

THIS IS THE OFFICIAL PUBLICATION OF THE  
PROPOSED 1970 CONSTITUTION BY THE SIXTH ILLINOIS CONSTITUTIONAL CONVENTION  
AS ADOPTED ON SEPTEMBER 3, 1970.  
ITS PUBLICATION IS REQUIRED BY PUBLIC ACT 76-40  
AND MADE POSSIBLE BY AN APPROPRIATION BY THE ILLINOIS GENERAL ASSEMBLY

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*Proposed*  
**1970 CONSTITUTION**  
*for the*  
**STATE of ILLINOIS**

OFFICIAL TEXT WITH EXPLANATION

Submitted by the  
Sixth Illinois Constitutional Convention.

THIS PROPOSED CONSTITUTION WILL BE SUBMITTED  
TO THE VOTERS OF ILLINOIS AT A SPECIAL ELECTION  
ON DECEMBER 15, 1970.

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TABLE OF CONTENTS

	Page		Page
ADDRESS TO THE PEOPLE.....	2	FINANCE, ARTICLE VIII.....	14
SAMPLE BALLOT.....	3	REVENUE, ARTICLE IX.....	14
INTRODUCTION.....	5	EDUCATION, ARTICLE X.....	15
PREAMBLE.....	5	ENVIRONMENT, ARTICLE XI.....	16
BILL OF RIGHTS, ARTICLE I.....	5	MILITIA, ARTICLE XII.....	16
THE POWERS OF THE STATE, ARTICLE II.....	7	GENERAL PROVISIONS, ARTICLE XIII.....	16
SUFFRAGE AND ELECTIONS, ARTICLE III.....	7	CONSTITUTIONAL REVISION, ARTICLE XIV.....	17
THE LEGISLATURE, ARTICLE IV.....	7	TRANSITION SCHEDULE.....	17
THE EXECUTIVE, ARTICLE V.....	9	ADOPTION SCHEDULE.....	18
THE JUDICIARY, ARTICLE VI.....	11	DELEGATES TO THE SIXTH ILLINOIS CONSTITUTIONAL	
LOCAL GOVERNMENT, ARTICLE VII.....	12	CONVENTION.....	23

# SIXTH ILLINOIS CONSTITUTIONAL CONVENTION ADDRESS TO THE PEOPLE

## ADOPTED BY THE CONVENTION

The Sixth Illinois Constitutional Convention has now finished its work and offers to the people of the State a proposed new Constitution.

In 1968, the people of Illinois were offered the opportunity to approve the calling of a convention to reexamine the basic structures, institutions and functions of their governments. For many in the State the convening of a constitutional convention at this time seemed particularly opportune. There was a great need to modernize an essentially nineteenth century constitution. Many had come to feel that few of the complex problems with which government must deal today can be solved in the national capitol, and that state and local governments, which are much closer to the people, must assume greater responsibilities.

At a time when the nation was troubled by unrest and dissension, Illinois had the opportunity to use the methods of democratic, peaceful, evolutionary change to improve systems that obviously were not working satisfactorily. The Convention gave to the people of Illinois a chance to demonstrate to themselves and especially to those who will inherit their responsibilities that they could respond to a changing world. The scale was modest. It was not to be an attempt to remake the world; but only to rewrite one of fifty state constitutions of the United States. Nevertheless, how well the Convention did its work—and acceptance of that work by the people—is important not only to Illinois, but also to other states, as an inspiration to others to undertake the task of revitalizing state and local government in this country.

The Illinois Constitution of 1870 has been difficult to amend. It was written at a time when the fashion was one of detailed, restrictive constitutions which attempted to present legislative solutions to current problems. Agitation in Illinois for a constitutional convention in the late 1940's resulted in a proposal by the General Assembly of the Gateway Amendment, so-called because it was expected that it would open the way to easier constitutional change by amendment. The Gateway Amendment was approved in 1950 and there was hope that other constitutional changes would follow. It was apparent by 1965, however, that constitutional change by the Gateway Amendment process was not adequate to bring the basic structures and procedures of Illinois government into the twentieth century. In fact the Constitution was hardly more amendable than it had been before 1950.

Constitutional rigidity forced citizens and officers of government to evade and violate constitutional statements as changing conditions called for constitutional change which could not be secured by traditional means. Such evasion was largely responsible for much of the feeling in behalf of a convention which had developed by 1968.

In 1965 the General Assembly created a Constitution Study Commission which unanimously recommended that the question of calling a constitutional convention be submitted to the people in 1968. This call the General Assembly voted by an overwhelming majority. The ensuing referendum resulted in the largest popular majority ever given a candidate or a constitutional question in the history of the State. Of all who went to the polls in the general election of that presidential year, more than four persons out of every five voted upon the convention question. Almost three out of every four who expressed an opinion on the convention call were affirmative. The Convention which was authorized was the first in Illinois in fifty years and only the second since the Constitution was adopted in 1870.

The Convention sought to write a constitution which was acceptable to a majority. This process of democratic discourse was seldom easy. Intense disagreement was often encountered. Members differed with one another, in their efforts to find the best constitutional course for the people of Illinois. The dominant themes throughout that search were three in number: greater protection of individual rights, increased responsiveness of government to the people, and heightened efficiency and effectiveness of government in its service to the public. The Convention sought, though not always successfully, to adhere to the principle that a constitution should deal with structure of government, its powers, and its relation to the individual citizen.

The members of the Convention were black and white, were men and women, were young and not so young, were rich and not so rich, were urban and rural, were Republican and Democrat and Independent, were of many generations resident in the State and were foreign born, were in fact of the whole demographic mixture which makes Illinois at the same time so great and so perplexing a State. But of whatever persuasion, they take pride in describing here the most significant changes and additions which they propose in a new Constitution.

*In the Preamble and Bill of Rights Article.* The traditional Preamble is revised in order for it more fully to describe the aims of government in the State. Individual rights protected by the present Constitution are retained. There are additional new protections. All persons are guaranteed freedom from discrimination in housing and employment on the basis of race, color, creed, national origin, sex, and mental or physical handicap. Unreasonable invasions of privacy are prohibited; and the right of the citizen to keep and bear arms, subject to the police power is guaranteed. Equal protection of the laws is not to be denied on account of sex or for other reason. Prohibition of the death penalty is a separately submitted item, for acceptance or rejection by the

voters, aside from the main body of the proposed new Constitution.

*The Suffrage and Elections Article.* Wider participation in elections, and greater protection of the integrity of the election process, were sought. The requirement for residence in the State as a prerequisite to voting is reduced from one year to six months; while the requirement for county residence is eliminated. The General Assembly may require residence in the election district of no more than thirty days, and may prescribe shorter periods of residence in both State and district for those wishing to vote in presidential elections. A State Board of Elections will supervise election law administration throughout the State. The question of reducing the voting age to eighteen is separately submitted to the voters.

*The Legislative Article.* In its consideration of the Legislative Article the Convention sought to achieve more meaningful representation of the people and to improve procedures in the General Assembly. The question of retaining the present system of 177 Representatives from multi-member districts with cumulative voting, with the addition that no party may limit its nominations to less than two, is offered separately to the voters. An alternative system of single-member districts for the election of members of the House of Representatives is also offered separately to the voters. In it each one of fifty-nine Legislative Districts, each electing one Senator, is to be divided into three House districts, for a total of 177, each electing one Representative. The plan which the electors favor will be placed in the new Constitution if it is approved. If the new Constitution is approved but neither plan of legislative structure is approved, then the applicable provisions of the 1870 Constitution will remain in effect.

Redistricting every ten years, in order to restore the equality of legislative district populations, is prescribed, with a "tie breaker" arrangement to reduce the likelihood of an at large election. Annual sessions for the General Assembly are authorized; and the General Assembly is required to establish a uniform effective date for legislation. The minimum age for service in the General Assembly is reduced to twenty-one years.

*The Executive Article.* In the Executive Article, the Convention sought to make the executive branch more effective. In 1978 and thereafter, all state executive officers are to be elected for terms of four years. Thus the presidential election year will be avoided, and it is hoped there will be greater emphasis on state issues. The Superintendent of Public Instruction is no longer to be elected, and the Auditor is replaced by a Comptroller. The Governor and Lieutenant Governor are to be elected jointly, removing the possibility of their being of different political parties.

(Continued on Page 4)

## EXPLANATION OF THE BALLOT

THIS BALLOT IS IN SEVERAL SECTIONS.

IN THE FIRST SECTION THE VOTER WILL HAVE THE OPPORTUNITY TO VOTE "YES" OR "NO" ON THE PROPOSED 1970 CONSTITUTION.

THEREAFTER FOLLOW FOUR SEPARATELY SUBMITTED CONSTITUTIONAL PROPOSITIONS.

THE VOTER MAY SELECT EITHER ALTERNATIVE ON PROPOSITIONS #1 AND #2.

ON EACH OF THE THIRD AND FOURTH PROPOSITIONS THE VOTER MAY VOTE "YES" OR "NO".

THE VOTER MAY VOTE ON ANY OF THESE PROPOSITIONS REGARDLESS OF HOW A VOTE IS CAST ON THE PROPOSED 1970 CONSTITUTION.

## SAMPLE BALLOT

## OFFICIAL BLUE BALLOT

(Instructions to Voters: Place an "X" in the boxes opposite the propositions for which you desire to vote. The full text of the proposed 1970 Constitution and the separate propositions is available for inspection in your polling place.)

Do you approve the proposed 1970 Constitution?	Yes	
	No	

1.

WHICH OF THE FOLLOWING PROVISIONS SHALL THE LEGISLATIVE ARTICLE OF THE PROPOSED 1970 CONSTITUTION CONTAIN CONCERNING THE ELECTION OF REPRESENTATIVES TO THE GENERAL ASSEMBLY? (Vote ONLY for one)

1A.	Election of the 177 members of the House of Representatives from <u>multi-member districts by cumulative voting.</u>	1A	
OR			
1B.	Election of the 177 members of the House of Representatives from <u>single member districts.</u>	1B	

2.

WHICH OF THE FOLLOWING PROVISIONS SHALL THE JUDICIAL ARTICLE OF THE PROPOSED 1970 CONSTITUTION CONTAIN CONCERNING THE SELECTION OF SUPREME, APPELLATE AND CIRCUIT COURT JUDGES? (Vote ONLY for one)

2A.	The <u>election</u> by the voters of Judges nominated in primary elections or by petition.	2A	
OR			
2B.	The <u>appointment</u> of Judges by the Governor from nominees submitted by Judicial Nominating Commissions.	2B	

SHALL THE 1970 CONSTITUTION CONTAIN PROVISIONS:

3.

Abolishing the death penalty?	Yes	
	No	

4.

Lowering the voting age to 18?	Yes	
	No	

(Continued from Page 2)

The Governor is to have greater veto powers—to reduce the amounts specified in appropriation acts, and to propose changes in acts submitted for his consideration. He also is to have authority to reorganize executive agencies and to reassign functions among them.

*The Judiciary Article.* Even though the Judicial Article of the present Constitution has been in effect only since January 1, 1964, the Convention sought to perfect it in the light of experience. A plan for judges of the Supreme, Appellate and Circuit Courts to be nominated by primary election or by petition, instead of party convention, and elected at general or special elections as the General Assembly shall determine, is offered as a separate question to the voters. The question of appointing judges at all levels, by the Governor from nominees submitted by Judicial Nominating Commissions, is also offered separately to the voters. The plan which the electors favor will be placed in the new Constitution if it is approved. If the new Constitution is approved but neither plan for choosing judges is approved, then the applicable provisions of the 1962 Judicial Article will remain in effect. The vote required to retain a judge in office at the end of his term is increased from a simple majority to three-fifths.

A Judicial Inquiry Board is to have authority to receive or initiate complaints against judges, and to investigate the same. The Board may file such complaints with the Courts Commission, and if it does, the Board shall prosecute the complaint. The impeachment power of the General Assembly over judges is confirmed. The mandatory appellate jurisdiction of the Supreme Court is reduced; and the Supreme Court is given authority to assign constitutional appeals of lesser import to the appellate courts, thus relieving itself of this burden. Provisions for filling vacancies in judicial positions are prescribed. Permission is granted for two or more counties to join for the purpose of electing a single state attorney. The Clerk of the Supreme Court, and the clerks of the Appellate courts, shall be appointed by the respective courts. Circuit court clerks may be elected or appointed, as the General Assembly directs.

*The Local Government Article.* The heart of the Local Government Article is in its provisions for home rule, a concept not included in the present Constitution. Home rule units are defined as any county having a chief executive, elected by the voters, and any municipality having a population of more than 25,000. Any smaller municipality may in referendum elect to become a home rule unit; and any home rule unit may in referendum elect to give up home rule status. Home rule units have wide discretion as to the powers and functions each will exercise and perform. The General Assembly only by a three-fifths vote may limit or deny strictly local powers to home rule units; but by a simple majority may limit or deny to home rule units any power which is exercised concurrently or exclusively by the State. Home rule units may exercise much discretion in regard to their governmental structures and offices.

Changes other than those relating to home rule are included. All counties and municipalities have greater flexibility in providing services. Traditionally rigid county governments may be reorganized following referendum or Board action. Wide latitude in intergovernmental cooperation is permitted.

*The Finance Article.* This is a totally new Article which has no counterpart in the present Constitution. It is concerned with better management of the taxpayer's money. It declares financial records of State and local governments to be open to the public. It provides for a balanced executive budget, to be prepared each year by the Governor, and to extend to all the

financial affairs of the State. The General Assembly is to appoint an Auditor General, for a term of ten years, who will have charge of the audit of all aspects of State finance. Uniform systems of local governmental accounting are to be provided by the General Assembly.

