

STATE OF ILLINOIS
EIGHTY-FIFTH GENERAL ASSEMBLY
SENATE

Senate Joint Resolution No. 161

Offered by Senator Dawn Clark Netsch

WHEREAS, Article XIV of the 1970 Illinois Constitution provides that the question of calling of another constitutional convention be placed before the voters every 20 years; and

WHEREAS, The Illinois Attorney General has determined that the first 20-year period ends in 1988 and that the question should be placed on the November 1988 general election ballot for Illinois voters; and

WHEREAS, The General Assembly, by Senate Joint Resolution 127, has created a Joint Committee on the Constitutional Convention Proposal to prepare, for adoption by both houses, a report which provides a brief explanation and arguments in favor of and against a constitutional convention, as well as the form in which the amendment will appear on the ballot; therefore, be it

RESOLVED, BY THE SENATE OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the report of the Joint Committee is hereby submitted to the General Assembly pursuant to Senate Joint Resolution 127; and be it further

RESOLVED, That the report of the Joint Committee on the Constitutional Convention Proposal, as set out in this Resolution, is hereby adopted and shall be certified to the Secretary of State:

*PROPOSED CALL
FOR A
STATE
CONSTITUTIONAL CONVENTION*

*That will be submitted to the Voters
November 8, 1988*

This pamphlet includes

*EXPLANATION OF PROPOSED CALL
ARGUMENTS IN FAVOR OF HOLDING A CONVENTION
ARGUMENTS AGAINST HOLDING A CONVENTION
FORM OF BALLOT*

To the Electors of the State of Illinois:

At the general election to be held on the 8th day of November, 1988, a blue ballot will be given to you and you will be called upon in your sovereign capacity as citizens to adopt or reject the calling of a constitutional convention for the State of Illinois.

EXPLANATION

Article XIV of the 1970 Illinois Constitution provides that the question of calling another constitutional convention be placed before the voters every 20 years, unless the General Assembly calls for a vote on the question in the interim period. According to the Illinois Attorney General, the first 20-year period ends in 1988, and the question has therefore been placed on the November 1988 general election ballot for Illinois voters.

There are three ways by which the Illinois Constitution can be amended: (1) by a constitutional convention, (2) by amendments approved by the General Assembly and submitted to the voters, or (3) by petition initiated by the people and limited to the structure and procedures of the Legislature. In the case of amendments proposed through a constitutional convention, an affirmative vote must come from a majority of those voting on the question.

Since the Constitution was adopted in 1970, nine amendments have been submitted to the voters, eight were proposed by the General Assembly and one was initiated by petition. Four of the nine amendments were approved by the voters.

If you believe the 1970 Illinois Constitution needs to be revised through the calling of a convention, you will have the opportunity to vote for a state constitutional convention. If you believe that a call for a constitutional convention is not necessary, or that changes can be accomplished through other means, you will have the opportunity to vote against a state constitutional

convention.

ARGUMENTS IN FAVOR OF HOLDING A STATE CONVENTION

1. A convention could address several important issues including certain constitutional changes which have been proposed but not approved by the General Assembly.

2. A convention would not necessarily revise the entire Constitution.

3. Periodic review is desirable.

4. The costs of a convention could be held to about \$5 million (nearly \$14 million was spent for the 1970 convention).

Important Issues to be Addressed

Changes to the 1970 Constitution may be proposed by amendments approved by the General Assembly and submitted to the voters. A variety of issues have been addressed by proposed amendments, including some controversial topics such as the method of selection of judges, the scope of the governor's veto power, limitations on state and local taxing power and restrictions on state mandates. In some cases amendments dealing with these issues have been introduced repeatedly but have not been approved by the General Assembly. A new constitutional convention would provide an opportunity to consider those changes.

A constitutional convention also would provide the opportunity to address several issues such as governmental ethics, citizen initiatives and recall of local or state public officials, and the State's share of funding for education. In addition, a convention could lead to reforms designed to guard against public corruption and unethical activities.

A convention could establish the right to recall local and state public officials and could authorize citizen initiatives. These initiatives would allow a group of voters to propose legislation to be placed on the ballot in future elections. Proponents believe this would help insure

action on issues which the legislature is unwilling to address. A convention could also provide the opportunity to write into the Constitution a mandate that the State pay a larger share of the funding for education.

A State Convention Need Not Revise the Entire Constitution

The 1970 Constitution brought about the first major reform of the 1870 Constitution, and a number of significant revisions were necessary to bring the entire document up to date. However, a new convention could focus attention on particular issues and could propose amendments dealing only with those specific issues.

Periodic Review

Proponents have argued that a convention could be a unique opportunity for citizens to participate in shaping the structure and process of the government under which they live. It would provide an opportunity in particular for a new generation to provide input into our basic charter. In addition, periodic review provides an opportunity to eliminate unwanted or outdated constitutional requirements.

