

**PROPOSED AMENDMENTS
TO THE
CONSTITUTION OF ILLINOIS**

and

**PROPOSED CALL FOR A STATE
CONSTITUTIONAL CONVENTION**

**That Will Be Submitted to the Voters
November 8, 1988**

This pamphlet includes
**PRESENT FORM OF CONSTITUTION
PROPOSED AMENDMENTS TO CONSTITUTION
EXPLANATIONS OF PROPOSALS
ARGUMENTS IN FAVOR OF PROPOSALS
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FORM OF BALLOT**



**Published in compliance with Statute
by
JIM EDGAR
Secretary of State**

To the Electors of the State of Illinois:

At the general election to be held on the 8th day of November, 1988, you will be called upon in your capacity as citizens to adopt or reject the following proposed amendments to the Constitution of Illinois.

PROPOSED AMENDMENT TO SECTION 1 OF ARTICLE III
(Voting Qualifications)

ARTICLE III
(Present Form)

Section 1. VOTING QUALIFICATIONS

Every United States citizen who has attained the age of 21 or any other voting age required by the United States for voting in State elections and 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.

ARTICLE III
(Proposed Amendment)

(Proposed changes in the existing constitutional provision are indicated by underscoring all new matter and by crossing with a line all matter which is to be omitted.)

Section 1. VOTING QUALIFICATIONS

Every United States citizen who has attained the age of 18 ~~21~~ or any other voting age required by the United States for voting in State elections and who has been a permanent resident of this State for at least 30 days ~~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.

SCHEDULE

This amendment shall take effect immediately upon its approval by the electors.

FORM OF BALLOT
PROPOSED AMENDMENT TO SECTION 1 OF ARTICLE III
(Voting Qualifications)

Explanation of Proposed Amendment

The proposed amendment to Article III, Section 1, would make two changes in the Section setting forth voting qualifications for Illinois residents, both of which conform the Illinois Constitution to the requirements of federal law. First, the amendment would extend the right to vote to citizens between the ages of 18 and 21. The United States Constitution mandates the 18-year-old vote, and Illinois law has so provided since 1975. Second, the amendment would reduce the residency requirement for voting from 6 months to 30 days, which would bring Illinois law into line with federal constitutional requirements.

Place an X in the blank opposite "YES" or "NO" to indicate your choice.

For the proposed amendment to Section 1 of Article III of the Constitution to conform Illinois law on voting qualifications to federal constitutional requirements.	YES	
	NO	

ARGUMENTS FOR PROPOSED AMENDMENT

The proposed amendment to the Constitution dealing with voting qualifications does not make any change in current Illinois law. Right now citizens between the ages of 18 and 21 are entitled to vote, and our election laws require residency within the State of 30 days rather than 6 months. The purpose of the amendment is to conform the Illinois Constitution to existing law.

Shortly after the Illinois Constitution became effective, the United States Constitution was amended to guarantee the right to vote to all citizens 18 years of age or older. That amendment was duly ratified by Illinois in 1971. The federal Constitution supersedes the provision in our State Constitution which sets the voting age at 21. Illinois recognized the supremacy of federal law in this respect and in 1975 amended its election code to grant 18-year-olds the right to vote. The proposed amendment would simply correct the Illinois Constitution to recognize the change.

The second part of the amendment would revise the required residency in Illinois for voting from 6 months to 30 days. Again, this change responds to federal Constitutional requirements. In 1972 the United States Supreme Court held unconstitutional residency requirements for voting of more than 30 days. As a result of that decision the Illinois General Assembly acknowledged the invalidity of the 6-month residency requirement in our Constitution and by Statute reduced it to 30 days. That has now been the law and practice in Illinois for many years. It is also good public policy; our population is highly mobile, and it is not right to deny citizens the right to participate in the elective process because they cannot meet artificially long residency requirements. New residents also have a stake in the community in which they live.