*The Revenue Article.* Here the Convention sought to provide a structure upon which the General Assembly could build an equitable and adequate tax system. Any income tax is limited to a non-graduated tax. A corporate income tax rate may not exceed the rate on individual persons by more than the ratio of eight to five. Neither of these limitations is contained in the present Constitution. Real property may be classified for ad valorem tax purposes in counties of more than 200,000 persons. With such classification the ratio of the highest to the lowest level of assessment may not exceed two-and-one-half to one, and real property used in farming shall be assessed at a level not higher than single family residential property.

The ad valorem tax on personal property is made dependent, insofar as individuals are concerned, on the amendment which is to be voted on at the November 3, 1970 general election, which would prohibit the personal property tax "as to individuals". Any remaining personal property tax is to be abolished by 1979, and the loss of revenue to local governments is to be replaced by a statewide tax, imposed on the class or classes relieved of ad valorem taxation upon personal property subsequent to any prohibition brought about by the adoption of the amendment to be voted on in 1970.

Exemption from and credits for taxation are authorized, such as food in relation to a sales tax, and homesteads and rent credits in relation to the tax on real property. Debt secured by the full faith and credit of the State requires approval either by three-fifths of the General Assembly or in a popular referendum. Debt to be repaid from revenue generated by the object for which the debt was incurred, such as a dormitory or toll highway, is to depend on approval by a simple majority of the General Assembly.

*The Education Article.* The Convention was greatly concerned with improving and equalizing opportunities for education. The education of all persons to the limit of their capacities is declared to be a fundamental goal of the people of the State. Education through the secondary school is to be free, with such further free education as the General Assembly may provide. The State is to have primary responsibility for the costs of public education. A State Board of Education is authorized, with members to be either elected or appointed, or a combination of the two, as the General Assembly may direct. The Board is to appoint the chief state education officer.

*The Environment Article.* Pressing needs of the time were recognized in this Article, which has no parallel in the present Constitution. The maintenance of a healthful environment is declared to be the public policy of the State, and the right and duty of each person. The individual is given legal standing so that he may enforce this right through appropriate legal proceedings.

*The General Provisions Article.* Here a miscellany of items considered to be in the public interest were brought together. A sworn statement of economic interests is required of all candidates for and holders of state office, and of all members of Constitutional Boards and Commissions. A similar requirement may be imposed by the General Assembly on local candidates and officials. All such statements are to be open to public inspection.

The provisions of state and local governmental pension

and retirement systems shall not have their benefits reduced. Membership in such systems shall be a valid contractual relationship.

Public transportation is declared to be an essential public service, which the General Assembly may by law assist. Public funds may be granted to private agencies for the provision of public transportation services.

The requirement of a referendum for changes in the banking laws has been deleted. Any law authorizing branch banking, however, would require an extraordinary majority of the legislature.

*The Constitutional Revision Article.* A primary difficulty with the present Constitution is in amending it. Thus an effort is made to make the process of constitutional change more workable. By a three-fifths vote of each house, the General Assembly may propose amendments to the Constitution or place the question of calling a constitutional convention on the ballot. Either proposition may be approved by three-fifths of those voting on the question or a simple majority of those taking part in the general election. The greater ease of amendment which is proposed is clear, since the present Constitution specifies a two-thirds approval in the General Assembly for such questions, and also requires for adoption, two-thirds of those voting on a proposed amendment, or a simple majority of those voting in the election. The question of calling a convention shall automatically be placed on the general election ballot, by the Secretary of State, at the end of any twenty-year period in which it has not been submitted to the people by the General Assembly. No such provision is in the present Constitution.

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

*The Deletion of Sections and Articles.* In preparing a new Constitution the Convention deleted much material because of its obsolescence or constitutional irrelevancy. The boundaries Article is deleted because determination of the boundaries of the State is a matter of Federal Law, not of the State Constitution.

In addition to deletions, the Convention has improved the directness and simplicity of the language of many of the provisions carried over into a new Constitution. The proposed document is shorter by 5,000 words than the one now in effect. While no member of the Convention would insist that it has written a perfect Constitution, most are of the opinion that their product is an attempt better to meet the needs of their era.

The Convention asks the People for their support of the proposed new Constitution in the coming referendum. For all items which are separately submitted it recommends, in addition, the most careful public scrutiny. Throughout the Convention, its members have been obliged, while seeking to serve the public interest, to realize that no single point-of-view could dominate any question, nor could any interest or faction have its will consistently prevail. In a State so diverse as Illinois, only the spirit of compromise has made it possible for many problems to be solved. The Convention asks the People to view its product in the same spirit—with the idea that while it is not in every respect ideal from a given point-of-view, it is from any vantage point far better suited than is the Constitution of 1870 to serve the future needs of the State.

# INTRODUCTION

THE PROPOSED 1970 CONSTITUTION FOR THE STATE OF ILLINOIS APPEARS ON THIS AND THE FOLLOWING PAGES. THE OFFICIAL TEXT IS PRINTED IN BLACK. FOLLOWING EACH SECTION IS APPROPRIATE INFORMATION EXPLAINING THAT SECTION. THESE EXPLANATIONS ARE PRINTED IN BLUE.

THROUGHOUT THESE EXPLANATIONS THE PHRASE "1870 CONSTITUTION" MEANS THE 1870 CONSTITUTION, AS AMENDED.

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## CONSTITUTION OF THE STATE OF ILLINOIS

ADOPTED ON THE THIRD DAY OF SEPTEMBER, NINETEEN HUNDRED AND SEVENTY,  
BY THE SIXTH ILLINOIS CONSTITUTIONAL CONVENTION AT THE OLD STATE CAPITOL  
IN THE CITY OF SPRINGFIELD.

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## PREAMBLE

We, the People of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors—in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity — do ordain and establish this Constitution for the State of Illinois.

\* \* \* \* \*

This preamble is substantially unchanged, except for the addition of new phrases emphasizing the role of government in promoting legal, social, and economic justice.

## ARTICLE I BILL OF RIGHTS

### SECTION 1. INHERENT AND INALIENABLE RIGHTS

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

This is a minor rephrasing of Article II, Section 1 of the 1870 Constitution.\* The substance is unchanged.

### SECTION 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

\*Throughout these explanations, the phrase "1870 Constitution" means the 1870 Illinois Constitution, as amended.

The first part of the sentence is the same as Article II, Section 2 of the 1870 Constitution. The second part guarantees every person the right to equal protection of the law.

### SECTION 3. RELIGIOUS FREEDOM

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

This is the same as Article II, Section 3 of the 1870 Constitution.

### SECTION 4. FREEDOM OF SPEECH

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

This is a minor rephrasing of Article II, Section 4 of the 1870 Constitution. The substance is unchanged.

### SECTION 5. RIGHT TO ASSEMBLE AND PETITION

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their

opinions to their representatives and to apply for redress of grievances.

This changes Article II, Section 17 of the 1870 Constitution by requiring only that an assembly for any purpose be peaceable.

#### SECTION 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

This is an amended version of Article II, Section 6 of the 1870 Constitution expanded to include guarantees of freedom from unreasonable eavesdropping and invasions of privacy. The restriction on warrants is unchanged.

#### SECTION 7. INDICTMENT AND PRELIMINARY HEARING

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger. The General Assembly by law may abolish the grand jury or further limit its use.

No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.

This changes Article II, Section 8 of the 1870 Constitution. It continues the right to a grand jury indictment but authorizes the General Assembly to limit as well as abolish the use of the grand jury. It also grants the right to a preliminary hearing to anyone accused of a felony who was not originally charged by a grand jury.

#### SECTION 8. RIGHTS AFTER INDICTMENT

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to meet the witnesses face to face and to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

This is a minor rephrasing of Article II, Section 9 of the 1870 Constitution. It maintains guarantees which insure anyone accused of a crime the right to a fair trial.

#### SECTION 9. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it.

This is a minor rephrasing of Article II, Section 7 of the 1870 Constitution. The substance is unchanged.

#### SECTION 10. SELF-INCRIMINATION AND DOUBLE JEOPARDY

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

This is a minor rephrasing of Article II, Section 10 of the 1870 Constitution. The substance is unchanged.

#### SECTION 11. LIMITATION OF PENALTIES AFTER CONVICTION

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

This amends Article II, Section 11 of the 1870 Constitution. It adds the requirement that penalties be determined with the objective of rehabilitating the offender and in accordance with the seriousness of the offense.

#### SECTION 12. RIGHT TO REMEDY AND JUSTICE

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

This is a strengthened version of the same guarantee contained in Article II, Section 19 of the 1870 Constitution. It guarantees a remedy for invasion of privacy.

#### SECTION 13. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

This section is the same as Article II, Section 5 of the 1870 Constitution, except that it deletes an out-dated reference to the office of justice of the peace, which has been abolished.

#### SECTION 14. IMPRISONMENT FOR DEBT

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

There are two substantial changes from Article II, Section 12 of the 1870 Constitution. This section allows imprisonment for willful failure to pay a fine in a criminal case after the person has been given an opportunity to pay. It allows for payment in installments, if necessary.

#### SECTION 15. RIGHT OF EMINENT DOMAIN

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

This section is an amended version of Article II, Section 13 of the 1870 Constitution. It eliminates a special rule applying to the ownership of lands taken by railroads, and grants the right to jury trial in eminent domain cases. All persons whose property is taken or damaged for public use are given the right to have their compensation determined by a jury.

#### SECTION 16. EX POST FACTO LAWS AND IMPAIRING CONTRACTS

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

This is a minor rephrasing of Article II, Section 14 of the 1870 Constitution. The substance is unchanged.

#### SECTION 17. NO DISCRIMINATION IN EMPLOYMENT AND THE SALE OR RENTAL OF PROPERTY

All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property.

These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation.

This new section states that everyone has the right to be free from discrimination in employment or in the sale or rental of property because of race, color, creed, national ancestry or sex. It further states that while these rights can be enforced without laws enacted by the General Assembly, the General Assembly may provide for reasonable exemptions and additional remedies for enforcement.

#### SECTION 18. NO DISCRIMINATION ON THE BASIS OF SEX

The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

This new section states that no government in Illinois may deny equal protection of the law to anyone because of his or her sex.

#### SECTION 19. NO DISCRIMINATION AGAINST THE HANDICAPPED

All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer.

This section is new. It prohibits discrimination against those with a physical or mental handicap in obtaining housing or employment, unrelated to ability.

#### SECTION 20. INDIVIDUAL DIGNITY

To promote individual dignity, communications that portray criminality, depravity or lack of virtue in, or that incite violence, hatred, abuse or hostility toward, a person or group of persons by reason of or by reference to religious, racial, ethnic, national or regional affiliation are condemned.

This new section condemns communications that insult or incite hostility toward a person because he belongs to a religious, racial, ethnic, regional or national group. It seeks the voluntary restraint of the use of derogatory communications directed toward these groups.

#### SECTION 21. QUARTERING OF SOLDIERS

No soldier in time of peace shall be quartered in a house without the consent of the owner; nor in time of war except as provided by law.

This is a minor rephrasing of Article II, Section 16 of the 1870 Constitution. The substance is unchanged.

#### SECTION 22. RIGHT TO ARMS

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.

This new section states that the right of the citizen to keep and bear arms cannot be infringed, except as the exercise of this right may be regulated by appropriate laws to safeguard the welfare of the community.

SECTION 23. FUNDAMENTAL PRINCIPLES

A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot endure unless the people recognize their corresponding individual obligations and responsibilities.

This is an expanded version of Article II, Section 20 of

the 1870 Constitution. The first sentence is unchanged. The second sentence emphasizes that in order to preserve the blessings of liberty it is necessary that people recognize their responsibilities to each other and to society.

shall not be construed to deny or disparage others retained by the individual citizens of the State.

SECTION 24. RIGHTS RETAINED

The enumeration in this Constitution of certain rights

This new section acknowledges that the people have rights that are not mentioned in this Constitution. It states that these rights are not denied even though they are not enumerated.

ARTICLE II

THE POWERS OF THE STATE

SECTION 1. SEPARATION OF POWERS

The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another.

This section is self-explanatory, and is derived from Article III of the 1870 Constitution.

and functions shall not be construed as a limitation of powers of state government.

SECTION 2. POWERS OF GOVERNMENT

The enumeration in this Constitution of specified powers

This section acknowledges the basic principle of state sovereignty.

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 1. VOTING QUALIFICATIONS

Every United States citizen of the required voting age who has been a permanent resident of this State for at least six months next preceding any election shall have the right to vote at such election. The General Assembly by law may establish registration requirements and require permanent residence in an election district not to exceed thirty days prior to an election. The General Assembly by law may establish shorter residence requirements for voting for President and Vice-President of the United States.

This changes Article VII, Section 7 of the 1870 Constitution. It means that those convicted of a felony or under sentence in any correctional institution or jail cannot vote. However, the right to vote must be restored no later than completion of sentence.

secret elections, and facilitate registration and voting. It also requires that election laws be general and uniform.

This section replaces Article VII, Section 1 of the 1870 Constitution. It confirms the right of women to vote and lowers the length of state residency requirements. The voting age will remain 21 unless the Separate Ballot Proposition #4, which lowers it to 18, is adopted. (See Adoption Schedule, Section 5 on page 20, and Separate Question #4.) The General Assembly may lower the length of residency requirements in election districts and for voting for President and Vice President of the United States.

SECTION 3. ELECTIONS

All elections shall be free and equal.

