



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SENATE JOINT RESOLUTION**  
**CONSTITUTIONAL AMENDMENT**  
**SC0065**

Introduced 1/19/2006, by Sen. Frank C. Watson

**SYNOPSIS AS INTRODUCED:**

ILCON Art. VI, Sec. 12

Proposes to amend the Judiciary Article of the Illinois Constitution. Prohibits a Supreme, Appellate, or Circuit Judge who fails to file a declaration of candidacy for retention from filing petitions as a candidate for the judicial vacancy created by that failure. Effective upon being declared adopted.

LRB094 18466 JAM 53785 e

1                                   SENATE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL  
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
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 Article VI of the  
9 Illinois Constitution by changing Section 12 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 General  
21 Assembly shall prescribe by law the requirements for petitions.

22           (b) The office of a Judge shall be vacant upon his death,  
23 resignation, retirement, removal, or upon the conclusion of his  
24 term without retention in office. Whenever an additional  
25 Appellate or Circuit Judge is authorized by law, the office  
26 shall be filled in the manner provided for filling a vacancy in  
27 that office.

28           (c) A vacancy occurring in the office of Supreme, Appellate  
29 or Circuit Judge shall be filled as the General Assembly may  
30 provide by law. In the absence of a law, vacancies may be  
31 filled by appointment by the Supreme Court. A person appointed  
32 to fill a vacancy 60 or more days prior to the next primary  
33 election to nominate Judges shall serve until the vacancy is

1 filled for a term at the next general or judicial election. A  
2 person appointed to fill a vacancy less than 60 days prior to  
3 the next primary election to nominate Judges shall serve until  
4 the vacancy is filled at the second general or judicial  
5 election following such appointment.

6 (d) Not less than six months before the general election  
7 preceding the expiration of his term of office, a Supreme,  
8 Appellate or Circuit Judge who has been elected to that office  
9 may file in the office of the Secretary of State a declaration  
10 of candidacy to succeed himself. The Secretary of State, not  
11 less than 63 days before the election, shall certify the  
12 Judge's candidacy to the proper election officials. The names  
13 of Judges seeking retention shall be submitted to the electors,  
14 separately and without party designation, on the sole question  
15 whether each Judge shall be retained in office for another  
16 term. The retention elections shall be conducted at general  
17 elections in the appropriate Judicial District, for Supreme and  
18 Appellate Judges, and in the circuit for Circuit Judges. The  
19 affirmative vote of three-fifths of the electors voting on the  
20 question shall elect the Judge to the office for a term  
21 commencing on the first Monday in December following his  
22 election.

23 (d-5) A Supreme, Appellate, or Circuit Judge who fails to  
24 timely file a declaration of candidacy to succeed himself or  
25 herself in office may not file petitions of candidacy for the  
26 vacancy in that office created by that failure.

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

31 (Source: Illinois Constitution.)

32 SCHEDULE

33 This Constitutional Amendment takes effect upon being  
34 declared adopted in accordance with Section 7 of the Illinois  
35 Constitutional Amendment Act.