

## **PREAMBLE**

We, the people of the state of Illinois, in order to form a more perfect state, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, establish a responsive and accountable government and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois.

# **ARTICLE I**

## **BILL OF RIGHTS**

### **SECTION 1. CITIZENS RIGHTS TO REMEDY AND JUSTICE**

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, completely and promptly.

Any rights under this Constitution are enforceable without action by the General Assembly, but the General Assembly by law may provide additional remedies for their violation. However, without other options provided the General Assembly, this section shall provide a cause of action for any injuries or wrongs to rights afforded under this Constitution which is the Supreme Law of the State of Illinois.

### **SECTION 2. RIGHTS OF THE FAMILY**

The interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this nation and the courts. Accordingly, the rights of parents to raise their children according to their own values coupled with the solemn duty to do so properly shall not be infringed without a clear and convincing showing of eminent or actual harm to the child.

### **SECTION 3. RIGHT TO ARMS**

The right of the individual citizen to keep and bear arms shall not be infringed. Reasonable regulation of licensing and for public safety shall not be considered an infringement of the right to bear arms.

### **SECTION 4. DUE PROCESS AND EQUAL PROTECTION**

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

### **SECTION 5. FREEDOM OF SPEECH**

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

### **SECTION 6. RELIGIOUS FREEDOM**

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

### **SECTION 7. RIGHT TO ASSEMBLE AND PETITION**

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances. The people have the right to associate with any group they so choose and shall not be compelled to be a member of any group under the color of law.

### **SECTION 8. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS**

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

### **SECTION 9. INDICTMENT AND PRELIMINARY HEARING**

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger.

No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.

#### SECTION 10. RIGHTS AFTER INDICTMENT

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to be confronted with the witnesses against him or her and to have process to compel the attendance of witnesses in his or her behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

#### SECTION 11. CRIME VICTIM'S RIGHTS.

(a) Crime victims, as defined by law, shall have the following rights as provided by law:

- (1) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
- (2) The right to notification of court proceedings.
- (3) The right to communicate with the prosecution.
- (4) The right to make a statement to the court at sentencing.
- (5) The right to information about the conviction, sentence, imprisonment, and release of the accused.
- (6) The right to timely disposition of the case following the arrest of the accused.
- (7) The right to be reasonably protected from the accused throughout the criminal justice process.
- (8) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
- (9) The right to have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.
- (10) The right to restitution.

(b) The General Assembly shall provide by law for the enforcement of this Section. Such enforcement shall include the right of the victim to initiate a cause of action against any government agency that fails to protect these rights.

(c) The General Assembly may provide for an assessment against convicted defendants to pay for crime victims' rights.

(d) Nothing in this Section or in any law enacted under this Section shall be construed as creating a basis for vacating a conviction or a ground for appellate relief in any criminal case.

#### SECTION 12. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for the following offenses where the proof is evident or the presumption great: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; and felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, when the court, after a hearing, determines that release of the offender would pose a real and present threat to the physical safety of any person. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or

invasion when the public safety may require it. Any costs accruing to a unit of local government as a result of the denial of bail pursuant to the 1986 Amendment to this Section shall be reimbursed by the State to the unit of local government.

### SECTION 13. SELF-INCRIMINATION AND DOUBLE JEOPARDY

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

### SECTION 14. LIMITATION OF PENALTIES AFTER CONVICTION

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

### SECTION 15. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

### SECTION 16. IMPRISONMENT FOR DEBT

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

### SECTION 17. RIGHT OF EMINENT DOMAIN

(a) Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

(b) For the purposes of this section, the burden of proof shall be on the government agency initiating an eminent domain action.

(c) For the purposes of this section, Property owners shall be entitled to a jury trial to determine a finding that a property constitutes "blight," or any other similar description.

(d) Definitions pertaining to this section;

(1)"Public use" shall be defined as resulting in public ownership for an express public purpose. Enhancement of revenues for government agencies shall be insufficient as a "public use."

(2)"Damaged" shall include any substantial diminution of value through regulation by a government agency.

(e) Only real property may be taken via eminent domain action and any property so taken must be held by the governing body for a period of no less than 50 years before which it cannot be transferred, sold or leased to any private body.

(f) Just compensation shall be computed by a jury on the real property by determining the fair market value of the property before eminent domain action was contemplated and adding 10% to cover relocation costs. If the eminent domain action takes over 12 months to complete, a jury shall also add in inflation and a reasonable estimate of appreciation of the market value for the time it takes to complete such action.

### SECTION 18. EX POST FACTO LAWS AND IMPAIRING CONTRACTS

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

### SECTION 19. NO DISCRIMINATION IN EMPLOYMENT AND THE SALE OR RENTAL OF PROPERTY

All persons shall have the right to be free from discrimination on the basis of race, color, creed, gender, or national ancestry in the hiring and promotion practices of any employer or in the sale or rental of property.

## SECTION 20. NO DISCRIMINATION AGAINST THE HANDICAPPED

All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer.

Nothing in this shall be construed as a mandate for a property owner to improve an existing property.

## SECTION 21. QUARTERING OF SOLDIERS

No soldier in time of peace shall be quartered in a house without the consent of the owner; nor in time of war except as provided by law.

## SECTION 22. RIGHTS RETAINED

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the individual citizens of the State.

## **ARTICLE II**

### **STATE AND LOCAL GOVERNMENT**

#### **SECTION 1. SEPARATION OF POWERS**

The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another.

#### **SECTION 2. MUNICIPALITIES AND UNITS OF LOCAL GOVERNMENT**

"Municipalities" means cities, villages and incorporated towns. "Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, and includes school districts.

#### **SECTION 3. COUNTY TERRITORY, BOUNDARIES AND SEATS**

(a) The General Assembly shall provide by law for the formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected.

(c) County seats shall not be changed unless approved by three-fifths of those voting on the question in a county-wide referendum.

(d) Counties may not be drawn that contain populations larger than 1,000,000 people. Once a county has a population that grows beyond 1,100,000, the County Clerk will draw computer generated maps that divides the county into two with roughly equal populations within 20%. However, the County Clerk shall respect the boundaries of villages, towns, and cities and shall not divide them such that part is in one county and part in another. A city with a population of over 1,000,000 people shall have the powers of a county and may merge the city officials with the respective county offices as provided by ordinance and the requirements of this article.