This is the same as Article II, Section 18 of the 1870 Constitution.

SECTION 5. BOARD OF ELECTIONS

A State Board of Elections shall have general supervision over the administration of the registration and election laws throughout the State. The General Assembly by law shall determine the size, manner of selection and compensation of the Board. No political party shall have a majority of members of the Board.

SECTION 2. VOTING DISQUALIFICATIONS

A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, which right shall be restored not later than upon completion of his sentence.

SECTION 4. ELECTION LAWS

The General Assembly by law shall define permanent residence for voting purposes, insure secrecy of voting and the integrity of the election process, and facilitate registration and voting by all qualified persons. Laws governing voter registration and conduct of elections shall be general and uniform.

SECTION 6. GENERAL ELECTION

As used in all articles of this Constitution except Article VII, "general election" means the biennial election at which members of the General Assembly are elected. Such election shall be held on the Tuesday following the first Monday of November in even-numbered years or on such other day as provided by law.

This section replaces Article VII, Sections 2, 3, 4 and 5, of the 1870 Constitution. It provides that the General Assembly shall define residence for voting purposes, insure fair and

This section is new and self-explanatory.

ARTICLE IV

THE LEGISLATURE

SECTION 1. LEGISLATURE—POWER AND STRUCTURE

If the electors approve Proposition #1A providing for the election of Representatives to the General Assembly from multi-member districts with cumulative voting then Section 1 and Subsections (a) and (b) of Section 2 of Article IV contained in the Adoption Schedule shall be placed in this Constitution as Section 1 and Subsections (a) and (b) of Section 2 of Article IV.

If the electors approve Proposition #1B providing for the election of Representatives to the General Assembly from single member districts the language contained in Section 1 and Subsections (a) and (b) of Section 2 of Article IV contained in the Adoption Schedule shall be placed in this Constitution as Section 1 and Subsections (a) and (b) of Section 2, Article IV.

propositions submitted to the voters. Separate Question #1A provides for the election of 177 members of the House of Representatives of the General Assembly from multi-member districts by cumulative voting. Separate Question #1B provides for the election of 177 members of the House of Representatives from single member districts. If neither proposition is approved, the applicable provisions of the 1870 Constitution, which provide for the election of members of the House of Representatives from multi-member districts by cumulative voting, will remain in effect. (See Sections 2 and 6 of the Adoption Schedule on pages 18 and 20 for the text and explanation of these alternative propositions.)

SECTION 2. LEGISLATIVE COMPOSITION

Subsections (a) and (b)

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or

appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial District with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative District or in any other Senatorial District, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

This language will be replaced with one of the alternative

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

See Sections 2 and 6 of the Adoption Schedule on pages 18 and 20, for the text and explanation of Subsections (a) and (b).

Subsections (c), (d) and (e) modify Article IV, Sections 2 and 3, of the 1870 Constitution. The age requirement for Senators is reduced from 25 to 21 to correspond with that of Representatives. The two year residence requirement in the district is retained. Another change is that vacancies are to be filled by a system of appointment as provided by law, until the next general election. Any person appointed must be of the same political party as the member replaced. Another change permits an incumbent, during reapportionment, to run in any district which contains a part of his old district.

### SECTION 3. LEGISLATIVE REDISTRICTING

(a) Senatorial and Representative Districts shall be compact, contiguous and substantially equal in population.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the House and Senate.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

This replaces Article IV, Sections 6, 7 and 8, of the 1870 Constitution. It provides that after each Federal census the General Assembly must redistrict itself into compact and contiguous districts which are substantially equal in population. If no redistricting plan is in effect by June 30 of the year following the census, a bipartisan Legislative Redistricting Commission must be formed to do the redistricting. The eight members of the Commission are appointed by the four chief officials of the legislature. Four members are to be legislators (two Senators and two Representatives) and four are to be non-legislators. No more than four can be of the same political party. The Commission operates within strict time limits, and an additional member to serve as a "tie-breaker" is placed on the Commission if the original eight members fail to redistrict. If the redistricting plan is challenged, the case will be heard in the Illinois Supreme Court. The at-large election provisions in the present Constitution are eliminated.

### SECTION 4. ELECTION

Members of the General Assembly shall be elected at the general election in even-numbered years.

This differs from Article IV, Section 2 of the 1870 Constitution to the extent that a specific calendar day for election is no longer mentioned. (See Article III, Suffrage and Elections, Section 6, General Election, for date provisions.)

### SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

This section replaces parts of Article IV, Sections 9 and 10, of the 1870 Constitution. It specifically provides for the current practice of the legislature to meet in annual, rather than biennial, sessions. In addition to the present authority of the Governor to call the Legislature into special sessions, it will authorize the Legislature to call itself into special sessions. It retains the provision requiring open sessions but raises to two-thirds the number of members necessary to authorize a closed session.

### SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

This is a revision of Article IV, Section 9 of the 1870 Constitution. The only major change is the substitution of a President of the Senate as presiding officer in place of the Lieutenant Governor.

### SECTION 7. TRANSACTION OF BUSINESS

(a) Committees of each house, joint committees of the two houses and legislative commissions shall give reasonable public notice of meetings, including a statement of subjects to be considered.

(b) Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.

(c) Either house or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records and papers.

This replaces Article IV, Section 10 of the 1870 Consti-

tution. In addition to defining legislative subpoena power, it requires legislative committees and commissions to give adequate public notice of meetings. It continues the practice of keeping public journals and requires that a transcript of legislative debates be made available for public inspection.

### SECTION 8. PASSAGE OF BILLS

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

(b) The General Assembly shall enact laws only by bill. Bills may originate in either house, but may be amended or rejected by the other.

(c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal.

(d) A bill shall be read by title on three different days in each house. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage.

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended.

The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.

This replaces Article IV, Sections 11, 12 and part of 13 of the 1870 Constitution. It requires that bills shall be read by title on three different days in each house, rather than being read in full as is currently provided. The traditional practice of the Legislature, by unanimous consent, has been to waive reading in full.

### SECTION 9. VETO PROCEDURE

(a) Every bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he shall sign it and it shall become law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the house in which it originated. Any bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered.

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

(d) The Governor may reduce or veto any item of appropriations in a bill presented to him. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the house in which it originated and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the house in which it originated and may be restored to its original amount in the same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to each house. If a reduced item is not so restored, it shall become law in the reduced amount.

(e) The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house. Such bills shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, he shall return it as a vetoed bill to the house in which it originated.

This replaces Article V, Section 16 of the 1870 Constitution. It expands and refines the power of the Governor to veto a bill. This section continues to allow the Governor to veto entire bills or line items of appropriation bills. If a Governor does not approve or veto a bill within 60 days, it becomes law. This section gives him new power to reduce appropriations by a method called the "reduction veto". He will also have the "amendatory veto" power which allows him to return a bill to the house in which it originated with his objections to it and suggestions for changes. The section also lists the procedures whereby the General Assembly may override these vetoes.

#### SECTION 10. EFFECTIVE DATE OF LAWS

The General Assembly shall provide by law for a uniform effective date for laws passed prior to July 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to July 1. A bill passed after June 30 shall not become effective prior to July 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date.

This changes Article IV, Section 13 of the 1870 Constitution. The Legislature is required to provide for a uniform effective date for legislation. It may, however, by a majority vote, provide for a different effective date for any bill adopted before July 1.

The extraordinary majority of three-fifths vote is required to advance the effective date of legislation passed after July 1st of each annual session. This encourages the General Assembly to conclude its regular business by that date.

#### SECTION 11. COMPENSATION AND ALLOWANCES

A member shall receive a salary and allowances as pro-

vided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected.

This replaces Article IV, Section 21 of the 1870 Constitution. This section is self-explanatory.

#### SECTION 12. LEGISLATIVE IMMUNITY

Except in cases of treason, felony or breach of peace, a member shall be privileged from arrest going to, during, and returning from sessions of the General Assembly. A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee and legislative commission proceedings.

This is a minor rephrasing of Article IV, Section 14 of the 1870 Constitution. It makes no substantive change.

#### SECTION 13. SPECIAL LEGISLATION

The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

This replaces Article IV, Section 22 of the 1870 Constitution. This provision confirms the principle that no special laws can be passed if it would be possible to pass a general law instead. Whether a general law is or can be made applicable shall be a matter for judicial determination.

#### SECTION 14. IMPEACHMENT

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the vote of a majority of the members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law.

This changes Article IV, Section 24 of the 1870 Constitution. It clearly establishes the power of the House of Representatives to conduct investigations to determine if cause exists for impeachment. The procedure for impeachment remains unchanged.

#### SECTION 15. ADJOURNMENT

(a) When the General Assembly is in session, neither house without the consent of the other shall adjourn for more than three days or to a place other than where the two houses are sitting.

(b) If either house certifies that a disagreement exists between the houses as to the time for adjourning a session, the Governor may adjourn the General Assembly to a time not later than the first day of the next annual session.

This changes part of Article IV, Section 10 of the 1870 Constitution. It increases the number of days during which a house can adjourn without consent of the other house.

## ARTICLE V THE EXECUTIVE

#### SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

This changes Article V, Section 1 of the 1870 Constitution. It lists the elected constitutional officers of the Executive Branch.

#### SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

This section is drawn from parts of Article V, Sections 1, 2, and 3 of the 1870 Constitution. The major change is that, beginning in 1978, all elected executive officers will be chosen in the even-numbered years in which the President of the United States is not elected. Under this proposal, the Treasurer may succeed himself.

#### SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

This is based on Article V, Section 5 of the 1870 Constitution. It lowers the required age of the Governor and Lieutenant Governor to 25 years and adds the same age requirement for the other elected constitutional officers. The residence requirement for Governor and Lieutenant Governor is reduced from five years to three years. The three-year requirement would also apply to the other elected executive officers named in Section 1.

#### SECTION 4. JOINT ELECTION

In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.

This section is new. The candidates for Governor and Lieutenant Governor will run as a team in the general election. The General Assembly may provide for the joint nomination of the two candidates.

#### SECTION 5. CANVASS-CONTESTS

The election returns for executive offices shall be sealed and transmitted to the Secretary of State, or other person or body provided by law, who shall examine and consolidate the returns. The person having the highest number of votes for an office shall be declared elected. If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine which of them shall be declared elected. Election contests shall be decided by the courts in a manner provided by law.

This changes Article V, Section 4 of the 1870 Constitution, by which the General Assembly heretofore canvassed the election returns for the executive offices. This section removes

the canvassing function from the General Assembly and makes it an administrative matter to be handled by the Secretary of State or any other person or body chosen by the General Assembly. If two candidates tie for first place, they will draw lots to determine the winner.

#### SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the Lieutenant Governor, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

This section replaces Article V, Sections 17 and 19 of the 1870 Constitution. It changes the order of succession so that if the Governor and the Lieutenant Governor cannot serve, the office falls upon the elected Attorney General, then the elected Secretary of State, and then according to law. The presiding officers of the General Assembly are removed from the immediate line of succession. This section eliminates as a

cause of gubernatorial "disability" a short absence by the Governor from the State. This section covers situations in which the Chief Executive is unable to serve.

#### SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.

This clarifies Article V, Section 20 of the 1870 Constitution by providing that if the Lieutenant Governor cannot serve, the office remains vacant until the end of his term.

#### SECTION 8. GOVERNOR—SUPREME EXECUTIVE POWER

The Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.

This represents no substantial change from Article V, Section 6 of the 1870 Constitution.

#### SECTION 9. GOVERNOR—APPOINTING POWER

(a) The Governor shall nominate and, by and with the advice and consent of the Senate, a majority of the members elected concurring by record vote, shall appoint all officers whose election or appointment is not otherwise provided for. Any nomination not acted upon by the Senate within 60 session days after the receipt thereof shall be deemed to have received the advice and consent of the Senate. The General Assembly shall have no power to elect or appoint officers of the Executive Branch.

(b) If, during a recess of the Senate, there is a vacancy in an office filled by appointment by the Governor by and with the advice and consent of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall make a nomination to fill such office.

(c) No person rejected by the Senate for an office shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

This is a revision of Article V, Sections 10 and 11 of the 1870 Constitution. It allows the Governor to appoint other officers of the Executive Branch with the consent of the Senate. If the Senate does not act within sixty days after receiving notice of the Governor's nomination, the nomination is deemed confirmed. This section also maintains the ban on election or appointment of executive officers by the General Assembly.

#### SECTION 10. GOVERNOR—REMOVALS

The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor.

This is a slight revision of Article V, Section 12 of the 1870 Constitution. It means that the Governor may remove for proper cause any officer he appoints.

#### SECTION 11. GOVERNOR—AGENCY REORGANIZATION

The Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him. If such a reassignment or reorganization would contravene a statute, the Executive Order shall be delivered to the General Assembly. If the General Assembly is in annual session and if the Executive Order is delivered on

or before April 1, the General Assembly shall consider the Executive Order at that annual session. If the General Assembly is not in annual session or if the Executive Order is delivered after April 1, the General Assembly shall consider the Executive Order at its next annual session, in which case the Executive Order shall be deemed to have been delivered on the first day of that annual session. Such an Executive Order shall not become effective if, within 60 calendar days after its delivery to the General Assembly, either house disapproves the Executive Order by the record vote of a majority of the members elected. An Executive Order not so disapproved shall become effective by its terms but not less than 60 calendar days after its delivery to the General Assembly.

This section is new. It provides a procedure by which the Governor may rearrange by Executive Order the administrative responsibilities of agencies directly responsible to him. Where the rearrangement would affect existing statutes, the order is subject to rejection by either house of the General Assembly.

