Chicago declined by 200,000 residents. Concurrently, the total population of the six suburban counties increased by 467,000 residents. In 1990 Cook County had a population of 5.1 million and the collar counties had a population of 2.2 million. In 2010, Cook County had a population of 5.2 million, and the collar counties had a population of 3.2 million, a relative shift of 1 million residents. Among all of the House districts from the 2001 map located in northeastern Illinois, the 20 that lost the most population between 2000 and 2010 were located in all of or in part of Chicago. The partisan challenge for the Democrats when constructing the 2011 map was how to deal with the small population growth in Cook County and the population lost in Chicago relative to the continued strong population growth in the suburban counties.

	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>Change 1990-2010</u>	<u>2010 % of State</u>
Chicago	2,783,000	2,896,000	2,696,000	- 87,000	21.0%
Suburban Cook	2,322,000	2,481,000	2,499,000	+177,000	19.5%
Collar Counties	2,196,000	2,769,000	3,236,000	+1,040,000	25.1%
Downstate	<u>4,126,000</u>	<u>4,273,000</u>	<u>4,399,000</u>	<u>+273,000</u>	34.3%
Total	11,427,000	12,419,000	12,830,000	+1,403,000	

	<u>1990 % of State</u>	<u>2010 % of State</u>
Chicago	24.4%	21.0%
Suburban Cook	20.3%	19.5%
Collar Counties	19.2%	25.1%
Downstate	36.1%	34.3%

The challenges to partisan redistricting in Northeastern Illinois went beyond the aggregate population changes that occurred between 1990 and 2010. The racial makeup of Chicago, suburban Cook County and the collar counties also changed significantly during that time and drove a significant portion of the aggregate changes. The loss of African-American and non-Latino white population in Chicago and the rapid growth of the Latino population presented additional challenges in addressing minority representation and creating minority districts within the context of pursuing a partisan advantage from redistricting. Of those 20 House districts from the region that lost the most population between 2000 and 2010, 13 had majority African-American populations, and four had majority Latino populations. Because most of the minority population of the state is located in the Chicago metropolitan region, population changes in that region have the greatest impact on minority representation and the creation of minority districts. Between 1990 and 2010, the Latino population of Illinois more than doubled, and almost all of that growth took place in the Chicago metropolitan area. The Latino population in Illinois now exceeds 2 million, surpassing the 1.86 million African-Americans in the state. Chicago, suburban Cook and the six collar counties all saw significant growth in their Latino populations between

1990 and 2000. Between 2000 and 2010 Latino growth basically stopped in Chicago, while it continued a strong rate in suburban Cook and the core collar counties of DuPage, Kane, Lake and Will.

Between 1990 and 2000, the African-American population increased modestly in the Chicago metropolitan region, except within the City of Chicago where it decreased slightly. Between 2000 and 2010, Chicago lost more than 180,000 African-American residents. At the same time, the African-American population of suburban Cook, DuPage, and Will counties grew at a modest overall rate, adding 107,000. Some of this was due to outmigration from Chicago.

The Asian population in Illinois also more than doubled between 1990 and 2010 with most of that growth taking place in northeastern Illinois. In absolute numbers, Illinois' Asian population in 2010 was more than 587,000. The majority of Illinois' Asian population is made up of Asian Indians (32 percent), Filipinos (19 percent), Chinese (18 percent) and Koreans (10 percent). Between 1990 and 2010, the total number of Asian Indians in Illinois tripled while the number of Chinese and Filipinos doubled. Approximately 25 percent of Illinois' Asian population lives in Chicago, 30 percent in suburban Cook County, 33 percent in the six collar counties, and 12 percent Downstate

In the Chicago metropolitan region, the non-Latino white population of suburban Cook County fell from 1.86 million in 1990 to 1.42 million in 2010. Chicago suffered a similar decline from 1.06 million in 1990 to 850,000 in 2010. In the suburban counties, the non-Latino white population grew from 1.88 million in 1990 to 2.20 million in 2010.

2010 population N.E. Illinois

	<u>Chicago</u>	<u>Suburban Cook</u>	<u>Collar Counties</u>
Non-Hispanic White	31.7%	58.1%	68.3%
African-American	32.3%	16.0%	6.1%
Hispanic	28.9%	19.0%	17.9%
Asian	5.4%	4.7%	6.0%
Other	1.7%	2.2%	1.7%

## **Appendix B - The Changing Political Demographics of Illinois<sup>xx</sup>**

Much of Illinois political history has played out as a contest between Chicago and Downstate Illinois. But that began to change in the 1960s as population growth shifted dramatically to the suburban areas outside of Chicago in northeastern Illinois.

By the time the Democrats drafted the first legislative map with single member House districts in 1981, Illinois was divided into three political regions – Chicago, suburban Cook County, and Downstate (the rest of the state). The voting trends at the time suggested that in future statewide elections Democratic votes from Chicago would likely be matched by Republican votes from suburban Cook County and the surrounding five suburban counties (DuPage, Lake, Will, Kane, McHenry), while voters in the politically diverse and highly competitive Downstate counties provided the margin of victory for the winning candidate.

Three decades later, the political dynamics of Illinois have shifted again. Chicago has become even more overwhelmingly Democratic. Suburban Cook County is now reliably Democratic in statewide elections, although not as Democratic as Chicago. The original five collar counties plus Kendall County still lean Republican, but they are much more diverse, and the electoral margins are closer. Outside of the Chicago metropolitan area, Downstate Illinois is solidly Republican, except for a few counties, and trending more Republican.

Since 1990, every Democratic candidate for governor and U.S. Senate, except one, has carried Chicago by more than 200,000 votes, and the margin in presidential elections has never dropped below 600,000 votes. Since 1992, suburban Cook County voters have given majorities to every Democratic candidate for president and U.S. Senate, except one. Democratic candidates carried suburban Cook in the last four gubernatorial elections.

