



United Counties Council of Illinois

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June 2, 2021

To: UCCI Membership

Re: Legislative Changes Affecting County Reapportionment – Senate Bill 825

In the final day of regular session, the Illinois General Assembly passed Senate Bill 825, which contains numerous election related reforms. Among the changes were amendments to Article 2, Division 2-3 of the Counties Code, entitled Reapportionment Of County For Election Of County Board. These amendments, which are limited to reapportionment occurring in 2021, include revising definition of “population” to allow for measures of population other than just the decennial census; changing the deadline for reapportionment to December 31, 2021; changing the date by when a chair or county executive must present their reapportionment plan to the full board; and changing the date when a reapportionment commission may be convened. The bill was passed by both chambers on May 31, 2021, but has not yet been sent to the Governor for signature.

The following Sections are amended as follows:

- 2-3001 “‘population’ means the number of inhabitants as determined by the county board by **any reasonable method**, including, but not limited to, **the most recent American Community Survey 5-year data.**”¹
- 2-3002 “the county board shall reapportion its county by **December 31, 2021.**”²
- 2-3003 “the Chairman of the County Board or County Executive may develop and present (**or redevelop and represent**) **to the Board by the third Wednesday in November** in the year after a federal decennial census year an apportionment plan and the Board shall conduct its public hearing as provided [by the Counties Code] following receipt of the apportionment plan.”³
- 2-3004 “If any county board fails to complete the reapportionment of its county ... **by the third Wednesday in November in the year after a federal decennial census year** ... the county clerk of that county shall convene the county apportionment commission.”⁴

¹ 55 ILCS 5/2-3001 as amended by Senate Bill 825, House Amendment 2 at 173. (emphasis added)

² 55 ILCS 5/2-3002 as amended by Senate Bill 825, House Amendment 2 at 174. (emphasis added)

³ 55 ILCS 5/2-3003 as amended by Senate Bill 825, House Amendment 2 at 178. (emphasis added)

⁴ 55 ILCS 5/2-3004 as amended by Senate Bill 825, House Amendment 2 at 178. (emphasis added)

If signed into law by the Governor, the above changes give county boards the authority to proceed with reapportionment based upon population figures from sources other than the federal decennial census, wait for the federal decennial census figures to be delivered in September⁵, prepare a preliminary reapportionment plan and hold it for final review after receipt of federal decennial census figures, or some combination thereof.

Notably, the amendments contemplate a scenario where a County Board Chair or County Executive may have previously submitted an apportionment plan to their respective county board and authorizes those officials to redevelop and re-present a plan to the County Board.

Under normal circumstances, the above dates would interfere with the election cycle including petitions, challenges, and primaries. However, Senate Bill 825 addresses this by providing for the following revised election cycle dates:

January 13, 2022 Petitions for nomination for the general primary election may begin.⁶

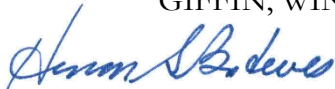
March 21, 2022 Objections to certificates of nomination and nomination papers and petitions to submit public questions to a referendum for the general primary election shall be filed.⁷

April 13, 2022 Petitions for nomination for independent candidates and new political party candidates for the general election may begin circulation.⁸

June 28, 2022 General Primary Election⁹

County Boards preparing to act on their apportionment plans may find it prudent to wait to take final action on their plan until closer to the current July deadline in order to have the benefit of the extended timeline and the broader definition of population.

At the request and direction of UCCI this opinion was prepared by
GIFFIN, WINNING, COHEN & BODEWES, P.C.


Herman G. Bodewes


Jason E. Brokaw

⁵ The Census Bureau has indicated that redistricting data will be delivered by September 30, 2021.

<https://www.census.gov/newsroom/blogs/random-samplings/2021/02/timeline-redistricting-data.html>

⁶ 10 ILCS 5/2A-1.1b(b) as amended by Senate Bill 825, House Amendment 2 at 4.

⁷ 10 ILCS 5/2A-1.1b(d) as amended by Senate Bill 825, House Amendment 2 at 6.

⁸ 10 ILCS 5/2A-1.1b(f) as amended by Senate Bill 825, House Amendment 2 at 6.

⁹ 10 ILCS 5/2A-1.1b as amended by Senate Bill 825, House Amendment 2 at 7.