#### SECTION 12. GOVERNOR—PARDONS

The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law.

This expands Article V, Section 13 of the 1870 Constitution. The additional language allows the Governor to determine the conditions on which he may grant executive clemency.

#### SECTION 13. GOVERNOR—LEGISLATIVE MESSAGES

The Governor, at the beginning of each annual session of the General Assembly and at the close of his term of office, shall report to the General Assembly on the condition of the State and recommend such measures as he deems desirable.

This is an amended version of Article V, Section 7 of the 1870 Constitution. It continues the provision for a "State of the State" message by the Governor to the General Assembly. Specific financial reports which the Governor must make are covered by the Finance Article.

#### SECTION 14. LIEUTENANT GOVERNOR—DUTIES

The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.

This section eliminates the requirement found in Article V, Section 18 of the 1870 Constitution that the Lieutenant Governor preside over the Senate. Instead, both houses will elect their own presiding officers. The Lieutenant Governor's function is to perform duties delegated to him by the Governor or as prescribed by law.

#### SECTION 15. ATTORNEY GENERAL—DUTIES

The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.

This section means that the Attorney General is the legal officer of the State. It makes no change in his current position.

#### SECTION 16. SECRETARY OF STATE—DUTIES

The Secretary of State shall maintain the official records of the acts of the General Assembly and such official records of the Executive Branch as provided by law. Such official records shall be available for inspection by the public. He shall keep the Great Seal of the State of Illinois and perform other duties that may be prescribed by law.

The Secretary of State retains the duty of keeping the Great Seal of the State of Illinois found in Article V, Section 22 of the 1870 Constitution. This section restates his present basic duty to keep the official records of the acts of the Legislative and Executive branches. These records are open to public inspection. The General Assembly may assign him other duties.

#### SECTION 17. COMPTROLLER—DUTIES

The Comptroller, in accordance with law, shall maintain the State's central fiscal accounts, and order payments into and out of the funds held by the Treasurer.

This section grants the Comptroller all the duties of the Auditor of Public Accounts mentioned in Article V, Section 1 and Article IV, Section 17 of the 1870 Constitution. He is responsible for maintaining the State's central fiscal accounts and authorizing both deposits into and disbursements from funds held by the Treasurer.

#### SECTION 18. TREASURER—DUTIES

The Treasurer, in accordance with law, shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement upon order of the Comptroller.

This section expands Article V, Sections 1 and 2 of the 1870 Constitution. It requires the Treasurer, in accordance with his position as the State's banker, to safeguard state funds deposited with him and to disburse the funds only upon an authorization from the Comptroller.

#### SECTION 19. RECORDS—REPORTS

All officers of the Executive Branch shall keep accounts and shall make such reports as may be required by law. They shall provide the Governor with information relating to their respective offices, either in writing under oath, or otherwise, as the Governor may require.

This combines and simplifies some of the requirements of Article V, Sections 20 and 21 of the 1870 Constitution. The General Assembly may require accounts and reports from the executive officers as prescribed by law. The Governor may require any information from them about their offices.

#### SECTION 20. BOND

Civil officers of the Executive Branch may be required by law to give reasonable bond or other security for the faithful performance of their duties. If any officer is in default of such a requirement, his office shall be deemed vacant.

This expands a part of Article V, Section 2 of the 1870 Constitution, and declares that all officers in the Executive Branch may be required to give bond.

#### SECTION 21. COMPENSATION

Officers of the Executive Branch shall be paid salaries established by law and shall receive no other compensation for their services. Changes in the salaries of these officers elected or appointed for stated terms shall not take effect during the stated terms.

This represents no substantial change from Article V, Section 23 of the 1870 Constitution.

ARTICLE VI

THE JUDICIARY

SECTION 1. COURTS

The judicial power is vested in a Supreme Court, an Appellate Court and Circuit Courts.

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This represents no change from Article VI, Section 1 of the 1870 Constitution.

SECTION 2. JUDICIAL DISTRICTS

The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties.

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This represents no change from Article VI, Section 3 of the 1870 Constitution other than rephrasing.

SECTION 3. SUPREME COURT—ORGANIZATION

The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial Districts. Four Judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years.

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This represents no change from Article VI, Section 4 of the 1870 Constitution other than rephrasing.

SECTION 4. SUPREME COURT—JURISDICTION

(a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.

(b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right. The Supreme Court shall provide by rule for direct appeal in other cases.

(c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other cases.

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This amends Article VI, Section 5 of the 1870 Constitution. It sets forth the basic rules for jurisdiction of the Supreme Court. It requires the Supreme Court to hear direct appeals from circuit court sentences of death\* and to adopt rules providing for direct appeals in other cases. No changes are made in the existing practice respecting appeals from the Appellate Courts.

\*This provision will be deleted if voters act to abolish the death penalty. (See Adoption Schedule, Section 4 on page 20, and Separate Question #3.)

SECTION 5. APPELLATE COURT—ORGANIZATION

The number of Appellate Judges to be selected from each Judicial District shall be provided by law. The Supreme Court shall prescribe by rule the number of Appellate divisions in each Judicial District. Each Appellate division shall have at least three Judges. Assignments to divisions shall be made by the Supreme Court. A majority of a division constitutes a quorum and the concurrence of a majority of the division is necessary for a decision. There shall be at least one division in

each Judicial District and each division shall sit at times and places prescribed by rules of the Supreme Court.

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This represents no change from Article VI, Section 6 of the 1870 Constitution except to repeal the requirement for consent of a majority of the judges of an Appellate Court division to transfer a judge into that division.

SECTION 6. APPELLATE COURT—JURISDICTION

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

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This represents no change from Article VI, Section 7 of the 1870 Constitution.

SECTION 7. JUDICIAL CIRCUITS

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

(b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. In the First Judicial District, unless otherwise provided by law, Cook County, Chicago, and the area outside Chicago shall be separate units for the selection of Circuit Judges, with at least twelve chosen at large from the area outside Chicago and at least thirty-six chosen at large from Chicago.

(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

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This replaces Article VI, Section 8 of the 1870 Constitution. It eliminates the distinction between "Circuit Judges" and "Associate Judges". The General Assembly has the power to change the number of Circuit judges allocated to Chicago and to suburban Cook County, to dispense with the election of a Circuit judge in each county, and to divide a circuit for the purpose of selecting judges.

SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

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This replaces Article VI, Section 12 of the 1870 Constitution, by which magistrates are appointed by, and serve at the pleasure of, the Circuit Judges of that Circuit. It retains

in the Circuit Court the power to appoint Associate Judges (heretofore called "Magistrates") but subjects this power to the Rules of the Supreme Court, rather than to regulation by the General Assembly. As indicated, it changes the title of "Magistrates" to "Associate Judges". Other changes provide that the Supreme Court, rather than the General Assembly, shall determine matters to be assigned to Associate Judges.

SECTION 9. CIRCUIT COURTS—JURISDICTION

Circuit Courts shall have original jurisdiction of all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law.

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This amends Article VI, Section 9 of the 1870 Constitution. It withdraws from the Circuit Court original jurisdiction in those cases in which the Supreme Court has original and exclusive jurisdiction concerning legislative redistricting and the disability of the Governor.

SECTION 10. TERMS OF OFFICE

The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years.

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This amends Article VI, Section 14 of the 1870 Constitution. It fixes the term of Associate Judges at four years. Other Judicial terms remain the same.

SECTION 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

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This revises Article VI, Section 15 of the 1870 Constitution. It extends the requirements of residence and attorney status to the new Associate Judges, formerly known as magistrates.

SECTION 12. ELECTION AND RETENTION

If the electors approve Proposition #2A providing for the election of Supreme, Appellate and Circuit Court Judges, Section 12 of Article VI contained in the Adoption Schedule shall be placed in this Constitution as Section 12 of Article VI.

If the electors approve Proposition #2B providing for appointment of Judges by the Governor from nominees submitted by Nominating Commissions, Section 12 and Section 13 contained in the Adoption Schedule shall be placed in this Constitution as Sections 12 and 13 of Article VI and Sections 13 through 19 of Article VI shall be renumbered Sections 14 through 20, respectively.

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This section will be replaced with one of the alternative propositions submitted to the voters. Separate Question #2A provides for the election by the voters of judges nominated in primary elections or by petition. Separate Question #2B provides for the appointment of judges by the Governor from nominees submitted by Judicial Nominating Commissions. If neither proposition is approved, the applicable provisions of the 1870 Constitution, which provide for the election of judges nominated by party convention or primary, will remain in effect. (See Section 3 of the Adoption Schedule, on page 18, for the text and explanation of these alternatives.)

## SECTION 13. PROHIBITED ACTIVITIES

(a) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges.

(b) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge.

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This revises Article VI, Section 16 of the 1870 Constitution. It expressly grants the Supreme Court power to determine standards of ethics for all judges and forbids judges to hold private, as well as public, positions of profit.

SECTION 14. JUDICIAL SALARIES AND EXPENSES—  
FEE OFFICERS ELIMINATED

Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate, Circuit and Associate Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system.

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This changes Article VI, Section 17 of the 1870 Constitution. It extends to all counties the provision currently applicable only to Cook County, to pay Circuit Judges a supplementary salary.

## SECTION 15. RETIREMENT—DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his consent, may be assigned by the Supreme Court to judicial service for which he shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file

a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his duties.

(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

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This replaces Article VI, Section 18 of the 1870 Constitution. It creates a Judicial Inquiry Board to receive, investigate or initiate complaints against the official conduct of judges and retains the Courts Commission to hear complaints filed by the Judicial Inquiry Board. The Board is to consist of four non-lawyers, three lawyers and two Circuit Court Judges. The Commission has the power to discipline or remove a judge for misconduct or inability to perform his duties.

## SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

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This modifies Article VI, Section 2 of the 1870 Constitution.

tion. The major change is the clarification of the power of the Supreme Court to reassign any judge to any court for temporary service. This will encourage administrative flexibility and better utilization of manpower.

## SECTION 17. JUDICIAL CONFERENCE

The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.

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This represents no change from Article VI, Section 3 of the 1870 Constitution.

## SECTION 18. CLERKS OF COURTS

(a) The Supreme Court and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

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This replaces Article VI, Section 20 of the 1870 Constitution. The major change is that the Supreme and Appellate Court clerks and other non-judicial officers must be appointed by the judges of those courts. Circuit Court clerks continue to be either appointed or elected, as the General Assembly provides.

SECTION 19. STATE'S ATTORNEYS—SELECTION,  
SALARY

A State's Attorney shall be elected in each county in 1972 and every fourth year thereafter for a four year term. One State's Attorney may be elected to serve two or more counties if the governing boards of such counties so provide and a majority of the electors of each county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State. His salary shall be provided by law.

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This changes Article VI, Section 21 of the 1870 Constitution. It permits the election of one State's Attorney for two or more counties if the county boards and voters of the concerned counties approve by referendum.

## ARTICLE VII

## LOCAL GOVERNMENT

SECTION 1. MUNICIPALITIES AND UNITS  
OF LOCAL GOVERNMENT

"Municipalities" means cities, villages and incorporated towns. "Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

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This section is new. It defines the phrases "units of local government" and "municipality" which are used throughout this Article.

SECTION 2. COUNTY TERRITORY, BOUNDARIES  
AND SEATS

(a) The General Assembly shall provide by law for the

formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected.

(c) County seats shall not be changed unless approved by three-fifths of those voting on the question in a county-wide referendum.

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This section replaces Article X, Sections 1 through 4 of the 1870 Constitution. It combines and simplifies these sections, retains their essential purposes, and requires a vote of the people before a change can be made in county boundaries or county seats.

## SECTION 3. COUNTY BOARDS

(a) A county board shall be elected in each county. The number of members of the county board shall be fixed by ordinance in each county within limitations provided by law.

(b) The General Assembly by law shall provide methods available to all counties for the election of county board members. No county, other than Cook County, may change its method of electing board members except as approved by county-wide referendum.

(c) Members of the Cook County Board shall be elected from two districts, Chicago and that part of Cook County outside Chicago, unless (1) a different method of election is approved by a majority of votes cast in each of the two districts in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected. If a different method of election is adopted pursuant to option (1) the method of election may thereafter be altered only pursuant to option (2) or by county-wide referendum. A different method of election may be adopted pursuant to option (2) only once and the method of election may thereafter be altered only by county-wide referendum.

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This replaces Article X, Sections 5, 6, and 7, of the 1870

Constitution. It simplifies the requirements of those sections and allows the form of county government to be changed by a vote of the people involved. Subsection (c) provides a more flexible procedure for election of the members of the Cook County Board.

#### SECTION 4. COUNTY OFFICERS

(a) Any county may elect a chief executive officer as provided by law. He shall have those duties and powers provided by law and those provided by county ordinance.

(b) The President of the Cook County Board shall be elected from the County at large and shall be the chief executive officer of the County. If authorized by county ordinance, a person seeking election as President of the Cook County Board may also seek election as a member of the Board.

(c) Each county shall elect a sheriff, county clerk and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance.

(d) County officers shall have those duties, powers and functions provided by law and those provided by county ordinance. County officers shall have the duties, powers or functions derived from common law or historical precedent unless altered by law or county ordinance.

(e) The county treasurer or the person designated to perform his functions may act as treasurer of any unit of local government and any school district in his county when requested by any such unit or school district and shall so act when required to do so by law.

