

Illinois State Constitution Study Guide

Our State Constitution: Some Background Information

In 1787, the United States Constitution set up a federal system of government giving some powers to the *national* government and other powers to the *state* and *local* governments. The U.S. Constitution told each state it must set up its own government and write its own constitution. States must have governments similar to the federal government, and the people of the state would elect their representatives. Illinois became a state in 1818 and had to have its own constitution before it could become a state. The U.S. Constitution gives certain responsibilities to the states. To carry these out, states have set up state constitutions. The first Constitution of Illinois was adopted in 1818 by a convention, which met in Kaskaskia.

In 1848 a new constitution was adopted. This constitution was noted for the increase of power to the people since they could now elect many government officials. In 1869 another new proposal met with success and became the new constitution in 1870.

In 1969, Illinois voters elected delegates to a new constitutional convention. The Constitution of 1870 had proven to be outdated, and it had been almost impossible to govern Illinois under such a document. A new constitution was written, adopted in convention on September 3, 1970, and approved by the voters on December 15, 1970. The Constitution of 1970 went into force on July 1, 1971. This is the current constitution under which Illinois functions.

The Illinois Constitution is similar in form to the U. S. Constitution. It has a preamble, articles which describe the branches of government-their powers and responsibilities, a bill of rights and amendments. Some major differences are that the federal document only has seven articles, but Illinois has fourteen. The Bill of Rights in the U. S. is the first ten amendments which are located at the end of the document. In Illinois, the Bill of Rights is the first article and amendments are simply changed in the articles.

Study Guide: Preparing for the Illinois Constitution Test

The Preamble

The preamble explains why the Constitution was written. Similar wording to the U. S. Constitution can be noticed, but readers should note the direction to be "grateful to Almighty God for the civil, political and religious liberty He has permitted us to enjoy and seeking His blessing upon our endeavors."

- What eight reasons are given as the purpose for establishing this Constitution?

Article I...Bill of Rights

- Compare and contrast the Illinois Bill of Rights with that found in the federal constitution. Make a list of the similarities and differences.
- Section 1 contains the phrases "life, liberty, and the pursuit of happiness" and "inalienable rights". What other document from our nation's history includes these ideas?
- Section 2 guarantees due process and equal protection. What does that mean?
- Section 8.1 was added in 1992. What was its purpose?
- Sections 18 and 19 contain wording not included in the U.S. Constitution. Why would the State include it?
- According to Section 23, how will these "blessings" endure?

Article II...Powers of the State

- Article II divides the State government into what three branches?

Article III...Suffrage and Elections

- How old must a citizen be in order to vote?
 - How many days must a resident live in Illinois prior to the election?
 - Where must a person register to vote?
 - Who is disqualified from voting?
 - What happened in the election of 1876 to prompt the inclusion of Section 5?
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- How often are elections held for the General Assembly?

Article IV...The Legislature

- What is the legislative body of Illinois known as?
 - What are the qualifications to be a member?
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- Name the two branches of this body.
 - Illinois is divided into how many Legislative Districts?
 - How many senators does Illinois have?
 - In which Legislative District do you live and who is your Senator ?

- Legislative districts are divided into how many representative districts?
- How many representatives does Illinois have?
- In which representative district do you live and who is your Representative ?
- How often must the legislative branch redistrict and upon what is that based?

- Districts must be "compact, contiguous, and substantially equal in population." What does that mean?

- What is the main purpose of the legislative branch?
- Which house has sole power to impeach an Executive or Judicial officer?
- In which house are impeachments tried?
- According to Section 9, the Governor may reduce a particular item. What is this called?
- Sessions must convene each year on what day?
- Study the chart illustrating the process of a bill becoming a law in Illinois and recognize the differences between the process in Illinois compared to the federal level.

Article V...Executive Department

- Name the people currently holding the six offices elected by the people of Illinois to the Executive Branch?

- What are the qualifications for holding one of these offices?

- What is the term of these offices?

- Study the information below and know the duties of each Executive officer:
 - ◆ **Governor**
 - ◇ Chief Executive Officer of Illinois.
 - ◇ Makes an annual report to the General Assembly.
 - ◇ Proposes a budget for the State.
 - ◇ Signs or vetoes bills passed by the General Assembly.
 - ◇ Grants pardons and reprieves.
 - ◇ Nominates State officials.
 - ◆ **Lieutenant Governor**
 - ◇ Performs any duties assigned by the Governor.
 - ◇ If the Governor dies suddenly or is unable to serve, the Lt. Governor becomes Governor.
 - ◆ **Attorney General**
 - ◇ Chief legal officer of Illinois.
 - ◇ Represents the State, State agencies, and State officials in court.
 - ◇ Chief law enforcement officer in Illinois.
 - ◇ Coordinates crime-fighting activities with State, county, and local authorities.
 - ◆ **Secretary of State**
 - ◇ Keeps the official records of the General Assembly and the executive branch.
 - ◇ Licenses drivers and keeps drivers records.
 - ◇ Issues vehicle license plates and titles, and registers corporations.
 - ◆ **Comptroller**
 - ◇ Chief Fiscal Officer for Illinois.
 - ◇ Reviews all bills and payments.
 - ◇ Pays the State's bills.
 - ◇ Keeps records.
 - ◇ Helps set financial policies for the State.
 - ◆ **Treasurer**
 - ◇ Acts as the State's banker.
 - ◇ Keeps and invests the money the State receives through taxes.