(e) Any county that has a population over 1,100,000 after the ratification of this constitution has until the next general election for Governor or 2 years, whichever is larger, to redraw their maps to be in accordance with paragraph (d) and submit these maps to the voters in a county-wide referendum as provided in paragraph (b).

#### **SECTION 4. COUNTY BOARDS**

(a) A county board shall be elected in each county. The number of members of the county board shall be fixed by ordinance in each county within limitations provided by law. The districts in which members of the county board are elected shall be fixed by ordinance in each county within limitations provided by law and this Constitution.

(b) The General Assembly by law shall provide methods available to all counties for the election of county board members. No county may change its method of electing board members except as approved by county-wide referendum.

#### **SECTION 5. COUNTY OFFICERS**

(a) Any county may elect a chief executive officer as provided by law. He shall have those duties and powers provided by law and those provided by county ordinance.

(b) Each county shall elect a sheriff, county clerk and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance.

(c) County officers shall have those duties, powers and functions provided by law and those provided by county ordinance. County officers shall have the duties, powers or functions derived from common law or historical precedent unless altered by law or county ordinance.

(d) The county treasurer or the person designated to perform his functions may act as treasurer of any unit of local government and any school district in his county when requested by any such unit or school district and shall so act when required to do so by law.

#### SECTION 6. TOWNSHIPS ARE ABOLISHED

The governmental unit formerly known as the township shall be abolished and its functions shall be assumed by municipalities or county governments as the General Assembly shall assign by law. Any political organizations that are organized on township lines shall be reorganized as provided by law or ordinance.

#### SECTION 7. HOME RULE

The special privileges of "home rule" enjoyed by various local units of government are nullified as of the next general election after this Constitution's ratification. Any governmental unit may become "home rule" by referenda of the people affected initiated either by the governmental body or the people in question. Such a referendum must include a constitution or charter which establishes which of the "home rule" powers the body does or does not have and how they may be used. A later referenda initiated by the people or the governmental body itself may add, remove, change any or all of the "home rule" powers a government body has. The requirements for a citizen-initiated referendum on home rule powers shall be the same as those specified in Section 13 of this Article.

#### SECTION 8. POWERS OF HOME RULE UNITS

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (l) of this section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (l) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

## SECTION 9. REDISTRICTING OF SUBDIVISIONS OF UNITS OF LOCAL GOVERNMENT AND SCHOOL BOARDS

(a) Districts, wards or other subdivisions (hereafter referred to as "districts") of units of local government and school boards shall be compact, contiguous and substantially equal in population. All divisions, where possible, shall respect boundaries of cities and residential subdivisions.

b) On August 1<sup>st</sup>, in the year following each Federal decennial census year (or within 6 months of a special census) the County Clerk for the division involved, or for units of local government that have territory in multiple counties, the County Clerk for the segment which contains the largest share of the population of the unit of local government (in cooperation with the other County Clerks of the other counties), shall redistrict by using a computer program or other automated system.

(c) The following factors shall be taken into consideration in drawing districts: population equality, contiguity, unity of cities and residential subdivisions, and compactness. The following factors shall be explicitly prohibited from being used in drawing districts: voting patterns, party affiliation of voters, party of incumbent or current office-holder, and campaign contributions of voters.

(d) One year prior to any redistricting, the County Clerk shall publish the source code of the computer program or automated method that will be used for redistricting. If no open-source option is available for the task, the source code shall be audited by no less than two independent auditing firms capable of the task to ensure the program complies with the requirements of this section. The results of the audit shall be made public one-year prior to any redistricting.

(e) The County Clerk will ensure that no less than two public hearings be held in which public hearing may be given on the proposed maps.

(f) By October 1<sup>st</sup>, the unit of local government and/or school board shall vote on the proposed maps. The unit of local government and/or school board shall have no power to change any districts. Unless opposed by two-thirds of the voting members of the unit of local government and/or school board, the maps shall become binding. If two-thirds of the voting members oppose the maps, the County Clerk shall create new computer-generated maps to be voted on within three months.

(g) If any map is declared unconstitutional or in violation of the federal Voting Rights Act, the County Clerk shall generate new computer-generated maps to be voted on within three months of a final ruling.

## SECTION 10. POWERS AND OFFICERS OF UNITS OF LOCAL GOVERNMENT OTHER THAN COUNTIES AND MUNICIPALITIES

School districts, special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. No law shall grant the power (1) to any of the foregoing units to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred, or (2) to make improvements by special assessments to any of the foregoing classes of units which do not have that power on the effective date of this Constitution. The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch.

## SECTION 11. SALARIES AND FEES

(a) Compensation of officers and employees and the office expenses of units of local government shall not be paid from fees collected. Fees may be collected as provided by law and by ordinance and shall be deposited upon receipt with the treasurer of the unit. Fees shall not be based upon funds disbursed or collected, nor upon the levy or extension of taxes.

(b) An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.

## SECTION 12. INTERGOVERNMENTAL COOPERATION

(a) Units of local government and school districts may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities.

(b) Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

(c) The State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities.

## SECTION 13. INITIATIVE AND REFERENDUM

(a) Proposals for actions which are authorized by this Article or by law and which require approval by referendum may be initiated and submitted to the electors by resolution of the governing board of a unit of local government or by petition of electors in the manner provided by law.

(b) Referenda required by this Article shall be held at general elections, except as otherwise provided by law. Questions submitted to referendum shall be adopted if approved by a majority of those voting on the question unless a different requirement is specified in this Article.

(c) Referenda may be placed on the ballot upon petition of 5% of the number of voters who voted in the last general election for governor in the region affected by the question. For state-wide questions, a petition must be gathered containing 5% of the number of voters who voted in the last general election for governor in 5 different counties. If such a question garners a majority of affirmative votes in an election, it shall be binding upon the government and citizens and shall not be overturned except in the case of conflict with this constitution or a future referendum.

(d) Any referenda question placed on the ballot must also include an estimate of the cost of implementation on an annual basis. This cost shall be determined by the Secretary of State for statewide questions or for local ordinances the estimate shall be determined by the governing body in question. The basis

for the estimate must be published a reasonable time before the election and may be challenged in a court of law in the event the estimate is frivolous, absurd or unreasonable.

