

# 1970 ILLINOIS CONSTITUTION

## HISTORY & HIGHLIGHTS

---

Illinois' sixth Constitutional Convention convened in Springfield on Dec. 8, 1969. A total of 116 members — two elected from each senatorial district — met at a nonpartisan convention to revise, alter or amend the 1870 Illinois Constitution.

After nine months of in-depth study and debate, the members presented their work product to the people — a constitution they considered to be workable for 25 years, 50 years — or as in the case of the 1870 Constitution — 100 years. Features of the 1970 Illinois Constitution are highlighted below:

**Bill of Rights.** Preserves individual rights set out in the 1870 Constitution — freedom of speech and religion, protection against self-incrimination, etc., and guarantees freedom from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of an employer or in the sale or rental of property. Other provisions guarantee women the equal protection of the laws and prohibit discrimination based solely on physical or mental disabilities.

**Suffrage and Elections.** Lowered residency requirements, provided that registration and election laws be general and uniform and provided for a bipartisan board to supervise the administration of such laws. Reduced the majorities required for adoption of constitutional amendments and for calling a constitutional convention.

**Legislative.** Designated that the presiding officer of the Senate be elected from the membership. Vacancies in the General Assembly are filled by appointment as provided by law, and the appointee serves until the next general election; the person appointed is to be a member of the same political party as the member elected. Alternative methods of reapportionment are outlined in the event the General Assembly fails to redistrict itself. Most importantly, the General Assembly is required to convene annually.

**Executive.** Authorized agency reorganization by executive order, enabling the Governor to reassign functions or reorganize agencies directly responsible to him or her. In addition to veto power over entire pieces of legislation and specific items in appropriation bills, the Governor has the power to reduce appropriations. The Governor and Lieutenant Governor run as a team. A Comptroller replaced the Auditor of Public Accounts, and the chief state education officer became an appointive position.

**Judicial.** Retained the elective method of selecting judges and provided for the reclassification of circuit judges. A Judicial Inquiry Board was created to hear complaints about the official conduct of judges. The Courts Commission hears complaints filed by the Judicial Inquiry Board.

**Local Government.** Instituted the concept of home rule for Illinois. Major local governments were given wide authority to exercise power and perform functions relating to their affairs.

**Finance.** Provided for an annual, balanced executive budget, a uniform system of accounting for local governments and an Auditor General appointed by the General Assembly.

**Revenue.** Provided that any income tax must be at a non-graduated rate and the rate for corporations cannot exceed the rate for individuals by a ratio greater than 8 to 5. Permitted the classification of real property for tax purposes in counties with populations of more than 200,000. Abolished the personal property tax by 1979. Allowed homestead exemptions, exemptions of food, etc., from the sales tax. Required a three-fifths vote of the Legislature or voter approval for general obligation borrowing; only a simple legislative majority is required for revenue bonds.

**Education.** Stipulated that all persons are to be educated to the limit of their capacities and gave the state primary responsibility for financing educational institutions and services. Created a new State Board of Education with authority to appoint a chief state educational officer.

## Constitutional Amendments

The Illinois Constitution was adopted in convention, Sept. 3, 1970; ratified by the people, Dec. 15, 1970; and became effective July 1, 1971. Since its adoption, 14 amendments have been approved and adopted, with the most recent one added in 2016. A brief explanation of the amended articles follows:

**First Amendment — 1980 — Legislative Article (Cutback Amendment).** Eliminated cumulative voting and reduced the size of the House of Representatives from 177 to 118 members. As of 1970, voters in multi-member legislative districts divided three votes between candidates for Representative, with each district electing three Representatives, no more than two of whom could be from the same party. With the 1982 effective date of the amendment, legislative districts were divided into two single-member representative districts in which voters cast a single vote for state Representative, and one senatorial district from which they cast one vote for Senator.