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This replaces Article X, Section 8 of the 1870 Constitution. This section requires the election of a Sheriff, County Clerk and Treasurer in each county. It permits the election or appointment of a Coroner, Recorder, Assessor, Auditor and other officers as provided by law. It deletes the prohibition that the Sheriff and Treasurer shall not succeed themselves. Any county may elect a chief executive officer. Any county office may be created or eliminated by county-wide referendum.

#### SECTION 5. TOWNSHIPS

The General Assembly shall provide by law for the formation of townships in any county when approved by county-wide referendum. Townships may be consolidated or merged, and one or more townships may be dissolved or divided, when approved by referendum in each township affected. All townships in a county may be dissolved when approved by a referendum in the total area in which township officers are elected.

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This replaces Article X, Section 5 of the 1870 Constitution. It retains referendum provisions for forming or abolishing township government throughout the county. It adds referendum provisions for combining, dividing, or dissolving one or more township governments. Existing townships are continued unless changed in accordance with this section.

#### SECTION 6. POWERS OF HOME RULE UNITS

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (1) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

(m) Powers and functions of home rule units shall be construed liberally.

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This section is new. Under the 1870 Constitution, local governments have only those powers which the State, through the General Assembly, chooses to give them. This section grants home rule powers to any municipality with more than 25,000 people and to any county which has an elected chief executive officer. Smaller municipalities may have home rule if the people so choose by referendum. Any municipality or county, by referendum, may elect not to have home rule powers.

A home rule unit has broad general powers to regulate for the protection of public health, safety, morals, and welfare, to license for regulatory purposes, to tax, and to incur debt. Subsections (d) and (e) contain a list of what a home rule unit may not do, such as license for revenue or impose income taxes or tax occupations, without prior authorization by the General Assembly, or punish felons. A home rule unit has the power to tax unless by three-fifths vote of each House of the General Assembly that power is denied or limited.

Home rule counties may incur debt subject to limitation or referendum requirements imposed by the General Assembly. Home rule municipalities are allowed to incur debt within the limits set forth in Subsection (k). The General Assembly may require referendum approval and limit the debt in excess of these amounts.

#### SECTION 7. COUNTIES AND MUNICIPALITIES OTHER THAN HOME RULE UNITS

Counties and municipalities which are not home rule

units shall have only powers granted to them by law and the powers (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government; (2) by referendum, to adopt, alter or repeal their forms of government provided by law; (3) in the case of municipalities, to provide by referendum for their officers, manner of selection and terms of office; (4) in the case of counties, to provide for their officers, manner of selection and terms of office as provided in Section 4 of this Article; (5) to incur debt except as limited by law and except that debt payable from ad valorem property tax receipts shall mature within 40 years from the time it is incurred; and (6) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

.....

This section is new. Municipalities and counties not exercising home rule power will have only those powers granted them by laws enacted by the General Assembly and the powers listed in this section. Among other things, this section allows municipalities and counties powers to make local improvements by special assessment, change their form of government by referendum, and authorizes the General Assembly to impose debt limits. It also provides that they can levy taxes to pay debts incurred to provide special services as provided by law.

#### SECTION 8. POWERS AND OFFICERS OF SCHOOL DISTRICTS AND UNITS OF LOCAL GOVERNMENT OTHER THAN COUNTIES AND MUNICIPALITIES

Townships, school districts, special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. No law shall grant the power (1) to any of the foregoing units to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred, or (2) to make improvements by special assessments to any of the foregoing classes of units which do not have that power on the effective date of this Constitution. The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch.

.....

This section states that local governments other than counties and municipalities have only those powers granted them by the General Assembly and this Constitution. This section also authorizes the General Assembly to limit the power of these units to incur debt. The General Assembly must provide by law for the selection of officers of these units. Officials of these units of local government may not be appointed by the Judiciary.

#### SECTION 9. SALARIES AND FEES

(a) Compensation of officers and employees and the office expenses of units of local government shall not be paid from fees collected. Fees may be collected as provided by law and by ordinance and shall be deposited upon receipt with the treasurer of the unit. Fees shall not be based upon funds disbursed or collected, nor upon the levy or extension of taxes.

(b) An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.

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This changes Article X, Sections 9, 10, 11, 12 and 13, of the 1870 Constitution. This section places local officials on a salaried basis and eliminates fee officers. It also would end the practice of charging fees for the collection of taxes.

#### SECTION 10. INTERGOVERNMENTAL COOPERATION

(a) Units of local government and school districts may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities.

(b) Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

(c) The State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities.

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This section is new. It permits governments at all levels to cooperate in working out common problems. Thus, one local government can contract with another government or private parties to share services and divide the costs equitably.

#### SECTION 11. INITIATIVE AND REFERENDUM

(a) Proposals for actions which are authorized by this Article or by law and which require approval by referendum may be initiated and submitted to the electors by resolution of the governing board of a unit of local government or by petition of electors in the manner provided by law.

(b) Referenda required by this Article shall be held at general elections, except as otherwise provided by law. Questions submitted to referendum shall be adopted if approved by a majority of those voting on the question unless a different requirement is specified in this Article.

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This section is new. Whenever this article requires a referendum, it may be initiated by a resolution of the govern-

ing body of that local government or by petition of the people.

#### SECTION 12. IMPLEMENTATION OF GOVERNMENTAL CHANGES

The General Assembly shall provide by law for the transfer of assets, powers and functions, and for the payment of outstanding debt in connection with the formation, consolidation, merger, division, dissolution and change in the boundaries of units of local government.

• • • • •

This new section requires the General Assembly to provide for appropriate administrative and financial adjustments when the form or boundaries of local governments are changed.

## ARTICLE VIII FINANCE

#### SECTION 1. GENERAL PROVISIONS

(a) Public funds, property or credit shall be used only for public purposes.

(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

(c) Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law.

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This is a new Article. Section I replaces Article IV, Sections 19 and 20, of the 1870 Constitution. It is intended to secure the following objectives. Governments in Illinois shall use public money only for purposes which serve the public interest. They shall spend public money only in accordance with law. Records of how governments spend their money shall belong to the people. Financial records shall be maintained and open for public inspection.

#### SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and uni-

versity, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

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Section 2 provides that every year the Governor must prepare and send to the General Assembly a budget covering all state agencies. This budget must show the revenue the State expects to receive from all sources and the money the State intends to spend for all purposes in the coming fiscal year. The budget must be balanced. Only the General Assembly has the power to decide how state funds are to be spent. The General Assembly cannot authorize spending more money in any fiscal year than it expects to receive from all sources.

#### SECTION 3. STATE AUDIT AND AUDITOR GENERAL

(a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of public funds of the State. The General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General and may remove him for cause by a similar vote. The Auditor General shall serve for a term of ten years. His com-

pensation shall be established by law and shall not be diminished, but may be increased, to take effect during his term.

(b) The Auditor General shall conduct the audit of public funds of the State. He shall make additional reports and investigations as directed by the General Assembly. He shall report his findings and recommendations to the General Assembly and to the Governor.

• • • • •

This section is new. It holds the General Assembly responsible to assure that the State has used funds as authorized. It provides for an Auditor General to do this. He is elected by three-fifths vote of each House of the General Assembly, for a fixed term of 10 years. Once elected, he can be removed for cause by a similar vote. He audits the funds of the state and performs other fiscal investigations the General Assembly orders him to make. His reports are made to both the General Assembly and the Governor.

#### SECTION 4. SYSTEMS OF ACCOUNTING, AUDITING AND REPORTING

The General Assembly by law shall provide systems of accounting, auditing and reporting of the obligation, receipt and use of public funds. These systems shall be used by all units of local government and school districts.

• • • • •

This section is new. It requires the General Assembly to pass laws prescribing the manner in which local governments are to account for audit, and report their use of public funds.

## ARTICLE IX REVENUE

#### SECTION 1. STATE REVENUE POWER

The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution. The power of taxation shall not be surrendered, suspended, or contracted away.

• • • • •

This section is new. It affirms the inherent power of the State to raise revenue, subject to constitutional limits, and states that such power rests in the elected representatives of the people.

#### SECTION 2. NON-PROPERTY TAXES—CLASSIFICATION, EXEMPTIONS, DEDUCTIONS, ALLOWANCES AND CREDITS

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

• • • • •

This section is new. Under Section 1, the General Assem-

bly has the power to place taxpayers or objects of taxation into groups for taxing purposes. It also has the power to make allowances and exemptions such as removing the sales taxes from food and medicine. It may provide credits against one form of tax for taxes paid in other forms.

#### SECTION 3. LIMITATIONS ON INCOME TAXATION

(a) A tax on or measured by income shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

• • • • •

This section is new. It prohibits a graduated income tax. The corporate income tax rate can never exceed the individual income tax rate by more than the present ratio. This sec-

tion also permits use of federal income tax laws to simplify preparation of state income tax returns by Illinois taxpayers.

#### SECTION 4. REAL PROPERTY TAXATION

(a) Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.

(b) Subject to such limitations as the General Assembly may hereafter prescribe by law, counties with a population of more than 200,000 may classify or to continue to classify real property for purposes of taxation. Any such classification shall be reasonable and assessments shall be uniform within each class. The level of assessment or rate of tax of the highest class in a county shall not exceed two and one-half times the level of assessment or rate of tax of the lowest class in that county. Real property used in farming in a county shall not be assessed at a higher level of assessment than single family residential real property in that county.

(c) Any depreciation in the value of real estate occasioned by a public easement may be deducted in assessing such property.

• • • • •

This replaces parts of Article IX, Sections 1 and 3 of

the 1870 Constitution. Any tax on real property must be uniform and based on the value of the property, except in counties which are permitted to classify real estate for taxation purposes. Counties with more than 200,000 population may divide real property into reasonable classes with uniform assessments within each class, subject to regulation by the General Assembly. The highest class in a county may not be assessed or taxed at a rate more than two and one-half times that of the lowest class. This section also protects farm property in a county from being assessed at a level higher than that of single-family residential real property.

#### SECTION 5. PERSONAL PROPERTY TAXATION

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

(c) On or before January 1, 1979, the General Assembly by law shall abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall be replaced by imposing statewide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in Section 3(a) of this Article.

This section replaces part of Article IX, Section 1 of the 1870 Constitution. It takes into account the result of the referendum at the general election of November 3, 1970, on the question of removing personal property tax on individuals. It prohibits taxing any personal property by its value after January 1, 1979. When the General Assembly, pursuant to this section, eliminates these taxes, it must replace the revenue consequently lost by local governments, including school districts. It shall do this by placing a State-wide tax on those who would otherwise have paid the ad valorem personal property tax so eliminated after January 1, 1971. The loss of revenue may not be made up by taxing real estate more heavily.

#### SECTION 6. EXEMPTIONS FROM PROPERTY TAXATION

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits.

This section revises Article IX, Section 3 of the 1870 Constitution. The first sentence is substantially the same as the current provision.

The second sentence is new. It permits tax relief or tax credits to people who own or rent their homes. Such relief may be limited to the elderly or needy or, at the discretion of the General Assembly, may be granted to everyone.

#### SECTION 7. OVERLAPPING TAXING DISTRICTS

The General Assembly may provide by law for fair apportionment of the burden of taxation of property situated in taxing districts that lie in more than one county.

This section is new. It permits the General Assembly to equalize the tax burden among taxpayers in a taxing district overlapping two or more counties.

#### SECTION 8. TAX SALES

(a) Real property shall not be sold for the non-payment of taxes or special assessments without judicial proceedings.

(b) The right of redemption from all sales of real estate for the non-payment of taxes or special assessments shall exist in favor of owners and persons interested in such real estate for not less than two years following such sales. Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law.

This combines Article IX, Sections 4 and 5 of the 1870 Constitution. Before real property can be sold for failure to pay real estate taxes, there must be a court hearing. The owner of the property must be given at least two years to redeem it and anyone having an interest in the property must be given reasonable notice of the sale and redemption period.

#### SECTION 9. STATE DEBT

(a) No State debt shall be incurred except as provided in this Section. For the purpose of this Section, "State debt" means bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or school districts.

(b) State debt for specific purposes may be incurred or

the payment of State or other debt guaranteed in such amounts as may be provided either in a law passed by the vote of three-fifths of the members elected to each house of the General Assembly or in a law approved by a majority of the electors voting on the question at the next general election following passage. Any law providing for the incurring or guaranteeing of debt shall set forth the specific purposes and the manner of repayment.

(c) State debt in anticipation of revenues to be collected in a fiscal year may be incurred by law in an amount not exceeding 5% of the State's appropriations for that fiscal year. Such debt shall be retired from the revenues realized in that fiscal year.

(d) State debt may be incurred by law in an amount not exceeding 15% of the State's appropriations for that fiscal year to meet deficits caused by emergencies or failures of revenue. Such law shall provide that the debt be repaid within one year of the date it is incurred.

(e) State debt may be incurred by law to refund outstanding State debt if the refunding debt matures within the term of the outstanding State debt.

(f) The State, departments, authorities, public corporations and quasi-public corporations of the State, the State colleges and universities and other public agencies created by the State, may issue bonds or other evidences of indebtedness which are not secured by the full faith and credit or tax revenue of the State nor required to be repaid, directly or indirectly, from tax revenue, for such purposes and in such amounts as may be authorized by law.

This section replaces Article IV, Section 18 of the 1870 Constitution. Any State debt which is to be repaid out of tax revenue or State guarantee of local debt must be for specific purposes and requires approval by vote of three-fifths of each House of the General Assembly or by a majority of those voting on the issue at a referendum. The General Assembly, by majority vote, may authorize state agencies to incur debt which is not to be repaid out of tax revenue. Examples are revenue bonds issued to build student dormitories or toll roads to be repaid by student fees or tolls.

