

August 24, 2009

To the Honorable Members of the Illinois Senate,
96th General Assembly:

Today, I return Senate Bill 1662 with specific recommendations for change. I thank the sponsors for their hard work on this bill. By requiring electronic submission of statements of organization with the State Board of Elections, this bill helps make our election process more ethical, transparent, and accessible to the people of our State. To that end, I am proposing an additional measure that will accomplish these goals. Citizens of our State deserve the ability to ensure that units of local government operate with the utmost integrity and my changes below will allow that to occur.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 1662, entitled "AN ACT concerning elections.", with the following specific recommendations for change:

on page 1, line 5, by replacing "9-3" with "9-3, 28-1, 28-2 and adding Article 28A"; and

on page 4, below line 1, by inserting the following:

" (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

Sec. 28-1. The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article.

Questions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution. Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 or pursuant to a statute which so provides.

The method of initiating the submission of a public question shall be as provided by the statute authorizing such public question, or as provided by the Constitution.

All public questions shall be initiated, submitted and printed on the ballot in the form required by Section 16-7 of this Act, except as may otherwise be specified in the statute authorizing a public question.

Whenever a statute provides for the initiation of a public question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 shall govern such petition.

Irrespective of the method of initiation, not more than 3 public questions other than (a) back door referenda, (b) referenda to determine whether a disconnection may take place where a city coterminous with a township is proposing to annex territory from an adjacent township, (c) referenda held under the provisions of the Property Tax Extension Limitation Law in the Property Tax Code, ~~or~~ (d) referenda held under Section 2-3002 of the Counties Code, or (e) referenda pursuant to Article 28A of this Code may be submitted to referendum with respect to a political subdivision at the same election.

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political

subdivision, as the case may be, shall be printed on the ballot and submitted at that election. However, except as expressly authorized by law not more than one proposition to change the form of government of a municipality pursuant to Article VII of the Constitution may be submitted at an election. If more than one such proposition is timely initiated or certified for submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that election.

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first 3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution, or for a question submitted under the Property Tax Cap Referendum Law, shall not be included in the foregoing limitation.

(Source: P.A. 93-308, eff. 7-23-03.)

(10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

Sec. 28-2. (a) Except as otherwise provided in this Section or Article 28A, petitions for the submission of public questions to referendum must be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election; and petitions for the submission of a question under Section 18-120 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than 6 months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 65 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year, or 15 months in the case of a back door referendum as defined in subsection (f), after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which

specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. The legal sufficiency of that form, if provided by the secretary or clerk of the political subdivision, cannot be the basis of a challenge to placing the back door referendum on the ballot. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition was published in a newspaper published within the proposed political subdivision, or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

NOTICE OF PETITION TO FORM A NEW.....

Residents of the territory described below are notified that a petition will or has been filed in the Office of.....requesting a referendum to establish a new....., to be called the.....

*The officers of the new.....will be elected on the same day as the referendum. Candidates for the governing board of the new.....may file nominating petitions with the officer named above until.....

The territory proposed to comprise the new.....is described as follows:

(description of territory included in petition)

(signature).....

Name and address of person or persons proposing the new political subdivision.

* Where applicable.

Failure to file such affidavit, or failure to publish the required notice with the correct information contained therein shall render the petition, and any referendum held pursuant to such petition, null and void.

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7 or 11E of the

School Code nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code.

(Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05; 94-1019, eff. 7-10-06.)

(10 ILCS 5/Art. 28A heading new)

ARTICLE 28A. ETHICS INITIATIVES

(10 ILCS 5/28A-1 new)

Sec. 28A-1. Local government binding initiative petition and referendum.

(a) The electors of any unit of local government may pass, by initiative petition and referendum in the manner prescribed by this Article, a binding ordinance relating to ethical standards that the corporate authorities of their unit of local government are empowered to pass.

(b) A binding ordinance relating to ethical standards may be proposed by a petition signed by the number of electors equal to at least 8% of the total votes cast for Governor at the last general election in the unit of local government. The petition shall contain the text of the proposed ordinance and the date of the regular or unit of local government election at which the proposed ordinance is to be submitted, shall have been signed by petitioning electors not more than 12 months preceding the regular or unit of local government election, and shall be filed with the clerk of the unit of local government at least 108 days before that regular or unit of local government election.

(c) If the corporate authorities of the unit of local government, without amendment, pass the binding ordinance proposed by such a petition filed with the unit of local government's clerk not less than 78 days prior to the regular or unit of local government election at which the petition specifies the proposed binding ordinance is to be submitted, then the proposed binding ordinance shall not be submitted to the electors of the unit of local government.

(d) Except as otherwise provided in this Article, petitions filed under this Article shall be governed by Article 28 of the Election Code.

(e) If no objection to a petition filed under subsection (b) is filed within 5 business days after that petition is filed or if an objection is filed and the appropriate electoral official or board rules the petition sufficient, then the clerk of the unit of local government shall submit the petition to the election official or board for the unit of local government, and the election official or board shall order the proposed ordinance submitted to the electors of the unit of local government at the election specified in the petition.

(f) If, after the election official or board of the unit of local government orders the proposed ordinance to be submitted to the electors of the unit of local government, it determines that the proposed ordinance is too long to be printed in its entirety on the ballot, it shall ask the clerk of the unit of local government to provide a concise statement of its nature. The election official or board shall then cause either the entire proposed ordinance or the concise statement to be printed on the ballot together with a question permitting the elector to indicate approval or disapproval of adoption of the proposed ordinance.

(g) If a majority of those voting on the proposed ordinance indicate approval of its adoption, it shall be passed and have the same effect as if it had been passed by the corporate authorities of the unit of local government, except as provided in

subsection (h).

(h) Ordinances adopted under this Article, either by approval of electors at an election or by passage by the corporate authorities under subsection (c), shall not be repealed or amended within 4 years after adoption except by vote of the electors.

(i) The corporate authorities of a unit of local government may submit to its electorate a proposition to repeal or amend an ordinance adopted under this Article at any election in conformance with Article 28 of this Code."

With these changes, Senate Bill 1662 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor