



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0039

Introduced , by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

ILCON Art. VI, Sec. 7
ILCON Art. VI, Sec. 11
ILCON Art. VI, Sec. 12

Proposes to amend the Judiciary Article of the Illinois Constitution. Provides that, whenever a vacancy occurs in the office of Supreme, Appellate, or Circuit Judge by death, resignation, retirement, removal, or upon the conclusion of the judge's term without retention in office, the Governor shall fill that vacancy by appointing one of 3 qualified persons who are nominated by a nonpartisan judicial commission. Creates separate nonpartisan judicial commissions for the Supreme Court, for each Judicial District, and for each Judicial Circuit. Sets forth the membership of the commissions. Effective upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

LRB097 20523 HLH 66079 e

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 7, 11, and 12
9 of Article VI of the Illinois Constitution as follows:

10 ARTICLE VI
11 THE JUDICIARY

12 (ILCON Art. VI, Sec. 7)

13 SECTION 7. JUDICIAL CIRCUITS

14 (a) The State shall be divided into Judicial Circuits
15 consisting of one or more counties. The First Judicial District
16 shall constitute a Judicial Circuit. The Judicial Circuits
17 within the other Judicial Districts shall be as provided by
18 law. Circuits composed of more than one county shall be compact
19 and of contiguous counties. ~~The General Assembly by law may~~
20 ~~provide for the division of a circuit for the purpose of~~
21 ~~selection of Circuit Judges and for the selection of Circuit~~
22 ~~Judges from the circuit at large.~~

23 (b) Each Judicial Circuit shall have one Circuit Court with

1 such number of Circuit Judges as provided by law. Unless
2 otherwise provided by law, there shall be at least one Circuit
3 Judge from each county. ~~In the First Judicial District, unless~~
4 ~~otherwise provided by law, Cook County, Chicago, and the area~~
5 ~~outside Chicago shall be separate units for the selection of~~
6 ~~Circuit Judges, with at least twelve chosen at large from the~~
7 ~~area outside Chicago and at least thirty six chosen at large~~
8 ~~from Chicago.~~

9 (c) Circuit Judges in each circuit shall select by secret
10 ballot a Chief Judge from their number to serve at their
11 pleasure. Subject to the authority of the Supreme Court, the
12 Chief Judge shall have general administrative authority over
13 his court, including authority to provide for divisions,
14 general or specialized, and for appropriate times and places of
15 holding court.

16 (Source: Illinois Constitution.)

17 (ILCON Art. VI, Sec. 11)

18 SECTION 11. ELIGIBILITY FOR OFFICE

19 No person shall be eligible to be a Judge or Associate
20 Judge unless he is a United States citizen, a licensed
21 attorney-at-law of this State, and a resident of the unit from
22 which he is selected ~~which selects him~~. No change in the
23 boundaries of a unit shall affect the tenure in office of a
24 Judge or Associate Judge incumbent at the time of such change.

25 (Source: Illinois Constitution.)

1 (ILCON Art. VI, Sec. 12)

2 SECTION 12. SELECTION ~~ELECTION~~ AND RETENTION

3 (a) Supreme, Appellate and Circuit Judges shall be
4 nominated as provided in this Section. ~~at primary elections or~~
5 ~~by petition. Judges shall be elected at general or judicial~~
6 ~~elections as the General Assembly shall provide by law. A~~
7 ~~person eligible for the office of Judge may cause his name to~~
8 ~~appear on the ballot as a candidate for Judge at the primary~~
9 ~~and at the general or judicial elections by submitting~~
10 ~~petitions. The General Assembly shall prescribe by law the~~
11 ~~requirements for petitions.~~

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

18 (c) Nonpartisan judicial commissions whose duty it shall be
19 to nominate and submit to the Governor names of persons for
20 appointment as provided in subsection (c-5) are hereby
21 established and shall be organized on the following basis: (i)
22 for vacancies in the office of Supreme Court Judge, there shall
23 be one such commission; (ii) for vacancies in the office
24 Appellate Court Judge, there shall be one such commission for
25 each Judicial District; and (iii) for vacancies in the office

