



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HOUSE JOINT RESOLUTION**  
**CONSTITUTIONAL AMENDMENT**  
**HC0006**

Introduced 1/25/2005, by Rep. Elizabeth Coulson

**SYNOPSIS AS INTRODUCED:**

ILCON Art. VI, Sec. 7  
ILCON Art. VI, Sec. 8  
ILCON Art. VI, Sec. 12  
ILCON Art. VI, Sec. 12.1 new  
ILCON Art. VI, Sec. 12.2 new  
ILCON Art. VI, Sec. 12.3 new  
ILCON Art. VI, Sec. 12.4 new  
ILCON Art. VI, Sec. 12.5 new

Proposes to amend the Judiciary Article of the Illinois Constitution. Provides for the appointment of Supreme and Appellate Court Judges, and Circuit Judges in the First Judicial District and circuits adopting merit selection by referendum, by the Governor from nominees submitted by Judicial Nominating Commissions. Permits other Judicial Circuits to adopt by referendum a plan for merit selection of Circuit Judges. Provides that Judicial Review Commissions shall be established to decide whether appointed Judges shall be retained. Provides for Associate Judges to be phased out in the First Judicial District and in circuits adopting merit selection. Makes other changes. Effective upon approval by the electors.

LRB094 06869 LCB 36976 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-FOURTH 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 Article VI of the  
 9 Illinois Constitution by changing Sections 7, 8, and 12 and  
 10 adding Sections 12.1, 12.2, 12.3, 12.4, and 12.5 as follows:

11 ARTICLE VI  
 12 THE JUDICIARY

13 (ILCON Art. VI, Sec. 7)

14 SECTION 7. JUDICIAL CIRCUITS

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

24 (b) Each Judicial Circuit shall have one Circuit Court with  
 25 such number of Circuit Judges as provided by law. Unless  
 26 otherwise provided by law, there shall be at least one Circuit  
 27 Judge from each county. ~~In the First Judicial District, unless~~  
 28 ~~otherwise provided by law, Cook County, Chicago, and the area~~  
 29 ~~outside Chicago shall be separate units for the selection of~~  
 30 ~~Circuit Judges, with at least twelve chosen at large from the~~  
 31 ~~area outside Chicago and at least thirty six chosen at large~~  
 32 ~~from Chicago.~~

33 (c) Circuit Judges in each circuit shall select by secret

1 ballot a Chief Judge from their number to serve at their  
2 pleasure. Subject to the authority of the Supreme Court, the  
3 Chief Judge shall have general administrative authority over  
4 his court, including authority to provide for divisions,  
5 general or specialized, and for appropriate times and places of  
6 holding court.

7 (Source: Illinois Constitution.)

8 (ILCON Art. VI, Sec. 8)

9 SECTION 8. ASSOCIATE JUDGES

10 Each Circuit Court shall have such number of Associate  
11 Judges as provided by law. In the First Judicial District and  
12 in each Judicial Circuit that adopts Sections 12.1 and 12.3 by  
13 a local option referendum under Section 12.2, no new Associate  
14 Judges shall be appointed, but existing Associate Judges shall  
15 be eligible for reappointment by the Circuit Judges in each  
16 circuit as the Supreme Court shall provide by rule; otherwise  
17 Associate Judges shall be appointed by the Circuit Judges in  
18 each circuit as the Supreme Court shall provide by rule. ~~In the~~  
19 ~~First Judicial District, unless otherwise provided by law, at~~  
20 ~~least one-fourth of the Associate Judges shall be appointed~~  
21 ~~from, and reside, outside Chicago.~~ The Supreme Court shall  
22 provide by rule for matters to be assigned to Associate Judges.

23 (Source: Illinois Constitution.)

24 (ILCON Art. VI, Sec. 12)

25 SECTION 12. ELECTION OF CIRCUIT JUDGES ~~AND RETENTION~~

26 (a) In the First Judicial District and in Judicial Circuits  
27 that adopt Sections 12.1 and 12.3 by a local option referendum  
28 under Section 12.2, Circuit Judges shall be selected in the  
29 manner provided by those Sections, unless that manner of  
30 selection is terminated by referendum under Section 12.2;  
31 otherwise, Circuit Judges shall be elected in the manner  
32 provided by this Section.

