



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SENATE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**SC0091**

Introduced 2/10/2010, by Sen. Jeffrey M. Schoenberg

**SYNOPSIS AS INTRODUCED:**

ILCON Art. VI, Sec. 8  
ILCON Art. VI, Sec. 10  
ILCON Art. VI, Sec. 11  
ILCON Art. VI, Sec. 12  
ILCON Art. VI, Sec. 12.5 new

Proposes to amend the Illinois Constitution to repeal provisions concerning the office of Associate Judge. Provides that Associate Judges in office on the effective date of this amendment assume the office of Circuit Judge on that date. Deletes provisions for election of Appellate and Circuit Judges and provides for their appointment by the Supreme Court. Provides for Judicial Nominating Commissions to nominate persons for appointment as Appellate and Circuit Judges. Makes other changes. Effective upon being declared adopted.

LRB096 18058 RCE 33432 e

1                                   SENATE JOINT RESOLUTION  
2                                   CONSTITUTIONAL AMENDMENT

3           RESOLVED, BY THE SENATE OF THE NINETY-SIXTH 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 repeal Section 8 of Article  
9 VI, amend Sections 10, 11, and 12 of Article VI, and add  
10 Section 12.5 to Article VI of the Illinois Constitution as  
11 follows:

12                                   ARTICLE VI  
13                                   THE JUDICIARY

14           (ILCON Art. VI, Sec. 8)

15           SECTION 8. ASSOCIATE JUDGES

16           ~~(Repealed). Each Circuit Court shall have such number of~~  
17 ~~Associate Judges as provided by law. Associate Judges shall be~~  
18 ~~appointed by the Circuit Judges in each circuit as the Supreme~~  
19 ~~Court shall provide by rule. In the First Judicial District,~~  
20 ~~unless otherwise provided by law, at least one fourth of the~~  
21 ~~Associate Judges shall be appointed from, and reside, outside~~  
22 ~~Chicago. The Supreme Court shall provide by rule for matters to~~  
23 ~~be assigned to Associate Judges.~~

1 (Source: Illinois Constitution.)

2 (ILCON Art. VI, Sec. 10)

3 SECTION 10. TERMS OF OFFICE

4 The terms of office of Supreme and Appellate Court Judges  
5 shall be ten years; and of Circuit Judges, six years, ~~and of~~  
6 ~~Associate Judges, four years.~~

7 (Source: Illinois Constitution.)

8 (ILCON Art. VI, Sec. 11)

9 SECTION 11. ELIGIBILITY FOR OFFICE

10 No person shall be eligible to be a Judge ~~or Associate~~  
11 ~~Judge~~ unless he or she is a United States citizen, a licensed  
12 attorney-at-law of this State, and a resident of the district  
13 or circuit ~~unit~~ which selects him or her. No change in the  
14 boundaries of a unit shall affect the tenure in office of a  
15 Judge ~~or Associate Judge~~ incumbent at the time of such change.

16 (Source: Illinois Constitution.)

17 (ILCON Art. VI, Sec. 12)

18 SECTION 12. ELECTION AND RETENTION

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

1 candidate for Judge at the primary and at the general or  
2 judicial elections by submitting petitions. The General  
3 Assembly shall prescribe by law the requirements for petitions.

4 (a-5) Appellate and Circuit Judges shall be appointed by  
5 the Supreme Court from nominees submitted by Judicial  
6 Nominating Commissions in accordance with subsection (c-5) of  
7 this Section.

8 (b) The office of a Judge shall be vacant upon his or her  
9 death, resignation, retirement, removal, or upon the  
10 conclusion of his or her term without retention in office.  
11 Whenever an additional Appellate or Circuit Judge is authorized  
12 by law, the office shall be filled in the manner provided for  
13 filling a vacancy in that office.

14 (c) A vacancy occurring in the office of Supreme Court  
15 ~~Appellate or Circuit~~ Judge shall be filled as the General  
16 Assembly may provide by law. In the absence of a law, vacancies  
17 may be filled by appointment by the Supreme Court. A person  
18 appointed to fill a vacancy 60 or more days prior to the next  
19 primary election to nominate Supreme Court Judges shall serve  
20 until the vacancy is filled for a term at the next general or  
21 judicial election. A person appointed to fill a vacancy less  
22 than 60 days prior to the next primary election to nominate  
23 Judges shall serve until the vacancy is filled at the second  
24 general or judicial election following such appointment.