#### SECTION 14. IMPLEMENTATION OF GOVERNMENTAL CHANGES

The General Assembly shall provide by law for the transfer of assets, powers and functions, and for the payment of outstanding debt in connection with the formation, consolidation, merger, division, dissolution and change in the boundaries of units of local government. In any cases of annexation, formation, consolidation, merger, division or dissolution of units of local government, such change may only take place upon a referendum on such a question garnering a majority vote of the qualified voters in the election. Such a referendum may only be placed on the ballot during a general election for either the officer of Governor of the State of Illinois or the President of the United States.

#### SECTION 15. GOAL - FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education while respecting local control of the schools.

#### SECTION 16. STATE BOARD OF EDUCATION - CHIEF STATE EDUCATIONAL OFFICER

(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.

(b) The State Board of Education shall appoint a chief state educational officer. The chief state educational officer shall present a budget each year to the General Assembly that will include state funding of schools through the primary level.

(c) The State Board of Education shall have responsibility for providing state funds as appropriated by the General Assembly to schools through the secondary level and will have the duty to meet the state's requirement to fund the school system in Section 15 of this article.

#### SECTION 17. TERM LIMITS

Any elected office established under this article for a unit of local government or a school board shall be subject to term limits. No person may serve for more than 2 terms of a maximum of 4 years. Any person appointed to a governing or oversight body created by a unit of local government shall be limited to serving a maximum of 2 terms of not more than 4 years in length.

## **ARTICLE III**

### **SUFFRAGE AND ELECTIONS**

#### **SECTION 1. VOTING QUALIFICATIONS**

Every United States citizen who has attained the age of 18 or any other voting age required by the United States for voting in State elections and who has been a permanent resident of this State for at least 30 days next preceding any election shall have the right to vote at such election. The General Assembly by law may establish registration requirements and require permanent residence in an election district not to exceed thirty days prior to an election. The General Assembly by law may establish shorter residence requirements for voting for President and Vice-President of the United States.

#### **SECTION 2. VOTING DISQUALIFICATIONS**

(a) Any person convicted of any form of vote fraud shall permanently lose the right to vote in the state of Illinois. The General Assembly shall, within 90 days of the ratification of this Article, promulgate a clear and concise definition of what offences constitute vote fraud, the minimum penalty for which shall not be lower than \$500 per offense and the permanent loss of the right to vote.

(b) A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, which right shall be restored upon completion of his sentence.

#### **SECTION 3. ELECTIONS**

All elections shall be free and equal, and accessible for any political party or candidate that meets requirements set forth in this Constitution and by the General Assembly.

Any laws or regulations that operate to favor one party or parties, by definition, deprive citizens that are not members of those parties of the equal protection of the laws. Any law or regulation that favors or hinders an individual to run for elected office based on political affiliation or non-affiliation is prohibited.

#### **SECTION 4. ELECTION LAWS**

The General Assembly by law shall define permanent residence for voting purposes, insure secrecy of voting and the integrity of the election process, and facilitate registration and voting by all qualified persons. Laws governing voter registration and conduct of elections shall be general and uniform.

#### **SECTION 5. BOARD OF ELECTIONS**

A State Board of Elections shall have general supervision over the administration of the registration and election laws throughout the State. The General Assembly by law shall determine the size, manner of selection and compensation of the Board. No political party shall have a majority of members of the Board.

#### **SECTION 6. GENERAL ELECTION**

As used in all articles of this Constitution except Article VII, "general election" means the biennial election at which members of the General Assembly are elected. Such election shall be held on the Tuesday following the first Monday of November in even-numbered years or on such other day as provided by law.

#### **SECTION 7. REFERENDA AND MUNICIPAL OFFICE HOLDERS**

All Referenda questions, as well as the election of municipal executive and legislative officers and all other elected offices for units of local government and school boards, must take place during a biennial "general election" as defined in SECTION 6 of this Article.

#### **SECTION 8. OPEN PRIMARIES**

(a) This section shall apply to all elections except the primary election for President of the United States and the delegates to the national party committees for the selection of a presidential candidate.

(b) Any candidate who meets the criteria for being listed as a candidate for election for office in a general election shall be listed on the ballot for the general election. A candidate may elect to drop out of an election no later than 30 days prior to the date of the general election.

(c) Political parties, at their own expense, may conduct primaries or caucuses to determine which candidate is the designated candidate for the party in an election for elected office. Parties may restrict such designation to only one candidate but are not required to do so.

(d) No later than 60 days prior to an election, the political party will certify to the election officials responsible for the election in question which candidate or candidates are designated to represent the party in the general election. Those candidates will have a designation after their name on the ballot indicating their partisan affiliation.

(e) No candidate may be a designated candidate of multiple political parties.

(f) Any candidate not designated by a political party as that parties' candidate shall be listed as an independent on the general election ballot.

(g) In the case of more than 2 candidates running for the same office, any candidate receiving a majority vote shall be certified the winner of the election. If no candidate receives a majority vote, the top 2 vote recipients shall compete in a run-off election 21 days after the general election. The highest vote recipient in the run-off election shall be certified the winner in the run-off election. In the case of only one or two candidates running for the same office, the highest vote recipient shall be certified the winner of the election.

(h) In races where more than one seat for the same office is open (i.e. multi-member districts, school boards, etc), the highest vote recipients shall be certified as the winners of the elections. There shall be no run-off elections in these races.

(i) "Slating" of candidates by political parties is prohibited.

## SECTION 9. RECALLS

(a) Any elected official in the state of Illinois may be subjected to a recall election upon petition from the voters. A petition to recall an elected official must state a reason for the recall.

(b) For statewide officials, a recall petition must be signed by 10% of the number of voters for that official in the last election. Additionally, the petition must contain signatures of 10% of the voters for that office in the election in a given county for 10 different counties in the state.

(c) For officials not elected state-wide, the number of signatures must amount to 10% of the number of voters for that official in the last general election from voters within the jurisdiction of that office.

(d) Any interested voter may submit an affidavit stating they intend to circulate petitions for recall of a particular official and the reason for the recall. Such affidavit shall be filed with the State Board of Elections and the individual has no more than 90 days to circulate petitions and gather the required amount of signatures.

