

## HISTORY OF THE ILLINOIS CONSTITUTION

- I. Four different constitutions
  - A. December 3, 1818
    - 1. Illinois became 21st state
  - B. 1848
  - C. 1870
    - 1. Lasted 100 years
    - 2. Became outdated with changes in society
      - a. Agriculture gave way to industry
  - D. December 15, 1970
    - 1. Current constitution

### PREAMBLE

- I. Introduce & describes purpose of Ill. Constitution
- II. Provides for
  - A. health, safety, & welfare of people
  - B. representative and orderly government
  - C. elimination of poverty & inequality
  - D. legal, social, & economic justice
  - E. the fullest development of each individual
  - F. domestic tranquillity
  - G. the common defense

### ARTICLE I: BILL OF RIGHTS

- I. Lists rights of the people & restrictions on government
- II. 24 sections
- III. First ten comparable to U.S Constitution
  - A. Sections 1-10
    - 1. God given rights of man
    - 2. Due Process & equal protection
    - 3. Freedom of religion
    - 4. Freedom of speech
    - 5. Right of assembly & petition
    - 6. Protection from illegal search, seizure, & invasion of privacy
    - 7. Right to indictment & preliminary hearing
      - a. for criminal offenses
    - 8. Right to face accuser & fair & speedy trial w/ lawyer
    - 9. Right of habeas corpus & bail w/ exceptions
      - a. Third and fourth amendments (1982 & 1986)
    - 10. Protection from self incrimination & double jeopardy

B. Sections 11-24

11. Penalties for crimes based on
  - a. seriousness of offense
  - b. potential for rehabilitation
12. Right to receive justice for wrongs & injuries
13. Right to trial by jury
14. Protection from imprisonment for debts (w/ exceptions)
  - a. Refusal to put up estate for payment
15. Right of "eminent domain"
  - a. Fair price for property needed for public use
16. No laws may be passed to
  - a. impair obligations of contracts
  - b. grant special privileges
  - c. grant immunities
17. Protection from discrimination
  - a. employment
  - b. housing
18. Protection from gender discrimination by
  - a. state governments
  - b. local governments
  - c. school districts
19. Protection from discrimination of the handicapped
  - a. mental or physical handicap
  - b. for housing or employment
20. Protection against violence based on hate
  - a. Hate crimes (racism)
21. No quartering of soldiers w/o consent of property owner
22. Right to bear arms
  - a. Subject to police power
23. Endurance of the fundamental principles of civil govt.
  - a. Based individual recognition of obligations & responsibilities
24. Cannot deny certain rights of individual citizens of state

ARTICLE II: POWERS OF THE STATE

- I. Explains separation of powers in state govt.
- II. Section 1
  - A. Distinct powers are divided among
    1. legislative branch
    2. executive branch
    3. judicial branch
- III. Listing of powers does not limit powers of the state govt.

### ARTICLE III: SUFFRAGE & ELECTIONS

- I. Deals with
  - A. Voting rights
  - B. Rules & regulations
  - C. Election procedures
- II. Voting requirements in II.
  - A. U.S. citizen
  - B. 18 years old (5th amendment in 1988)
  - C. State resident for 30 days
- III. Revocation of voting rights
  - A. Convicted felons
  - B. Residents of correctional institutions
  - C. Rights may be restored after serving sentence
- IV. Free & equal elections
  - A. Election laws apply equally to all
- V. Establishment of State Board of Education
  - A. No political party may have a majority on board
- VI. Definition of general elections
  - A. General Assembly chosen in even numbered years
  - B. Tues. following first Mon. in Nov.

### ARTICLE IV: THE LEGISLATURE

- I. General Assembly
  - A. Senate
    - 1. One Senator per district
      - a. 59 legislative districts, = as possible in population
  - B. State House of Representatives
    - 1. One representative per district
      - a. 118 representative districts
        - i. Each leg. dist. divided into 2 rep. dist.
- II. Senate terms
  - A. 4 and 2 years
  - B. 10 year rotation
    - 1. Districts divided into 3 groups
      - a. 4-4-2
      - b. 4-2-4
      - c. 2-4-4
- III. Terms of representatives
  - A. two years

- IV. Requirements for Senator & Representatives
  - A. U.S. citizen
  - B. 21 years old
  - C. two year resident of district represented
  
- V. Redistricting
  - A. Gen. Assem. must redistrict every 10 years (following census)
    - 1. Change dist. to keep up w/ pop. changes
    - 2. Districts must be
      - a. Compact
      - b. Contiguous
      - c. relatively = in population
  