33 (b) ~~Supreme, Appellate and~~ Circuit Judges shall be  
34 nominated at primary elections or by petition and ~~Judges~~

1 shall be elected at general ~~or judicial~~ elections as provided  
2 ~~the General Assembly shall provide~~ by law. A person eligible  
3 for the office of Circuit Judge may cause his or her name to  
4 appear on the ballot as a candidate for Circuit Judge at ~~the~~  
5 primary and at ~~the~~ general ~~or judicial~~ elections by submitting  
6 petitions. The General Assembly shall prescribe by law the  
7 requirements for petitions. A Circuit Judge elected to office  
8 under this subsection (b) may stand for retention for a full  
9 term under Section 12.4.

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

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

29 ~~(d) Not less than six months before the general election~~  
30 ~~preceding the expiration of his term of office, a Supreme,~~  
31 ~~Appellate or Circuit Judge who has been elected to that office~~  
32 ~~may file in the office of the Secretary of State a declaration~~  
33 ~~of candidacy to succeed himself. The Secretary of State, not~~  
34 ~~less than 63 days before the election, shall certify the~~  
35 ~~Judge's candidacy to the proper election officials. The names~~  
36 ~~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.~~

~~(c) 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 effective when a vacancy occurs in the affected unit.~~

(Source: Illinois Constitution.)

(ILCON Art. VI, Sec. 12.1 new)

SECTION 12.1. APPOINTMENT OF JUDGES

(a) This Section governs the selection of Supreme and Appellate Judges and the selection of Circuit Judges of the First Judicial District and Circuits that adopt this Section and Section 12.3 by a local option referendum under Section 12.2. For purposes of this Section and Section 12.4, the term "Judge" includes all Supreme, Appellate, and Circuit Judges selected in accordance with this Section except where a distinction is indicated.

(b) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions.

(c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, upon conclusion of a term without retention in office, or whenever an increase in the number of Judges is authorized.

(d) As soon as a vacancy occurs in the office of Judge or will occur within 6 months by a day certain, or upon receiving notice from the Governor that all 3 nominees on a list have been rejected, the administrative director of the Illinois courts shall promptly notify the chairperson of the appropriate

1 Judicial Nominating Commission, who shall immediately convene  
2 the Commission.

3 (e) Within 42 days after receiving notice from the  
4 administrative director of the Illinois courts, the Commission  
5 shall submit to the Governor a list of 3 nominees in  
6 alphabetical order, who are qualified for review by the  
7 Commission. For the purposes of Sections 12.1 through 12.5,  
8 "qualified for review by the Commission" means persons who by  
9 their character, temperament, professional aptitude,  
10 experience, and commitment to equal justice under law are  
11 deemed by the Commission to be best qualified to fill the  
12 vacancy. The Commission may not include on a list a nominee who  
13 is on another list pending before the Governor to fill a  
14 vacancy in the same judicial office or who was a nominee on a  
15 list rejected by the Governor to fill a vacancy in the same  
16 judicial office. No list shall have any effect after the  
17 required appointment is made from the list or all 3 nominees on  
18 the list are rejected by the Governor.

19 (f) Immediately upon receiving a list, the Governor shall  
20 make it public. Not less than 28 nor more than 56 days after  
21 receiving a list, the Governor shall appoint from the list a  
22 person to fill the vacancy or notify the administrative  
23 director of the Illinois courts that all 3 nominees on a list  
24 have been rejected.

25 (g) In the First Judicial District, half of the vacancies  
26 and new positions on the Circuit Court shall be filled by  
27 persons residing anywhere within the District and half shall be  
28 filled by persons residing within the divisions of the Circuit  
29 provided by law in accordance with subsection (a) of Section 7  
30 of Article VI, if any. The appointments from the divisions, if  
31 any, within the Circuit shall be allocated equally among the  
32 divisions.