ARGUMENT AGAINST PROPOSED AMENDMENT

The proposed Constitutional amendment simply brings our State Constitution into conformity with federal Constitutional law and existing State statutes. It does not change any rights of the citizens of Illinois. Therefore, there are no substantive arguments against adoption of the amendment.

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PROPOSED AMENDMENT TO SECTION 8 OF ARTICLE IX
(Delinquent Tax Sales)

ARTICLE IX
(Present Form)

Section 8. TAX SALES

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

(b) (1) The right of redemption from all sales of real estate for the non-payment of taxes or special assessments, except as provided in paragraph (2) of this subsection (b), shall exist in favor of owners and persons interested in such real estate for not less than two years following such sales.

(2) The right of redemption from the sale for non-payment of taxes or special assessments of a parcel real estate which:

(A) is vacant non-farm real estate or (B) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (C) is commercial or industrial property; and upon which all or a part of the general taxes for each of 5 or more years are delinquent shall exist in favor of owners and persons interested in such real estate for not less than 90 days following such sales.

(c) 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.

ARTICLE IX
(Proposed Amendment)

(Proposed changes in the existing constitutional provision are indicated by underscoring all new matter and by crossing with a line all matter which is to be omitted.)

Section 8. TAX SALES

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

(b) (1) The right of redemption from all sales of real estate for the nonpayment of taxes or special assessments, except as provided in paragraphs paragraph (2) and (3) of this subsection (b), shall exist in favor of owners and persons interested in such real estate for not less than two years following such sales.

(2) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel of real estate which:

(A) is vacant non-farm real estate or (B) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (C) is commercial or industrial property; shall exist in favor of owners and persons interested in such real estate for not less than one year following such sales.

(3) (2) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel real estate which:

(A) is vacant non-farm real estate or (B) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (C) is commercial or industrial property; and upon which all or a part of the general taxes for each of 2 5 or more years are delinquent shall exist in favor of owners and persons interested in such real estate for not less than 6 months ~~90 days~~ following such sales.

(c) 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.

SCHEDULE

This Constitutional Amendment takes effect upon adoption by the electors of this State.

FORM OF BALLOT PROPOSED AMENDMENT TO SECTION 8 OF ARTICLE IX (Delinquent Tax Sales)

Explanation of Proposed Amendment

The proposed Amendment deals with the problem of tax delinquency on commercial, industrial, vacant non-farm, and large multi-unit residential properties. It has no effect on single-family homes, farms, or apartment buildings containing 6 or fewer units.

Present Illinois law attempts to place tax delinquent properties back on the tax rolls. In addition to an Annual Sale which must be held each year, recent changes in the law permit counties to conduct a "Scavenger Sale" for properties which are at least two years tax delinquent. The highest bidder at the Scavenger Sale receives a tax sale certificate. After the Scavenger Sale, the property owner is given a period of time to redeem the outstanding taxes. The certificate holder can take title to the property after this redemption period has expired.

The Constitution now guarantees the delinquent owner two years to pay back or redeem the delinquent taxes after the Scavenger Sale, with some exceptions: if a commercial, industrial, vacant non-farm or large multifamily (7 or more units) property is five or more years delinquent, the redemption period is currently six months.

The proposed Amendment has two components: First, it would allow the General Assembly to apply a six month redemption period to vacant non-farm, commercial, industrial and large multifamily properties which are two or more years delinquent. Second, the proposed Amendment would allow the General Assembly to apply a one year redemption period to the same properties if they are less than two years delinquent. Note that the Constitution simply establishes guidelines for the General Assembly, which is required to set specific redemption periods through the regular legislative process.

The net effect of this Amendment will be that all vacant, commercial, industrial and large multifamily properties (7 or more units) which are two or more years delinquent will have a redemption period of at least six months; and that vacant, commercial, industrial and large multifamily properties (7 or more units) which are less than two years delinquent will have a redemption period of at least one year.

It should be noted that the proposed Amendment more than adequately protects all property owners. It has no effect on single-family residences, farms, or small apartment buildings; it applies only to commercial, industrial, and vacant non-farm properties and buildings of 7 units or more. Even tax delinquent property owners will by law receive multiple notices of their delinquency before the property is put up for sale.