- VI. Elections & Sessions
  - A. Elections in even numbered years
  - B. Session begins 2nd Wed. in Jan. (last 2 yrs.)
  - C. Governor may call Gen. Assem. into special session
    - 1. Can only deal w/ business for which session was called
  - D. Sessions & committee meetings are open to public
    - 1. Unless 2/3 of total members vote otherwise
  
- VII. Organization
  - A. Majority of elected members = a quorum
  - B. Speaker presides over house & elected by members
  - C. Pres. of Senate presides over Senate & elected by senators
  - D. Each house sets own rules for
    - 1. Proceedings
    - 2. Judging elections & returns
    - 3. Qualifications of members
    - 4. Choosing own officers
  - E. Members can be expelled by 2/3 vote of membership
  
- VIII. Non-members attending Gen Assem. may be jailed for behavior
  - A. Disrespect
  - B. Disorderly or contemptuous behavior
  - C. Jailed for only 24 hours
    - 1. Unless behavior continues
  
- IX. Working of the legislature
  - A. Both houses must keep
    - 1. Journals of proceedings
    - 2. Transcripts of debates

- X. Rules for passing laws
- A. Laws only originate as bills
  - B. Bills may originate in either house
    - 1. may be amended or rejected by other house
  - C. Majority vote of elected members in ea. house required for passage
  - D. Bills may only be passed by record vote
    - 1. Yea or Nay entered into journal
  - E. Each bill read by title
    - 1. On 3 different days in each house
  - F. Bills must deal w/ one subject only
    - 1. Exceptions
      - a. Expenditures
      - b. reorganization, revision, & rearrangement of laws
  - G. Speaker & Pres. of Sen. must sign ea. bill before sent to Gov.
  - H. Governor approval
    - 1. Signs it & it becomes law

- XI. Veto Procedure
- A. Gov. returns bill to originating house w/ objections
  - B. If not returned w/in 60 days, becomes law w/o signature
  - C. 3/5 vote in both houses to override veto
  - D. Line item veto
    - 1. Veto certain items & rest becomes law
      - a. 3/5 vote of both houses to override line item veto
  - E. Reduction veto (appropriation bills - expenditures)
    - 1. Gov. may veto one or more things
      - a. override veto w/ simple majority of both houses
  - F. Amendatory veto
    - 1. Gov. returns bill w/ suggestions & recommendations for changes
    - 2. If changes made, return to Gov. for approval
    - 3. Override veto w/ simple majority
    - 4. Gov. may still veto

- XII. Effective dates for laws
- A. Gen. Assem. established July 1st
    - 1. Unless different date specified by law
      - a. requires majority vote
  - B. Any bill passed after June 30th
    - 1. effective July 1st of next calendar year
      - a. Earlier date may be set by 3/5 vote of Gen. Assem.

- XIII. Salaries
- A. Established by law
  - B. cannot increase for term for which member is elected
  - C. Senators -
  - D. Representatives -

XIV. Immunities of Gen. Assem.

- A. Cannot be arrested
  - 1. On route to, during or returning from session of G.A.
- B. Exceptions
  - 1. Treason
  - 2. Felonies
  - 3. Breach of the peace
- C. May speak or write on any subject while carrying out elected duties

XV. Impeachment

- A. Investigation conducted by House of Rep. for
  - 1. Executive or judicial officials
- B. Chief Justice of State Sup. Ct. presides over impeachment of Gov.
- C. trial held in Senate
- D. 2/3 vote needed for conviction
  - 1. Removal from office
  - 2. Disqualification from any public office in Il.
  - 3. Subject to action in regular courts if just cause

XVI. Adjournment

- A. Need approval of other house to adjourn for more than 3 days
- B. Disagreement on adjournment date
  - 1. Gov. may adjourn G.A.
    - a. To no later than 1st day of next annual session

# ILLINOIS CONSTITUTION

## ARTICLE V: The Executive

### I. Responsibilities

- A. Enforcement of state laws
- B. Carrying out the work of state government

### II. Structure

- A. Governor (chief executive) - George Ryan
- B. Lieutenant Governor - *Corrine Wood*
- C. Attorney General - *Jim Ryan*
- D. Secretary of State - *Jesse White*
- E. Comptroller - *Daniel Hynes*
- F. Treasurer - *Judy Barr Topinka*

### III. Terms and Eligibility

- A. Elected in even numbered non-presidential years
- B. 4 year term

### IV. Qualifications

- A. U.S. citizen
- B. At least 25 years old
- C. 3 year resident of state prior to election

