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## After the candidates, voters have a lot to consider on November ballot

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SPRINGFIELD — Illinois residents casting ballots in this year's November general election will have the opportunity to weigh in on at least six issues.

There are currently three initiatives on the ballot aiming to amend the state constitution. To do so, each measure needs to garner support from a majority of all the votes cast in the election or be supported by three-fifths of the total votes cast on the measure itself.

Voters will also have the opportunity to consider three non-binding legislative advisory questions.

### Crime victims' rights

One proposed amendment aims to offer additional constitutional protections to crime victims.

The Crime Victims' Bill of Rights states that individuals allegedly harmed by criminal defendants should be free from harassment by the accused, have the right to withhold privileged or confidential information during hearings and the ability to be notified of and speak at all court proceedings related to their case.

Additionally, the amendment would grant a victim the right to receive a "report related to the defendant's sentence" and would require courts to take the safety of the alleged victim and the victim's family into account when determining bail for the accused.

The measure passed the House on April 2 by an 111-2 vote. The Senate unanimously supported the initiative on April 10. The bill was heavily negotiated after a similar proposal two years ago failed to clear the legislature after bar associations and prosecutors voiced concerns.

Two House members — Reps. Barbara Flynn Currie, D-



Barbara Flynn Currie

Chicago, and Elaine Nekritz, D-Northbrook, opposed the measure.

Explaining her vote in a phone interview, Currie said the amendment has the potential to "undercut" defendants' rights to due process. Additionally, she said the constitution already contains provisions for protecting the rights of a victim.

"I just don't know that we need this (amendment) to be able to make the point that victims do have individual rights in our criminal justice system," she said.

### Legislative term limits

Another potential amendment in front of voters relates to term limits for state legislators.

The amendment was introduced via petition by the Committee for Legislative Reform and Term Limits, led by Republican gubernatorial candidate Bruce Rauner.

Rauner has made term limits a focal point of his campaign.

If approved, the initiative would cap legislative careers at eight years, increase the size of the House of Representatives to 123 members and reduce the size of the Senate to 41 senators.

It would also set all Senate



J. Timothy Eaton

terms at four years — currently, senators serve one two-year and two four-year terms every 10 years — and would increase the number of votes required in both chambers to override a governor's veto.

Late last week, the Illinois State Board of Elections verified that enough signatures on the petition were valid.

V. James Tenuto, assistant executive director of the Illinois State Board of Elections, said 61 percent of a random sample of 5 percent of the 591,092 signatures submitted came back valid.

Based on that result, the board projects the term limits petition has between 330,164 and 351,861 valid signatures. By law, the initiative requires 298,400 valid signatures — 8 percent of the total votes cast in the last gubernatorial election — to be considered for the ballot.

The measure will be submitted to the board for final approval June 17.

The term limits amendment still faces a few hurdles, though — namely a lawsuit challenging the legality of the question at hand, filed in Cook County Circuit Court by various business groups.



James B. Durkin

Oral arguments in that case, which is expected to end up in front of the Illinois Supreme Court, are scheduled for June 28.

J. Timothy Eaton, partner at Taft, Stettinius & Hollister LLP who represents the pro-term limits committee, said the organization is pleased with the results of the board of elections' review and is hopeful for the proposal's future.

"We believe that the way we have submitted the questions are proper, that we're following the constitution in terms of what's required to amend it by an initiative such as this," Eaton said. "And we're optimistic that the court will agree with us and allow this to be put on the ballot so the voters can vote on it."

Aside from the lawsuit, Tenuto said line-by-line challenges to signatures on the petition could be brought by opponents of the measure but would be difficult and unlikely to knock the measure off the ballot.

Any challenges to the initiative would have to be resolved by Aug. 22 — the day the board begins preparing the ballot for the general election.

The last time a ballot initiative was tied up in court was in 1994,

when Gov. Patrick J. Quinn, then the state treasurer, attempted to put a similar measure on the ballot, said Ann M. Lousin, a professor at The John Marshall Law School.

To be considered constitutional, proposed amendments must modify both the composition of the General Assembly and the way in which it conducts its business. In 1994, the high court found Quinn's proposed amendment did neither.

That doesn't mean today's court will follow the same path, Lousin said.

"Anything can happen in 20 years — the court can change its mind," she said. "I don't know where they'll be as of 2014."

#### **Voting rights**

The Illinois Right to Vote amendment, which would forbid voter discrimination on the basis of "race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation or income," was brought forward by lawmakers in early April.

The measure passed the

House 109-5 on April 8, which was followed by the Senate's unanimous vote April 10.

"We need to make sure people have an inalienable right to vote in this country, and I support that, and so the Republicans in the Illinois House supported that," House Minority Leader James B. Durkin said. "There should never be discrimination on anyone's ability to vote and cast a ballot based on anyone's race, color, ethnicity, sex, sexual orientation or income."

#### **Independent maps initiative stalls**

A fourth constitutional amendment aimed at placing the responsibility of redrawing Illinois' legislative maps into the hands of an independent body separate from the legislature is unlikely to make it to the ballot this year.

A large portion of the signatures on the petition submitted by the Yes for Independent Maps group were deemed invalid by the elections board.

The board's 25,375-signature sample found 46 percent to be

invalid.

Proponents of the measure dispute the board's decision.

Michael Kolenc, the maps group's campaign manager, described the process as "rushed, uneven and backroom" and contends that the organization had far more valid signatures than required to get the measure on the ballot.

"We know for a fact the signatures we delivered on May 1 were above and beyond what we need to qualify for the ballot," Kolenc said.

The elections board established a hearing officer who will be the determining factor in deciding whether the independent maps initiative lives or dies.

"Because the process was so mismanaged, we want and deserve an extension," Kolenc said. "If (validators) had spent an appropriate amount of time trying to locate the signatures, we wouldn't be having to do this rehabilitation process."

The group has until 5 p.m. today to submit its evidence to

the hearing officer.

#### **Advisory questions**

Voters will also have the chance to weigh in on several issues the legislature could consider in its next session.

Such advisory questions are sometimes used by the General Assembly as a barometer of public opinion on controversial topics.

Questions this year include whether Illinois should raise its minimum wage to \$10 per hour; whether Illinois voters support a tax on incomes greater than \$1 million in order to further fund schools; and whether Illinois residents believe health insurance providers should cover prescription birth control.

All three measures were a source of some controversy and debate during the spring legislative session, as some Republican lawmakers described the Democrat-backed questions as ploys to "gin up the base" and accused Democrats of using the "meaningless" initiatives to increase Democratic voter turnout during the election.