25 (c-5) As soon as a vacancy occurs in the office of  
26 Appellate or Circuit Judge, or if such a vacancy will occur

1 within six months by a day certain, the Administrative Director  
2 of the Illinois Courts shall promptly notify the chairperson of  
3 the appropriate Judicial Nominating Commission, who shall  
4 immediately convene the Commission and give notice to the  
5 public.

6 Within sixty days after receiving the notice of a vacancy,  
7 the Judicial Nominating Commission shall submit to the Supreme  
8 Court a list of three nominees who, by their character,  
9 background, temperament, professional aptitude, experience,  
10 and commitment to justice are deemed by the Commission to be  
11 best qualified to fill the vacancy. The Commission shall also  
12 give due consideration to diversity of representation on the  
13 bench. The Commission shall submit the nominees' names in  
14 alphabetical order. The selection of Judges for appointment by  
15 the Supreme Court shall be from among those persons best  
16 qualified to hold judicial office in this State. All such  
17 qualified persons have the right to be considered for selection  
18 by a Judicial Nominating Commission free from discrimination on  
19 the basis of race, color, creed, national ancestry, or sex. The  
20 Commission may not include on a list a nominee who is on  
21 another list then pending before the Supreme Court. The  
22 function of a list of nominees shall terminate upon the making  
23 of the required appointment from the list.

24 Immediately upon receiving a list of nominees from a  
25 Judicial Nominating Commission, the Supreme Court shall make  
26 the list public. Not fewer than twenty-eight nor more than

1 fifty-six days after receiving a list, the Supreme Court shall  
2 appoint from the list a person to fill the vacancy. If the  
3 Supreme Court does not make an appointment within fifty-six  
4 days, the Commission shall immediately submit the list to the  
5 Governor, who shall make the appointment from the list within  
6 twenty-eight days after receiving the list.

7 A person appointed to fill a vacancy pursuant to this  
8 subsection shall serve an initial term equal to the term  
9 specified in Section 10 of this Article.

10 (d) Not less than six months before the general election  
11 preceding the expiration of his or her term of office, a  
12 Supreme, Appellate or Circuit Judge who has been elected or  
13 appointed to that office may file in the office of the  
14 Secretary of State a declaration of candidacy to succeed  
15 himself or herself. The Secretary of State, not less than 63  
16 days before the election, shall certify the Judge's candidacy  
17 to the proper election officials. The names of Judges seeking  
18 retention shall be submitted to the electors, separately and  
19 without party designation, on the sole question whether each  
20 Judge shall be retained in office for another term. The  
21 retention elections shall be conducted at general elections in  
22 the appropriate Judicial District, for Supreme and Appellate  
23 Judges, and in the circuit for Circuit Judges. The affirmative  
24 vote of 50% ~~three-fifths~~ of the electors voting on the question  
25 shall elect the Judge to the office for a term commencing on  
26 the first Monday in December following his or her election for

1 retention.

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

6 (f) The office of Associate Judge is abolished, and all  
7 Associate Judges in office on the effective date of this  
8 amendment shall on that date assume the office of Circuit  
9 Judge. In order to end the terms of those Judges, the  
10 Administrative Director of the Illinois Courts, as soon as  
11 possible after the effective date of this amendment, shall by  
12 lot divide those Judges into three groups that are as equal in  
13 number as possible. The terms of the Judges in the first group  
14 shall end on the first Monday in December after the next  
15 general election following the adoption of this amendment and  
16 every six years thereafter. The terms of the Judges in the  
17 second group shall end on the first Monday in December after  
18 the second general election following the adoption of this  
19 amendment and every six years thereafter. The terms of the  
20 Judges in the third group shall expire on the first Monday in  
21 December after the third general election following the  
22 adoption of this amendment and every six years thereafter.

23 The Judges described in this subsection may be retained in  
24 the same manner as other Circuit Judges.

25 (Source: Illinois Constitution.)

1 (ILCON Art. VI, Sec. 12.5 new)

2 SECTION 12.5. JUDICIAL NOMINATING COMMISSIONS

3 (a) There shall be a Judicial Nominating Commission in each  
4 Judicial District for the nomination of Judges for the  
5 Appellate Court of that District, in each Judicial Subcircuit  
6 for the nomination of Circuit Judges from that Subcircuit, and  
7 in each Judicial Circuit for the nomination of all other  
8 Circuit Judges from that Circuit.