### V. Gov. & Lt. Gov. run as a team

### VI. Ties in elections for executive branch offices

- A. Draw lots
- B. Disputed election are settled by courts

### VII. Order of Succession

- A.  Governor
- B. Lt. Governor
- C. Attorney General
- D. Secretary of State

### VIII. Powers and Duties of Governor

- A. Highest ranking executive officer in state
- B. Carries out laws
- C. Fills vacancies in various state offices
- D. Appoints offices not covered in St. Constitution
  - 1. With approval of Senate
- E. Removes appointees w/ cause
- F. Issues executive orders to
  - 1. Rearrange & reorganize agencies under executive control
- G. Grant reprieves, commutations, & pardons
- H. Gives "condition of the state" address
  - 1. Beginning of annual session of General assembly
  - 2. End of his term

IX Duties of other executive officers

45 ✓ Match A. Lieutenant Governor  
1. Performs duties assigned by Gov.

46 ✓ Match B. Attorney General  
1. Chief legal officer of the state  
2. Gives legal advice to  
a. Governor  
b. Other states departments  
3. Represents state of Illinois in all legal matters

47 ✓ Match C. Secretary of State  
1. Keeps & maintains official records of acts of  
a. General assembly  
b. Executive Branch  
i. Records are available to the public  
2. Keeper of Great Seal of the State of Illinois  
3. Other duties provided by law  
a. Drivers licences

48 ✓ Match D. Comptroller  
1. Maintains state financial accounts  
2. Authorizes all state payments made from funds held by state treasurer

49 ✓ Match E. Treasurer  
1. Responsible for investing & safe keeping of state funds  
2. Disperses all state payments

X. Civil officers of the executive branch must be bonded

XI. Executive officers are paid salaries

A. Cannot be changed during term in office

W5 # 3



## ARTICLE VI: Judiciary Branch

- I. Describes the Illinois court system
  - A. Interprets laws
  - B. Rules on legal cases brought before it
  
- II. Three levels of courts in Illinois
  - A. Supreme Court
  - B. Appellate Court *superior court*
  - C. Circuit Court
  
- III. Five Judicial Districts in Illinois
  - A. First Judicial District
    - 1. Cook County is district to itself
  - B. Remainder of state divided into four districts
  - C. Districts divided to be
    - 1. Equal in population
    - 2. Compact
    - 3. Consisting of contiguous counties
  
- IV. Illinois Supreme Court
  - A. Seven judges
    - 1. Three from Cook County
    - 2. One from each of remaining four districts
  - B. Requires 4 judges to be present to conduct duties
  - C. Requires 4 judges to agree to reach a decision
  - D. Chief Justice chosen by other Supreme Court Judges
    - 1. Serves 3 year term
  
- V. Jurisdiction of Illinois Courts
  - A. The authority and power to perform duties
  
- VI. Types of Jurisdiction
  - A. Appellate Jurisdiction
    - 1. Hear cases from lower courts
    - 2. Decides if
      - a. case was handled fairly
      - b. case was handled correctly according to law
  - B. Original Jurisdiction
    - 1. Case being handled directly for first time
  
- VII. Supreme Court Jurisdiction
  - A. Appellate Jurisdiction (main function)
    - 1. Hears appeals from lower courts
  - B. Original Jurisdiction
    - 1. Only special cases dealing with
      - a. Revenue
      - b. Mandamus
      - c. Prohibition
      - d. Habeas Corpus

✓ 50

MC

✓ 51

T/F

✓ 52

MC

✓ 53

Match

✓ 54

Match

✓ 55

T/F

✓56 VIII. Appeals to Supreme Court

- T/F
- A. Death penalty cases appealed directly to Supreme Court
  - B. First time constitutional questions from Appellate Courts
    - 1. Illinois or U.S. Constitution
  - C. Appellate courts fell case is of such importance that it should be decided by Supreme Court

→ IX. Organization & Jurisdiction of Appellate Courts

- ✓57 T/F
- A. Five Branches of Appellate Courts
    - 1. One in each district
  - B. Number of Judges in a district depends on
    - 1. Amount of activity
    - 2. Amount of Business

X. Procedure for Appeals

- A. Circuit Court appeals to Appellate Court
  - 1. Within own Judicial District
- B. Appellate Court decisions on appeals are final
  - 1. Some exceptions may be appealed to Supreme Court

✓58 XI. Circuit Courts

- Match
- T/F
- A. Illinois Trial Courts
  - B. Handle criminal or civil cases
  - C. Cases may be handled with or without juries
    - 1. Appellate & Supreme Courts have no juries

✓59 XII. Judicial Circuits

- MC
- A. Area served by a Circuit Court
  - B. State is divided into judicial circuits by law
    - 1. Total number based on population & business
  - C. Illinois has 22 judicial districts
    - 1. Cook County is Judicial circuit to itself
    - 2. Four Judicial Districts are subdivided into circuits
  - D. One Circuit Court in each Judicial District.