Place an X in the blank opposite "YES" or "NO" to indicate your choice.

For the proposed amendment to Section 8 of Article IX of the Constitution to authorize the General Assembly to reduce the redemption period following certain tax sales which occur after property taxes have not been paid on multifamily, vacant non-farm, commercial and industrial property only.	YES	
	NO	

ARGUMENTS FOR THE PROPOSED AMENDMENT

Approval of this proposed Constitutional Amendment will help to (a) accelerate return of long-term tax delinquent properties to the tax rolls, (b) reduce the opportunity for abuse by owners of tax delinquent property, and (c) encourage community preservation and rehabilitation.

Return Property to Tax Rolls

Tax delinquent property owners unfairly deprive our local governments and schools of millions of dollars of tax revenues every year. This inevitably results in increasing the tax burden on those property owners who pay their taxes. It is, therefore, to everyone's benefit that tax delinquent properties be returned to the tax rolls as quickly as possible. By permitting the General Assembly to reduce the redemption period on certain classes of property, the proposed Amendment will facilitate the transfer of ownership to persons who will pay the taxes and maintain the property.

Prevent Abuse by Tax Delinquent Owners

Under the existing Constitution and laws, it is possible for a property owner to avoid paying taxes on his property for a total of 4 years before losing the property: 2 years before the property is put up for bid at a public auction (known as a "Scavenger Sale") and an additional 2 years after the sale before his or her right to redeem the property expires. During this 4-year period an owner can continue to extract income from the property even though the taxes go unpaid. Frequently, many of these properties are allowed to deteriorate, or are abandoned. The Amendment would reduce the ability of the tax delinquent owner to take unfair advantage of the system.

Encourage Preservation and Rehabilitation

The health and vitality of communities throughout Illinois is dependent upon preserving existing housing and encouraging the upkeep or rehabilitation of commercial and small industrial properties. The present Constitutional requirement of a 2-year redemption period following a tax delinquency sale for vacant, commercial, non-farm vacant, and large multi-family properties which are less than five years delinquent works against these objectives. Because it is difficult and time-consuming to obtain title to tax delinquent property, potential buyers are discouraged from purchasing and rehabilitating such property. Moreover, the longer a property is allowed to deteriorate, the more expensive it is to restore. The proposed Amendment would reduce these barriers to the preservation of our communities.

ARGUMENTS AGAINST THE PROPOSED AMENDMENT

Approval of this proposed Constitutional Amendment could (a) place an unreasonable burden on certain county offices possibly causing delays in processing tax sale properties and (b) hurt property owners who have difficulty in paying property taxes for legitimate reasons.

Delay Processing of Tax Sale Properties

After each tax sale, the County Clerk must issue a large number of Certificates of Purchase — which are required to confirm the sale by the State's Attorney's Office. Given the large volume of Annual and Scavenger Sale parcels in some counties (especially Cook County) the shortened redemption period for vacant non-farm, commercial, industrial and large multifamily properties will reduce the amount of time to issue the Certificate and confirm the sales. This will put an unreasonable burden on the various county offices responsible for these and other tasks associated with conducting the tax sales. This could cause delays and may result in less revenue than projected.

Hurt Delinquent Property Owners

In some cases, commercial, vacant non-farm property and multifamily property owners (7 or more units) have difficulty in paying property taxes for legitimate reasons such as loss of employment or catastrophic illness. In these cases, the shorter redemption period may force payment of taxes in lieu of needed investments in the properties themselves, for emergency repairs or other maintenance items. If the 2-year redemption period is retained, delinquent property owners will be better able to meet their tax obligation without being forced to choose between losing their property or keeping it in good repair.

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**PROPOSED CALL
FOR A
STATE
CONSTITUTIONAL CONVENTION**

To the Electors of the State of Illinois:

At the general election to be held on the 8th day of November, 1988, a blue ballot will be given to you and you will be called upon in your sovereign capacity as citizens to adopt or reject the calling of a constitutional convention for the State of Illinois.