Voters in the suburban counties of DuPage, Lake, Will, McHenry, Kane and Kendall are solidly Republican as a group, but less so than 30 years ago. Republican candidates for president have carried all the suburban counties since 1980 with the exception of President Obama, a former U.S. Senator from Illinois, in 2008 and 2012. Since 1990, the suburban counties have voted for three Democrats and three Republicans for the U.S. Senate. No Democratic candidate for governor has carried the suburban counties as a group in recent history, but the margins have been shrinking. In 2006, the Democratic candidate for governor carried Will and Lake counties, while the Republican candidate's margin in the suburban counties was less than 32,000 votes. In 2010, the Republican candidate for governor carried the region by more than 136,000 votes. In local and legislative elections, voting patterns in the suburban counties have become less Republican over the past three decades.

No Democratic candidate for governor has carried Downstate in the last three decades, including southern Illinois native Glenn Poshard in 1998. Downstate voters have given majorities to Republicans in three of the last four presidential elections (including Romney in 2012). The same is true in presidential elections with the lone exception of President Obama in 2008. In local and legislative elections, Downstate voting patterns have become more strongly Republican over the last three decades.

The breakout of the vote in the 2010 races for governor and U.S. Senate and 2012 race for president illustrate the general characteristics of the current political demographics of Illinois. What is also clear is that while the political demographics set the general parameters and indicate trends, the outcomes of individual elections are a function of how candidates and campaigns resonate with those underlying political demographics.

### 2010 Governor

1,745,219	Quinn Dem	50.5%
<u>1,713,385</u>	Brady Rep	49.5%
3,458,604		

Chicago		18.5% of statewide vote
520,413	Quinn Dem	81%
<u>120,110</u>	Brady Rep	19%
640,523		

Suburban Cook		19.1% of statewide vote
380,425	Quinn Dem	58%
<u>280,175</u>	Brady Rep	42%
660,600		

Collar Counties		24.9% of statewide vote
494,633	Brady Rep	57%
<u>368,177</u>	Quinn Dem	43%
862,810		

Downstate		37.4% of statewide vote
818,467	Brady Rep	63%
<u>476,204</u>	Quinn Dem	37%
1,294,671		

### 2010 US Senate

1,778,698	Kirk Rep	50.9%
<u>1,719,478</u>	Giannoulis Dem	49.1%
3,498,176		

Chicago		18.9% of statewide vote
528,367	Giannoulis Dem	80%
<u>134,081</u>	Kirk Rep	20%
662,448		

Suburban Cook		19.4% of statewide vote
370,384	Giannoulis Dem	55%
<u>307,948</u>	Kirk Rep	45%
678,332		

Collar Counties		25.1% of statewide vote
523,547	Kirk Rep	60%
<u>352,957</u>	Giannoulis Dem	40%
876,504		

Downstate		36.6% of statewide vote
813,122	Kirk Rep	63%
<u>467,770</u>	Giannoulis Dem	37%
1,280,892		

**2012 President**

3,019,512	Obama Dem	58.5%
<u>2,135,216</u>	Romney Rep	41.5%
5,154,718		

Chicago		19.4% of statewide vote
853,102	Obama Dem	85%
<u>148,181</u>	Romney Rep	15%
1,001,283		

Suburban Cook		19.0% of statewide vote
635,435	Obama Dem	65%
<u>347,361</u>	Romney Rep	35%
982,796		

Collar Counties		25.4% of statewide vote
670,046	Obama Dem	51%
<u>637,759</u>	Romney Rep	49%
1,307,805		

Downstate		36.1% of statewide vote
1,001,915	Romney Rep	54%
<u>860,929</u>	Obama Dem	46%
1,862,844		

## Appendix C - Political Outcome of Legislative Maps<sup>xxi</sup>

### Political Outcomes Under the 1991 Republican Map

The 1991 Republican map resulted in control of the State Senate shifting from Democrats (31-28) to the Republicans (32-28) after the 1992 general election. The same was not true of the House. The Democratic majority was 71-48 in 1990 and 67-51 after the 1992 general election. Partisan control of the mapmaking process does not guarantee positive results. The Republicans controlled the Senate in every election under the 1991 map. The Democrats lost control of the House in the 1994 election and then regained control in 1996. They retained control in 1998 and 2000.

The 1991 Republican map created 26 Senate districts located primarily in Cook County and 11 Senate districts located primarily in the northeastern suburban counties of McHenry, Lake, Kane, Kendall, DuPage and Will. After the 1992 election, the Democrats controlled 17 of the Cook County Senate districts, while the Republicans controlled nine. The Republicans controlled all 11 of the suburban districts. Over the next four elections, the Democrats picked up one Cook County and one suburban district held by the Republicans, while the Republicans won one Cook County district controlled by the Democrats. The net result after the 2000 election was that the Democrats still controlled 17 Cook County Senate districts and had picked up one suburban district.

The Democrats' numbers were slightly better in the Cook County and suburban House districts. After the 1992 election, the Democrats controlled 38 Cook County House districts while the Republicans controlled 14. The Republicans controlled 19 of the suburban House districts while the Democrats controlled one. Over the next four elections, the Democrats picked up two Cook County House districts held by the Republicans and lost one for a net gain of one. In the suburbs, the Democrats picked up two districts held by Republicans, while the Republicans picked up two districts that had been held by Democrats. Over all, the 2000 election left the Democrats in control of 39 Cook County House districts and three suburban House districts.

The 1991 Republican map created 22 Senate districts Downstate. After the 1992 election, the Democrats held 10 of 22 Senate districts. In 1996, the Democrats lost a seat in Decatur. After the 2000 election they held nine of the 22 Downstate Senate districts. After the 1992 election, the Democrats held 28 of the 44 House districts located Downstate. Over the life of the 1991 map, they lost an additional eight House seats reducing their total to 20.