33 (h) A person appointed to fill a vacancy under this Section  
34 shall serve an initial term ending on the first Monday in  
35 December following the next general election held after the  
36 completion of one year in office. At that general election the

1 Judge may stand for retention in office for a full term under  
2 Section 12.4.

3 (ILCON Art. VI, Sec. 12.2 new)

4 SECTION 12.2. CIRCUIT LOCAL OPTION REFERENDA

5 (a) The electors of a Judicial Circuit may by a local  
6 option referendum adopt a proposition requiring Sections 12.1  
7 and 12.3 to govern the selection of Circuit Judges of that  
8 Circuit. The electors of a Circuit shall vote on the  
9 proposition at the next general election held not less than 3  
10 months following the filing of petitions with the Secretary of  
11 State, signed by at least 5% of the total number of electors  
12 who voted at the next preceding general election in that  
13 Circuit, asking that the proposition be submitted to  
14 referendum. If a majority of votes cast on the proposition are  
15 in the affirmative, Sections 12.1 and 12.3 shall thereafter  
16 govern the selection of Circuit Judges of the Circuit Court of  
17 that Circuit.

18 (b) After the eighth year following a local option  
19 referendum in which the electors of a circuit have adopted  
20 Sections 12.1 and 12.3 to govern the selection of Circuit  
21 Judges, the electors of the Circuit may terminate, by a local  
22 option referendum, their adoption of Sections 12.1 and 12.3.  
23 The referendum shall be subject to the same requirements and  
24 shall be conducted in the same manner as a referendum for  
25 adoption of Sections 12.1 and 12.3. If a majority of the votes  
26 cast on the proposition to terminate are in the affirmative,  
27 the selection of Circuit Judges and Associate Judges of that  
28 Circuit shall be governed by Sections 12 and 8, respectively,  
29 unless Sections 12.1 and 12.3 are again adopted under this  
30 Section.

31 (c) To provide time for the establishment of District  
32 Judicial Nominating Commissions, vacancies occurring in the  
33 offices of Supreme and Appellate Judge and, in the First  
34 Judicial District, Circuit Judge on or before June 30th  
35 following the date this Amendment takes effect shall continue

1 to be filled, using the procedures in Section 12 as it existed  
 2 before the effective date of this Amendment, for a term ending  
 3 the first Monday in December after the next general election.

4 (d) To provide time for the establishment of a Circuit  
 5 Judicial Nominating Commission, vacancies occurring in the  
 6 offices of Circuit Judge on or before March 31st following the  
 7 adoption of Sections 12.1 and 12.3 in a local option referendum  
 8 in a Judicial Circuit shall continue to be filled, using the  
 9 procedures applicable before the referendum, for a term ending  
 10 the first Monday in December after the next general election.

11 (ILCON Art. VI, Sec. 12.3 new)

12 SECTION 12.3. JUDICIAL NOMINATING COMMISSIONS

13 (a) There shall be a Judicial Nominating Commission in the  
 14 First Judicial District for the nomination of Judges for the  
 15 Supreme, Appellate, and Circuit Courts for that District, in  
 16 each other Judicial District for the nomination of Judges for  
 17 the Supreme and Appellate Courts for that District, and in each  
 18 Judicial Circuit that, by a local option referendum, adopts  
 19 Section 12.1 and this Section for the nomination of Circuit  
 20 Judges for that Circuit.

21 (b) Each Judicial Nominating Commission shall consist of 12  
 22 members who are residents of the appropriate District or  
 23 Circuit.

24 (c) The President and Minority Leader of the Senate and the  
 25 Speaker and Minority Leader of the House of Representatives  
 26 shall each appoint 3 members to each Judicial Nominating  
 27 Commission. Each appointing authority shall appoint one lawyer  
 28 and 2 non-lawyers. Each member shall serve for a term of 6  
 29 years, except that the 3 initial members appointed by each  
 30 appointing authority shall serve terms of 2, 4, and 6 years as  
 31 designated by the appointing authority. Vacancies shall be  
 32 filled for the unexpired term by the appointing authority who  
 33 appointed the member whose office is then vacant. "Appointing  
 34 authority" means the office, not the individual or political  
 35 party affiliation of the individual who may hold that office



1 from time to time.

