

[55 ILCS 5/2-3003](#)

Statutes current with legislation through P.A. 101-651 of the 2020 Session of the 101st Legislature.

Illinois Compiled Statutes Annotated > *Chapter 55 COUNTIES (§§ 5/1-1001 — 135/50)* > *Counties Code (Arts. 1 — 7)* > *Article 2. Governing Bodies (Divs. 2-1 — 2-6)* > *Division 2-3. Reapportionment of County for Election of County Board (§§ 5/2-3001 — 5/2-3015)*

55 ILCS 5/2-3003 Apportionment plan

(1)If the county board determines that members shall be elected by districts, it shall develop an apportionment plan and specify the number of districts and the number of county board members to be elected from each district and whether voters will have cumulative voting rights in multi-member districts. Each such district:

- a.** Shall be substantially equal in population to each other district;
- b.** Shall be comprised of contiguous territory, as nearly compact as practicable; and
- c.** May divide townships or municipalities only when necessary to conform to the population requirement of paragraph a. of this Section.
- d.** Shall be created in such a manner so that no precinct shall be divided between 2 or more districts, insofar as is practicable.

(2)The county board of each county having a population of less than 3,000,000 inhabitants may, if it should so decide, provide within that county for single member districts outside the corporate limits and multi-member districts within the corporate limits of any municipality with a population in excess of 75,000. Paragraphs a, b, c and d of subsection (1) of this Section shall apply to the apportionment of both single and multi-member districts within a county to the extent that compliance with paragraphs a, b, c and d still permit the establishment of such districts, except that the population of any multi-member district shall be equal to the population of any single member district, times the number of members found within that multi-member district.

(3)In a county where the Chairman of the County Board is elected by the voters of the county as provided in Section 2-3007 [[55 ILCS 5/2-3007](#)], the Chairman of the County Board may develop and present to the Board by the third Wednesday in May in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of this Section. If the Chairman presents a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the Chairman's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. If the Chairman presents a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until

after a hearing on the plan presented by the Chairman. The Chairman shall have access to the federal decennial census available to the Board.

(4) In a county where a County Executive is elected by the voters of the county as provided in Section 2-5007 of the Counties Code [[55 ILCS 5/2-5007](#)], the County Executive may develop and present to the Board by the third Wednesday in May in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of this Section. If the Executive presents a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the Executive's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. If the Executive presents a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until after a hearing on the plan presented by the Executive. The Executive shall have access to the federal decennial census available to the Board.

History

[P.A. 86-962](#); [93-308](#), § 10; [96-1540](#), § 5; [97-986](#), § 5.

Annotations

Notes

Editor's Notes

This section was Ill.Rev.Stat., Ch. 34, ¶ 2-3003.

Amendment Notes

The 2003 amendment by P.A. 93-308, effective July 23, 2003, inserted "and whether voters will have cumulative voting rights in multi-member districts" in subsection (1).

The 2011 amendment by P.A. 96-1540, effective March 7, 2011, added (3) and (4).

The 2012 amendment by P.A. 97-986, effective August 17, 2012, inserted "substantially" in (1)a.

CASE NOTES

Apportionment Plan**—Not Valid****Challenge to Validity****—Not Barred****Compact Districts****—Construction****—Not Shown****Population****—Exclusions****Apportionment Plan****—Not Valid**

An apportionment plan for county board member elections failed to comply with the requirement of former Ill.Rev.Stat., ch. 34, para. 833 (see now this section) that districts be compact and that townships and municipalities not be unnecessarily divided. [*Martin v. Soucie*, 109 Ill. App. 3d 731, 65 Ill. Dec. 339, 441 N.E.2d 131, 1982 Ill. App. LEXIS 2344 \(Ill. App. Ct. 3d Dist. 1982\)](#).

Challenge to Validity**—Not Barred**

Plaintiffs, who participated in a district primary election by filing nominating petitions while at the same time attacking the legality of the election, were not estopped from seeking a judicial determination as to the validity of the apportionment plan and map governing the election of county board members. [*Martin v. Soucie*, 109 Ill. App. 3d 731, 65 Ill. Dec. 339, 441 N.E.2d 131, 1982 Ill. App. LEXIS 2344 \(Ill. App. Ct. 3d Dist. 1982\)](#).