**Second Amendment — 1980 — Revenue Article (Delinquent Tax Sales).** In an effort to prevent abuse in scavenger sales by tax delinquent property owners, the minimum redemption from scavenger sales was reduced to 90 days for vacant non-farm real estate, improved residential real estate of seven or more units, and commercial and industrial real estate when at least five years of taxes are delinquent. After adoption of this amendment, the General Assembly established six months from the date of sale as the minimum redemption period for properties falling within these classes.

**Third Amendment — 1982 — Bill of Rights Article (Bail and Habeas Corpus).** Allows state criminal court judges to deny bail to persons accused of crimes carrying a possible life sentence. Prior to its passage, only persons accused of an offense punishable by death could be ineligible for bail.

**Fourth Amendment (Amended Third Amendment) — 1986 — Bill of Rights Article (Bail and Habeas Corpus).** Allows state criminal court judges to deny bail to persons accused of certain crimes when the court determines that the persons may pose a threat to the community.

**Fifth Amendment — 1988 — Suffrage and Elections Article (Voting Qualifications).** Reduced the voting age for every U.S. citizen voting in state elections from 21 years to 18 years and the permanent state residency requirement from six months to 30 days preceding any election.

**Sixth Amendment (Amended Second Amendment) — 1990 — Revenue Article (Delinquent Tax Sales).** Reduced the period of delinquent taxes to two years for the minimum six-month redemption period following tax sales on delinquent commercial, industrial, vacant non-farm and large multi-family residential properties only.

**Seventh Amendment — 1992 — Bill of Rights Article (Crime Victims' Rights).** Provides rights for crime victims, beginning with the right to be treated with fairness, dignity and respect for their privacy throughout the criminal justice process.

**Eighth Amendment — 1994 — Bill of Rights Article (Rights After Indictment).** Changes the rights of the accused in a criminal prosecution by replacing language giving the accused the right “to meet the witnesses face to face” with language giving the accused the right “to be confronted with the witnesses against him or her.”

**Ninth Amendment — 1994 — Legislative Article (Effective Dates of Laws).** Previously, any bill passed after June 30 could not take effect before July 1 of the following year unless the bill passed the Legislature by a three-fifths vote. This amendment changed the date when the three-fifths vote requirement takes effect from July 1 to June 1. As a result, any bill passed after May 31 will not take effect until June 1 of the following year unless the Legislature passes it by a three-fifths vote.

**Tenth Amendment — 1998 — Judiciary Article (Retirement-Discipline).** Adds two citizens appointed by the Governor to the Illinois Courts Commission. The commission, which includes one Supreme Court justice, two Appellate Court judges and two circuit judges, hears complaints filed against judges by the Judicial Inquiry Board.

**Eleventh Amendment — 2010 — Suffrage and Elections Article (Governor Recall Initiative).** Allows voters the right to petition for a special election to recall a Governor and for the special election of a successor Governor. Requires that at least 20 state Representatives and 10 state Senators, equally balanced from each party in each chamber, sign a notice of intent to recall the Governor before a petition can be circulated.

**Twelfth Amendment — 2014 — Bill of Rights Article (Crime Victims’ Rights).** Expands certain rights already granted to crime victims in Illinois and gives crime victims the ability to enforce their rights in a court of law.

**Thirteenth Amendment — 2014 — Suffrage and Elections Article (Voter Discrimination).** Prohibits any law that disproportionately affects the rights of eligible Illinois citizens to register to vote or cast a ballot based on the voter’s race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation or income.

**Fourteenth Amendment — 2016 — Revenue Article (Transportation Funds).** Provides that revenue generated from transportation related taxes and fees shall be used exclusively for transportation related purposes.

## Proposed Constitutional Conventions

Article 14 of the 1970 Illinois State Constitution mandates that voters be given the opportunity to call a constitutional convention every 20 years unless the General Assembly calls for one before that. A constitutional convention was proposed to Illinois voters in the 1988 general election but was defeated 2,727,144 to 900,109. In the November 2008 general election, voters again rejected a call for a constitutional convention. The vote was 3,062,365 against and 1,493,013 in favor.