(e) Signatures and petitions may be challenged as provided by law, however, the reason given for recalling an official shall not be subject to adjudication.

(f) No later than 90 days after receiving the required number of signatures, the Secretary of State shall schedule a special election for the recall of the official in question. Where possible and reasonable, the Secretary of State shall schedule such a recall election simultaneously with another scheduled primary or general election.

(g) The question of recalling a particular elected official shall appear in plain language with the given reason stated in the recall petitions. Upon a majority vote, the official shall be immediately removed from office.

(h) The method for replacing a successfully recalled official shall be provided by law.

## **ARTICLE IV**

### **THE GENERAL ASSEMBLY**

#### **SECTION 1. LEGISLATURE - POWER AND STRUCTURE**

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Legislative Districts and 118 Representative Districts.

#### **SECTION 2. LEGISLATIVE COMPOSITION**

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Every two years one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

(f) No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

#### **SECTION 3. LEGISLATIVE REDISTRICTING**

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population. United States Congressional Districts shall be compact, contiguous, and substantially equal in population. All legislative boundaries, where possible, shall respect the boundaries of counties and cities.

(b) On August 1<sup>st</sup>, in the year following each Federal decennial census year, the State Board of Elections shall redistrict the Legislative Districts, Representative Districts and the United States Congressional Districts by using a computer program or other automated system. Legislative and Representative Districts shall be drawn independent of each other. The practice of containing two Representative Districts inside the same Legislative District is banned.

(c) The following factors shall be taken into consideration in drawing Legislative, Representative and United States Congressional Districts in the following order or priority: population equality, contiguity, unity of counties and cities, and compactness. The following factors shall be explicitly prohibited from being used in

drawing legislative and representative districts: voting patterns, party affiliation of voters, party of incumbent or current office-holder, and campaign contributions of voters.

(d) One year prior to any redistricting, the State Board of Elections shall publish the source code of the computer program or automated method that will be used for the redistricting. If no open-source option is available for the task, the source code shall be audited by no less than two independent auditing firms capable of the task to ensure the program complies with the requirements of this section. The results of the audit shall be made public one-year prior to any redistricting.

(e) After August 1<sup>st</sup>, no less than three public hearings shall be held in which public input may be given on the proposed maps.

(f) By October 1<sup>st</sup>, the General Assembly shall vote on the proposed maps. The maps will become binding unless two-thirds of each chamber votes against them by record vote. Should the General Assembly vote down the generated maps, the State Board of Elections shall create new computer-generated maps by December 1<sup>st</sup>. At least three more public hearings shall be held to discuss the new maps and by February 1<sup>st</sup> of the following year the General Assembly shall vote on the new maps.

(g) If, by two-thirds votes in both chambers, the General Assembly strikes down the second computer-generated maps, the State Board of Elections shall generate a new set of maps by April 1<sup>st</sup>. The third set of computer-generated maps shall then become law without any vote in the General Assembly.

(h) If any map is declared unconstitutional or in violation of the federal Voting Rights Act, the State Board of Elections shall generate new computer-generated maps.

#### SECTION 4. ELECTION

Members of the General Assembly shall be elected at the general election in even-numbered years. Members of the General Assembly shall be limited to serving a maximum of eight years or two terms of no longer than four years in each chamber during their lifetime.

#### SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

#### SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

(e) No member may serve in the same leadership position in a chamber for more than one legislative session. No member may serve in a chamber-wide leadership or officer role and serve on the rules committee of the chamber during the same session. No member may serve in a chamber-wide leadership or officer role or as a chairman or vice-chairman of any standing committee and be the head of their party's caucus or have any role in the party's financing of campaigns for legislative offices.

## SECTION 7. TRANSACTION OF BUSINESS

(a) Committees of each house, joint committees of the two houses and legislative commissions shall give reasonable public notice of meetings, including a statement of subjects to be considered.

(b) Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.

(c) Either house or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records and papers.

## SECTION 8. PASSAGE OF BILLS

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

(b) The General Assembly shall enact laws only by bill. Bills may originate in either house, but may be amended or rejected by the other. Bills may be amended but must be substantially similar to the bill as it was introduced. The practice of "shell bills" is banned. Amendments to bills introduced as technical changes to existing law are prohibited.

(c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal. Upon motion of any legislator joined by one-fourth of a chamber, a bill shall be called to the floor for a vote independent of committee action or desires of the chamber leadership. Such a bill shall have its final vote within 7 calendar days and the vote shall be by record vote.

(d) No bill shall become law unless before the final vote it has been available to the public in full for at least 7 calendar days during which time no amendments are allowed.<sup>1</sup>

(e) A bill shall be read by title on three different days in each house. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage no earlier than 72 hours before a final vote.

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended.

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<sup>1</sup> This allows for the ability of the citizenry to have substantial and real input into the final form of bills before they are passed.

The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.

(f) Any bill passed by the General Assembly that does not adhere to the requirements of this session is null and void. Any citizen of the State of Illinois shall be entitled to file suit in any court of the state of Illinois under this clause as a cause of action. Any court of the state of Illinois shall nullify any law that is found to have been passed in a way that does not follow the requirements set forth in this section.

(g) Upon motion of 1/4<sup>th</sup> of the legislators in a chamber, any bill shall be discharged from committee, read on the floor of the chamber and be presented to the legislators for an up or down vote.

## SECTION 9. VETO PROCEDURE

(a) Every bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he shall sign it and it shall become law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the house in which it originated. Any bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered.

(c) The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law.

(d) The Governor may reduce or veto any item of appropriations in a bill presented to him. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the house in which it originated and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the house in which it originated and may be restored to its original amount in the same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to each house. If a reduced item is not so restored, it shall become law in the reduced amount.

(e) The Governor's power of "amendatory veto" is repealed.

## SECTION 10. EFFECTIVE DATE OF LAWS

The General Assembly shall provide by law for a uniform effective date for laws passed prior to June 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to June 1. A bill passed after May 31 shall not become effective prior to June 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date.

## SECTION 11. COMPENSATION AND ALLOWANCES

A member shall receive a salary and allowances as provided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected.

## SECTION 12. LEGISLATIVE IMMUNITY

Except in cases of treason, felony or breach of peace, a member shall be privileged from arrest going to, during, and returning from sessions of the General Assembly. A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee and legislative commission proceedings.