Limitations are imposed on the General Assembly's power to authorize short-term debt in emergencies or in anticipation of revenues to be collected.

#### SECTION 10. REVENUE ARTICLE NOT LIMITED

This Article is not qualified or limited by the provisions of Article VII of this Constitution concerning the size of the majorities in the General Assembly necessary to deny or limit the power to tax granted to units of local government.

This section is new. It states that the provisions in Article VII concerning larger majorities of the General Assembly needed to restrict taxing powers of local governments do not apply to this Revenue Article.

## ARTICLE X EDUCATION

#### SECTION 1. GOAL-FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education.

The primary financial responsibility is placed upon the State.

#### SECTION 2. STATE BOARD OF EDUCATION-CHIEF STATE EDUCATIONAL OFFICER

(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.

(b) The State Board of Education shall appoint a chief state educational officer.

This section is new. It creates a State Board of Education which, except as limited by law, has general authority over State education and appoints a chief state educational officer.

The General Assembly shall provide for the selection or election of the Board members on a regional basis.

#### SECTION 3. PUBLIC FUNDS FOR SECTARIAN PURPOSES FORBIDDEN

Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

This is exactly the same as Article VIII, Section 3 of the 1870 Constitution.

This is an amended version of Article VIII, Section 1 of the 1870 Constitution. It establishes the goal of educating everyone to his capacity. It retains the statement that the State bears the responsibility for providing high quality education and that schooling must be free through high school.

## ARTICLE XI

# ENVIRONMENT

### SECTION 1. PUBLIC POLICY—LEGISLATIVE RESPONSIBILITY

The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

. . . . .

This section is new. It states that it is the duty of the State and each person to provide and maintain a healthful environment and that the General Assembly shall enact laws to carry out this duty.

### SECTION 2. RIGHTS OF INDIVIDUALS

Each person has the right to a healthful environment. Each person may enforce this right against any party, gov-

ernmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law.

. . . . .

This section is new. It provides that everyone may enforce his right to a healthful environment through legal proceedings which the General Assembly may regulate.

## ARTICLE XII

# MILITIA

### SECTION 1. MEMBERSHIP

The State militia consists of all able-bodied persons residing in the State except those exempted by law.

. . . . .

This is a revision of Article XII, Section 1 of the 1870 Constitution. It eliminates discrimination against women, eliminates the age requirement, and continues all legal exemptions.

### SECTION 3. ORGANIZATION, EQUIPMENT AND DISCIPLINE

The General Assembly shall provide by law for the organization, equipment and discipline of the militia in conformity with the laws governing the armed forces of the United States.

. . . . .

This is substantially the same as Article XII, Section 2 of the 1870 Constitution.

shall hold their commissions for such time as may be provided by law.

. . . . .

This is substantially the same as Article XII, Section 3 and Article V, Section 14 of the 1870 Constitution.

### SECTION 2. SUBORDINATION OF MILITARY POWER

The military shall be in strict subordination to the civil power.

. . . . .

This is the same as Article II, Section 15 of the 1870 Constitution.

### SECTION 4. COMMANDER-IN-CHIEF AND OFFICERS

(a) The Governor is commander-in-chief of the organized militia, except when they are in the service of the United States. He may call them out to enforce the laws, suppress insurrection or repel invasion.

(b) The Governor shall commission militia officers who

### SECTION 5. PRIVILEGE FROM ARREST

Except in cases of treason, felony or breach of peace, persons going to, returning from or on militia duty are privileged from arrest.

. . . . .

This is substantially the same as Article XII, Section 4 of the 1870 Constitution.

## ARTICLE XIII

# GENERAL PROVISIONS

### SECTION 1. DISQUALIFICATION FOR PUBLIC OFFICE

A person convicted of a felony, bribery, perjury or other infamous crimes shall be ineligible to hold an office created by this Constitution. Eligibility may be restored as provided by law.

. . . . .

This is a revision of Article IV, Section 4 of the 1870 Constitution. Persons convicted of the enumerated crimes cannot hold office created by the Constitution unless the General Assembly restores eligibility.

### SECTION 3. OATH OR AFFIRMATION OF OFFICE

Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of . . . . . to the best of my ability."

. . . . .

This expands Article V, Section 25 of the 1870 Constitution, by requiring the same oath for all state officers whose offices are created by the Constitution.

This section is new and self-explanatory.

### SECTION 6. CORPORATIONS

Corporate charters shall be granted, amended, dissolved, or extended only pursuant to general laws.

. . . . .

This section revises Article XI, Section 1 and replaces Article XI, Sections 2 and 3 of the 1870 Constitution. It permits the granting of corporate charters only by general laws.

### SECTION 2. STATEMENT OF ECONOMIC INTERESTS

All candidates for or holders of state offices and all members of a Commission or Board created by this Constitution shall file a verified statement of their economic interests, as provided by law. The General Assembly by law may impose a similar requirement upon candidates for, or holders of, offices in units of local government and school districts. Statements shall be filed annually with the Secretary of State and shall be available for inspection by the public. The General Assembly by law shall prescribe a reasonable time for filing the statement. Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office. This Section shall not be construed as limiting the authority of any branch of government to establish and enforce ethical standards for that branch.

. . . . .

This section is new. It requires each candidate for, or holder of a state office, and any member of a state commission or board, to disclose any significant financial interests. The General Assembly may extend this requirement to local officials.

### SECTION 4. SOVEREIGN IMMUNITY ABOLISHED

Except as the General Assembly may provide by law, sovereign immunity in this State is abolished.

. . . . .

This reverses Article IV, Section 26 of the 1870 Constitution by permitting anyone to sue the State, as provided by law.

### SECTION 5. PENSION AND RETIREMENT RIGHTS

Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.

. . . . .

### SECTION 7. PUBLIC TRANSPORTATION

Public transportation is an essential public purpose for which public funds may be expended. The General Assembly by law may provide for, aid, and assist public transportation, including the granting of public funds or credit to any corporation or public authority authorized to provide public transportation within the State.

. . . . .

This section is new. It states that public transportation is an essential public service which the State can provide or assist. This includes granting public funds or credit to any corporation or public authority providing public transportation services.

### SECTION 8. BRANCH BANKING

Branch banking shall be authorized only by law approved by three-fifths of the members voting on the question or a majority of the members elected, whichever is greater, in each house of the General Assembly.

. . . . .

This section replaces Article XI, Sections 5, 6, 7, and 8 of the 1870 Constitution, and is self-explanatory.

## ARTICLE XIV

# CONSTITUTIONAL REVISION

### SECTION 1. CONSTITUTIONAL CONVENTION

(a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.

(b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.

(c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.

(d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and for the election of two delegates from each Senatorial District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.

(e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.

(f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

\* \* \* \* \*

This changes Article XIV, Section 1 of the 1870 Constitution. It provides a somewhat different procedure for calling a Constitutional Convention. The major change is the addition of subsection (b) by which the question of whether to call a Constitutional Convention must be submitted to the people for a vote at least once every twenty years. It also lowers the required vote in the General Assembly to initiate a convention call from two-thirds to three-fifths of elected mem-

bers of each House. It allows a Convention to be called only if three-fifths of the voters voting on the issue, or a majority voting in the election, approve. It changes the required qualifications of Convention delegates to match those of members of the General Assembly. It adds the requirement that the Convention must supply an explanation to the public of its proposed amendments or revisions which must be submitted on a separate ballot.

### SECTION 2. AMENDMENTS BY GENERAL ASSEMBLY

(a) Amendments to this Constitution may be initiated in either house of the General Assembly. Amendments shall be read in full on three different days in each house and reproduced before the vote is taken on final passage. Amendments approved by the vote of three-fifths of the members elected to each house shall be submitted to the electors at the general election next occurring at least six months after such legislative approval, unless withdrawn by a vote of a majority of the members elected to each house.

(b) Amendments proposed by the General Assembly shall be published with explanations, as provided by law, at least one month preceding the vote thereon by the electors. The vote on the proposed amendment or amendments shall be on a separate ballot. A proposed amendment shall become effective as the amendment provides if approved by either three-fifths of those voting on the question or a majority of those voting in the election.

(c) The General Assembly shall not submit proposed amendments to more than three Articles of the Constitution at any one election. No amendment shall be proposed or submitted under this Section from the time a Convention is called until after the electors have voted on the revision or amendments, if any, proposed by such Convention.

\* \* \* \* \*

This changes Article XIV, Section 2 of the 1870 Constitution. It lowers the required vote in the General Assembly needed to propose an amendment from two-thirds to three-fifths of the elected members of each House. It also provides for referendum approval for a vote of either three-fifths of those voting on the question or a majority of the voters voting in the election. It also allows the General Assembly to submit amendments more frequently than permitted under the present Constitution.

### SECTION 3. CONSTITUTIONAL INITIATIVE FOR LEGISLATIVE ARTICLE

Amendments to Article IV of this Constitution may be proposed by a petition signed by a number of electors equal in number to at least eight percent of the total votes cast for

candidates for Governor in the preceding gubernatorial election. Amendments shall be limited to structural and procedural subjects contained in Article IV. A petition shall contain the text of the proposed amendment and the date of the general election at which the proposed amendment is to be submitted, shall have been signed by the petitioning electors not more than twenty-four months preceding that general election and shall be filed with the Secretary of State at least six months before that general election. The procedure for determining the validity and sufficiency of a petition shall be provided by law. If the petition is valid and sufficient, the proposed amendment shall be submitted to the electors at that general election and shall become effective if approved by either three-fifths of those voting on the amendment or a majority of those voting in the election.

\* \* \* \* \*

This section is new. It establishes a procedure whereby the people may petition to amend Article IV on the Legislative Branch. If the requirements for the petition are met, the amendment must be submitted to the electorate. If approved by three-fifths of the electors voting on the amendment or a majority of those voting at the election, it becomes an amendment to the Constitution.

### SECTION 4. AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

The affirmative vote of three-fifths of the members elected to each house of the General Assembly shall be required to request Congress to call a Federal Constitutional Convention, to ratify a proposed amendment to the Constitution of the United States, or to call a State Convention to ratify a proposed amendment to the Constitution of the United States. The General Assembly shall not take action on any proposed amendment to the Constitution of the United States submitted for ratification by legislatures unless a majority of the members of the General Assembly shall have been elected after the proposed amendment has been submitted for ratification. The requirements of this Section shall govern to the extent that they are not inconsistent with requirements established by the United States.

\* \* \* \* \*

This section is new. It confirms the power of the General Assembly to request Congress to call a Federal Constitutional Convention. It also specifies how the General Assembly may ratify a proposed amendment to the Federal Constitution or call a State Convention to ratify an amendment to the Federal Constitution.

## TRANSITION SCHEDULE

This Transition Schedule provides for the orderly change from the 1870 Constitution to the proposed 1970 Constitution.

\* \* \* \* \*

The following Schedule Provisions shall remain part of this Constitution until their terms have been executed. Once each year the Attorney General shall review the following provisions and certify to the Secretary of State which, if any, have been executed. Any provisions so certified shall thereafter be removed from the Schedule and no longer published as part of this Constitution.

- Section 1. Delayed Effective Dates.
- Section 2. Prospective Operation of Bill of Rights.
- Section 3. Election of Executive Officers.
- Section 4. Judicial Offices.
- Section 5. Local Government.
- Section 6. Authorized Bonds.
- Section 7. Superintendent of Public Instruction.
- Section 8. Cumulative Voting for Directors.
- Section 9. General Transition.
- Section 10. Accelerated Effective Date.

### SECTION 1. DELAYED EFFECTIVE DATES

(a) The provisions of Section 1, 2(a), 2(b) and 2(c) of Article IV shall not apply to the General Assembly elected at the general election in 1970. Notwithstanding Section 6(b) of

Article IV, the incumbent Lieutenant Governor for the remainder of his term shall be the President of the Senate with a right to vote when the Senate is equally divided.

(b) Section 9(a) of Article VII shall become effective on December 1, 1971.

(c) Section 2 of Article VIII shall become effective on January 1, 1972.

(d) The second sentence of Section 2 of Article XI shall become effective on January 1, 1972.

(e) Sections 2 and 4 of Article XIII shall become effective on January 1, 1972.

### SECTION 2. PROSPECTIVE OPERATION OF BILL OF RIGHTS

Any rights, procedural or substantive, created for the first time by Article I shall be prospective and not retroactive.

### SECTION 3. ELECTION OF EXECUTIVE OFFICERS

The Governor, Lieutenant Governor, Attorney General, Secretary of State and Comptroller elected in 1972 shall serve for four years and those elected in 1976 for two years. The Treasurer elected in 1974 shall serve for four years.

### SECTION 4. JUDICIAL OFFICES

(a) On the effective date of this Constitution, Associate Judges and magistrates shall become Circuit Judges and Associate Judges, respectively, of their Circuit Courts. All laws and rules of court theretofore applicable to Associate Judges and magistrates shall remain in force and be applicable to the persons in their new offices until changed by the General Assembly or the Supreme Court, as the case may be.

(b) Notwithstanding the provisions of Section 11 of Article VI, magistrates in office on the effective date thereof are eligible to serve as Associate Judges.

(c) Notwithstanding the provisions of Section 18 of Article VI, the Clerk of the Supreme Court and the Clerks of the Appellate Court Districts in office on the effective date of this Constitution shall continue in office until the expiration of their elective terms.

(d) Until otherwise provided by law and except to the extent that the authority is inconsistent with Section 8 of Article VII, the Circuit Courts shall continue to exercise the non-judicial functions vested by law as of December 31, 1963, in county courts or the judges thereof.