✓61 XIII. Types of Circuit Court Judges

- Match
- Match
- A. Circuit Judges
    - 1. Handle major cases
    - 2. Elected in general elections
  - B. Associate Judges
    - 1. Handle minor everyday cases
    - 2. Appointed by the Circuit Judge

✓63 XIV. Terms for Judges

- MC
- MC
- MC
- A. Supreme Court & Appellate Court Judges
    - 1. Ten years
  - B. Circuit Judges
    - 2. Six years
  - C. Associate Judges
    - 1. Four Judges

66. XV. Eligibility for Illinois Court Judges

- MC
- A. U.S. citizen
  - B. Licensed attorney in Illinois
  - C. Resident of unit selected in

67. XVI. Judicial Inquiry Board

- Match
- A. Investigates misconduct and complaints against judges
    - 1. Holds all legal powers for conducting investigations
  - B. Made up of nine members (no more than 2 from any political party)
    - 1. Seven appointed by governor
      - a. Four non-lawyers
      - b. Three lawyers
    - 2. Two members appointed by Supreme Court
      - a. Two Circuit Judges

68. XVII. Courts Commission

- Match
- 1. Power to discipline judges guilty of misconduct

69. XVIII. States Attorney

- Match
- A. Prosecutes violators of state and local laws
  - B. One elected in each county
  - C. Four year term
  - D. Eligibility
    - 1. U.S. citizen
    - 2. Licensed attorney in Illinois

WS #4

**ILLINOIS CONSTITUTION**  
**ARTICLE VII: LOCAL GOVERNMENT**

I. Deals with

- A. Counties
- B. Cities
- C. Villages
- D. Incorporated towns
- E. Townships
- F. Special districts

70 II. Counties

- SA A. Basic subdivisions of the state
- 71 MC B. 102 counties in Illinois
- SA C. Each county must elect
  - 1. County Board
  - 2. Sheriff
  - 3. County Clerk
  - 4. Treasurer
- D. Each county may elect
  - 1. Coroner
  - 2. Recorder
  - 3. Assessor
  - 4. Auditor
- E. Officials elected for 4 year terms in general election

76 III. Townships

- Match A. Subdivisions of counties

77 IV. Define Municipalities

- MC A. Cities
- B. Villages
- C. Incorporated towns

8 V. Home Rule

- Match A. Power of local govt. to do certain things for itself
  - 1. W/o approval of General assembly
- 79 MC B. Applies to cities w/ populations of 25,000 or more
  - 1. If less than 25,000, must be voted on
- C. Local govt. may pass regulations for
  - 1. Public health
  - 2. Safety
  - 3. Morals
  - 4. Welfare
  - 5. License
  - 6. Tax
    - a. Limited by law ( no income or occupational taxes)
  - 7. Incurring debts

- 70 ✓ VI. Initiative  
Match
- A. Voter action to begin or initiate a law or proposition
  - B. Usually done by petition

- 11 ✓ VII. Referendum  
Match
- A. Vote on issues other than candidates for office

ARTICLE VIII

- I. With use & handling of public funds
- II. State Budget  
2 MC

  - A. Prepared by governor each year
  - B. Presented to General assembly for approval or changes
  - C. Lists  
MC {
    - 1. Expected state income
    - 2. Expected money available
    - 3. Projected expenditures
  - D. Covers fiscal year  
Match {
    - 1. Period covered by the budget
  - E. Budget must be balanced each fiscal year  
74
    - 1. General assembly cannot spend more than expected receipts

- III. General Assembly responsible to oversee proper use of public funds
  - A. Appoint an Auditor General
    - 1. Requires 3/5 vote
    - 2. Keeps track of accounts
    - 3. Checks books (audit)
    - 4. Reports to General Assembly & Governor

ARTICLE IX

- I. Taxes
- II. General Assembly has exclusive power of taxation w/ limitations
  - A. Classify taxes & groups
  - B. Classify
    - 1. Exemptions
    - 2. Deductions
    - 3. Credits
    - 4. Other allowances
- III. State Income Tax  
75 MC
  - A. Flat percentage for each individual

16 T/F IV. Property Taxes

- A. Must be uniform
- B. Must be based on value of property
  - 1. Exception
    - a. Counties using system of classification

17 T/F V. Property Tax Exemptions

- A. Property belonging to units of local government
- B. School District property
- C. Properties belonging to horticulture societies
- D. Property for
  - 1. Schools
  - 2. Religious groups
  - 3. Cemeteries
  - 4. Charitable purposes

