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HOUSE JOINT RESOLUTION 137

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WHEREAS, Article XIV of the 1970 Illinois Constitution requires that if the question of whether a constitutional convention should be called is not submitted during any 20-year period, that question shall be submitted at the general election in the 20th year following the last submission; and

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WHEREAS, The question of the convening of a constitutional convention was submitted to the electorate in 1988, and that question has not been submitted during the past 20-year period; and

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WHEREAS, The 1970 Illinois Constitution requires that the question of whether to call a constitutional convention be submitted to the electorate at the general election in 2008; and

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WHEREAS, The Constitutional Convention Act authorizes the procedure for preparing voter education materials to accompany the question of calling a convention and requires the General Assembly to prepare those materials; and

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WHEREAS, The General Assembly, by House Joint Resolution 111, has created a Joint Committee for the Constitutional Convention Proposal to prepare, for adoption by both houses, a

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1 report which provides a brief explanation and arguments in  
2 favor of and against a constitutional convention, as well as  
3 the form in which the question will appear on the ballot;  
4 therefore, be it

5 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
6 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
7 SENATE CONCURRING HEREIN, that the report of the Joint  
8 Committee for the Constitutional Convention Proposal, as set  
9 out in this Resolution, is hereby adopted and shall be  
10 certified to the Secretary of State:

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**PROPOSED CALL  
FOR A  
STATE  
CONSTITUTIONAL CONVENTION**

**That will be submitted to the voters  
November 4, 2008**

**This pamphlet includes**

- EXPLANATION OF THE PROPOSED CALL***
- ARGUMENTS IN FAVOR OF HOLDING A CONVENTION***
- ARGUMENTS AGAINST HOLDING A CONVENTION***
- FORM OF BALLOT***

1 *To the Electors of the State of Illinois:*

2 The 1970 Illinois Constitution requires the electors of the  
3 State to decide, every 20 years, if it is necessary to revise  
4 or rewrite the Illinois Constitution. In 1988 the electors  
5 rejected the call for a constitutional convention, with 75%  
6 voting against and 25% voting in favor of convening a  
7 convention. At the general election to be held on November 4,  
8 2008, the voters will be called upon to decide whether Illinois  
9 should convene a constitutional convention.

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#### **EXPLANATION**

11 The purpose of a state constitution is to establish a structure  
12 for government and laws. The Illinois Constitution provides  
13 citizens with rights and protections; creates the executive,  
14 judicial, and legislative branches of government; clarifies  
15 the powers given to local governments; limits the taxing power  
16 of the State; and imposes certain restrictions on the use of  
17 taxpayer dollars. There are three ways to initiate change to  
18 the Illinois Constitution: (1) a constitutional convention may  
19 propose changes to any part; (2) the General Assembly may  
20 propose changes to any part; or (3) the people of the State by  
21 referendum may propose changes to the Legislative Article.  
22 Regardless of the method of initiating change, the people of  
23 Illinois must approve any changes to the Constitution before

1 they become effective.

2 A constitutional convention is a meeting of delegates elected  
3 by the people to review the Constitution. During a convention,  
4 the delegates may propose changes to parts of the current  
5 Constitution, write a new Constitution, or make no changes  
6 whatsoever. If the people of the State on November 4, 2008  
7 decide it is necessary to call a convention, a separate  
8 election will be held to elect delegates to represent the  
9 voters during the constitutional convention. The elected  
10 delegates will meet to review the current constitution and  
11 decide whether the constitution should be revised or rewritten.  
12 There is no limit as to how long a constitutional convention  
13 may meet. The last constitutional convention met for nine  
14 months. Once the delegates complete their work, the voters will  
15 have an opportunity to approve or reject proposed changes.

16 The call for a constitutional convention will be on the  
17 November 4, 2008 general election ballot. Voters that believe  
18 the 1970 Illinois Constitution should be reviewed, revised, or  
19 rewritten through the convention process should vote "YES" on  
20 the question of calling a constitutional convention.  
21 Three-fifths of those voting on the question or a majority of  
22 those voting in the election must vote "yes" in order for a  
23 constitutional convention to be called. Voters that believe  
24 that a constitutional convention is not necessary, or that

1 changes can be accomplished through other means, should vote  
2 "NO" on the calling of a constitutional convention.

3 **Summary of Arguments In Favor of Holding a Constitutional**  
4 **Convention**

5 1. A constitutional convention allows delegates to  
6 consider important substantive issues that have failed to  
7 advance in the legislative process.

8 2. Changes to our state and local governments are best  
9 addressed by delegates elected solely to review the  
10 Constitution.

11 3. A constitutional convention would provide the first  
12 comprehensive review of the Illinois Constitution since its  
13 adoption in 1970.

14 4. Any proposed changes to the Constitution must be  
15 ratified by the voters before they become effective.

16 **Summary of Arguments Against Holding a Constitutional**  
17 **Convention**

18 1. A constitutional convention could cost as much as \$78  
19 million.

20 2. The current Illinois Constitution could be changed  
21 without a constitutional convention, and in fact has been  
22 changed 10 times since the last convention.

1           3. A constitutional convention could be controlled by  
2 special interest groups and lobbyists, and there is no way to  
3 limit the issues discussed.

4           4. A convention could threaten the economy by creating an  
5 unstable business climate.