2 (d) The chairperson of each Judicial Nominating Commission  
3 shall be selected by vote of all the members of the Commission.  
4 The term of a chairperson shall be for 3 years unless his or  
5 her remaining term as a member of the Commission expires  
6 sooner.

7 (e) A person who holds an office under the United States or  
8 this State or a unit of local government or school district and  
9 receives compensation for services rendered in that office or  
10 who holds any office or official position in a political party  
11 is ineligible to serve on a Judicial Nominating Commission.  
12 Compensation for service in the State militia or the armed  
13 services of the United States for a period of time to be  
14 determined by the Supreme Court by rule shall not be considered  
15 a disqualification. No member of a Judicial Nominating  
16 Commission may be appointed to judicial office while serving on  
17 the Commission or for a period of 3 years after his or her  
18 service on a Commission has ended.

19 (f) A member who has served a full term of 6 years on a  
20 Judicial Nominating Commission may not serve on a Commission  
21 during the next 3 years. No person may serve on more than one  
22 Judicial Nominating Commission at the same time.

23 (g) A Commission may conduct investigations, meetings, and  
24 hearings, all of which may be secret, and employ staff members  
25 that may be necessary to perform the Commission's duties.  
26 Members of Commissions shall not receive any compensation for  
27 their services, but shall be entitled to reimbursement for  
28 necessary expenses. The General Assembly shall appropriate  
29 funds to the Supreme Court for reimbursement of those expenses  
30 and for all other administrative expenses of the Commissions.

31 (h) Nominations shall be submitted to the Governor only  
32 upon concurrence of not less than two-thirds of all members of  
33 the Commission.

34 (i) All lawyer and non-lawyer members of each Judicial  
35 Nominating Commission shall be subject to ethics and economic  
36 disclosure requirements as provided by law.

1 (ILCON Art. VI, Sec. 12.4 new)

2 SECTION 12.4. RETENTION ELECTIONS

3 (a) Not less than 6 months before the general election next  
4 preceding the expiration of the term of office of (i) a  
5 Supreme, Appellate, or Circuit Judge who was elected to that  
6 office or (ii) a Supreme, Appellate, or Circuit Judge who was  
7 appointed to that office under Section 12.1, he or she may file  
8 in the office of the Secretary of State a declaration of  
9 candidacy for retention in that office for a full term. Not  
10 less than 63 days before the election, the Secretary of State  
11 shall certify the Judge's candidacy to the proper election  
12 officials. At the election the name of each Judge who has  
13 timely filed a declaration of candidacy for retention (except  
14 each Supreme, Appellate, and Circuit Judge who, under Section  
15 12.5, has been found qualified for review by the Commission and  
16 qualified to serve for the succeeding term) shall be submitted  
17 to the electors, separately and without party designation, on  
18 the sole question of retention in office for another term.  
19 Retention elections shall be conducted at general elections in  
20 the appropriate Judicial Districts and Circuits. The  
21 affirmative vote of three-fifths of the electors voting on the  
22 question of retention shall elect a Judge to that office for a  
23 full term commencing on the first Monday in December following  
24 the election.

25 (b) A Judge eligible to file a declaration of candidacy for  
26 retention who fails to do so within the time specified in  
27 subsection (a) or, having filed, fails to be retained shall  
28 vacate the office on the first Monday in December following the  
29 election, whether or not a successor has yet qualified. If an  
30 incumbent Judge, eligible to do so, does not timely file a  
31 declaration of candidacy for retention, the selection of a  
32 successor, if any, shall proceed immediately in the manner  
33 provided in Section 12 or 12.1, whichever applies, so that the  
34 successor may take office as soon as a vacancy occurs.

