



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0042

Introduced , by Rep. Steven A. Andersson

SYNOPSIS AS INTRODUCED:

ILCON Art. VI, Sec. 12

Proposes to amend the Judiciary Article of the Illinois Constitution. Removes language providing that Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Makes corresponding changes. Provides that the name of each person seeking election to the office of Judge at a general election shall be submitted to the electors without party designation. Effective upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

LRB100 19064 MJP 34319 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
4 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE
5 CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to amend Section 12 of Article VI
9 of the Illinois Constitution as follows

10 ARTICLE VI
11 THE JUDICIARY

12 (ILCON Art. VI, Sec. 12)

13 SECTION 12. ELECTION AND RETENTION

14 (a) Supreme, Appellate and Circuit Judges shall ~~be~~
15 ~~nominated at primary elections or by petition. Judges shall be~~
16 elected at general or judicial elections as the General
17 Assembly shall provide by law. A person eligible for the office
18 of Judge may cause his name to appear on the ballot as a
19 candidate for Judge ~~at the primary and~~ at the general or
20 judicial elections by submitting petitions. The name of each
21 person seeking election to the office of Judge at a general
22 election shall be submitted to the electors without party
23 designation. The General Assembly shall prescribe by law the

1 requirements for petitions.

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

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

19 (d) Not less than six months before the general election
20 preceding the expiration of his term of office, a Supreme,
21 Appellate or Circuit Judge who has been elected to that office
22 may file in the office of the Secretary of State a declaration
23 of candidacy to succeed himself. The Secretary of State, not
24 less than 63 days before the election, shall certify the
25 Judge's candidacy to the proper election officials. The names
26 of Judges seeking retention shall be submitted to the electors,

1 separately and without party designation, on the sole question
2 whether each Judge shall be retained in office for another
3 term. The retention elections shall be conducted at general
4 elections in the appropriate Judicial District, for Supreme and
5 Appellate Judges, and in the circuit for Circuit Judges. The
6 affirmative vote of three-fifths of the electors voting on the
7 question shall elect the Judge to the office for a term
8 commencing on the first Monday in December following his
9 election.

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

14 (Source: Illinois Constitution.)

15 SCHEDULE

16 This Constitutional Amendment takes effect upon being
17 declared adopted in accordance with Section 7 of the Illinois
18 Constitutional Amendment Act.