Compact Districts**—Construction**

The requirement of former Ill.Rev.Stat., ch. 34, para. 833 (see now this section) that compact districts should be “concentrated or close or near to a certain center” had to be liberally construed to accommodate the reality of population density. [*Martin v. Soucie*, 109 Ill. App. 3d 731, 65 Ill. Dec. 339, 441 N.E.2d 131, 1982 Ill. App. LEXIS 2344 \(Ill. App. Ct. 3d Dist. 1982\)](#).

—Not Shown

County board member election districts which were dominated by peninsulas, isthmuses, and promontories, unless necessitated by the overriding requirement of population equality, could not be called compact within the meaning of former Ill.Rev.Stat., ch. 34, para. 833 (see now this section). [*Martin v. Soucie*, 109 Ill. App. 3d 731, 65 Ill. Dec. 339, 441 N.E.2d 131, 1982 Ill. App. LEXIS 2344 \(Ill. App. Ct. 3d Dist. 1982\)](#).

Population**—Exclusions**

States are not required to include aliens, transients, temporary residents, or persons denied the vote for conviction of crime, in the apportionment base by which their legislators are distributed and against which compliance with the Equal Protection Clause is to be measured; thus County Board's actions in excluding prison inmates from the population base when apportioning county into voting districts were not violative of the Equal Protection Clause. [*Knox County Democratic Cent. Comm. v. Knox County Bd.*, 231 Ill. App. 3d 855, 173 Ill. Dec. 530, 597 N.E.2d 238, 1992 Ill. App. LEXIS 1194 \(Ill. App. Ct. 3d Dist. 1992\)](#).

Illinois Compiled Statutes Annotated
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Biden Ends Trump Census Policy, Ensuring All Persons Living In U.S. Are Counted

One of President Biden's [first executive actions](#) has reversed former President Donald Trump's unprecedented policy of altering a key census count by excluding unauthorized immigrants. The change ensures that the U.S. continues to follow more than two centuries of precedent in determining representation in Congress and the Electoral College.

Hours after he was sworn in as president on Wednesday, Biden signed [an executive order](#) that calls for all U.S. residents, in the country legally or not, to be counted in state population numbers that, [according to the 14th Amendment](#), must include the "whole number of persons in each state."

The state counts are used once a decade to reallocate each state's share of electoral votes and the 435 seats in the House of Representatives. Since the first national head count in 1790, those numbers have never omitted any residents because of immigration status.

Biden's order also rescinds [an executive order Trump issued in July 2019](#) as part of [a project at the Census Bureau to produce citizenship data](#) using government records as an alternative to Trump's failed push to add a citizenship question to the 2020 census forms. Trump's order directed federal agencies to share their records with the bureau, which has been compiling information from agencies including the [Department of Homeland Security and the Social Security Administration](#), as well as [some states' driver's license information](#).

Biden's executive action, however, does not address [standing directives issued by now-former Commerce Secretary Wilbur Ross](#), who [ordered the bureau to use the records](#) to generate anonymized, block-level data about the U.S. citizenship status of every adult living in the country. It is not clear what will happen to the records the bureau has compiled and any data it has produced.

[A GOP strategist concluded](#) that data "would be advantageous to Republicans and Non-Hispanic Whites" when political mapmakers redraw state and local voting districts, [a process that is set to begin again this year](#). The Census Bureau's public information office did not immediately respond to NPR's questions about the current status of the citizenship data project.

The project is currently facing [an ongoing federal lawsuit](#) led by attorneys with the Mexican American Legal Defense and Educational Fund and Asian Americans Advancing Justice - AAJC.

Trump's push to exclude unauthorized immigrants from numbers for reapportioning Congress [sparked multiple lawsuits](#) after it was issued in July 2020. That plan "violates the Constitution and the Census Act and is inconsistent with our nation's history and our commitment to representative democracy," Susan Rice, Biden's domestic policy adviser, said during a press briefing on Tuesday.

Biden had been expected to rescind Trump's presidential memo on the census apportionment counts, which [Biden condemned](#) shortly after it was announced.

Last month, [the Supreme Court ruled](#) that it would be "premature" to decide whether Trump could legally subtract unauthorized immigrants from those numbers. The high court's conservative majority noted in their opinion that the case was "riddled with contingencies and speculation."

From the beginning, Trump's effort had been hampered by the practical challenge of coming up with a state-by-state count of unauthorized immigrants given the lack of a question about immigration status on the 2020 census forms.

Days before Justice Department attorneys confirmed last week that the administration had officially given up on Trump's bid, [career officials at the Census Bureau stopped trying to use government records](#) to produce those figures, which were likely to be incomplete and inaccurate.