WS # 5

**ILLINOIS CONSTITUTION**  
**ARTICLE X - AMENDMENTS**

**ARTICLE X: Education**

- I. State responsibility to provide
  - A. High quality of education
  - B. Free elementary through high school
  - C. Financing
  
- II. State delegates powers
  - A. Local school districts
    - 1. School Boards
  
- III. State Board of Education
  - A. General supervisory powers
    - 1. Does not run schools
  
- IV. Limits on use of public funds for education
  - A. May not be used to support private schools
  - B. May not be used to support schools run by churches or religious groups

**ARTICLE XI: Environment**

- I. Deals with conservation & protection of the environment
  - A. Completely new idea in 1970 constitution
  
- II. Protection & maintenance of healthy environment is duty of
  - A. State government
  - B. Each individual
  
- III. General Assembly has power to pass laws pertaining to environment
  
- IV. Individuals have right to legal action against public & private parties endangering healthy & safe environment

**ARTICLE XII: Militia**

- I. Membership in state militia
  - A. All able bodied persons
    - 1. Men
    - 2. Women
    - 3. No age restrictions
  
- II. Rules & regulation in conformity with U.S. Army

- ✓ III. *Match* Governor is Commander-in-Chief
    - A. Exception
      - 1. When militia is called out for national service
    - B. Governor can call to duty in emergencies
      - 1. Riots
      - 2. Natural disasters
- 2-83  
SA
- IV. Membership of actual organized militia
    - A. Trained, paid volunteers
      - 1. Short periods of service yearly

**ARTICLE XIII: General Provisions (misc. subjects)**

- I. Prohibitions from holding office
    - A. Convictions
      - 1. Felonies
      - 2. Bribery
      - 3. Perjury
      - 4. Other notorious crimes
  - II. Candidates for state offices must file economic statements
  - III. All state office holders must swear an oath
  - IV. Anyone may sue state or state officials
  - V. Public transportation
    - A. Considered essential as public service
    - B. Eligible for public funds
      - 1. Regardless of public or private ownership
- T/F

**ARTICLE XIV: Constitutional Revision**

- I. Procedure for changes or getting a new constitution
    - A. Constitutional convention
      - 1. 3/5 vote of house and senate
      - 2. Must be on ballot in next general election
        - a. At least 6 mos. After General Assembly vote
    - B. Question of Constitutional convention must be on ballot every 20 years
    - C. Vote for Constitutional Convention must be on separate ballot
      - 1. 3/5 majority of voters for approval
- 5 MC
- II. Constitutional Convention
    - A. Two delegates from each legislative district
      - 1. Chosen by voters
      - 2. Same qualifications as general assembly
    - B. Write a new constitution or amend present one
    - C. Submitted to voters
      - 1. With public explanations
      - 2. At least one month before voted on
      - 3. Adopted with majority vote



III Amendments

- A. Proposed in either House or Senate
- B. Submitted to voters
  - 1. Next general election
  - 2. At least 6 months following published explanations
  - 3. At least one month before vote
  - 4. Approval requires majority of those voting on election day

IV Voter Initiative

- A. Voters may petition to amend Article IV (legislature)
- B. Requirements of petition
  - 1. Must contain proposed amendment
  - 2. Must state date of general election in which it will be voted on
- C. Approval requires majority of voters voting in election

V. Amending U.S. Constitution

- A. 3/5 vote of both houses may request Congress to call constitutional convention

Amendments to Illinois Constitution

I. Amendment number one

- A. Reduced House of Representatives from 177 to 118
- B. Initiated by citizens
  - 1. First time in Illinois history

II. Second Amendment

- A. Reduced time period for sale of tax delinquent property from 2 yrs. To 90 days
  - 1. Single family dwellings retained 2 yr. Period

III. Third Amendment

- A. Amended Article I Section 9 of Bill of Rights
  - 1. Courts allowed to deny bond in cases of serious crimes, punishable by life imprisonment or death

IV. Fourth Amendment

- A. Re-amended Article I Section 9
  - 1. Denial of bail to offenders posing a danger to the public
  - 2. Covered crimes not punishable by life imprisonment or death
    - a. Attempted murder
    - b. Armed robbery
    - c. Aggravated arson
    - d. Heinous battery
    - e. Drug dealing near schools

V. Fifth Amendment

- A. Changed voting age to 18
- B. Reduced residency requirement to 30 days

VI. Sixth Amendment

- A. Reasonable notice to owners of tax delinquent properties

VII. Seventh Amendment

- A. Added to definition of rights of crime victims

WS # 6