Article VI...The Judiciary

- Name the three types of courts in the Illinois judiciary system.
- Illinois is divided into how many Judicial Districts?
- Where is the First District?
- How many justices make up the Illinois Supreme Court?
- How many of those judges must come from the First District?
- How many judges are required for a quorum, and how many must concur for a decision?
- How are Illinois Supreme Court justices selected and how long of a term do they serve?
- Though the Supreme Court mainly hears appeals, over what types of trials does the court have original jurisdiction?
- How many Appellate Court judges are elected and how long of a term do they serve?
- How are Circuit Court judges selected and how long of a term do they serve?
- Which court has original jurisdiction in almost all matters and therefore hears the most cases?
- What type of judge is appointed and how long of a term do they serve?
- What is the purpose of the Judicial Inquiry Board ?

Article VII...Local Government

- Define "municipality".
- Read the following summary:

Home Rule

Prior to the 1970 Constitution, local governments had only the powers granted specifically by the General Assembly. The 1970 Constitutional Convention felt the local governments must be given more power to deal with the complex problems of urban life. The new powers were called "Home Rule" and gave the municipalities the powers to pass ordinances for the protection of the public health, safety, morals and welfare, or, with certain limitations, to tax and to incur debt without specific legislation from the General Assembly.

According to the current Illinois Constitution, any municipality with a population of more than 25,000 is automatically a home rule unit. Smaller municipalities may adopt home rule by referendum or initiative. The Illinois Constitution restricts home rule counties to those that have the county executive form of government, which means that the top official is a chief executive officer elected at large. Unlike traditional forms of county government, the executive form contains a chief executive who is not actually part of the county board. The chief executive has the power to veto ordinances passed by the county board, much like the President may veto laws passed by Congress. When a county becomes a home rule unit, its government becomes more powerful. Cook County is the only one of Illinois' 102 counties to have become home rule.

The Constitution gives a home rule unit inherent power over any function "pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of public health, safety, morals and welfare; to license, to tax; and to incur debt. No subject is "off limits" to local authorities unless the General Assembly specifically restricts it. Municipalities may provide for themselves the services they need or desire. Some of these services are: fire and police protection; cultural and recreational facilities; water and sewer systems; street construction and traffic regulations; building and zoning regulation.

- From the above information, consider the burden upon the General Assembly to handle these needs across the state. Explain why Home Rule was added to the constitution.

Article VIII...Finance

- For what can public funds, property or credit be used?
- What is eminent domain and how does it affect citizens ?
- Whose responsibility is it to prepare the State budget?
- What does it mean to "balance" a budget?
- What two roles does the General Assembly play in regards to State finances?
- What is the role of the Auditor General?

Article IX...Revenue

- Who has sole power to raise revenue (collect money)?
- Give three examples described in this Article of what the State can tax.
- According to section 9b, State debt may be incurred if provided by in a law passed how? (give 2 ways)

Article X...Education

- Each person shall be educated to what extent?
- The State provides free and public education through what grade level?
- What are the duties of the State Board of Education ?
- What types of funding are forbidden?

Article XI...Environment

- On whom does Section 2 place the responsibility of maintaining the healthful environment the State is dutiful to provide and maintain?

Article XII...Militia

- Whom may the State militia call to duty?
- Who is the Commander-in-Chief of the organized militia?

Article XIII...General Provisions

- Who is ineligible to hold office?
- To what do those taking office solemnly swear?
- According to Section 7, what is considered an essential public purpose for which funds may be expended?
- Branch banking shall be authorized only by law approved by what fraction of voting members?

Article XIV...Constitutional Revision

Amendments to the Illinois Constitution may be proposed either by a Constitutional Convention or by the General Assembly.

- What fraction of the legislature and majority of the voters can call a Constitutional Convention?
- How often must a Constitutional Convention be called?
- Whose responsibility is it to propose a convention if one has not been called in the given time?

- What fraction of voters must approve revisions or amendments made at a Constitutional Convention?
- If amendments are made by the General Assembly, what fraction of the voters must approve the changes?
- Which Article is limited in the types of changes that can be made to it?
- What subjects in that Article can be amended?

Review:

- Know the years when Illinois became a state and ratified her current constitution.
- Be able to give a brief description of what each article contains.
- Be able to define the following terms: eminent domain, federalism, home rule, municipality
- Know the qualifications in Illinois for each of the following: to vote, to hold office in the General Assembly or Executive Branch, to serve in the militia
- Know the two houses of the General Assembly, how many members each has, and the term of office.
- Know the duties of each executive office, the names of those currently holding those offices, and the term of those offices.
- Be able to give the term of office for different types of judges.
- Know how many justices serve on the Illinois Supreme Court and in what types of trial they have original jurisdiction.
- Know the process for passing a bill in Illinois, the required vote to override the Governor's veto, and how Constitutional amendments may be proposed.
- Be able to state the Legislative and Representative District in which you live and the names of the people who represent you.