6           **Arguments In Favor of Holding a Constitutional Convention**

7           **Address Important Issues That Have Failed to Advance in the**  
8 **Legislative Process**

9           Amendments proposed by the General Assembly must be approved by  
10 both the Illinois Senate and the Illinois House of  
11 Representatives before they are submitted to the voters. If one  
12 chamber does not like an amendment, or both chambers cannot  
13 agree on the language of the proposed amendment, the voters  
14 will never have an opportunity to vote on the proposed change.  
15 State Senators and Representatives have proposed hundreds of  
16 constitutional amendments, but only six have made it to the  
17 ballot since the 1988 vote on whether to call a constitutional  
18 convention. Many of the proposals that have failed to advance  
19 in the legislative process address important issues such as  
20 education funding, state and local taxes, electing judges, and  
21 ethics reform to reduce the influence of special interest  
22 groups and lobbyists.

1 **Best Chance for Real Change**

2 Illinois has over 6,900 units of government, far more than any  
3 other state in the nation. Delegates to a constitutional  
4 convention could propose ideas to consolidate state and local  
5 governments to provide citizens with more responsive and  
6 cost-effective government services. A convention could restore  
7 the confidence of citizens in the political process. Delegates  
8 could discuss important issues including term limits for  
9 elected officials, citizen initiatives for changes to the  
10 Constitution, and a new process for drawing representative  
11 boundaries designed to provide fair representation. A  
12 constitutional convention with independent-minded delegates is  
13 the best opportunity to address the issues and bring about real  
14 change.

15 **Periodic Review Is Important**

16 The delegates to the 1970 Constitutional Convention wanted to  
17 make sure the voters have the opportunity to review the  
18 Constitution every 20 years. As one delegate stated during  
19 debate at the last Constitutional Convention, "The voters ought  
20 to have that chance to express themselves every 20 years."  
21 Holding a constitutional convention does not mean that  
22 delegates will automatically change the whole document. It is  
23 up to the delegates to decide if it is necessary to write a new



1 Constitution, update certain portions, or leave the document  
2 unchanged.

### 3 **Voters Must Approve Any Changes**

4 Opponents to a constitutional convention argue that special  
5 interest groups and lobbyists will influence delegates and  
6 dominate the convention for the benefit of their clients, but a  
7 strong argument exists that these same groups presently have  
8 disproportionate influence over the legislative process. While  
9 elected representatives approve any changes to the laws of our  
10 State, any changes proposed at a constitutional convention must  
11 be approved by the citizens. This approval process gives voters  
12 an opportunity to participate directly in any revision of the  
13 Constitution, countering the influence of special interest  
14 groups and lobbyists.

### 15 **Arguments Against Holding a Constitutional Convention**

#### 16 **Convention Expenses Could Be High**

17 Estimates of the total cost for a constitutional convention  
18 range from \$58 to \$78 million. Illinois is in the midst of a  
19 financial crisis that would be made worse by holding a  
20 constitutional convention. Instead of paying for important  
21 services, your tax dollars would be diverted to pay for the

1 cost of electing delegates, salaries for delegates and staff,  
2 printing and publication, and other administrative expenses.  
3 Considering that there are two inexpensive ways to initiate  
4 change if necessary through an amendment process, a convention  
5 is a major expense that taxpayers do not need.

### 6 **Current Amendment Process Works**

7 The Constitution can be changed through an amendment process  
8 and any changes must be approved by the voters. State Senators  
9 and Representatives have the ability to propose changes to any  
10 Article of the Constitution, and citizens may propose changes  
11 to the structure and procedures of the Legislature. Since 1970,  
12 voters have approved 10 of 18 proposed amendments to the  
13 Constitution. Amendments encourage the same level of public  
14 debate that proponents believe can only be achieved during a  
15 constitutional convention. The amendment process is also less  
16 costly and it ensures that citizens have an opportunity to  
17 approve any change before it becomes effective.

### 18 **Influence of Special Interests**

19 There is no way to keep delegates to a constitutional  
20 convention from the influence of special interest groups and  
21 lobbyists. To be a delegate, candidates would need to raise  
22 funds to run a campaign and win an election. Special interest

1 groups and lobbyists will contribute money to these campaigns,  
2 and if elected, a delegate may feel indebted to those who made  
3 contributions. Delegates are not subject to the same ethical  
4 standards as constitutional and legislative officers and do not  
5 have to run for re-election, making them less accountable to  
6 the voters for their actions. Additionally, there is no way to  
7 control the issues debated during a constitutional convention.  
8 The convention could be dominated by current controversial  
9 issues like abortion, capital punishment, gay marriage, gun  
10 control, public education, and state and local taxes.  
11 Convention delegates might ultimately spend months or years,  
12 and millions of taxpayer dollars, debating policy issues that  
13 should be decided by legislators accountable to the people.

#### 14 **Negative Impact on the State Economy**

15 Holding a convention at this time could negatively impact the  
16 economy. To grow economically and attract new jobs, the State  
17 must provide a stable climate for business and labor. An  
18 important part of this is a clear, predictable tax structure.  
19 Business leaders are worried that the uncertainty created by a  
20 convention could make it difficult to keep businesses in  
21 Illinois or attract new businesses.

1 Proposed call for a Constitutional Convention

2 Explanation of Proposed Call

3 This proposal deals with a call for a state constitutional  
4 convention. The last such convention was held in 1969-70, and a  
5 new Constitution was adopted in 1970. The 1970 Illinois  
6 Constitution requires that the question of calling a convention  
7 be placed before the voters every 20 years. In 1988 the  
8 electors rejected the call for a constitutional convention,  
9 with 75% voting against calling a convention and 25% voting in  
10 favor of calling a convention. If you believe the 1970 Illinois  
11 Constitution needs to be revised through the convention  
12 process, vote "YES" on the question of calling a constitutional  
13 convention. If you believe that a constitutional convention is  
14 not necessary, or that changes can be accomplished through  
15 other means, vote "NO" on the calling of a constitutional  
16 convention.

17 -----  
18 YES For the calling  
19 ----- of a Constitutional  
20 NO Convention.  
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