

HOW CAN THE ILLINOIS CONSTITUTION BE AMENDED?



02/03/20

The Illinois Constitution of 1970¹ allows for amendments to the constitution to be adopted via referendum of the voters at a general election.²

STEP 1: PROPOSING A CONSTITUTIONAL AMENDMENT

The first step to amending the Illinois Constitution is a Joint Resolution being filed in either the Illinois House or Illinois Senate.

The Joint Resolution requires the affirmative vote of 3/5 of the members of both chambers (71 votes in the House and 36 votes in the Senate). Once approved, the question must be placed on the next general election ballot that is at least six months after the passage of the Joint Resolution. For a question to be placed on the **November 3, 2020, general election ballot**, both chambers of the Illinois General Assembly must pass a Joint Resolution by **May 3, 2020**.

The General Assembly shall not submit proposed amendments to more than three articles of the constitution at any one election.

NOTE: In Illinois, an amendment cannot be proposed by petition unless it amends a structural or procedural subject contained within the Legislature Article of the Illinois Constitution (Article IV). A petition must be signed by a number of electors equal in number to at least 8% of the total votes cast for Governor in the preceding gubernatorial election. For a question to be placed on the **November 3, 2020, general election ballot**, a petition would require **363,813** signatures of registered voters.

STEP 2: THE VOTERS DECIDE

After the General Assembly has passed a Joint Resolution placing the question on the ballot, the amendment has to be published with explanations, as provided by law, at least one month preceeding the election. For the November 3, 2020, general election ballot, the amendment with explanations must be published by October 3, 2020.

¹ IL Constitution Article XIV

² "General Election" means the biennial election at which the members of the General Assembly are elected (10 ILCS 5/1-3).

The General Assembly, or the proponents of an amendment to Article IV offered by petition, must prepare an explanation of the proposed amendment, a brief argument in support of the amendment and the manner in which the amendment shall appear on the ballot. The opponents (either those opposing the Joint Resolution in the General Assembly or the members of the General Assembly opposing a proposed amendment to Article IV submitted by petition) must submit a brief argument against the amendment.

On Election Day, an amendment is considered adopted by the voters with the affirmative vote of either 1) a 3/5 majority of those voting on the question, or 2) a simple majority of all votes cast in the election.

EXAMPLE 1: If 1,000,000 people vote in the election in 2020 but only 500,000 vote on the constitutional amendment, then 300,000 would have to vote in favor of the amendment for it to be adopted (3/5 majority of those voting on the question).

EXAMPLE 2: If 1,000,000 people vote in the election in 2020 and all of them vote on the amendment, then 500,001 would have to vote in favor of the amendment for it to be adopted (a simple majority of all votes cast).

STEP 3: EFFECTIVE DATE

A constitutional amendment approved by the voters shall be certified and declared adopted by the State Board of Elections, which must be done within 20 days after the election or sooner if all returns are received. The amendment goes into effect immediately upon certification unless an effective date has been submitted as part of the amendment.