## SECTION 13. SPECIAL LEGISLATION

The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

#### SECTION 14. IMPEACHMENT

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the vote of a majority of the members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law.

#### SECTION 15. ADJOURNMENT

(a) When the General Assembly is in session, neither house without the consent of the other shall adjourn for more than three days or to a place other than where the two houses are sitting.

(b) If either house certifies that a disagreement exists between the houses as to the time for adjourning a session, the Governor may adjourn the General Assembly to a time not later than the first day of the next annual session.

## **ARTICLE V**

### **THE EXECUTIVE**

#### **SECTION 1. OFFICERS**

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor General and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

#### **SECTION 2. TERMS**

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

No one shall be elected or appointed to serve more than eight years total in any one Executive Branch position under this Article. In applying this section, service in any existing Executive position resulting from an election or appointment prior to the effective date of this section shall not be counted.

#### **SECTION 3. ELIGIBILITY**

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

#### **SECTION 4. JOINT ELECTION**

In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.

#### **SECTION 5. CANVASS - CONTESTS**

The election returns for executive offices shall be sealed and transmitted to the Secretary of State, or other person or body provided by law, who shall examine and consolidate the returns. The person having the highest number of votes for an office shall be declared elected. If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine which of them shall be declared elected. Election contests shall be decided by the courts in a manner provided by law.

#### **SECTION 6. GUBERNATORIAL SUCCESSION**

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the Lieutenant Governor, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

#### **SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES**

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment.

The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.

#### SECTION 8. GOVERNOR - SUPREME EXECUTIVE POWER

The Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.

#### SECTION 9. GOVERNOR - APPOINTING POWER

(a) The Governor shall nominate and, by and with the advice and consent of the Senate, a majority of the members elected concurring by record vote, shall appoint all officers whose election or appointment is not otherwise provided for. Any nomination not acted upon by the Senate within 60 session days after the receipt thereof shall be deemed to have received the advice and consent of the Senate. The General Assembly shall have no power to elect or appoint officers of the Executive Branch.

(b) If, during a recess of the Senate, there is a vacancy in an office filled by appointment by the Governor by and with the advice and consent of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall make a nomination to fill such office.

(c) No person rejected by the Senate for an office shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

(d) No person may serve in the same appointed position for more than 2 terms not exceeding 4 years in length. All terms of appointed office shall be limited to a maximum of 4 years.

#### SECTION 10. GOVERNOR - REMOVALS

The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor.

#### SECTION 11. GOVERNOR - AGENCY REORGANIZATION

The Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him. If such a reassignment or reorganization would contravene a statute, the Executive Order shall be delivered to the General Assembly. If the General Assembly is in annual session and if the Executive Order is delivered on or before April 1, the General Assembly shall consider the Executive Order at that annual session. If the General Assembly is not in annual session or if the Executive Order is delivered after April 1, the General Assembly shall consider the Executive Order at its next annual session, in which case the Executive Order shall be deemed to have been delivered on the first day of that annual session. Such an Executive Order shall not become effective if, within 60 calendar days after its delivery to the General Assembly, either house disapproves the Executive Order by the record vote of a majority of the members elected. An Executive Order not so disapproved shall become effective by its terms but not less than 60 calendar days after its delivery to the General Assembly.

#### SECTION 12. GOVERNOR - PARDONS

The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law.

#### SECTION 13. GOVERNOR - LEGISLATIVE MESSAGES

The Governor, at the beginning of each annual session of the General Assembly and at the close of his term of office, shall report to the General Assembly on the condition of the State and recommend such measures as he deems desirable.

#### SECTION 14. LIEUTENANT GOVERNOR - DUTIES

The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.

#### SECTION 15. ATTORNEY GENERAL - DUTIES

The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.

#### SECTION 16. SECRETARY OF STATE - DUTIES

The Secretary of State shall maintain the official records of the acts of the General Assembly and such official records of the Executive Branch as provided by law. Such official records shall be available for inspection by the public. He shall keep the Great Seal of the State of Illinois and perform other duties that may be prescribed by law.

#### SECTION 17. AUDITOR GENERAL – DUTIES

The Auditor General, in accordance with law, shall provide for the audit of the obligation, receipt and use of public funds of the State.

#### SECTION 18. TREASURER – DUTIES

The Treasurer, in accordance with law, shall maintain the State's central fiscal accounts, and order payments into and out of the funds held by the State of Illinois.

The Treasurer shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement.

#### SECTION 19. RECORDS - REPORTS

All officers of the Executive Branch shall keep accounts and shall make such reports as may be required by law. They shall provide the Governor with information relating to their respective offices, either in writing under oath, or otherwise, as the Governor may require.

#### SECTION 20. BOND

Civil officers of the Executive Branch may be required by law to give reasonable bond or other security for the faithful performance of their duties. If any officer is in default of such a requirement, his office shall be deemed vacant.

#### SECTION 21. COMPENSATION

Officers of the Executive Branch shall be paid salaries established by law and shall receive no other compensation for their services. Changes in the salaries of these officers elected or appointed for stated terms shall not take effect during the stated terms.

#### SECTION 22. MEMBERSHIP

The State militia consists of all able-bodied persons residing in the State except those exempted by law.

#### SECTION 23. SUBORDINATION OF MILITARY POWER

The military shall be in strict subordination to the civil power.

#### SECTION 24. ORGANIZATION, EQUIPMENT AND DISCIPLINE

The General Assembly shall provide by law for the organization, equipment and discipline of the militia in conformity with the laws governing the armed forces of the United States.

#### SECTION 25. COMMANDER-IN-CHIEF AND OFFICERS

(a) The Governor is commander-in-chief of the organized militia, except when they are in the service of the United States. He may call them out to enforce the laws, suppress insurrection or repel invasion.

(b) The Governor shall commission militia officers who shall hold their commissions for such time as may be provided by law.

**SECTION 26. PRIVILEGE FROM ARREST**

Except in cases of treason, felony or breach of peace, persons going to, returning from or on militia duty are privileged from arrest.

# **ARTICLE VI**

## **THE JUDICIARY**

### **SECTION 1. COURTS**

The judicial power is vested in a Supreme Court, an Appellate Court and Circuit Courts.