1992 Election	Senate Districts	Outcome	House Districts	Outcome
Cook	26	17D 9R	52	38D 14R
Suburban	11	0D 11R	22	1D 21R
Downstate	22	10D 12R	44	28D 16R
Total	59	27D 32R	118	67D 51R

2000 Election	Senate District	Outcome	House Districts	Outcome
Cook	26	17D 9R	52	39D 13R
Suburban	11	1D 10R	22	3D 19R
Downstate	22	9D 13R	44	20D 24R
Total	59	27D 32R	118	62D 56R

### Political Outcomes Under the 2001 Democratic Map

Under the 2001 Democratic map, the Democrats regained control of the Senate (33-26) and retained control of the House (66-52). The 2001 map reduced the number of Downstate Senate districts from 22 to 20, reduced the number of Cook County Senate districts from 26 to 25, and increased the number of suburban Senate districts from 11 to 14.

In terms of Senate seats, the 2001 Democratic map produced positive results for the Democrats with the 2010 election yielding a net gain of two seats. Downstate, the Democrats picked up one seat and lost two. They won the 52nd Senate District containing Champaign-Urbana and Danville and lost the 49th Senate District in central Illinois and the 38th Senate District centered in the LaSalle-Peru area. However, in the suburbs, they gained the 22nd Senate District in far northeastern Cook County, the 33rd Senate District in northeastern Cook County and the 42nd Senate District, which contained the increasingly diverse city of Aurora in the suburbs.

The Democrats had a net loss of two House seats over the decade. They lost eight seats Downstate, losing single House districts in the Quad Cities (71st), north central Illinois (75th), Peoria (91st), Decatur (101st), central Illinois (98th), and the Metro East area (112th), as well as two House seats in southeastern Illinois (107<sup>th</sup> and 108th). They picked up one suburban House district (85th) in far northwestern Will County and five House districts in Cook County. After losing the 24th House District in a 2002 surprise upset, they won back the seat in 2004 and held it the rest of the decade. The Democrats also picked up one House (17th) seat in far northeastern Cook County and three House districts (43rd, 44th, and 56th) in far northwestern Cook County.

2002 Election	Senate Districts	Outcome	House Districts	Outcome
Cook	25	22D 3R	50	40D 10R
Suburban	14	3D 11R	28	7D 21R
Downstate	20	8D 12R	40	19D 21R
Total	59	33D 26R	118	66D 52R

2010 Election	Senate Districts	Outcome	House Districts	Outcome
Cook	25	24D 2R	50	44D 6R
Suburban	14	4D 10R	28	9D 19R
Downstate	20	7D 13R	40	11D 29R
Total	59	35D 24R	118	64D 54R

### Political Outcomes under the 2011 Democratic Map

The 2011 Democratic map reduced the number of Cook County districts from 25 to 24, increased the number of suburban districts from 14 to 15 and kept the number of Senate districts at 20.

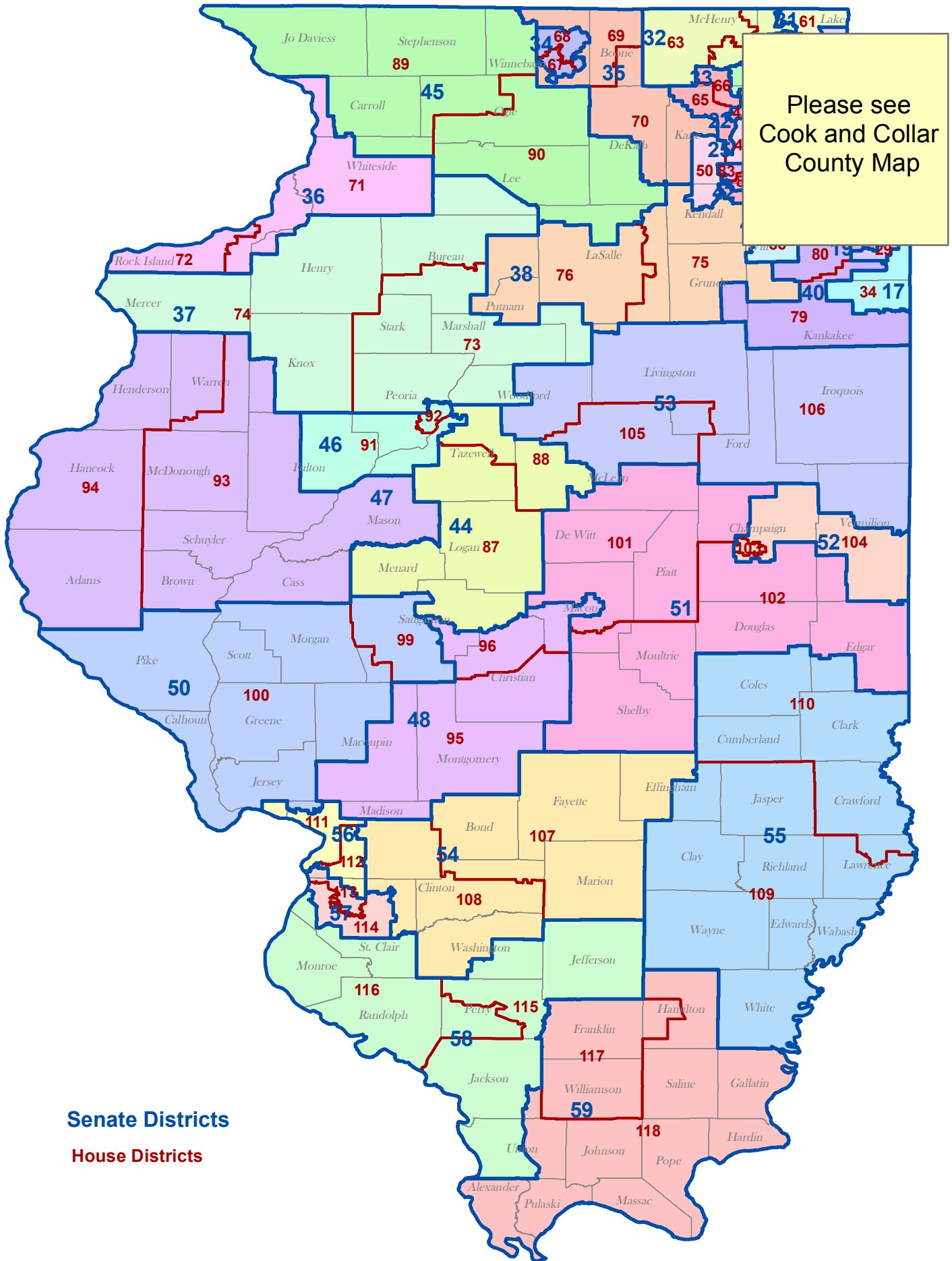
The 2012 election resulted in the Democrats increasing their majority in the Senate by five seats and their majority in the House by seven seats. They gained two Senate seats and two House seats Downstate – the 34<sup>th</sup> Senate District in the Rockford area, the 71<sup>st</sup> House District in the Quad-City area, and the 48<sup>th</sup> Senate District and the 96<sup>th</sup> House District in central Illinois. The Democrats also picked up three Senate seats (23<sup>rd</sup>, 31<sup>st</sup> and 49<sup>th</sup>) and five House seats (46<sup>th</sup>, 62<sup>nd</sup>, 77<sup>th</sup>, 84<sup>th</sup> and 98<sup>th</sup>).