1 of Circuit Judge there shall be one such commission for each
2 Judicial Circuit. Each commission shall consist of 4 attorneys
3 and 4 non-attorneys. The 4 attorney members for the Supreme
4 Court judicial commission shall be selected by the attorneys
5 who are licensed to practice law in this State. The 4 attorney
6 members of each Appellate or Circuit Court judicial commission
7 shall be selected by the attorneys who are licensed to practice
8 law in this State and who reside within the appropriate
9 District or Circuit. The 4 non-attorney members of each
10 judicial commission shall be appointed as follows: one member
11 appointed by the President of the Senate; one member appointed
12 by the Minority Leader of the Senate; one member appointed by
13 the Speaker of the House of Representatives; and one member
14 appointed by the Minority Leader of the House of
15 Representatives. Vacancies shall be filled for the unexpired
16 term by the appointing authority. A person is not eligible to
17 serve on a commission if he or she (i) is a federal, State, or
18 local elected official and receives compensation for services
19 rendered as an elected official or (ii) holds any office or
20 official position in a political party. Service in the State
21 Militia or Armed Forces of the United States for a period of
22 time determined by Supreme Court rule does not disqualify a
23 person from service on a commission. Each member of a judicial
24 commission shall be subject to ethics and economic disclosure
25 requirements as provided by law. Members of judicial
26 commissions shall serve for terms of 6 years. No member may be

1 appointed or reappointed to a judicial commission for a period
2 of 3 years after the expiration of his or her 6-year term. No
3 member may serve on more than one judicial commission at a
4 time. No member of a judicial commission may be appointed to
5 judicial office while serving on a commission or for a period
6 of 3 years after his or her term on the commission has ended.
7 Each commission shall select a chairperson from among its
8 members. The chairperson shall serve as chairperson for a term
9 of 3 years or until the expiration of his or her term of office
10 as a member, whichever occurs sooner. A commission may conduct
11 investigations, meetings, and hearings, and may employ staff
12 members as necessary to perform its duties. The members of any
13 commission established under this subsection shall receive no
14 salary or other compensation for their services, but they shall
15 be reimbursed for necessary expenses incurred while actually
16 engaged in the discharge of their official duties from moneys
17 appropriated for that purpose. All such commissions shall be
18 administered, and all elections provided for under this
19 subsection shall be held and regulated, under such rules as the
20 Supreme Court shall promulgate.

21 (c-5) Whenever a vacancy occurs in the office of Supreme,
22 Appellate, or Circuit Judge, the Administrative Director of the
23 Illinois Courts shall promptly notify the applicable
24 nonpartisan judicial commission established under subsection
25 (c) of this Section. Within 60 days after receiving that
26 notice, the commission shall submit to the Governor a list of 3

1 nominees who are qualified for review by the commission.
2 Nominations shall be submitted to the Governor only upon
3 concurrence of not less than two-thirds of all members of the
4 commission. The list shall be in alphabetical order. The
5 Governor shall make the list public. Not less than 28 days nor
6 more than 56 days after receiving the list, the Governor shall
7 fill the vacancy by appointing one of the 3 nominees. If the
8 Governor fails to appoint any of the nominees within 56 days
9 after the list of nominees is submitted, the nonpartisan
10 judicial commission making the nomination shall appoint one of
11 the nominees to fill the vacancy. As used in this subsection,
12 "qualified for review by the commission" means that the
13 nominee, by his or her character, temperament, professional
14 aptitude, experience, and commitment to equal justice under the
15 law, is deemed by the commission to be well qualified to fit
16 the vacancy. All such qualified persons have the right to be
17 considered for selection by the commission free from
18 discrimination on the basis of race, color, creed, national
19 ancestry, or gender. A commission may not include on its list
20 of 3 nominees any person who is on another list submitted to
21 the Governor to fill a vacancy in the same judicial office. A
22 ~~vacancy occurring in the office of Supreme, Appellate or~~
23 ~~Circuit Judge shall be filled as the General Assembly may~~
24 ~~provide by law. In the absence of a law, vacancies may be~~
25 ~~filled by appointment by the Supreme Court. A person appointed~~
26 ~~to fill a vacancy 60 or more days prior to the next primary~~

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

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

(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become

1 effective when a vacancy occurs in the affected unit.

2 (Source: Illinois Constitution.)

3 SCHEDULE

4 This Constitutional Amendment takes effect upon being
5 declared adopted in accordance with Section 7 of the Illinois
6 Constitutional Amendment Act.