### **SECTION 2. JUDICIAL DISTRICTS**

The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties.

### **SECTION 3. SUPREME COURT - ORGANIZATION**

The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial Districts. Four Judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years.

### **SECTION 4. SUPREME COURT - JURISDICTION**

(a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.

(b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right. The Supreme Court shall provide by rule for direct appeal in other cases.

(c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other cases.

### **SECTION 5. APPELLATE COURT - ORGANIZATION**

The number of Appellate Judges to be selected from each Judicial District shall be provided by law. The Supreme Court shall prescribe by rule the number of Appellate divisions in each Judicial District. Each Appellate division shall have at least three Judges. Assignments to divisions shall be made by the Supreme Court. A majority of a division constitutes a quorum and the concurrence of a majority of the division is necessary for a decision. There shall be at least one division in each Judicial District and each division shall sit at times and places prescribed by rules of the Supreme Court.

### **SECTION 6. APPELLATE COURT - JURISDICTION**

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

### **SECTION 7. JUDICIAL CIRCUITS**

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The

General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

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

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

#### SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

#### SECTION 9. CIRCUIT COURTS - JURISDICTION

Circuit Courts shall have original jurisdiction of all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law.

#### SECTION 10. TERMS OF OFFICE

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

#### SECTION 11. ELIGIBILITY FOR OFFICE

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

#### SECTION 12. ELECTION AND RETENTION

(a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

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

(c) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed 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 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, 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 effective when a vacancy occurs in the affected unit.

### SECTION 13. PROHIBITED ACTIVITIES

(a) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges.

(b) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge.

### SECTION 14. JUDICIAL SALARIES AND EXPENSES - FEE OFFICERS ELIMINATED

Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate, Circuit and Associate Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system.

### SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) An independent Courts Commission is created consisting of one Supreme Court Judge selected by that Court as a member and one as an alternate, two Appellate Court Judges selected by that Court as members and three as alternates, two Circuit Judges selected by the Supreme Court as members and three as alternates, and two citizens selected by the Governor as members and two as alternates. Members and alternates who are Appellate Court Judges must each be from a different Judicial District. Members and alternates who are Circuit Judges must each be from a different Judicial District. Members and alternates of the Commission shall not be members of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties.

(f) The concurrence of four members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt comprehensive rules to ensure that its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State at least 30 days before becoming effective.

(h) A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a member, with respect to any proceeding in which disqualification or recusal would be required of a Judge under rules of the Supreme Court, under rules of the Commission, or by law.

If a Supreme Court Judge is the subject of a proceeding, then there shall be no Supreme Court Judge sitting as a member of the Commission with respect to that proceeding. Instead, an alternate Appellate Court Judge not from the same Judicial District as the subject Supreme Court Judge shall replace the subject Supreme Court Judge. If a member who is an Appellate Court Judge is the subject of a proceeding, then an alternate Appellate Court Judge shall replace the subject Appellate Court Judge. If an Appellate Court Judge who is not a member is the subject of a proceeding and an Appellate Court Judge from the same Judicial District is a member, then an alternate Appellate Court Judge shall replace that member. If a member who is a Circuit Judge is the subject of a proceeding, then an alternate Circuit Judge shall replace the subject Circuit Judge. If a Circuit Judge who is not a member is the subject of a proceeding and a Circuit Judge from the same Judicial District is a member, then an alternate Circuit Judge shall replace that member.

If a member of the Commission is disqualified under this Section with respect to any proceeding, that member shall be replaced by an alternate on a rotating basis in a manner provided by rule of the Commission. The alternate shall act as member of the Commission with respect to that proceeding only.

(i) The Commission shall have power to issue subpoenas.

(j) Members and alternates of the Commission who are not Judges shall receive per diem compensation and necessary expenses; members and alternates who are Judges shall receive necessary expenses only. The General Assembly shall provide by law for the expenses and compensation of the Commission.

(h) Any judge may be subject to a recall election according to the provisions of law and this constitution but only after the completion of the discipline process outlined in this section or after a proper complaint has been filed and the Commission fails or elects not to act. A petition to recall a judge must specify the same offense in substantially similar language as the offense alleged in the complaint filed under this section.

## SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The

Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

#### SECTION 17. JUDICIAL CONFERENCE

The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.

#### SECTION 18. CLERKS OF COURTS

(a) The Supreme Court and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

#### SECTION 19. STATE'S ATTORNEYS - SELECTION, SALARY

A State's Attorney shall be elected in each county in 1972 and every fourth year thereafter for a four year term. One State's Attorney may be elected to serve two or more counties if the governing boards of such counties so provide and a majority of the electors of each county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State. His salary shall be provided by law. A State's Attorney shall be limited to serving a maximum of 2 terms in their lifetime.

## **ARTICLE VII**

### **FINANCE & REVENUE**

#### **SECTION 1. GENERAL PROVISIONS**

(a) Public funds, property or credit shall be used only for public purposes.

(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

(c) Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records. Every Governmental Entity in the State of Illinois shall make available to the public for inspection, any and all reports, accounts, account balances, records of disbursements, and any other communication relating the entity's financial position. This availability for inspection shall be completed within 48 hours any transaction involving public funds. This disclosure of information shall be available electronically, in a uniform fashion.

#### **SECTION 2. STATE FINANCE**

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(c) The state shall not incur debt to meet fiscal year appropriations. Appropriations in excess of available funds shall require the reduction of appropriations. Appropriations shall be reduced by the General Assembly and approved by the Governor by a time prescribed by law.

(d) Failure to reduce appropriations in accordance with Section (c) of this article shall result in an equal reduction of every appropriation necessary to equalize appropriations with available funds.

#### **SECTION 3. STATE AUDIT AND AUDITOR GENERAL**

(a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of public funds of the State.

(b) The Auditor General shall conduct the audit of public funds of the State. He shall make additional reports and investigations as directed by the General Assembly. He shall report his findings and recommendations to the General Assembly and to the Governor.

(c) The Auditor General shall be empowered to conduct audits independently of any directive by the General Assembly or the Executive Branch as the Auditor General sees fit.

#### **SECTION 4. SYSTEMS OF ACCOUNTING, AUDITING AND REPORTING**

The State of Illinois shall, for the purposes of this Article, prepare budgets on the basis of revenue and expense measurement that are in accordance with the accrual basis of accounting. All units of local government and school districts shall use these systems.