2012 Election	Senate Districts	Outcome	House Districts	Outcome
Cook	24	23D 1R	48	44D 4R
Suburban	15	8D 7R	30	14D 16R
Downstate	20	9D 11R	40	13D 27R
Total	59	40D	19R	71D 47R



## Appendix D (Maps)

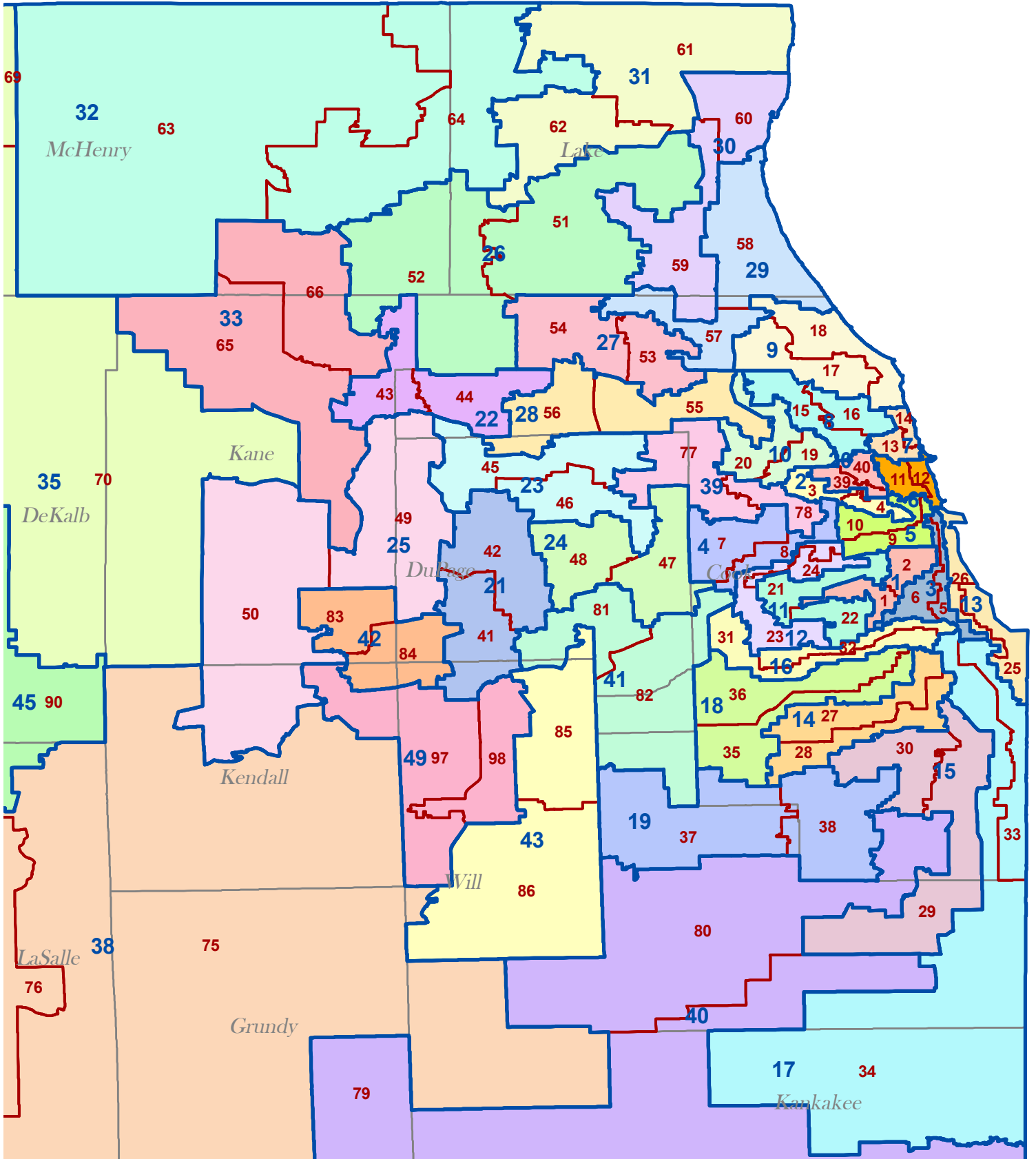
# Legislative Districts under Public Act 97-0006