### SECTION 5. LOCAL GOVERNMENT

(a) The number of members of a county board in a county which, as of the effective date of this Constitution,

elects three members at large may be changed only as approved by countywide referendum. If the number of members of such a county board is changed by county-wide referendum, the provisions of Section 3(a) of Article VII relating to the number of members of a county board shall govern thereafter.

(b) In Cook County, until (1) a method of election of county board members different from the method in existence on the effective date of this Constitution is approved by a majority of votes cast both in Chicago and in the area outside Chicago in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected, the number of members of the Cook County Board shall be fifteen except that the county board may increase the number if necessary to comply with apportionment requirements. If either of the foregoing changes is made, the provisions of Section 3(a) of Article VII shall apply thereafter to Cook County.

(c) Townships in existence on the effective date of this Constitution are continued until consolidated, merged, divided or dissolved in accordance with Section 5 of Article VII.

#### SECTION 6. AUTHORIZED BONDS

Nothing in Section 9 of Article IX shall be construed to

limit or impair the power to issue bonds or other evidences of indebtedness authorized but unissued on the effective date of this Constitution.

#### SECTION 7. SUPERINTENDENT OF PUBLIC INSTRUCTION

Section 2(b) of Article X shall take effect upon the existence of a vacancy in the Office of Superintendent of Public Instruction but no later than the end of the term of the Superintendent of Public Instruction elected in 1970.

#### SECTION 8. CUMULATIVE VOTING FOR DIRECTORS

Shareholders of all corporations heretofore organized under any law of this State which requires cumulative voting of shares for corporate directors shall retain their right to vote cumulatively for such directors.

#### SECTION 9. GENERAL TRANSITION

The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws,

ordinances, regulations and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution. The validity of all public and private bonds, debts and contracts, and of all suits, actions and rights of action, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, until their offices shall have been abolished or their successors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

#### SECTION 10. ACCELERATED EFFECTIVE DATE

The effective date of Section 3 of Article IV shall be January 15, 1971.

For purposes of appointing members of a Legislative Redistricting Commission in 1971, the President Pro Tempore of the Senate shall have the appointing power vested by Section 3(b) of Article IV in the President of the Senate.

• • • • •

The foregoing provisions of this Transition Schedule are self-explanatory.

## ADOPTION SCHEDULE

The following Schedule Provisions shall not be deemed to be a part of this Constitution except for the limited purpose of governing the determination of whether or not this Constitution has been adopted, the determination of what changes thereto have been made as a result of the vote on each of the separately submitted issues, and the establishment of the general effective date of this Constitution. The following provisions shall not be published as part of this Constitution except insofar as any of the provisions set out below become part of the Constitution by virtue of the adoption of a separately submitted provision.

This Adoption Schedule sets forth the changes that will be made in the body of the Constitution depending on the out-come of the voting on the five propositions on the ballot, namely approval of the 1970 Constitution and the action on the four remaining separate propositions. The 1970 Constitution must be approved, by the vote required by the 1870 Constitution, before any of the separate propositions may take effect.

#### SECTION 1.

Except as otherwise provided in Section 1 of the Transition Schedule, this Constitution, if approved by the electors as provided by the Constitution of 1870, as amended, shall take effect on July 1, 1971, and the Constitution of 1870, as amended, shall thereafter be of no force and effect except to the extent that the contingencies provided for in Section 6 of this Adoption Schedule may require.

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If the voters approve the 1970 Constitution, it will become effective July 1, 1971, except for those sections, the effective dates of which are otherwise provided in the Transition Schedule.

#### SECTION 2.

If Separate Question No. 1A concerning cumulative voting is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

##### (a) Section 1 of Article IV

Section 1 of Article IV of the proposed Constitution shall be deleted and the following substituted therefor:

##### SECTION 1. LEGISLATURE-POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives elected by the electors from 59 Legislative Districts.

##### SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected

for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Three Representatives shall be elected from each Legislative District for a term of two years. No political party shall limit its nominations to less than two candidates for Representative in any Legislative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

##### (b) Section 3 of Article IV

The words "Senatorial and Representative" in the first sentence of subsection (a) shall be deleted and the word "Legislative" shall be substituted therefor.

The words "House and Senate" in the first sentence of subsection (b) shall be deleted and the words "Legislative Districts" substituted therefor.

##### (c) Section 2 of Article IV

The word "District" appearing three times in the second and third sentences of subsection (d) shall be deleted and the word "office" shall be substituted therefor.

##### (d) Section 1 of Article XIV

The word "Senatorial" in subsection (d) shall be deleted and the word "Legislative" shall be substituted therefor.

If Separate Question No. 1B concerning election of Representatives to the General Assembly from single member districts is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

##### (a) Section 1 of Article IV

Section 1 of Article IV of the proposed Constitution shall be deleted and the following substituted therefor:

##### SECTION 1. LEGISLATURE-POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate of 59 members and a House of Representatives of 177 members elected by the electors from 59 Senatorial and 177 Representative Districts.

##### SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Senatorial District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Senatorial Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The

Senatorial Districts in each group shall be distributed substantially equally over the State.

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

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This section of the Adoption Schedule describes the effect of voter action on alternative propositions relating to the election of members of the House of Representatives.

Under the 1870 Constitution, as amended, the state is divided into 58 Senatorial and 59 Representative Districts. One senator is elected from each senatorial district. Three representatives (177 in all) are elected from each of the 59 Representative Districts by cumulative voting.

If the voters approve Separate Question #1A, the state will be divided into 59 Legislative Districts. One senator and three representatives would be elected from each of these 59 districts. The representatives would be elected by a modified form of the present cumulative voting system. Under this system, the voter may cast three votes in one of the following ways: Three votes for one candidate or one and one-half votes for each of two candidates or one vote for each of three candidates. No political party could limit the number of its candidates for representatives to fewer than two in a district. The three candidates with the highest totals in each Legislative District would be elected.

If the voters approve Separate Question #1B, the state would also be divided into 59 senatorial districts from which one senator would be elected. Each Senatorial District would be divided into three Representative Districts. One Representative would be elected from each of the 177 districts. Cumulative voting would not be used.

#### SECTION 3.

If Separate Question No. 2A concerning election of Judges is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

##### (a) Section 12 of Article VI

Section 12 of Article VI of the proposed Constitution shall be deleted and the following substituted therefor:

##### SECTION 12. ELECTION AND RETENTION

(a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary

and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(d) Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

If Separate Question No. 2B concerning appointment of judges is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 12 of Article VI

Section 12 of Article VI of the proposed Constitution shall be deleted and the following substituted therefor:

SECTION 12. APPOINTMENT AND RETENTION

(a) Supreme, Appellate and Circuit Court Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) If a vacancy occurs in the office of Supreme, Appellate or Circuit Judge, the administrative director shall notify the chairman of the appropriate Nominating Commission, who shall immediately convene the Commission. Within 56 days after delivery of the notice, the Commission shall submit a list of three qualified persons to the Governor. If there is more than one vacancy on the same court, the number of qualified persons listed shall be three times the number of vacancies. The Commission may determine and advise the Supreme Court that the number of qualified persons available is less than three times the number of vacancies. The Supreme Court may accept this determination and permit only the names of those available to be listed; otherwise it shall request the Commission to continue its search for qualified persons. The Governor, immediately upon receipt of the list, shall make it public. Not fewer than 28 nor more than 56 days after delivery of the list to the Governor, he shall appoint therefrom one person to fill each vacancy. If the Governor does not make the appointment within the 56 days, the Supreme Court shall make the appointment promptly from the list, except during the 60 day period in which the Governor is prohibited from making such appointment. During the last 60 days of his term a Governor who has not been elected for a subsequent term shall not appoint any Judge.

(d) A Judge appointed to fill a vacancy shall serve an initial term ending on the first Monday in December following the next general election held after he has completed one year in office.

(e) Not less than six months before the general election preceding the expiration of his term of office, a Judge may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at the general elections in the appropriate Judicial District for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative votes of three-fifths of the electors voting on the question shall elect a Judge to the office for a term commencing on the first Monday in December following the election.

(f) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. The reduction shall become effective after a vacancy in the affected unit occurs.

SECTION 13. JUDICIAL NOMINATING COMMISSIONS

(a) There shall be a Nominating Commission for each Judicial District to nominate persons for the offices of Supreme and Appellate Court Judge, and for each Judicial Circuit to nominate persons for the office of Circuit Judge.

(b) The Commission for each Judicial District other than the First shall consist of seven persons who are not lawyers and six lawyers. A Judicial Circuit in the district shall have not more than one resident non-lawyer and one resident lawyer on the Commission unless there is at least one resident non-lawyer and one resident lawyer on the Commission from each circuit in the district.

(c) The Commission for the First Judicial District and the Commission for the Cook County Judicial Circuit each shall consist of eleven persons who are not lawyers and ten lawyers.

(d) The Commission for each Judicial Circuit other than Cook County shall consist of six persons who are not lawyers and five lawyers.

(e) The Speaker and Minority Leader of the House of Representatives of the General Assembly each shall appoint one non-lawyer member and the Governor shall appoint the other non-lawyer members to each Nominating Commission.

(f) Not more than a simple majority of the Governors' appointees to each District Commission and to the Cook County Circuit Commission, and not more than two of their appointees to any one of the other Circuit Commissions, shall be members of the same political party. All of the Governors' appointees shall be qualified primary electors.

(g) Lawyer members of each Commission shall be elected by secret ballot by all lawyers admitted to practice in Illinois who are residents of the district or circuit, respectively, in accordance with the rules of the Supreme Court. Not more than half of the lawyer members on a Commission, or in the case of an odd number, one more than half, shall be members of the same political party.

(h) Commission members shall be residents of the district or circuit for which the Commission makes nominations.

(i) The terms of Commission members shall be six years. A vacancy in the office of a Commission member shall be filled for the unexpired term in the manner that the original appointment to that office was made.

(j) A person may not be nominated to fill a judicial office except upon the concurrence of a majority of all the members of a Commission.

(k) Each Commission shall select from among its members a chairman whose term shall be three years. Subject to rules of the Supreme Court, Commissions shall prescribe rules of procedure, conduct investigations and informal hearings, and employ staff.

(l) Commission members shall not receive compensation for their services but shall be entitled to reimbursement for necessary expense. The General Assembly by law shall appropriate funds for the expenses of the Commissions.

(m) No member of a Judicial Nominating Commission may be appointed to judicial office for a period of three years from the last day of his service on a Judicial Nominating Commission. A member may not serve on more than one Judicial Nominating Commission at a

time nor may he, having served a full term, serve on a Judicial Nominating Commission during the next three years.

(b) Sections 13 through 19 of Article VI

Sections 13 through 19 of Article VI shall be renumbered Sections 14 through 20, respectively.

(c) The following shall be added as Subsection (e) to Section 4 of the Transition Schedule:

As near as may be one-half of the initial lawyer members and one-half of the initial non-lawyer members of each Commission shall serve for three years. The initial appointees of the Speaker and Minority Leader to each Commission shall serve for three years. The Governor shall divide his initial appointees to each Commission into two groups and designate one group to serve for three years and the other for six years. As near as may be, on each Commission the number of non-lawyer members serving three years and the number serving six years shall be equal. Not more than half of the non-lawyer members serving six years, or in the case of an odd number, one more than half, shall be members of the same political party. The initial lawyer members shall be divided into two groups equal as near as may be, in such manner as the Supreme Court shall provide, one group to serve for three years and one for six years, as determined by the Supreme Court.

• • • • •

This section describes the effect of voter action on alternative propositions relating to the manner of selecting judges.

Under Article VI, Sections 10 and 11, of the 1870 Constitution, all judges are nominated at political party conventions and elected at the general elections. Vacancies are filled the same way. After his initial election, a judge may be elected to succeeding terms by receiving a majority vote on the question of whether he should be retained in office.

The General Assembly has the power to change the manner of selection, retention and filling vacancies by law adopted by two-thirds vote of the elected members of each House and approved by a majority of the voters voting on the question at a referendum.

If, at the December 15, 1970, special election, the voters approve Separate Question #2A, candidates for judge will continue to be elected, but the method of nomination will be changed. The existing "party convention" method for the nomination of judges will be replaced by primary elections or by the method of petition.

This section also provides for a method of filling vacancies to be determined by law and if there is no provision made therefor by law, the Supreme Court shall fill the vacancy. The election of judges would then take place at either general elections or at special judicial elections. Circuit judges would run for retention in the entire Circuit, rather than from the election unit from which they were elected. This section also increases the favorable vote required for a judge's retention in office from a simple majority to sixty percent of the electors voting on the question of retention.

If the voters approve Separate Question #2B, a system of appointing judges, rather than electing them, would be used. A Judicial Nominating Commission would name the nominees for Supreme and Appellate Courts for each of the five Judicial Districts. A similar Commission for each Judicial Circuit would name the nominees for Circuit Judges (not Associate Judges) for that Circuit. This process takes place only when a vacancy exists in any of these offices. Nominees must number three times the number of vacancies. The Governor would appoint from among such nominees a judge to fill each vacancy. If the Governor failed to appoint in the prescribed time, the Supreme Court would make the appointment promptly from the same list.

Before the expiration of a Judge's term of office, he may file, with the Secretary of State, a declaration of candidacy to succeed himself. He would run unopposed on the sole question whether he should be retained in office. If three-fifths of the voters approve his retention, he is retained for a full term.