The Costs of a State Convention Could Be Held to a Minimum

By using regular elections instead of special elections to choose convention delegates and to ratify any proposed amendments, the costs of a convention could be reduced considerably. In addition, delegate and staff expenses could be reduced by providing lower salaries and per diems and by simply hiring fewer staff. A convention limited to two or three months duration would also be less costly than one such as the 1970 convention, which lasted nine months. Based on these assumptions, a convention could cost as little as \$5 million. That would be a prudent investment in the State's basic charter of government.

ARGUMENTS AGAINST HOLDING A CONVENTION

1. The current Illinois Constitution is a sound, modern document, and any necessary revisions can be accomplished through the amendment process. Moreover, many issues raised by proponents are legislative, not constitutional.

2. The number and type of issues raised at a convention cannot be limited.

3. The cost of a state constitutional convention could total \$31 million (nearly \$14 million was spent for the 1970 convention).

4. A convention could destabilize the state economy.

A Modern Constitution

The Illinois Constitution was thoroughly revised by a convention less than 20 years ago, and was approved by the voters. It is a modern document and it has served, and continues to serve, our people's interests well.

In addition, the current Constitution provides that changes may be made through amendments submitted to the voters by the General Assembly. The specific changes sought by proponents of a convention could be accomplished individually through the amendment process. In fact, eight constitutional amendments have been proposed by the General Assembly, three of which have been approved by the voters.

A full-scale convention, which is a lengthy and costly process, is appropriate when the Constitution needs extensive revision; but it is not necessary when the Constitution only needs fine tuning. Nor is it necessary to convene a convention simply to review the document since review is a continuous process in Illinois.

Many of the issues which proponents of a convention advocate are not constitutional but rather detailed legislative proposals which do not properly belong in a constitution. A constitution establishes the rights of the people and the basic framework of government. It is not supposed to reflect today's current headlines. That is why the U.S. Constitution has stood the test of time.

No Limitation on Issues Raised

Despite the argument that a convention could be limited to a few specific issues, no law can control the

convention's agenda. Thus, there is no limit on the number or types of issues which could be pursued. The convention could be dominated by current controversial topics like taxation, capital punishment, gun-control, home rule, abortion, right-to-work, school prayer, or elimination of township government and might never focus on the principal purpose of a constitution: fundamental rights and government structure and procedures.

The Illinois Constitution is special because of its exceptional provisions for guaranteeing basic rights and freedoms for Illinois citizens. It protects the rights of women and contains a unique provision for preserving our environment. It strikes a good balance between the powers of city, county and state governments and has limitations on how taxes may be imposed. The risk is that those sections, which are widely supported, could be eliminated or substantially altered.

Convention Expenses Could Be High

The costs of holding a new convention, even for a shorter time than the 1970 convention, would be substantial. Nearly \$14 million was spent for the 1970 convention, and estimates for a new convention, adjusted for increases in inflation, range as high as \$31 million. Opponents of a convention contend that in light of the state's revenue situation, the taxpayer's money could be better spent.

Destabilization of State Economy

Organized labor and the state's business leaders oppose a constitutional convention because, in their view, it could destabilize Illinois' economic climate. Business decisions and jobs are based on a stable economic climate and certainty about the tax structure. Moreover, they believe that if the tax limitation provisions in the current Constitution are altered it would be detrimental to the long-term business climate in Illinois.

FORM OF BALLOT

Proposed Call for a Constitutional Convention

Explanation of Proposed Call

This proposal deals with a call for a state constitutional convention. The last such convention was held in 1969-70, and a new constitution was adopted in 1970. That document requires that the question of calling a convention be placed before the voters every 20 years. This is your opportunity to vote on that question. If you believe the 1970 Illinois Constitution needs to be revised through the calling of a convention, you should vote YES. If you believe that a call for a constitutional convention is unnecessary, or that changes can be accomplished through other means, you should vote NO.

Place an X in the blank opposite "YES" or "NO" to indicate your choice.

YES	
_____	For the calling of a state Constitutional Convention
NO	

Approved by the Joint Committee on the Constitutional
Convention Proposal, June 30, 1988.

/s/Dawn Clark Netsch
Senator Dawn Clark Netsch

/s/John Cullerton
Rep. John Cullerton

/s/Patrick D. Welch
Senator Patrick Welch

/s/John S. Matijevich
Rep. John Matijevich

/s/Ralph Dunn
Senator Ralph Dunn

/s/Thomas McCracken, Jr.
Rep. Thomas McCracken, Jr.

/s/Harlan Rigney
Senator Harlan Rigney

/s/Tom Ryder
Rep. Thomas Ryder

Adopted by the Senate, June 30, 1988.

Philip J. Rock
President of the Senate

Wanda Gauder
Secretary of the Senate

Concurred in by the House of Representatives, July 1,
1988.

Michael J. Madigan
Speaker of House of
Representatives

John A. Brien
Clerk of House of
Representatives