EXPLANATION

Article XIV of the 1970 Illinois Constitution provides that the question of calling another constitutional convention be placed before the voters every 20 years, unless the General Assembly calls for a vote on the question in the interim period. According to the Illinois Attorney General, the first 20-year period ends in 1988, and the question has therefore been placed on the November 1988 general election ballot for Illinois voters.

There are three ways by which the Illinois Constitution can be amended: (1) by a constitutional convention, (2) by amendments approved by the General Assembly and submitted to the voters, or (3) by petition initiated by the people and limited to the structure and procedures of the Legislature. In the case of amendments proposed through a constitutional convention, an affirmative vote must come from a majority of those voting on the question.

Since the Constitution was adopted in 1970, nine amendments have been submitted to the voters; eight were proposed by the General Assembly, and one was initiated by petition. Four of the nine amendments were approved by the voters.

If you believe the 1970 Illinois Constitution needs to be revised through the calling of a convention, you will have the opportunity to vote for a state constitutional convention. If you believe that a call for a constitutional convention is not necessary, or that changes can be accomplished through other means, you will have the opportunity to vote against a state constitutional convention.

ARGUMENTS IN FAVOR OF HOLDING A STATE CONVENTION

1. A convention could address several important issues including certain constitutional changes which have been proposed but not approved by the General Assembly.
2. A convention would not necessarily revise the entire Constitution.
3. Periodic review is desirable.
4. The costs of a convention could be held to about \$5 million (nearly \$14 million was spent for the 1970 convention).

Important Issues to be Addressed

Changes to the 1970 Constitution may be proposed by amendments approved by the General Assembly and submitted to the voters. A variety of issues have been addressed by proposed amendments, including some controversial topics such as the method of selection of judges, the scope of the governor's veto power, limitations on state and local taxing power and restrictions on state mandates. In some cases amendments dealing with these issues have been introduced repeatedly but have not been approved by the General Assembly. A new constitutional convention would provide an opportunity to consider those changes.

A constitutional convention also would provide the opportunity to address several issues such as governmental ethics, citizen initiatives and recall of local or state public officials, and the State's share of funding for education. In addition, a convention could lead to reforms designed to guard against public corruption and unethical activities.

A convention could establish the right to recall local and state public officials and could authorize citizen initiatives. These initiatives would allow a group of voters to propose legislation to be placed on the ballot in future elections. Proponents believe this would help ensure action on issues which the legislature is unwilling to address. A convention could also provide the opportunity to write into the Constitution a mandate that the State pay a larger share of the funding for education.

A State Convention Need Not Revise the Entire Constitution

The 1970 Constitution brought about the first major reform of the 1870 Constitution, and a number of significant revisions were necessary to bring the entire document up to date. However, a new convention could focus attention on particular issues and could propose amendments dealing only with those specific issues.

Periodic Review

Proponents have argued that a convention could be a unique opportunity for citizens to participate in shaping the structure and process of the government under which they live. It would provide an opportunity in particular for a new generation to provide input into our basic charter. In addition, periodic review provides an opportunity to eliminate unwanted or outdated constitutional requirements.

The Costs of a State Convention Could Be Held to a Minimum

By using regular elections instead of special elections to choose convention delegates and to ratify any proposed amendments, the costs of a convention could be reduced considerably. In addition, delegate and staff expenses could be reduced by providing lower salaries and per diems and by simply hiring fewer staff. A convention limited to two or three months'

duration would also be less costly than one such as the 1970 convention, which lasted nine months. Based on these assumptions, a convention could cost as little as \$5 million. That would be a prudent investment in the State's basic charter of government.

ARGUMENTS AGAINST HOLDING A CONVENTION

1. The current Illinois Constitution is a sound, modern document, and any necessary revisions can be accomplished through the amendment process. Moreover, many issues raised by proponents are legislative, not constitutional.
2. The number and type of issues raised at a convention cannot be limited.
3. The cost of a state constitutional convention could total \$31 million (nearly \$14 million was spent for the 1970 convention).
4. A convention could destabilize the state economy.