9 (b) Each Judicial Nominating Commission shall consist of  
10 eleven members. Six of the members must be persons who are not  
11 licensed to practice as an attorney or counselor at law within  
12 this State and are residents of the appropriate District,  
13 Circuit, or Subcircuit ("non-lawyer members"). The remaining  
14 five members must be persons who are licensed to practice as an  
15 attorney or counselor at law within this State and are  
16 residents of the appropriate District or Circuit ("lawyer  
17 members").

18 (c) Three of the non-lawyer members of each Judicial  
19 Nominating Commission shall be appointed by the Attorney  
20 General. The remaining three non-lawyer members shall be  
21 appointed by the officer first in the following order who is  
22 not affiliated with the same political party as the Attorney  
23 General: the President of the Senate, the Speaker of the House  
24 of Representatives, and the Minority Leader of the Senate.

25 (d) The lawyer members of each Judicial Nominating  
26 Commission shall be selected in the manner provided by Supreme



1 Court Rule.

2 (e) Upon appointment of the initial non-lawyer members of  
3 each Judicial Nominating Commission, the Attorney General  
4 shall divide the appointees by lot into three groups as equal  
5 in number as possible, with one of the Attorney General's  
6 appointees in each group. The Attorney General shall by lot  
7 designate the members in those groups to serve initial terms of  
8 two, four, and six years respectively. The initial lawyer  
9 members of each Judicial Nominating Commission shall also be  
10 divided by lot into three groups as equal in number as  
11 possible, and the members in those groups shall by lot be  
12 designated to serve initial terms of two, four, and six years  
13 respectively, all in the manner provided by Supreme Court Rule.  
14 Thereafter, the terms of all Commission members shall be six  
15 years.

16 (f) A vacancy in the non-lawyer membership of a Judicial  
17 Nominating Commission shall be filled for the remainder of the  
18 unexpired term or for a full term, as the case may be, by the  
19 Attorney General (if the Attorney General is affiliated with  
20 the same political party as the official who appointed the  
21 member whose vacancy is to be filled) or by the other officer  
22 specified in subsection (c) of this Section (if the Attorney  
23 General is affiliated with a political party different from  
24 that of the official who appointed the member whose vacancy is  
25 to be filled). A vacancy at the end of a term in the lawyer  
26 membership of a Judicial Nominating Commission shall be filled

1 in the manner provided by Supreme Court Rule.

2 (g) The members of each Judicial Nominating Commission  
3 shall select a Chairperson of the Commission. The Chairperson  
4 shall serve for a term of three years unless his or her  
5 remaining term as a member of the Commission expires sooner.

6 (h) A person is not eligible to serve on a Judicial  
7 Nominating Commission if he or she (i) holds any office under  
8 the United States or this State, or any political subdivision,  
9 municipal corporation, municipality, or unit of local  
10 government of this State, and receives compensation for  
11 services rendered in that office or (ii) holds any office or  
12 official position in a political party. Compensation for  
13 service in the State militia or the armed services of the  
14 United States, for the period of time determined by Supreme  
15 Court Rule, does not disqualify a person from serving on a  
16 Judicial Nominating Commission under this subsection. A member  
17 of a Judicial Nominating Commission may not be appointed to  
18 judicial office while serving on the Commission or for a period  
19 of six months thereafter.

20 (i) A person who has served a full term of six years as a  
21 member of a Judicial Nominating Commission may not serve on a  
22 Commission during the next three years following expiration of  
23 that six-year term. A person may not serve on more than one  
24 Judicial Nominating Commission at the same time.

25 (j) A Judicial Nominating Commission may conduct  
26 investigations, meetings, and hearings, all of which may be

1 secret, and may employ staff members as necessary to perform  
2 the Commission's duties. Judicial Nominating Commission  
3 members may not receive any compensation for their services on  
4 the Commission but shall be reimbursed for their necessary  
5 expenses actually incurred in performing their duties. The  
6 General Assembly shall appropriate funds to the Supreme Court  
7 for that reimbursement and for all other administrative  
8 expenses of the Judicial Nominating Commissions.

9 (k) A Judicial Nominating Commission shall submit nominees  
10 for the office of Appellate or Circuit Judge to the Supreme  
11 Court upon the concurrence of not less than three-fifths of the  
12 members of the Commission voting on the nominations.

13 (l) Lawyer and non-lawyer members of Judicial Nominating  
14 Commissions are not subject to economic disclosure  
15 requirements as provided by law.

16 SCHEDULE

17 This Constitutional Amendment takes effect upon being  
18 declared adopted in accordance with Section 7 of the Illinois  
19 Constitutional Amendment Act.