#### **SECTION 5. STATE REVENUE POWER**

The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution. The power of taxation shall not be surrendered, suspended, or contracted away.

## SECTION 6. NON-PROPERTY TAXES - CLASSIFICATION, EXEMPTIONS, DEDUCTIONS, ALLOWANCES AND CREDITS

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

## SECTION 7. LIMITATIONS ON INCOME TAXATION

(a) A tax on or measured by income shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

## SECTION 8. REAL PROPERTY TAXATION

(a) Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.

(b) Any depreciation in the value of real estate occasioned by a public easement or regulation may be deducted in assessing such property.

## SECTION 9. PERSONAL PROPERTY TAXATION

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

(c) On or before January 1, 1979, the General Assembly by law shall abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall be replaced by imposing statewide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in Section 3 (a) of this Article.

## SECTION 10. EXEMPTIONS FROM PROPERTY TAXATION

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits.

## SECTION 11. OVERLAPPING TAXING DISTRICTS

The General Assembly may provide by law for fair apportionment of the burden of taxation of property situated in taxing districts that lie in more than one county.

## SECTION 12. TAX SALES

(a) Real property shall not be sold for the nonpayment of taxes or special assessments without judicial proceedings.

(b) The right of redemption from all sales of real estate for the nonpayment of taxes or special assessments, except as provided in subsections (c) and (d), shall exist in favor of owners and persons interested in such real estate for not less than 2 years following such sales.

(c) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel of real estate which:

(1) is vacant non-farm real estate or

(2) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or

(3) is commercial or industrial property; shall exist in favor of owners and persons interested in such real estate for not less than one year following such sales.

(d) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel real estate which:

(1) is vacant non-farm real estate or

(2) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or

(3) is commercial or industrial property; and upon which all or a part of the general taxes for each of 2 or more years are delinquent shall exist in favor of owners and persons interested in such real estate for not less than 6 months following such sales.

(e) Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law.

### SECTION 13. STATE DEBT

(a) No State debt shall be incurred except as provided in this Section. For the purpose of this Section, "State debt" means bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or school districts.

(b) State debt for specific purposes may be incurred or the payment of State or other debt guaranteed in such amounts as may be provided either in a law passed by the vote of three-fifths of the members elected to each house of the General Assembly or in a law approved by a majority of the electors voting on the question at the next general election following passage. Any law providing for the incurring or guaranteeing of debt shall set forth the specific purposes and the manner of repayment.

(c) State debt in anticipation of revenues to be collected in a fiscal year may be incurred by law in an amount not exceeding 5% of the State's appropriations for that fiscal year. Such debt shall be retired from the revenues realized in that fiscal year.

(d) State debt may be incurred by law in an amount not exceeding 15% of the State's appropriations for that fiscal year to meet deficits caused by emergencies or failures of revenue. Such law shall provide that the debt be repaid within one year of the date it is incurred.

(e) State debt may be incurred by law to refund outstanding State debt if the refunding debt matures within the term of the outstanding State debt.

(f) The State, departments, authorities, public corporations and quasi-public corporations of the State, the State colleges and universities and other public agencies created by the State, may issue bonds or other evidences of indebtedness which are not secured by the full faith and credit or tax revenue of the State nor required to be repaid, directly or indirectly, from tax revenue, for such purposes and in such amounts as may be authorized by law.

## SECTION 14. TAXPAYER'S BILL OF RIGHTS

(a) General provisions. The preferred interpretation of this section shall reasonably restrain most the growth of government. All provisions are self-executing and severable and supersede conflicting state constitutional, state statutory, charter, or other state or local provisions. Other limits on district revenue, spending, and debt may be weakened only by future voter approval.

(b) Term definitions. Within this section:

(1) "Initiative" means a non-recall petition or referred measure in an election.

(2) "Entity" means the state or any local government.

(3) "Emergency" excludes economic conditions, revenue shortfalls, or district salary or fringe benefit increases.

(4) "Fiscal year spending" means all entity expenditures and reserve increases except, as to both, those for refunds made in the current or next fiscal year or those from gifts, federal funds, collections for another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards, or property sales.

(5) "Inflation" means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index.

(c) All governmental taxing entities in the state of Illinois shall limit the growth of their budget appropriations and expenditures to no greater than the prior year except for the rate of inflation plus population growth within the boundaries of that entity. Should the operation of economic activity reduce an entity's revenue, the highest level of expenditure shall be the foundation from which the entity can calculate its allowable increase.

(d) Excess revenues over allowable expenditures at the end of a fiscal year shall be transferred to a Reserve Fund. The Reserve Fund shall not exceed 3% of the current year's expenditures. Expenditures from the Reserve Fund may be made only upon the exhaustion of other available funds.

(e) For any fiscal year, the excess revenues over expenditures, except as provided in paragraph (d) shall be returned as refunds as determined by the governing body of the entity.

(f) The citizens or elected representatives of any Illinois governmental entity may, in accordance with provisions in this Constitution or in the Illinois election code, place on the ballot, an initiative to exceed expenditure caps in paragraph (c).

For the purposes of this section, the entity seeking to increase the expenditure limits must follow provisions in paragraph (g) of this Section.

(g) Election provisions.

(1) Initiatives under this Section shall be decided in a state general election.

(2) At least 30 days before an initiative, entities shall mail at the least cost, and as a package where entities where initiatives overlap, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered electors. The entities may coordinate the mailing required by this paragraph with the distribution of the ballot information booklet required by law. Titles shall have this order of preference: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE." Except for entity voter-approved additions, notices shall include only:

(i) The election date, hours, ballot title, text, and local election office address and telephone number.

(ii) For proposed entity tax or bonded debt increases, the estimated or actual total of district fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change.

(iii) For the first full fiscal year of each proposed district tax increase, district estimates of the maximum dollar amount of each increase and of district fiscal year spending without the increase.

(iv) For proposed district bonded debt, its principal amount and maximum annual and total district repayment cost, and the principal balance of total current district bonded debt and its maximum annual and remaining total district repayment cost.

(v) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the election officer by 45 days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments. The provisions of this subparagraph (v) do not apply to a statewide ballot issue.

