



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0011**

Introduced , by Rep. William Cunningham

**SYNOPSIS AS INTRODUCED:**

ILCON Art. VI, Sec. 8  
ILCON Art. VI, Sec. 11  
ILCON Art. VI, Sec. 12

Proposes to amend the Judiciary Article of the Illinois Constitution relating to the eligibility to be elected or appointed as a Judge or Associate Judge. Provides that in order to be eligible for election or appointment as a Judge or Associate Judge after the adoption of the Amendment, the person must have actively practiced law in the State for at least 10 years before his or her election or appointment as a Judge or Associate Judge and his or her license to practice law in the State must not have been suspended or revoked for disciplinary reasons by the Supreme Court, and the person must have been certified as qualified to be a Judge or Associate Judge by at least 5 members of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. Provides that the certification is for 2 years and the person is subject to recertification if the person meets the requirements. Provides that before a candidate for Judge is eligible to circulate petitions or be placed on the ballot for nomination or election as a Supreme, Appellate and Circuit Judge, he or she must be certified as qualified to hold the office of Judge by the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. Effective upon adoption and applies only to persons seeking election or appointment as a Judge or Associate Judge after the adoption of the Amendment.

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1                                   HOUSE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
5 SENATE 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 Sections 8, 11, and 12  
9 of Article VI of the Illinois Constitution as follows:

10                                   ARTICLE VI  
11                                   THE JUDICIARY

12           (ILCON Art. VI, Sec. 8)

13           SECTION 8. ASSOCIATE JUDGES

14           Each Circuit Court shall have such number of Associate  
15 Judges as provided by law. Associate Judges shall be appointed  
16 by the Circuit Judges in each circuit as the Supreme Court  
17 shall provide by rule. In the First Judicial District, unless  
18 otherwise provided by law, at least one-fourth of the Associate  
19 Judges shall be appointed from, and reside, outside Chicago.  
20 The Supreme Court shall provide by rule for matters to be  
21 assigned to Associate Judges. A person shall not be appointed  
22 as an Associate Judge after the adoption of this Amendment  
23 unless he or she has been certified as qualified by the

1 Attorney Registration and Disciplinary Commission of the  
2 Supreme Court of Illinois as provided in Section 11 of this  
3 Article.

4 (Source: Illinois Constitution.)

5 (ILCON Art. VI, Sec. 11)

6 SECTION 11. ELIGIBILITY FOR OFFICE

7 No person shall be eligible to be a Judge or Associate  
8 Judge unless he is a United States citizen, a licensed  
9 attorney-at-law of this State, and a resident of the unit which  
10 selects him. No change in the boundaries of a unit shall affect  
11 the tenure in office of a Judge or Associate Judge incumbent at  
12 the time of such change. A person who is not a Judge or  
13 Associate Judge on the date that this Amendment is adopted  
14 shall not be eligible to be a Judge or Associate Judge unless  
15 he or she has actively practiced law in this State for at least  
16 10 years before his or her election or appointment as a Judge  
17 or Associate Judge and his or her license to practice law in  
18 this State has not been suspended or revoked for disciplinary  
19 reasons by the Supreme Court, and the person has been certified  
20 as qualified to be a Judge or Associate Judge by at least 5  
21 members of the Attorney Registration and Disciplinary  
22 Commission of the Supreme Court of Illinois. The certification  
23 by the Attorney Registration and Disciplinary Commission of the  
24 Supreme Court of Illinois shall be effective for 2 years after  
25 it is issued. A person issued certification is eligible for

1 recertification if the requirements of this Section are met.  
2 During the evaluation process, the Commission shall consider  
3 each candidate's legal experience, skill and knowledge, as well  
4 as his or her academic background, personal character,  
5 commitment to community service, and professional conduct and  
6 temperament. The Commission may consult with the Illinois State  
7 Bar Association and other well established local bar  
8 associations in evaluating applicants for Judge or Associate  
9 Judge. The Commission shall charge an applicant for Judge or  
10 Associate Judge a suitable fee, set by the Commission, in an  
11 amount necessary to defray all costs incurred by the evaluation  
12 process.

13 (Source: Illinois Constitution.)

14 (ILCON Art. VI, Sec. 12)

15 SECTION 12. ELECTION AND RETENTION

16 (a) Supreme, Appellate and Circuit Judges shall be  
17 nominated at primary elections or by petition. Judges shall be  
18 elected at general or judicial elections as the General  
19 Assembly shall provide by law. A person eligible for the office  
20 of Judge may cause his name to appear on the ballot as a  
21 candidate for Judge at the primary and at the general or  
22 judicial elections by submitting petitions. The General  
23 Assembly shall prescribe by law the requirements for petitions.

24 (b) The office of a Judge shall be vacant upon his death,  
25 resignation, retirement, removal, or upon the conclusion of his

1 term without retention in office. Whenever an additional  
2 Appellate or Circuit Judge is authorized by law, the office  
3 shall be filled in the manner provided for filling a vacancy in  
4 that office.

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

16 (d) Not less than six months before the general election  
17 preceding the expiration of his term of office, a Supreme,  
18 Appellate or Circuit Judge who has been elected to that office  
19 may file in the office of the Secretary of State a declaration  
20 of candidacy to succeed himself. The Secretary of State, not  
21 less than 63 days before the election, shall certify the  
22 Judge's candidacy to the proper election officials. The names  
23 of Judges seeking retention shall be submitted to the electors,  
24 separately and without party designation, on the sole question  
25 whether each Judge shall be retained in office for another  
26 term. The retention elections shall be conducted at general

1 elections in the appropriate Judicial District, for Supreme and  
2 Appellate Judges, and in the circuit for Circuit Judges. The  
3 affirmative vote of three-fifths of the electors voting on the  
4 question shall elect the Judge to the office for a term  
5 commencing on the first Monday in December following his  
6 election.

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

11 (f) After the adoption of this Amendment, before a  
12 candidate for Judge is eligible to circulate petitions or be  
13 placed on the ballot for nomination or election as a Supreme,  
14 Appellate and Circuit Judge, he or she must be certified as  
15 qualified to hold the office of Judge by the Attorney  
16 Registration and Disciplinary Commission of the Supreme Court  
17 of Illinois as provided in Section 11 of this Article VI.

18 (Source: Illinois Constitution.)

19 SCHEDULE

20 This Constitutional Amendment takes effect upon being  
21 declared adopted in accordance with Section 7 of the Illinois  
22 Constitutional Amendment Act and applies only to persons  
23 seeking election or appointment as a Judge or Associate Judge  
24 after the adoption of this Amendment.