

HB0742



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0742

Introduced 01/31/11, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

235 ILCS 5/9-2

from Ch. 43, par. 167

Amends the Liquor Control Act of 1934. Makes a technical change in a Section concerning referenda on retail sales of alcoholic liquor.

LRB097 03565 ASK 43602 b

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 9-2 as follows:

6 (235 ILCS 5/9-2) (from Ch. 43, par. 167)

7 Sec. 9-2. When any legal voters of a precinct in any city,
8 village or incorporated town of more than 200,000 inhabitants,
9 as determined by the ~~the~~ last preceding Federal census, desire
10 to pass upon the question of whether the sale at retail of
11 alcoholic liquor shall be prohibited in the precinct or at a
12 particular street address within the precinct, they shall, at
13 least 104 days before an election, file in the office of the
14 clerk of such city, village or incorporated town, a petition
15 directed to the clerk, containing the signatures of not less
16 than 25% of the legal voters registered with the board of
17 election commissioners or county clerk, as the case may be,
18 from the precinct. Provided, however, that when the petition
19 seeks to prohibit the sale at retail of alcoholic liquor at a
20 particular street address of a licensed establishment within
21 the precinct the petition shall contain the signatures of not
22 less than 40% of the legal voters requested from that precinct.
23 The petition shall request that the proposition "Shall the sale

1 at retail of alcoholic liquor be prohibited in (or at)?"
2 be submitted to the voters of the precinct at the next ensuing
3 election at which such proposition may be voted upon. The
4 submission of the question to the voters of such precinct at
5 such election shall be mandatory when the petition has been
6 filed in proper form with the clerk. If more than one set of
7 petitions are presented to the clerk for submission at the same
8 election, the petition presented first shall be given
9 preference; however, the clerk shall provisionally accept any
10 other set of petitions setting forth the same (or substantially
11 the same) proposition. If the first set of petitions for a
12 proposition is found to be in proper form and is not found to
13 be invalid, it shall be accepted by the clerk and all
14 provisionally accepted sets of petitions setting forth the same
15 (or substantially the same) proposition shall be rejected by
16 the clerk. If the first set of petitions for a proposition is
17 found not to be in proper form or is found to be invalid, the
18 clerk shall (i) reject the first set of petitions, (ii) accept
19 the first provisionally accepted set of petitions that is in
20 proper form and is not found to be invalid, and (iii) reject
21 all other provisionally accepted sets of petitions setting
22 forth the same (or substantially the same) proposition. Notice
23 of the filing of the petition and the result of the election
24 shall be given to the Secretary of State at his offices in
25 both, Chicago and Springfield, Illinois. A return of the result
26 of the election shall be made to the clerk of the city, village

1 or incorporated town in which the precinct is located. If a
2 majority of the voters voting upon such proposition vote "YES",
3 the sale at retail of alcoholic liquor shall be prohibited in
4 the precinct or at the street address. If the sale at retail of
5 alcoholic liquor at a particular street address is prohibited
6 pursuant to this Section, the license for any establishment at
7 that street address shall be void, and no person may apply for
8 a license for the sale at retail of alcoholic liquor at an
9 establishment at that street address unless such prohibition is
10 discontinued pursuant to Section 9-10.

11 In cities, villages and incorporated towns of 200,000 or
12 less population, as determined by the last preceding Federal
13 census, the vote upon the question of prohibiting the sale at
14 retail of alcoholic liquor, or alcoholic liquor other than beer
15 containing not more than 4% of alcohol by volume, or alcoholic
16 liquor containing more than 4% of alcohol by weight in the
17 original package and not for consumption on the premises, shall
18 be by the voters of the political subdivision as a unit. When
19 any legal voters of such a city, village or incorporated town
20 desire to pass upon the question of whether the sale at retail
21 of alcoholic liquor shall be prohibited in the municipality,
22 they shall, at least 104 days before an election, file in the
23 office of the clerk of the municipality, a petition directed to
24 the clerk, containing the signatures of not less than 25% of
25 the legal voters registered with the board of election
26 commissioners or county clerk, as the case may be, from the

1 municipality. The petition shall request that the proposition,
2 "Shall the sale at retail of alcoholic liquor be prohibited
3 in....?" be submitted to the voters of the municipality at the
4 next ensuing election at which the proposition may be voted
5 upon. The submission of the question to the voters of the
6 municipality at such election shall be mandatory when the
7 petition has been filed in proper form with the clerk. If more
8 than one set of petitions are presented to the clerk for
9 submission at the same election, setting forth the same or
10 different propositions, the petition presented first shall be
11 given preference and the clerk shall refuse to accept any other
12 set of petitions. Notice of the filing of the petition and the
13 result of the election shall be given to the Secretary of State
14 at his offices in both Chicago and Springfield, Illinois. A
15 return of the result of the election shall be made to the clerk
16 of the city, village or incorporated town. If a majority of the
17 voters voting upon the proposition vote "Yes", the sale at
18 retail of alcoholic liquor shall be prohibited in the
19 municipality.

20 In the event a municipality does not vote to prohibit the
21 sale at retail of alcoholic liquor, the council or governing
22 body shall ascertain and determine what portions of the
23 municipality are predominantly residence districts. No license
24 permitting the sale of alcoholic liquors shall be issued by the
25 local liquor commissioner or licensing officer permitting the
26 sale of alcoholic liquors at any place within the residence

1 district so determined, unless the owner or owners of at least
2 two-thirds of the frontage, 200 feet in each direction along
3 the street and streets adjacent to the place of business for
4 which a license is sought, file with the local liquor
5 commissioner or licensing officer, his or their written consent
6 to the use of such place for the sale of alcoholic liquors.

7 In each township or road district lying outside the
8 corporate limits of a city, village or incorporated town, or in
9 a part of a township or road district lying partly within and
10 partly outside a city, village or incorporated town, the vote
11 of such township, road district or part thereof, shall be as a
12 unit. When any legal voters of any such township, or part
13 thereof, in counties under township organization, or any legal
14 voters of such road district or part thereof, in counties not
15 under township organization, desire to vote upon the
16 proposition as to whether the sale at retail of alcoholic
17 liquor shall be prohibited in such township or road district or
18 part thereof, they shall, at least 90 days before an election,
19 file in the office of the township or road district clerk, of
20 the township or road district within which the election is to
21 be held, a petition directed to the clerk and containing the
22 signatures of not less than 25% of the legal voters registered
23 with the county clerk from such township or road district or
24 part thereof. The submission of the question to the voters of
25 the township, road district or part thereof, at the next
26 ensuing election shall be mandatory when the petition has been

1 filed in proper form with the clerk. If more than one set of
2 petitions are presented to the clerk for submission at the same
3 election, setting forth the same or different propositions, the
4 petition presented first shall be given preference and the
5 clerk shall refuse to accept any other set of petitions. A
6 return of the result of such election shall be made to the
7 clerk of the township or road district in which the territory
8 is situated, and shall also be made to the Secretary of State
9 at his offices in both Chicago and Springfield, Illinois.

10 (Source: P.A. 96-1008, eff. 7-6-10.)