New state numbers from the 2020 census, which were legally due at the end of last year, have not been released yet because of delays caused by the [Trump administration's last-minute schedule changes](#) and the coronavirus pandemic. After uncovering irregularities in the information collected for the count, the Census Bureau is continuing to run quality checks and is not expected to put out results until March 6 at the earliest.

Census advocates have been urging Biden to support extensions to the reporting deadlines that the bureau requested back in April after COVID-19 forced the agency to postpone in-person counting efforts. Sen. Brian Schatz, a Democrat from Hawaii who has been serving on the Senate appropriations subcommittee for the bureau, is [expected to reintroduce legislation](#) that would formally give the bureau more time.

"President Biden will ensure that the Census Bureau has time to complete an accurate population count for each state," Rice told reporters Tuesday.

Op-Ed: Why Redistricting Ensures Minority Representation

Tuesday, April 26, 2016 || By Rep. Emanuel "Chris" Welch (7th) || OPINION

The redistricting, or "remap," of state legislative districts that's mandated by law to occur after the U.S. Census every 10 years is very important. Unfortunately, the process has often been criticized as too political and one where voters are left without a voice.

To address these issues, I'm supporting House Joint Resolution Constitutional Amendment 58 (HJRCA 58), which is a comprehensive, bipartisan measure that will put an independent commission in charge of drawing state legislative district boundaries and protect minority representation.

The commission will be made up of eight members appointed by the Chief Justice of the Illinois Supreme Court and the most senior justice from the opposing political party. Current and recently elected officials are disqualified from serving on the panel, as are lobbyists, business owners who contract with the state and state employees. This proposal is a win-win for Illinois.

First, this measure will ensure that Illinois meets federal requirements under the Voting Rights Act to protect minority representation. In addition, members of the independent commission will be required to reflect the ethnic, gender, and racial demographics of Illinois. These are important protections that will prevent minority populations from being unfairly lumped into as few legislative districts as possible, as a way to dilute their representation.

In addition, this measure will make the redistricting process more transparent and take the process out of the hands of elected officials, which many of my constituents and residents across Illinois strongly support. The independent commission will be required to hold 15 public hearings throughout Illinois before adopting a plan and must provide the public seven days to review a final plan before it's adopted.

For these reasons, a wide coalition of groups including the Illinois Campaign for Political Reform, the Illinois Chamber of Commerce, and the Small Business Advocacy Council support this reform. I will continue to fight to get this measure passed and put on the ballot for voters to weigh in on. **VFP**

Emanuel "Chris" Welch is the state representative from Illinois's 7th District, which covers Maywood, Bellwood and Broadview, among other western suburbs.



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Prison gerrymandering on its way to ending in Illinois

CHANGE Illinois and justice reform advocates have been calling for an end to prison gerrymandering in Illinois, the unjust practice of counting incarcerated people at temporary prison addresses instead of permanent home addresses for the census and redistricting. We are thrilled Illinois is on its way to becoming the 11th state to end prison gerrymandering with the passage today of HB3653. We urge Gov. J.B. Pritzker to sign HB3653 into law to restore representation to incarcerated people and their home communities.

“Prison gerrymandering must end to achieve equity. It’s about fixing a systemic injustice that predominantly has wrongly harmed people of color for far too long,” said Madeleine Doubek, executive director of CHANGE Illinois.

“No longer will the voting and representation rights of tens of thousands of Illinois residents be violated and suppressed” said DeAngelo Bester, executive director of the Workers Center for Racial Justice.

Prison gerrymandering unfairly skews representation toward downstate districts with prisons and away from Black and Brown communities where people who are incarcerated actually live. According to the most recent data available from the Prison Policy Initiative, 70 percent of the prison population in Illinois is made up of Black and Brown residents. Black Illinoisans make up the single largest demographic group of those incarcerated, by far. The practice steals representation from people who typically are incarcerated for less than 2.5 years and assigns it downstate for a decade. This practice also harms their relatives, friends and neighbors in their home communities.

We applaud the Illinois General Assembly for including an end to prison gerrymandering in its criminal justice reform omnibus package. They chose to abolish this inequitable system ahead of the 2021 redistricting process. We want to especially express our gratitude to **Sens. Elgie Sims, Robert Peters, Kimberly Lightford** and to **Rep. Justin Slaughter** for their commitment to ending this injustice. We especially want to thank **Rep. La Shawn Ford** for his decade-long push to end prison gerrymandering.

