

SHOULD THERE BE A CONSTITUTIONAL CONVENTION?

by Sharon Z. Alter

LWVIL Con-Con Study Committee Co-Chair

(Please note that this article will be printed in the *Illinois Voter* that members will receive in January. It is here for your information.)

On Election Day November 2008, as required by the Illinois Constitution every 20 years, Illinois voters will vote on whether to have another state constitutional convention.

A convention will take place if voters give their approval either by a 3/5 majority of those voting on the question or by a majority of all voters in the election.

The issues to be considered at a state convention are to be determined by the delegates themselves at the convention. This means that neither the November 2008 voters nor the state legislators nor any elected executive or judicial officers can limit the state convention to a particular issue or issues or a limited number of issues.

As one considers how to vote in November 2008, it is very important for all Illinois voters to know that a constitution is the means by which the people give government the power to govern. In doing so, a constitution divides power among the various branches of government and among the levels of government while reserving certain powers and guaranteeing certain rights to the people.

While a constitution provides the basic government framework and guarantees basic individual rights, a constitution is not self-enforcing. Legislation is needed to provide the details and the enforcement powers.

If November 2008 Illinois voters were to approve having a constitutional convention, delegates to that convention could consider a wide spectrum of issues that include: (1) separation of church and state; (2) death penalty; (3) gun control; (4) abortion; (5) same-sex marriage; (6) stem cell research; (7) definition of person; (8) term limits for elected officials; (9) recall of elected officials; (10) amendatory veto power of governor; (11) merit selection of state judges; (12) home rule; (13) eminent domain; (14) education funding; (15) graduated income tax.

If there were to be a state constitutional convention considering these and other issues, convention delegates could draft an entirely new state constitution and/or draft new constitutional amendments, all of which would be subject to ratification by Illinois voters. Ratification would occur with approval by a simple majority of those voting on the proposed constitution/amendment.

In the question of whether to support Con-Con, one must consider the extent of (1) the need to improve the Illinois Constitution, (2) the urgency to institute multiple reforms simultaneously, and (3) the potential to achieve piecemeal change through the current amendment process. Such a review must balance the anticipated benefits from rewriting

specific articles by a convention against the potential risks involved in exposing the entire constitution to revision.

It is imperative that as many League members as possible participate in their local league consensus meetings which will be held between late February and early April. League members will consider their Con-Con positions with assistance from a study guide compiled by the 2007-8 LWVIL Con-Con Study Committee. Materials will also be available on the LWVIL web site after January 31, 2008. The LWVIL Issues Briefing on February 23, 2008 will include a session on Con-Con.

The Illinois Constitution can be found in The Handbook of Illinois Government available from the Illinois Secretary of State's office or online at ilga.gov.