35 (c) An authorized reduction in the number of Judges shall

1 be without prejudice to the right of Judges in office at the  
2 time to seek retention in accordance with this Section. The  
3 reduction shall become effective when a vacancy occurs in the  
4 affected unit.

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

6 SECTION 12.5. JUDICIAL REVIEW COMMISSIONS

7 (a) In the First Judicial District, in each other Judicial  
8 District, and in each Judicial Circuit that, by local option  
9 referendum, has adopted Sections 12.1 and 12.3 for selection of  
10 Circuit Judges for that circuit, a Judicial Review Commission  
11 shall be created and empowered to determine qualification for  
12 retention of appointed Supreme, Appellate, and Circuit Judges.

13 (b) The members of a Judicial Review Commission shall be  
14 appointed in the manner specified in subsection (c) of Section  
15 12.3 for appointment or election of members of a Judicial  
16 Nominating Commission.

17 (c) The terms of all members of a Judicial Review  
18 Commission shall begin 6 months before the general election in  
19 each year in which a general election is held and shall expire  
20 on the first Monday in November of the same year. Appointments  
21 to a Judicial Review Commission may not take place earlier than  
22 45 days before the term is to commence.

23 (d) A vacancy in the membership of a Judicial Review  
24 Commission shall be promptly filled as provided in subsection  
25 (c) of Section 12.3 with respect to vacancies on a Judicial  
26 Nominating Commission.

27 (e) Judicial Review Commissions shall be governed by  
28 subsections (b), (d), (e), (g), and (i) of Section 12.3 with  
29 respect to Judicial Nominating Commissions as well as by this  
30 Section.

31 (f) A person who has served on a Judicial Review Commission  
32 may not serve on a Judicial Review Commission until 8 years  
33 have elapsed since the date his or her service on a Judicial  
34 Review Commission ended. A person who has served on a Judicial  
35 Nominating Commission may not serve on a Judicial Review

1 Commission until 8 years have elapsed since the date his or her  
 2 service on a Judicial Nominating Commission ended. No person  
 3 may serve on a Judicial Nominating Commission while serving on  
 4 a Judicial Review Commission.

5 (g) In each Judicial District and in Circuits governed by  
 6 this Section, for each Supreme, Appellate, and Circuit Judge  
 7 who has timely filed a declaration of candidacy for retention  
 8 in office under Section 12.4, the Secretary of State shall,  
 9 within 14 days after receipt of the declaration of candidacy,  
 10 submit the Judge's name to the administrative director of the  
 11 Illinois courts. Not more than 6 months nor less than 5 months  
 12 before the general election next preceding the expiration of  
 13 the term of office of the Judge, the administrative director of  
 14 the Illinois courts shall notify the chairperson of the  
 15 appropriate Judicial Review Commission of the Judge's  
 16 candidacy. The chairperson shall then promptly convene the  
 17 Commission.

18 (h) If, by concurrence of not less than two-thirds of its  
 19 members, the Commission finds the candidate to be qualified for  
 20 review by the Commission and qualified to serve another term,  
 21 the candidate shall be retained in office for a full term  
 22 commencing on the first Monday in December following the  
 23 election. Not less than 84 days before the election, the  
 24 Commission shall prepare and submit to each candidate its  
 25 finding as to whether the Commission finds or fails to find  
 26 that candidate qualified for review by the Commission and  
 27 qualified to serve for another term. Not less than 77 days  
 28 before the election the Commission shall submit to the  
 29 Secretary of State a list stating by name:

30 (i) which candidates it has found qualified to serve  
 31 another term;

32 (ii) which candidates it has failed to find so  
 33 qualified; and

34 (iii) which candidates have withdrawn their candidacy  
 35 by written notification to the Commission.

36 (i) Failure of a candidate to be found qualified for

1 retention by a Judicial Review Commission shall be without  
2 prejudice to the candidate's right to stand for retention by  
3 the electorate at a general election under Section 12.4.

4 SCHEDULE

5 This Constitutional Amendment takes effect upon approval  
6 by the electors of this State.