



NEIL F. HARTIGAN  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

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FILE NO. 87-007

CONSTITUTION:  
Proper Year for Automatic  
Submission of the Question of  
Whether to Call a Constitutional  
Convention

Honorable Jim Edgar  
Illinois Secretary of State  
Springfield, Illinois 62756

Dear Secretary Edgar:

I have your letter wherein you inquire whether the Secretary of State must submit the question of the calling of a constitutional convention to the voters of Illinois at the 1988 general election or at the 1990 general election. For the reasons hereinafter set forth, it is my opinion that, unless the General Assembly directs the submission of the question to the voters on or before May 8, 1988, the Secretary of State is required to submit the question of whether a constitutional

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convention should be called to the voters of Illinois at the 1988 general election.

Article XIV, section 1 of the Illinois Constitution provides, in pertinent part:

"(a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.

(b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.

\* \* \*

(Emphasis added.)

In your letter you suggest that the word "submission" as used in subsection (b) could be read so as to refer either to the submission of the question of whether a constitutional convention should be called or to the submission of the existing constitution to the voters.

In determining the intention and purpose underlying a constitutional provision, the language used should be given its plain and commonly understood meaning unless it is clearly evident that a contrary meaning was intended. (Coalition for Political Honesty v. State Board of Elections (1976), 65 Ill. 2d 453, 464.) Furthermore, the rules of statutory construction

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generally apply to the construction of constitutional provisions. (Coalition for Political Honesty v. State Board of Elections (1976), 65 Ill. 2d 453, 464.) Statutes should be read and understood according to the natural and most obvious import of the language used without resort to subtle or forced constructions for the purpose of limiting or extending their operation (People v. Shader (1927), 326 Ill. 145, 161; Weill v. Centralia Service & Oil Co. (1943), 320 Ill. App. 397, 401-2), and where a meaning is attributed to a word and it again appears in the same statute, it should be given consistent meaning unless a contrary legislative intent is clearly expressed (Chapman v. County of Will (1973), 55 Ill. 2d 524, 529-30). The first two sentences of section 1 use some form of the word "submit" four times, the first three times explicitly with regard to the submitting to the electors of the question of whether a constitutional convention should be called. It seems clear that the last reference to "submission" can only refer to submission of the same question. There is nothing in the text of the section to give any indication to the contrary. Since the question of a convention call was last submitted to the voters in 1968, submission of the question would be required again in 1988.

It could also be argued that, since the 1970 Constitution was a new document, the initial twenty year time

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period should be measured from the July 1, 1971 effective date of the constitution rather than from the date of an event that occurred prior to the existence of the document. The meaning of a statute or constitutional provision depends upon the intent of its drafters at the time of its adoption (Sayles v. Thompson (1983), 99 Ill. 2d 122, 125), and, from a review of the Record of Proceedings of the Sixth Illinois Constitutional Convention, it is clear that the drafters understood and intended 1988 as the first date for automatic submission of the question.

The Report of the Committee on Suffrage and Constitution Amending on a New Constitutional Revision Article contains the following explanation of the Committee's proposed section 1(b), a provision subsequently adopted in its originally proposed form:

"The Secretary of State is required automatically to put the question of a convention call on the general election ballot every twenty years from the last time such question was put to the electorate. Thus, if there were no intervening presentation of the question to the electorate by General Assembly action, the question would next go on the ballot at the general election to be held in 1988. \* \* \*"  
(7 Record of Proceedings, Sixth Illinois Constitutional Convention 2268-69 (hereinafter cited as Proceedings).)

In presenting the Committee's proposal to the delegates of the convention the chairman of the Committee on Suffrage and

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Constitution Amending explained the provision for periodic votes on the question of whether or not a constitutional convention should be called, saying:

" \* \* \*

\* \* \* we propose a twenty-year interval for such votes, meaning that if the legislature in the period -- any period -- does not submit the question of calling a Convention to popular vote, then that question will be placed automatically before the voters at the end of the twenty-year period. If the legislature does not propose, for example, putting on the ballot a Convention Call after this Convention, the next time the question would be brought to the attention of the voters would be in 1988.

\* \* \*

(Remarks of Delegate Tomei, 2 Proceedings 443.) "

That the delegates understood 1988 would be the first time for the automatic call without General Assembly action was also made clear in the course of an attempted amendment to section 1(b). Delegate Elward offered an amendment to replace the original language with a requirement that the Secretary of State submit the question of a call to the electors in 1990 and every twenty years thereafter unless there has been a similar submission during the preceding twenty years. In explaining his amendment, Delegate Elward stated:

"Mr. President, the present language of the section 1 B \* \* \* would call, in the event that there is no Constitutional Convention in the intervening period, for the submission of that question at the election of 1988 and presumably the election of delegates at the election in 1989  
\* \* \*

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\* \* \*

The simple purpose of the amendment that is before you now is to provide that the Call shall be at the beginning of a decade and that thereafter the election of delegates will presumably be from reapportioned senatorial districts following the federal census. \* \* \*"  
(2 Proceedings 491.)

In the course of the discussion on the amendment Delegate Miller observed,

" \* \* \* one of the considerations of the committee, as I recall, was that if we do have the Call of the Convention in 1988, and if the elections take place in 1989, and if, in fact, we had the Convention in 1990, and if the Convention chose to manuever the size of the legislature upward or downward in that 1990 Convention, that would allow the Reapportionment Commission in 1991 to reapportion on the basis of a rewritten constitution drafted in 1990. That was one of the philosophies behind the wording here."  
(2 Proceedings 494.)

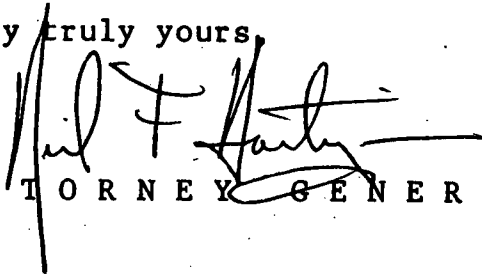
The Elward amendment was adopted on March 24, 1970, but section 1(b) was restored to its original language by an amendment adopted August 5, 1970. (1 Proceedings 172, 535.) Thus, it is clear that, consistent with the plain reading of section 1(b), the intent of the drafters was that the question of a convention call be presented to the voters no later than at the 1988 general election.

Should the General Assembly fail to direct that the question be put to the voters under section 1(a) six months or more prior to the November 8, 1988 general election, the

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Secretary of State will be obligated to submit the question.  
In either event, the question should be submitted to the voters  
at the 1988 general election.

Very truly yours,



A T T O R N E Y G E N E R A L