## **ARTICLE VIII**

### **GENERAL PROVISIONS**

#### **SECTION 1. DISQUALIFICATION FOR PUBLIC OFFICE**

A person convicted of a felony, bribery, perjury, vote fraud, election fraud, official misconduct or other infamous crime shall be ineligible to hold an office created by this Constitution. A person removed from office by impeachment or recalled by the voters shall be ineligible to hold office. Eligibility may be restored as provided by law but no sooner than a period of 20 years after the offense was committed.

#### **SECTION 2. STATEMENT OF ECONOMIC INTERESTS**

All candidates for or holders of state offices and all members of a Commission or Board created by this Constitution shall file a verified statement of their economic interests, as provided by law. The General Assembly by law may impose a similar requirement upon candidates for, or holders of, offices in units of local government and school districts. Statements shall be filed annually with the Secretary of State and shall be available for inspection by the public. The General Assembly by law shall prescribe a reasonable time for filing the statement. Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office. This Section shall not be construed as limiting the authority of any branch of government to establish and enforce ethical standards for that branch.

#### **SECTION 3. OATH OR AFFIRMATION OF OFFICE**

Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of .... to the best of my ability."

#### **SECTION 4. SOVEREIGN IMMUNITY ABOLISHED**

Sovereign immunity in this State is abolished.

#### **SECTION 5. PENSION AND RETIREMENT RIGHTS**

(a) Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.

(b) The employer component of pension contributions shall be paid by the employing agency out of their own budget and the same agency shall be responsible for any shortfalls in the contributions. An officer responsible for the pension system or any employee-member of the pension system may file suit in any court of this state under this section as a cause of action to compel a state agency to contribute the full amount due the pension system in the event that the employing agency fails to do so.

(c) Besides reasonable regulation to ensure the stability of the pension system, the benefits, rate of contribution, employer match and other benefits shall be negotiated between the employees, their union representatives if applicable, and the employing state agency. The General Assembly shall have no power to increase or decrease benefits in the pension system.

#### **SECTION 6. FREEDOM OF INFORMATION**

(a) The right of the people to the information on the activities of the government is essential to the proper functioning of the state. Any records created or maintained by any governmental body in the state must be produced upon request by any individual except in the cases provided by law but limited to cases where disclosure would cause a significant governmental or public harm. The requirement to disclose is generally presumed and the burden of proof against disclosure is on the governmental body. In the case a legitimate need

exists to restrict information, only the protected information shall be withheld by redaction and with a detailed statement explaining the reason of the redaction.

(b) All purchases, expenditures, budgets, statements of economic interest or conflict of interest statements, contracts or any other financial records shall be published online and available without request to any interested individual within 7 days of the document being generated or the funds being transferred.

(c) Any intentional withholding of information that is subject to disclosure or the use of flippant, frivolous or malicious means to delay, obstruct or coerce an individual from receiving information subject to disclosure shall be considered a case of official misconduct prosecutable as provided by law.

## SECTION 7. OFFICIAL MISCONDUCT

(a) The General Assembly shall provide by law what conduct shall constitute Official Misconduct including but not limited to: bribery, perjury, extortion, fraud, obstruction of justice, obstruction of freedom of information, nepotism and patronage.

(b) Any citizen of the State of Illinois shall be entitled to petition the state's attorney in his or her jurisdiction to investigate or prosecute a public official or employee for official misconduct given sufficient evidence to justify such an investigation or prosecution. A state's attorney shall have 30 days with which to make a decision on such a petition. Should a state's attorney decline to investigate or prosecute, a citizen of the State of Illinois shall be entitled to prosecute the case directly. The Supreme Court of the State of Illinois shall provide rules to accommodate private citizens filing and prosecuting criminal actions against government officials or employees.

# ARTICLE IX

## CONSTITUTIONAL REVISION

### SECTION 1. CONSTITUTIONAL CONVENTION

(a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.

(b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.

(c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.

(d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and for the election of two delegates from each Legislative District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.

(e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.

(f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

### SECTION 2. AMENDMENTS BY GENERAL ASSEMBLY

(a) Amendments to this Constitution may be initiated in either house of the General Assembly. Amendments shall be read in full on three different days in each house and reproduced before the vote is taken on final passage. Amendments approved by the vote of three-fifths of the members elected to each house shall be submitted to the electors at the general election next occurring at least six months after such legislative approval, unless withdrawn by a vote of a majority of the members elected to each house.

(b) Amendments proposed by the General Assembly shall be published with explanations, as provided by law, at least one month preceding the vote thereon by the electors. The vote on the proposed amendment or amendments shall be on a separate ballot. A proposed amendment shall become effective as the amendment provides if approved by either three-fifths of those voting on the question or a majority of those voting in the election.

### SECTION 3. CONSTITUTIONAL INITIATIVE BY VOTERS

(a) The voters have the right to initiate the process by which constitutional amendments are put on the ballot and presented to voters. No earlier than 24 months before the general election in which the amendment is considered, any interested voter may place on file with the State Board of Elections the text of the amendment to this constitution and the format of the question that will be presented to voters. The proposed amendment may be to any part of this Constitution but shall be confined to one subject only.

(b) The interested voter and any interested group of citizens has until no later than 3 months prior to the general election in which the proposed amendment is to be considered to gather signatures of voters in the

amount of 5% of the number of votes cast in the last election for Governor. Additionally, the petitions must have signatures of voters in 10 different counties in the amount of 5% of the number of votes cast in the last election for governor from that county. Challenges to petitions shall be provided by law.

(c) No proposed amendment may be modified or changed after it is submitted to the State Board of Elections.

(d) A proposed amendment shall become part of this Constitution after it receives an affirmative vote by 3/5ths of the voters voting on the question in two consecutive biennial general elections.

#### SECTION 4. AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

The affirmative vote of three-fifths of the members elected to each house of the General Assembly shall be required to request Congress to call a Federal Constitutional Convention, to ratify a proposed amendment to the Constitution of the United States, or to call a State Convention to ratify a proposed amendment to the Constitution of the United States. The General Assembly shall not take action on any proposed amendment to the Constitution of the United States submitted for ratification by legislatures unless a majority of the members of the General Assembly shall have been elected after the proposed amendment has been submitted for ratification. The requirements of this Section shall govern to the extent that they are not inconsistent with requirements established by the United States.