A Modern Constitution

The Illinois Constitution was thoroughly revised by a convention less than 20 years ago and was approved by the voters. It is a modern document, and it has served, and continues to serve, our people's interests well.

In addition, the current Constitution provides that changes may be made through amendments submitted to the voters by the General Assembly. The specific changes sought by proponents of a convention could be accomplished individually through the amendment process. In fact, eight constitutional amendments have been proposed by the General Assembly, three of which have been approved by the voters.

A full-scale convention, which is a lengthy and costly process, is appropriate when the Constitution needs extensive revision, but it is not necessary when the Constitution only needs fine tuning. Nor is it necessary to convene a convention simply to review the document since review is a continuous process in Illinois.

Many of the issues which proponents of a convention advocate are not constitutional but rather detailed legislative proposals which do not properly belong in a constitution. A constitution establishes the rights of the people and the basic framework of government. It is not supposed to reflect today's current headlines. That is why the U.S. Constitution has stood the test of time.

No Limitation on Issues Raised

Despite the argument that a convention could be limited to a few specific issues, no law can control the convention's agenda. Thus, there is no limit on the number or types of issues which could be pursued. The convention could be dominated by current controversial topics like taxation, capital punishment, gun control, home rule, abortion, right-to-work, school

prayer, or elimination of township government and might never focus on the principal purpose of a constitution: fundamental rights and government structure and procedures.

The Illinois Constitution is special because of its exceptional provisions for guaranteeing basic rights and freedoms for Illinois citizens. It protects the rights of women and contains a unique provision for preserving our environment. It strikes a good balance between the powers of city, county and state governments and has limitations on how taxes may be imposed. The risk is that those sections, which are widely supported, could be eliminated or substantially altered.

Convention Expenses Could Be High

The costs of holding a new convention, even for a shorter time than the 1970 convention, would be substantial. Nearly \$14 million was spent for the 1970 convention, and estimates for a new convention, adjusted for increases in inflation, range as high as \$31 million. Opponents of a convention contend that in light of the state's revenue situation, the taxpayer's money could be better spent.

Destabilization of State Economy

Organized labor and the state's business leaders oppose a constitutional convention because, in their view, it could destabilize Illinois' economic climate. Business decisions and jobs are based on a stable economic climate and certainty about the tax structure. Moreover, they believe that if the tax limitation provisions in the current Constitution are altered it would be detrimental to the long-term business climate in Illinois.

FORM OF BALLOT

PROPOSED CALL FOR A CONSTITUTIONAL CONVENTION

Explanation of Proposed Call

This proposal deals with a call for a state constitutional convention. The last such convention was held in 1969-70, and a new constitution was adopted in 1970. That document requires that the question of calling a convention be placed before the voters every 20 years. This is your opportunity to vote on that question. If you believe the 1970 Illinois Constitution needs to be revised through the calling of a convention, you should vote YES. If you believe that a call for a constitutional convention is unnecessary, or that changes can be accomplished through other means, you should vote NO.

Place an X in the blank opposite "YES" or "NO" to indicate your choice.

	YES	For the calling of a state Constitutional Convention
	NO	


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**CAPITOL BUILDING
SPRINGFIELD, ILLINOIS
OFFICE OF THE SECRETARY OF STATE**

I, JIM EDGAR, Secretary of State of the State of Illinois, do hereby certify that the foregoing is a true copy of the proposals and the form in which the proposals will appear upon the ballot at the November 8, 1988, General Election pursuant to House Joint Resolution Constitutional Amendments 1 and 13 and Senate Joint Resolutions 161, 162 and 163 the originals of which are on file in this office.

(SEAL)

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Illinois. Done in the City of Springfield, this 5th day of July 1988.


JIM EDGAR
Secretary of State

State law requires a copy of this pamphlet be mailed to every registered voter.

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