# Legislative Districts under Public Act 97-0006

## Cook and Collar County View

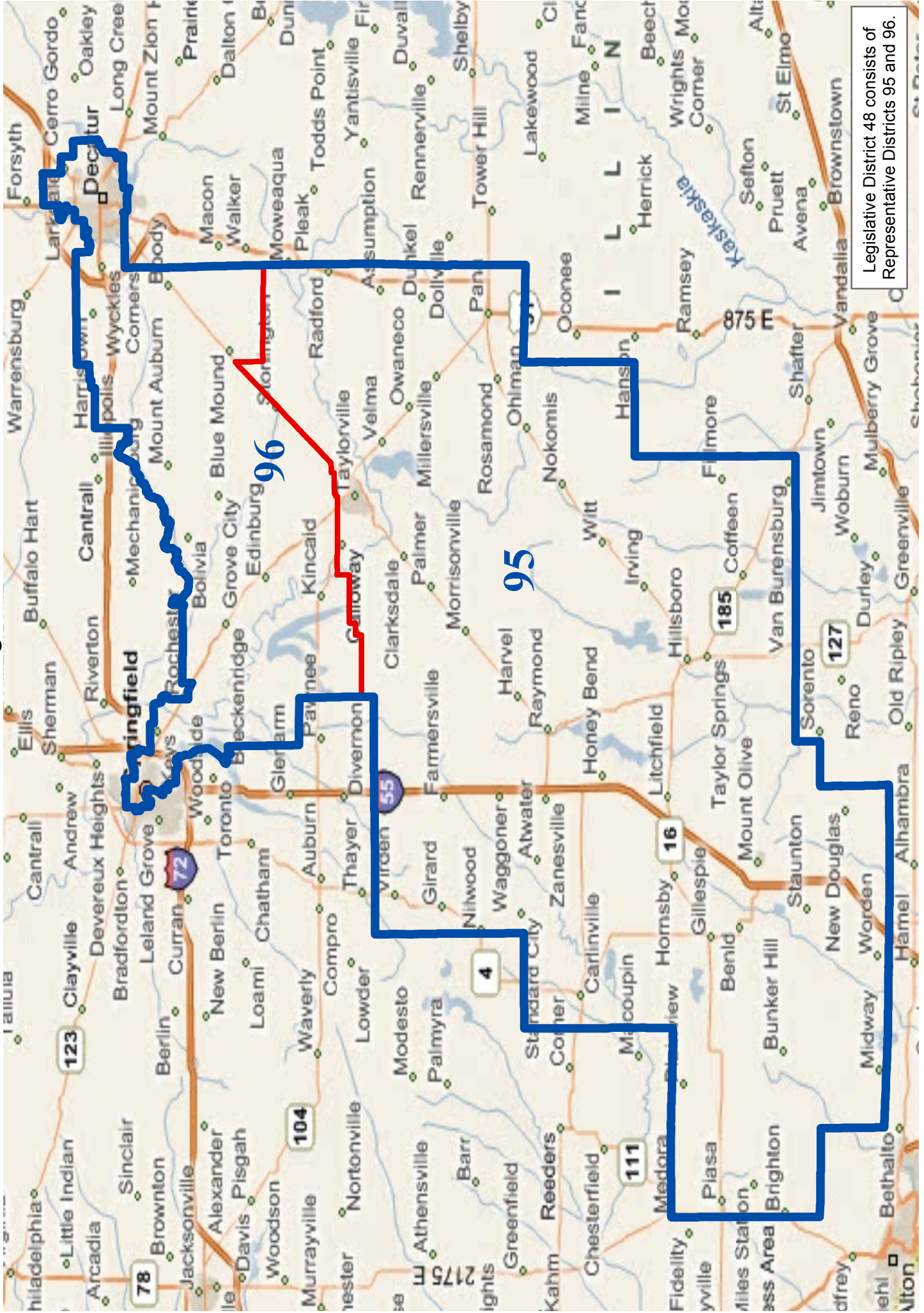


**Senate Districts**

**House Districts**

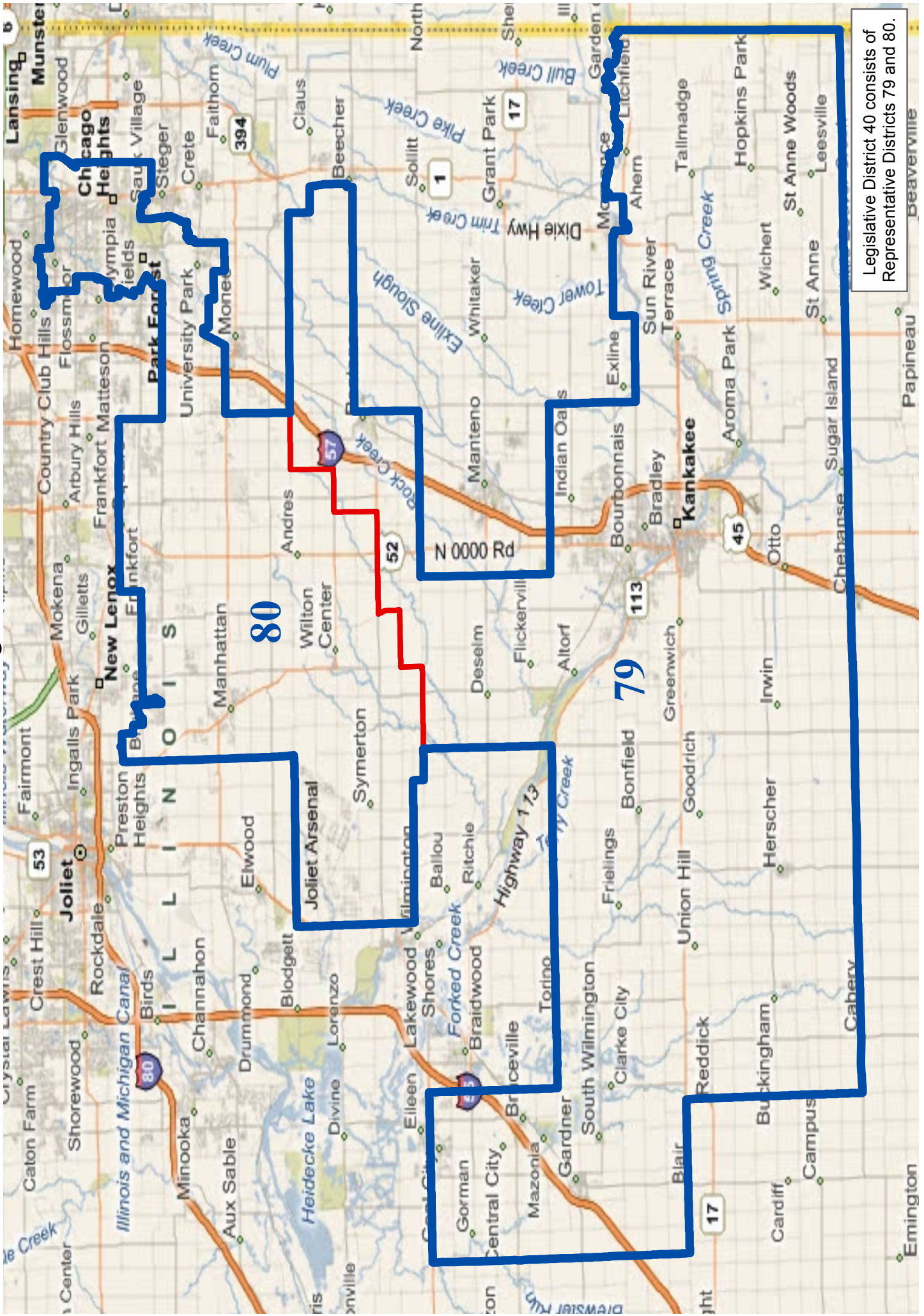


# PA 97-0006 Legislative District 48





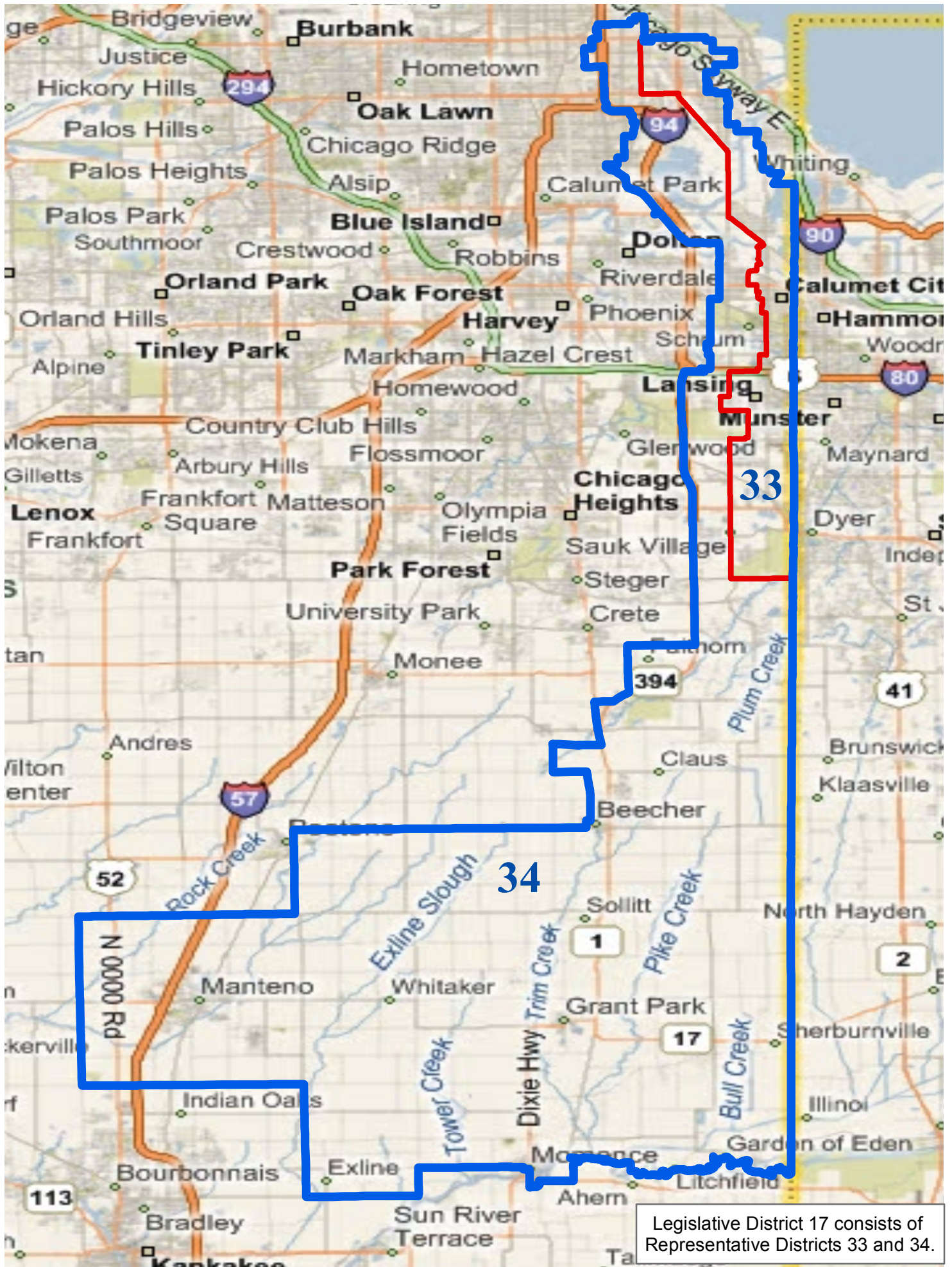
# PA 97-0006 Legislative District 40







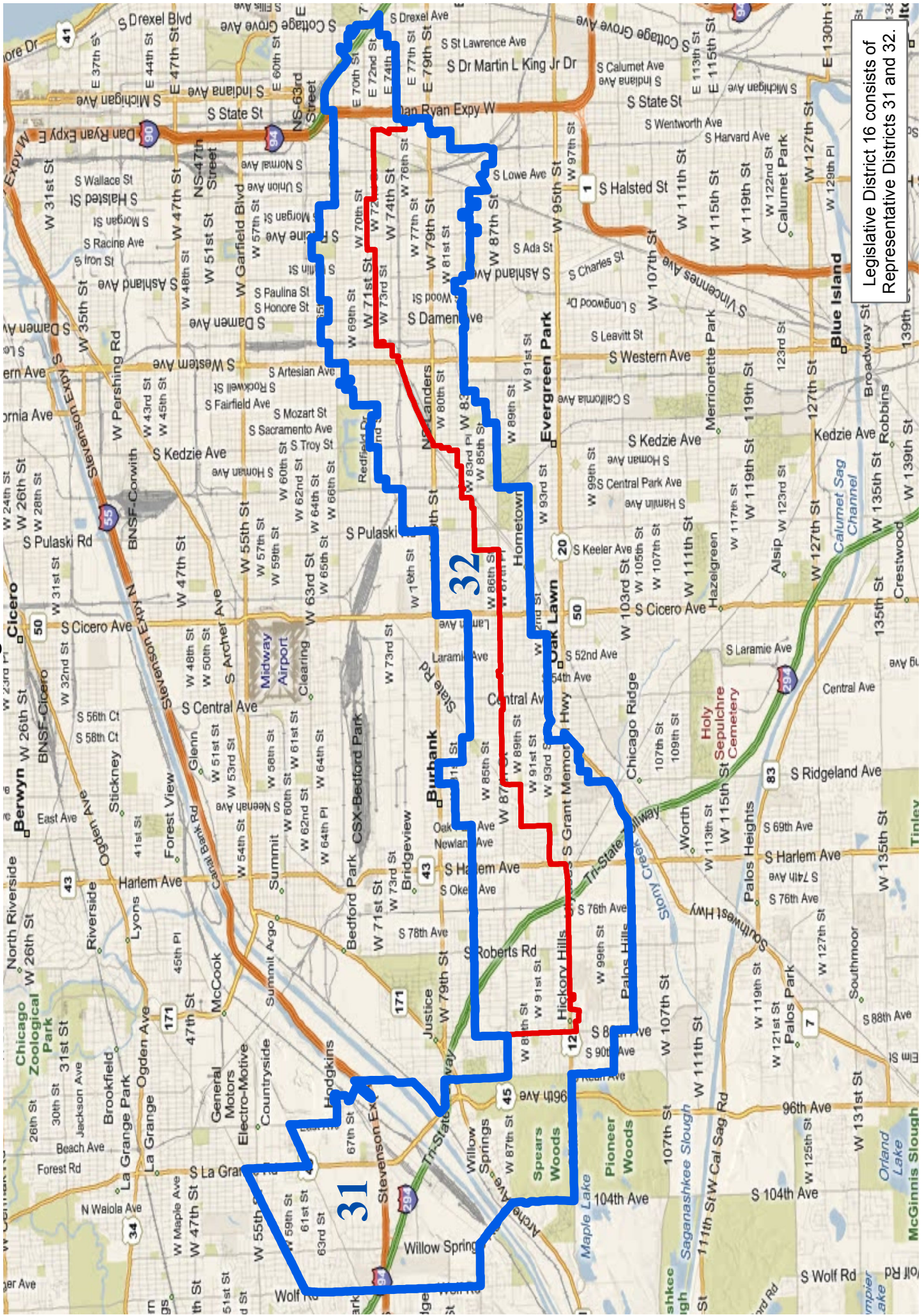
# PA 97-0006 Legislative District 17



Legislative District 17 consists of Representative Districts 33 and 34.



# PA 97-0006 Legislative District 16



Legislative District 16 consists of Representative Districts 31 and 32.



## Footnotes

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<sup>i</sup> *Reapportionment Politics: The History of Redistricting in the 50 States* (Leroy Hardy, Alan Heslop, Stuart Anderson, editors), Sage Publications, 1981, “Illinois” James L. McDowell p.107

<sup>ii</sup> *One Person, Three Votes: Illinois 110-year Experiment*, Robin Tholin, Wesscholar.wesleyan.edu. 2012

<sup>iii</sup> *Legislative Redistricting in Illinois: An Historical Analysis*, Illinois Commission on Intergovernmental Cooperation, Paul M. Green 1987

<sup>iv</sup> “Drawing the Lines” Chicago Reader, Steven Bogira, March 6, 1981

<sup>v</sup> *100-Day Report*, Illinois Reform Commission, April 29, 2009

<sup>vi</sup> *Mapping in the Dark*, Illinois Campaign for Political Reform, August, 2011

<sup>vii</sup> *Ibid.*

<sup>viii</sup> *Almanac of Illinois Politics* 1994, 1996, 1998, 2000, 2002, 2004, 2006 (various editors), Institute for Public Affairs: University of Illinois, Springfield.

