



Sen. Julie A. Morrison

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10300HB4488sam004

LRB103 34630 HLH 74069 a

1 AMENDMENT TO HOUSE BILL 4488

2 AMENDMENT NO. _____. Amend House Bill 4488, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 2, on page 14, line 21, after "1A-45," by inserting
5 "2A-9,"; and

6 on page 14, line 23, after "19A-21," by inserting "25-3,"; and

7 on page 24, immediately below line 1, by inserting the
8 following:

9 "(10 ILCS 5/2A-9) (from Ch. 46, par. 2A-9)

10 (Text of Section WITHOUT the changes made by P.A. 89-719,
11 which has been held unconstitutional)

12 Sec. 2A-9. Supreme, Appellate and Circuit Judges.

13 (a) If one of the following events occurs 134 ~~92~~ or more
14 days before a general primary election at which judges are to
15 be nominated, the term of an incumbent judge will expire on the

1 first Monday in December of the next even-numbered year:

2 (1) the judge dies;

3 (2) the Chief Justice receives a written resignation
4 or notice of retirement, signed and submitted by the
5 judge, which specifies a date of resignation or retirement
6 on or before the first Monday in December of the next
7 even-numbered year;

8 (3) a statute mandates the judge's retirement for
9 reason of age on or before the first Monday in December of
10 the next even-numbered year;

11 (4) the judge was eligible to seek retention in the
12 next general election but failed to timely file a
13 declaration of candidacy to succeed himself or, having
14 timely filed such declaration, withdrew it;

15 (5) the judge is convicted of a felony or other
16 infamous crime;

17 (6) the judge is removed from office.

18 If one of the preceding events occurs less than 134 ~~92~~ days
19 before a primary election at which judges are to be nominated,
20 the term of an incumbent judge will expire on the first Monday
21 in December following the second general election thereafter.

22 (b) Judges of the Appellate and Circuit Courts shall be
23 elected in their respective districts or circuits at the
24 general election of each even-numbered year immediately
25 preceding the expiration of the term of each incumbent judge,
26 not retained, and shall enter upon the duties of their offices

1 on the first Monday of December after their election.

2 (c) Whenever an additional appellate or Circuit Judge is
3 authorized by law, the office shall be filled in the manner
4 provided for filling a vacancy in that office.

5 (Source: P.A. 86-1348.)"; and

6 on page 27, by replacing line 3 with the following:

7 "of Elections not more than 85 ~~113~~ days and not less than 82
8 ~~110~~"; and

9 on page 78, immediately below line 11, by inserting the
10 following:

11 "(10 ILCS 5/25-3) (from Ch. 46, par. 25-3)

12 Sec. 25-3. (a) Whenever it is alleged that a vacancy in any
13 office exists, the officer, body, or county board who has
14 authority to fill the vacancy by appointment, or to order an
15 election to fill such vacancy, shall have power to determine
16 whether or not the facts occasioning such vacancy exist.

17 (b) On or before the 141st ~~100th~~ day previous to the day of
18 election for which judicial candidates are to be nominated:

19 (1) The Chief Justice of the Supreme Court shall
20 certify to the State Board of Elections the names of all
21 judges who have died, resigned, retired or forfeited their
22 office since the last general election and whose vacancies
23 will be filled at the next general election.

1 (2) The secretary of the Illinois Courts Commission
2 shall certify to the State Board of Elections the names of
3 judges who have been removed from office and whose
4 vacancies will be filled at the next general election.

5 (3) The Secretary of State shall certify to the State
6 Board of Elections the names of judges who were eligible
7 to stand for retention at the next general election, but
8 failed to file a declaration of candidacy to succeed
9 themselves in office or, having timely filed such a
10 declaration, withdrew it.

11 (4) The State Board of Elections shall determine
12 whether the General Assembly has created new judgeships
13 which are to be filled at the next general election.

14 If one of the events described in subsection (a) of
15 Section 2A-9 of this Code occurs between the 141st ~~100th~~ day
16 and the 134th ~~92nd~~ day previous to the day of election for
17 which judicial candidates are to be nominated, the appropriate
18 aforementioned officer shall promptly certify the vacancy to
19 the State Board of Elections.

20 (c) Except with regard to new judgeships which have been
21 created by the General Assembly, the State Board of Elections
22 may rely upon the certifications from the Supreme Court, the
23 Illinois Courts Commission and the Secretary of State to
24 determine (1) when vacancies in judicial office exist and (2)
25 the judicial positions for which elections are to be held.

26 (Source: P.A. 86-1348.)"; and

1 on page 89, by replacing line 1 with the following:
2 "Sections 45-55 and 70-45 as follows:"; and
3 by deleting everything from line 2 on page 89 through line 12
4 on page 93."