There would be five Judicial Nominating Commissions for the Judicial Districts in the state and one for each Judicial Circuit in the state. The members of the nominating commission which would name the nominees for the Supreme and Appellate Courts vacancies arising in Cook County, known as the First District Nominating Commission, are to consist of eleven non-lawyers and ten lawyers. Similarly, the nominating commission which is to name nominees for vacancies in the Circuit Court of Cook County shall consist of eleven non-lawyers and ten lawyers. The nominating commission for other Judicial Districts in the state (Supreme Court and Appellate Courts) shall consist of seven non-lawyers and six lawyers each and the nominating commissions in each of the Judicial Circuits other than Cook County, responsible for nominating Circuit Court judges, shall consist of six non-lawyers and five lawyers.

The Speaker and Minority Leader of the House of Representatives each would appoint one of the non-lawyer members of each commission and the Governor would appoint the other non-lawyer members. No more than a simple majority of the Governor's appointees may be of the same political party. The non-lawyer members must be "primary electors" and residents of the judicial districts or circuits for which they are to serve.

The lawyer members are elected by all licensed lawyers, not bar association members only, residing in the particular judicial district or circuit. The lawyer members of the commission must be residents of the appropriate judicial district or circuit served by such nominating commission. The Supreme Court is to regulate the election procedure by rules.

The commission members serve six-year terms on a staggered basis and are disqualified for judgeships for 3 years after their last day of service on a commission. A vacancy on a commission is to be filled in the same manner as the original designation.

#### SECTION 4.

If Separate Question No. 3 concerning the death penalty is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, as provided by the Constitution of 1870, as amended, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 7 of Article 1.

The words "by death or" shall be deleted from the second sentence.

(b) Section 11 of Article 1.

The sentence "No penalty shall prescribe death." shall be inserted after the first sentence.

(c) Section 4 (b) of Article VI.

The first sentence shall be deleted and the second sentence changed to read: "The Supreme Court shall provide by rule for direct appeal from judgments of Circuit Courts."

If Separate Question No. 3 is not approved by the electors but the proposed Constitution of 1970 is approved by the electors, then no changes shall be made therein.

• • • • •

If Separate Question #3 is approved, it will abolish the death penalty.

#### SECTION 5.

If Separate Question No. 4 concerning the voting age is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

Section 1 of Article III

The words "of the required voting age" in the first sentence shall be deleted and the words "who has attained the age of 18 and" substituted therefor.

If Separate Question No. 4 is not approved by the electors but the proposed Constitution of 1970 is approved by the electors as provided by the Constitution of 1870, the following changes shall be made therein:

#### Section 1 of Article III

The words "of the required voting age" in the first sentence shall be deleted and the words "who has attained the age of 21 or any other voting age required by the United States for voting in State elections and" shall be substituted therefor.

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This section describes the effect of voter action on Separate Question #4.

At the present time, one must be 21 years of age to vote in Illinois.

If the voters approve Separate Question #4, the minimum voting age will become 18.

If the Proposition fails, the voting age will remain as the law presently provides.

#### SECTION 6.

(a) If neither Proposition #1A nor Proposition #1B is approved by the electors, but the proposed Constitution of 1970 is approved by the electors, all as provided by the Constitution of 1870 as amended, Section 1 of Article IV of the proposed Constitution of 1970 shall be deleted and the following provisions of Sections 1, 6, and 7 of Article IV, of the Constitution of 1870 as amended, as conformed to the other provisions of Article IV of the proposed Constitution of 1970, shall remain in effect and be inserted as Section 1(a), 1(b) and 1(c) of the Constitution of 1970:

Section 1; the second sentence and all of the third paragraph of Section 6; and the second sentence and all of the third paragraph of Section 7.

These provisions as so conformed shall read as follows:

#### SECTION 1. LEGISLATURE—POWER, STRUCTURE AND COMPOSITION

(a) The legislative power shall be vested in a General Assembly which shall consist of a Senate and House of Representatives, both to be elected by the people.

(b) There shall be fifty-eight Senatorial Districts. The Senatorial Districts shall be numbered one, two, three, and so forth, including fifty-eight. Immediately following each decennial redistricting, each such district shall elect one Senator. Senators from the even-numbered Districts shall be elected for terms of four years, four years and two years and Senators from the odd-numbered Districts shall be elected for terms of two years, four years and four years. The Senatorial Districts in each group shall be distributed equally over the State.

(c) There shall be fifty-nine Representative Districts. Three Representatives shall be elected in each Representative District in 1972 and every two years thereafter. The term of office shall be two years. In all elections of Representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are Representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

Subsections (c), (d) and (e) of Section 2 of Article IV of the 1970 Constitution shall be renumbered as Subsections (a), (b) and (c) of Section 2 of the 1970 Constitution.

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This section of the Adoption Schedule contains the provisions of the 1870 Constitution which will be inserted in the

1970 Constitution if it is approved but neither Separate Questions #1A or #1B receives the required vote.

(b) If neither Proposition #2A nor Proposition #2B is approved by the electors, but the proposed Constitution of 1970 is approved by the electors, all as provided by the Constitution of 1870 as amended, Section 12 of Article VI of the proposed Constitution of 1970 shall be deleted, and the provisions of Sections 10 and 11 of Article VI of the Constitution of 1870 as amended, as conformed to the other provisions of Article VI of the proposed Constitution of 1970, shall remain in effect and be inserted as Section 12 of the Constitution of 1970.

These provisions as so conformed shall read as follows:

#### SECTION 12. ELECTION OR SELECTION—RETENTION IN OFFICE

All of the judges provided for herein shall be nominated by party convention or primary and elected at general elections by the electors in the respective judicial districts, judicial circuits, counties, or units. Provided, however, the General Assembly may provide by law for the selection and tenure of all judges provided herein as distinguished from nomination and election by the electors, but no law establishing a method of selecting judges and providing their tenure shall be adopted or amended except by a vote of two-thirds of the members elected to each House, nor shall any method of selecting judges and providing their tenure become law until the question of the method of selection be first submitted to the electors at the next general election. If a majority of those voting upon the question shall favor the method of selection or tenure as submitted it shall then become law.

The office of any judge shall be deemed vacant upon his death, resignation, rejection, removal or retirement. Whenever a vacancy occurs in the office of judge, the vacancy shall be filled for the unexpired portion of the term by the voters at an election as above provided in this Section, or in such other manner as the General Assembly may provide by law as set out in this Section and approved by the electors. Whenever an additional judge is authorized by law, the office shall be filled in the same manner as in the case of a vacancy.

Not less than six months prior to the general election next preceding the expiration of his term of office, any judge previously elected may file in the office of the Secretary of State a declaration of candidacy to succeed himself, and the Secretary of State, not less than 61 days prior to the election, shall certify such candidacy to the proper election officials. At the election the name of each judge who has filed such a declaration shall be submitted to the voters, on a special judicial ballot without party designation, on the sole question whether he shall be retained in office for another term. The elections shall be conducted in the appropriate judicial districts, circuits, counties and units. The affirmative votes of a majority of the voters voting on the question shall elect him to the office for another term commencing the first Monday in December following the election. Any judge who does not file a declaration within the time herein specified, or, having filed, fails of re-election, shall vacate his office at the expiration of his term, whether or not his successor, who shall be selected for a full term pursuant to this Section shall yet have qualified.

Any law reducing the number of judges of the Appellate Court in any District or the number of Circuit judges in any circuit shall be without prejudice to the right of judges in office at the time of its enactment to seek retention in office as hereinabove provided.

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This section of the Adoption Schedule contains the provisions of the 1870 Constitution which will be inserted in the 1970 Constitution if it is approved but neither Separate Questions #2A or #2B receive the required vote.

## OFFICIAL BLUE BALLOT

(Instructions to Voters: Place an "X" in the boxes opposite the propositions for which you desire to vote. The full text of the proposed 1970 Constitution and the separate propositions is available for inspection in your polling place.)

Do you approve the proposed 1970 Constitution?	Yes	
	No	

1.

WHICH OF THE FOLLOWING PROVISIONS SHALL THE LEGISLATIVE ARTICLE OF THE PROPOSED 1970 CONSTITUTION CONTAIN CONCERNING THE ELECTION OF REPRESENTATIVES TO THE GENERAL ASSEMBLY? (Vote ONLY for one)

1A.	Election of the 177 members of the House of Representatives from <u>multi-member districts by cumulative voting.</u>	1A	
OR			
1B.	Election of the 177 members of the House of Representatives from <u>single member districts.</u>	1B	

2.

WHICH OF THE FOLLOWING PROVISIONS SHALL THE JUDICIAL ARTICLE OF THE PROPOSED 1970 CONSTITUTION CONTAIN CONCERNING THE SELECTION OF SUPREME, APPELLATE AND CIRCUIT COURT JUDGES? (Vote ONLY for one)

2A.	The <u>election</u> by the voters of Judges nominated in primary elections or by petition.	2A	
OR			
2B.	The <u>appointment</u> of Judges by the Governor from nominees submitted by Judicial Nominating Commissions.	2B	

SHALL THE 1970 CONSTITUTION CONTAIN PROVISIONS:

3.

Abolishing the death penalty?	Yes	
	No	

4.

Lowering the voting age to 18?	Yes	
	No	

## DELETIONS

ARTICLE I, "Boundaries", of the 1870 Constitution was deleted because all state boundaries, including those of Illinois, are determined by the United States Congress.

THE FOLLOWING PROVISIONS OF THE 1870 CONSTITUTION WERE DELETED BECAUSE THEY ARE OBSOLETE OR ARE MATTERS DEEMED MORE APPROPRIATE FOR LEGISLATIVE CONSIDERATION THAN CONSTITUTIONAL ENACTMENT:

ARTICLE IV, SECTION 27,  
"Lotteries"

ARTICLE IV, SECTION 29,  
"Protection of Miners"

ARTICLE IV, SECTION 30,  
"Establishing Roads and Cartways"

ARTICLE IV, SECTION 31,  
"Drains and Ditches"

ARTICLE IV, SECTION 33,  
"State House Expenditures"

ARTICLE VIII, SECTION 2,  
"School Property and Funds"

ARTICLE VIII, SECTION 4,  
"School Officers Not to be Interested in School Contracts"

ARTICLE VIII, SECTION 5,  
"County Superintendent of Schools"

ARTICLE IX, SECTION 13,  
"World's Columbian Exposition"

ARTICLE XI, SECTION 4, 9-15,  
"Railroad Provisions"

ARTICLE XII, SECTION 5,  
"Preservation of Records"

ARTICLE XIII, "Warehouses" and the provisions entitled "Illinois Central Railroad", "Municipal Subscriptions to Railroads or Private Corporations", "Canal", and "Convict Labor"

**CAPITOL BUILDING**  
SPRINGFIELD, ILLINOIS

Office of the Secretary of State

I, PAUL POWELL, Secretary of State of the State of Illinois, do hereby certify that the foregoing contains a true and correct copy of the text of the proposed 1970 Constitution, appropriate information explaining the text as prepared by the Sixth Illinois Constitutional Convention, and the form in which the proposition will appear upon a blue paper ballot pursuant to Constitutional Convention Resolution No. 98, the original of which is on file in this office.

And, I further certify that said publication and dissemination has been made pursuant to Public Acts 76-40 and 76-2380.

IN WITNESS WHEREOF, I hereunto set my hand  
and affix the Great Seal of the State of Illinois.  
Done at my office in the Capitol Building in the  
city of Springfield this 25th day of September  
A. D. 1970, and of the Independence of the  
United States the one hundred and ninety-fifth.

(SEAL)

*Paul Powell*  
Secretary of State

## ELECTED MEMBERS OF THE CONSTITUTIONAL CONVENTION

(by district)

- |  |  |  |   |  |
|--|--|--|---|--|
| 1 Samuel W. Witwer<br>111 Abingdon Ave.<br>Kenilworth 60043<br><br>Frank Cicero, Jr.<br>1021 Colfax St.<br>Evanston 60201                            | 13 Ronald C. Smith<br>4420 N. Paulina St.<br>Chicago 60640<br><br>Elmer Gertz<br>6249 N. Albany Ave.<br>Chicago 60645                        | 25 The Rev. Francis X. Lawlor<br>6629 S. Paulina St.<br>Chicago 60636<br><br>Louis Marolda<br>6925 S. Honore St.<br>Chicago 60636          | 37 Paul E. Mathias<br>106 Hilltop Road<br>Bloomington 61701<br><br>David Davis<br>1114 E. Monroe St.<br>Bloomington 61701         | 49 Maurice W. Scott<br>1930 Whittier Ave.<br>Springfield 62704<br><br>William L. Fay<br>1338 Mound Ave.<br>Jacksonville 62650            |
| 2 Lucy Reum (Mrs.)<br>232 N. Ridgeland Ave.<br>Oak Park 60302<br><br>Thomas J. McCracken<br>703 Thatcher Ave.<br>River Forest 60305                  | 14 John F. Leon<br>1811 N. Tripp Ave.<br>Chicago 60639<br><br>William J. Laurino<br>4048 W. Patterson Ave.<br>Chicago 60641                  | 26 Thomas E. Hunter<br>7315 S. Prairie Ave.<br>Chicago 60619<br><br>Clifford P. Kelley<br>5724 S. Indiana Ave.<br>Chicago 60637            | 38 Betty Howard (Mrs.)<br>R. #3, Box 1513<br>St. Charles 60174<br><br>James S. Brannen<br>502 South Street<br>Geneva 60134        | 50 Elbert S. Smith<br>510 South Seigel St.<br>Decatur 62522<br><br>Franklin E. Dove<br>115 North First St.<br>Shelbyville 62565          |
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