Illinois State Board of Elections, *Official Vote of General Election*, 1982 and 1992

Illinois State Board of Elections, On-line database of election results – 1998 to present, Illinois State Board of Elections: Springfield,

<http://www.elections.il.gov/ElectionInformation/GetVoteTotals.aspx>

<sup>ix</sup> See David Butler and Bruce Cain, *Congressional Redistricting: Comparative and Theoretical Perspectives*, New York, NY, McMillian, 1992. See also John Siles, “Navigating Debates about Redistricting, *The Monkey Cage*, <http://themonkeycage.org/2012/12/12/navigating-debates-about-redistricting/> and Eric McGee, *The Monkey Cage*, “Redistricting does not explain why House Democrats got a majority of the vote and a minority of the seats”, <http://themonkeycage.org/2012/11/14/redistricting-does-not-explain-why-house-democrats-got-a-majority-of-the-vote-and-a-minority-of-the-seats/>

<sup>x</sup> *Ibid.*

See also Midwest Democracy Network, *Redistricting and Representation in the Great Lakes Region*, Midwest Democracy Network, April 2013.

<sup>xi</sup> Radogno v. State Board of Elections (1:11-cv-04884), Amended Complaint for Declaratory Judgment and Injunctive Relief, Items 139 and 140 (page 19) and Counts 3 and 4 (page 22).

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<sup>xii</sup> Illinois State Board of Elections, *Official Vote of General Election*, 1982 and 1992

Illinois State Board of Elections, On-line database of election results – 1998 to present,  
Illinois State Board of Elections: Springfield,  
<http://www.elections.il.gov/ElectionInformation/GetVoteTotals.aspx>

<sup>xiii</sup> Illinois State Board of Elections, *Official Vote of General Election*, 1982 and 1992

Illinois State Board of Elections, On-line database of election results – 1998 to present,  
Illinois State Board of Elections: Springfield,  
<http://www.elections.il.gov/ElectionInformation/GetVoteTotals.aspx>

<sup>xiv</sup> Bishop, Bill, *The Big Sort: Why the Clustering of Like-Minded America is Tearing Us Apart*, Mariner Books: 2009. See also McDonald, Michael P., “Redistricting and Competitive Districts” in McDonald, Michael P. and Samples, James, *The Marketplace of Democracy: Electoral Competition and American Politics*, Brookings Institution Press and Cato Institute, 2006.

<sup>xv</sup> *Almanac of Illinois Politics* 1994, 1996, 1998, 2000, 2002, 2004, 2006 (various editors),  
Institute for Public Affairs: University of Illinois, Springfield.

Illinois House Democrats, 2011 Redistricting Website,  
<http://www.ilhousedems.com/redistricting/>

House Resolution 385 - General Assembly Redistricting Summary, May 27, 2011,  
<http://www.ilga.gov/legislation/97/HR/PDF/09700HR0385lv.pdf>

Senate Resolution - 249 Redistricting, May 27, 2011,  
<http://www.chicagoelections.com/dm/general/SummaryReport.pdf>

Illinois State Board of Elections, On-line database of election results – 1998 to present,  
Illinois State Board of Elections: Springfield,  
<http://www.elections.il.gov/ElectionInformation/GetVoteTotals.aspx>

Chicago Board of Election, Election Results.  
<http://www.chicagoelections.com/dm/general/SummaryReport.pdf>

Cook County Clerk, Election Results.  
<http://www.cookcountyclerk.com/elections/results/Pages/default.aspx>

<sup>xvi</sup> Population breakdowns for racial make up of House and Senate districts are based on voting age population (VAP) rather than in terms of the total U.S. Census population of a district. The VAP is the metric used in evaluating district for compliance with the Voting Rights Act. They are also the numbers used by those drawing the maps in their calculations

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of the political make up and tendencies of a district. Unless specifically identified as VAP, population numbers in the text refer to total population data from the U.S. Census.

<sup>xvii</sup> Data on the number of residents in each county in multi-county legislative districts or the number of residents in the Chicago and in suburban Cook County for districts which overlap those two political subdivisions are generally unavailable. Approximations of the division of a legislative district's population in these cases is based on the percentage of votes cast from the various political subdivisions.

<sup>xviii</sup> All of the population numbers in this section are derived from or based on total population numbers from the U.S. Census

<sup>xix</sup> Chicago Community Trust/Rob Paral and Associates, *What Does the 2010 Census Tell Us about Metropolitan Chicago*, Chicago Community Trust, May, 2011.

U.S. Census Bureau, *Illinois 1990, 2000, and 2010 Demographic Profile*, U.S. Census Bureau

<sup>xx</sup> Redfield, Kent, "Chapter 3 Elections", in Nowlan, James, *Illinois Politics: A Citizen's Guide*, University of Illinois Press, 2010

Illinois State Board of Elections, *Official Vote Cast at the General Election 1982, 1998, 1990, and 1992*, Illinois State Board of Elections: Springfield.

Illinois State Board of Elections, On-line database of election results – 1998 to present, Illinois State Board of Elections: Springfield,  
<http://www.elections.il.gov/ElectionInformation/GetVoteTotals.aspx>

Colby, Peter W. and Green, Paul Michael, "Burgeoning Suburban power, shrinking Chicago clout: Downstate holds the key to victory", *Illinois Issues*, February, 1978.

Green, Paul Michael, "The 2006 Illinois General Election: A Vote Analysis, Institute for Politics, Roosevelt University, January, 2007.

Chicago Board of Election, Election Results.  
<http://www.chicagoelections.com/dm/general/SummaryReport.pdf>

Cook County Clerk, Election Results.  
<http://www.cookcountyclerk.com/elections/results/Pages/default.aspx>

<sup>xxi</sup> *Almanac of Illinois Politics* 1994, 1996, 1998, 2000, 2002, 2004, 2006 (various editors), Institute for Public Affairs: University of Illinois, Springfield.

Illinois State Board of Elections, *Official Vote of General Election, 1982 and 1992*



---

Illinois State Board of Elections, On-line database of election results – 1998 to present,  
Illinois State Board of Elections: Springfield,  
<http://www.elections.il.gov/ElectionInformation/GetVoteTotals.aspx>