Organizations that joined CHANGE Illinois in advocating for the end of prison gerrymandering in Illinois include Workers Center for Racial Justice, Black Roots Alliance, Common Cause Illinois,

Redistricting of County Board – general overview of statutory timeline

SHORT VERSION OF STATUTORY BENCHMARKS:

- By the third Wednesday in May, 2021, the County Executive is supposed to present an apportionment plan to the Board
- At least 6 days after the Executive presents the apportionment plan to the Board, but not more than 21 days after said date, the Board shall conduct a public hearing on the plan
- By July 1st, 2021, the Board is supposed to have county board districts reapportioned
- If the Executive/Board fail to meet the July 1st deadline, a county apportionment commission would have to be formed, with their deadline for submitting a reapportionment plan being October 1st, 2021, plus up to 60 more days by court order.
- After reapportionment but no later than September 1st, 2022, the county board would also need to determine the terms for the seats (2/4/4 years or 4/4/2 years).

A longer prose description of the timeline follows. As always, see the statute for all details.

The ‘redistricting’ (statute uses the term “reapportionment”) of county board seats is governed by Division 2-3 of Article 2 of the Counties Code. See generally 55 ILCS 5/2-3001 et seq.

The statute requires that **by July 1st, 2021**, the county board shall reapportion the county so that each member of the county board represents the same number of inhabitants. See 55 ILCS 5/2-3002 (“Counties with population of less than 3,000,000 and with township form of government”).

In Champaign County the county board members are elected by districts, therefore 55 ILCS 5/2-3002 (“Apportionment plan”) is applicable, and the county board must every ten years develop an apportionment plan. It has already been established that the county board has 11 districts, with two members representing each district for a total of 22 board members. 55 ILCS 5/2-3002(1) requires that each such district:

- a) Shall be substantially equal in population to each other district;
- b) Shall be comprised of contiguous territory, as nearly compact as practicable;
- c) May divide townships or municipalities only when necessary to conform to the population requirements of (a); and
- d) Shall be created in such a manner so that no precinct shall be divided between 2 or more districts, insofar as practicable.

Per 55 ILCS 5/2-3002(4), in a county where the County Executive is elected, the County Executive may develop and present to the Board **by the third Wednesday in May** in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of 55 ILCS 5/2-3002.

If the County Executive presents such a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the

Executive's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. See 55 ILCS 5/2-3002(4). If the County Executive presents such a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until after a hearing on the plan.

According to the current statutory scheme (unless or until modified by the state legislature), per 55 ILCS 5/2-3004 ("Failure to complete reapportionment"), if the Board fails to complete the reapportionment of the county by July 1st, 2021, or by the day after the county board's regularly scheduled July meeting in 2021, whichever is later, statute directs that the Champaign County Clerk shall convene a "county apportionment commission" which consists of a list of officials as defined by statute at 55 ILCS 5/2-3001(b). The county apportionment commission would then develop the apportionment plan for the county in the manner provided by statute, and would ("shall") submit the commission's apportionment plan by October 1st, 2021, except that the circuit court, for good cause shown, may grant an extension of time, not exceeding a total of 60 days, within which such a plan may be submitted. See 55 ILCS 5/2-3004.

Whether developed by the county board or the county apportionment commission, as the case may be, the apportionment plan must be filed in the office of the county clerk within the time required [by the statute].

If no apportionment plan is filed with the county clerk as required by [the statute], the members of the county board shall be elected at large in the county. See 55 ILCS 5/2-3006 ("Failure to file apportionment plan; election of board members at large).

No later than September 1st of the year of the next general election following reapportionment (so, no later than September 1st, 2022), the county board shall divide the county board districts publicly by lot as equally as possible into 2 groups to determine which board seats shall have terms of 2 years, 4 years, and 4 years, and which seats shall have terms of 4 years, 4 years, and 2 years. See generally 55 ILCS 5/2-3009 ("Terms of board members; vacancies; elections") for more on this part of the process.

The above is a general overview and plain-language summary of the statutory process with a focus on the required timeline and is not comprehensive of all issues. For all other issues please consult the statutory text first. If hypothetically, the legislature acts to extend one or more of these statutory deadlines in light of delayed census results being released, then the entire timeline is subject to change. But for now, this is the general timeline as prescribed by current statute. This timeline may be revised in the future subject to any further information received.

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