



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0044

Introduced , by Rep. Jack D. Franks

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 the 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 approval by the electors.

LRB096 15971 AJ0 31216 e

1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH
 4 GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE
 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 Constitution to read 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16 (Repealed).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.~~

24 (Source: Illinois Constitution.)

1 (ILCON Art. VI, Sec. 10)

2 SECTION 10. TERMS OF OFFICE

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

6 (Source: Illinois Constitution.)

7 (ILCON Art. VI, Sec. 11)

8 SECTION 11. ELIGIBILITY FOR OFFICE

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

15 (Source: Illinois Constitution.)

16 (ILCON Art. VI, Sec. 12)

17 SECTION 12. ELECTION AND RETENTION

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

1 judicial elections by submitting petitions. The General
2 Assembly shall prescribe by law the requirements for petitions.

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

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

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

24 (c-5) As soon as a vacancy occurs in the office of
25 Appellate or Circuit Judge, or if such a vacancy will occur
26 within 6 months by a day certain, the Administrative Director

1 of the Illinois Courts shall promptly notify the chairperson of
2 the appropriate Judicial Nominating Commission, who shall
3 immediately convene the Commission and give notice to the
4 public.

5 Within 60 days after receiving the notice of a vacancy, the
6 Judicial Nominating Commission shall submit to the Supreme
7 Court a list of 3 nominees who, by their character, background,
8 temperament, professional aptitude, experience, and commitment
9 to justice are deemed by the Commission to be best qualified to
10 fill the vacancy. The Commission shall also give due
11 consideration to diversity of representation on the bench. The
12 Commission shall submit the nominees' names in alphabetical
13 order. The selection of Judges for appointment by the Supreme
14 Court shall be from among those persons best qualified to hold
15 judicial office in this State. All such qualified persons have
16 the right to be considered for selection by a Judicial
17 Nominating Commission free from discrimination on the basis of
18 race, color, creed, national ancestry, or sex. The Commission
19 may not include on a list a nominee who is on another list then
20 pending before the Supreme Court. The function of a list of
21 nominees shall terminate upon the making of the required
22 appointment from the list.

23 Immediately upon receiving a list of nominees from a
24 Judicial Nominating Commission, the Supreme Court shall make
25 the list public. Not fewer than 28 nor more than 56 days after
26 receiving a list, the Supreme Court shall appoint from the list

1 a person to fill the vacancy. If the Supreme Court does not
2 make an appointment within 56 days, the Commission shall
3 immediately submit the list to the Governor, who shall make the
4 appointment from the list within 28 days after receiving the
5 list.

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

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

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

5 (f) The office of Associate Judge is abolished, and all
6 Associate Judges in office on the effective date of this
7 amendment shall on that date assume the office of Circuit
8 Judge. In order to end the terms of those Judges, the
9 Administrative Director of the Illinois Courts, as soon as
10 possible after the effective date of this amendment, shall by
11 lot divide those Judges into 3 groups that are as equal in
12 number as possible. The terms of the Judges in the first group
13 shall end on the first Monday in December after the next
14 general election following the adoption of this amendment and
15 every 6 years thereafter. The terms of the Judges in the second
16 group shall end on the first Monday in December after the
17 second general election following the adoption of this
18 amendment and every 6 years thereafter. The terms of the Judges
19 in the third group shall expire on the first Monday in December
20 after the third general election following the adoption of this
21 amendment and every 6 years thereafter.

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

24 (Source: Illinois Constitution.)

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

1 SECTION 12.5. JUDICIAL NOMINATING COMMISSIONS

2 (a) There shall be a Judicial Nominating Commission in each
3 Judicial District for the nomination of Judges for the
4 Appellate Court, in each Judicial Circuit for the nomination of
5 Judges for the Circuit Court, and in each Judicial Subcircuit
6 for the nomination of Judges for the Subcircuit Courts.

7 (b) Each Judicial Nominating Commission shall consist of 11
8 members. Six of the members must be persons who are not
9 licensed to practice as an attorney or counselor at law within
10 this State and are residents of the appropriate District,
11 Circuit, or Subcircuit ("non-lawyer members"). The remaining 5
12 members must be persons who are licensed to practice as an
13 attorney or counselor at law within this State and are
14 residents of the appropriate District, Circuit, or Subcircuit
15 ("lawyer members").

16 (c) Three of the non-lawyer members of each Judicial
17 Nominating Commission shall be appointed by the Attorney
18 General. The remaining 3 non-lawyer members shall be appointed
19 by the officer first in the following order who is not
20 affiliated with the same political party as the Attorney
21 General: the President of the Senate, the Speaker of the House
22 of Representatives, and the Minority Leader of the Senate.

23 (d) The lawyer members of each Judicial Nominating
24 Commission shall be selected in the manner provided by Supreme
25 Court Rule.

26 (e) Upon appointment of the initial non-lawyer members of

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

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

25 (g) The members of each Judicial Nominating Commission
26 shall select a Chairperson of the Commission. The Chairperson

1 shall serve for a term of 3 years unless his or her remaining
2 term as a member of the Commission expires sooner.

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

17 (i) A person who has served a full term of 6 years as a
18 member of a Judicial Nominating Commission may not serve on a
19 Commission during the next 3 years following expiration of that
20 6-year term. A person may not serve on more than one Judicial
21 Nominating Commission at the same time.

22 (j) A Judicial Nominating Commission may conduct
23 investigations, meetings, and hearings, all of which may be
24 secret, and may employ staff members as necessary to perform
25 the Commission's duties. Judicial Nominating Commission
26 members may not receive any compensation for their services on

1 the Commission but shall be reimbursed for their necessary
2 expenses actually incurred in performing their duties. The
3 General Assembly shall appropriate funds to the Supreme Court
4 for that reimbursement and for all other administrative
5 expenses of the Judicial Nominating Commissions.

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

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

13 SCHEDULE

14 This Constitutional Amendment takes effect upon approval
15 by the electors of this State.