



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5612

by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-5.4 new

Amends the Illinois Municipal Code. Provides that, in any annexing municipality located within 5 miles of the Midewin National Tallgrass Prairie and the Abraham Lincoln National Cemetery that, on or after April 1, 2018, has approved an ordinance, resolution, or vote authorizing the annexation of contiguous territory of over 100 acres for a private development, the annexation is subject to a backdoor referendum upon the filing of a petition for a referendum. Provides petition and referendum requirements. Provides that, if the voters do not approve the annexation of the territory, the municipality may not attempt to annex the territory for a period of no less than 2 years from the date it approved the ordinance, resolution, or vote authorizing the annexation of the territory. Repeals the provisions on January 1, 2025. Effective immediately.

LRB101 18201 AWJ 67643 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by adding
5 Section 7-1-5.4 as follows:

6 (65 ILCS 5/7-1-5.4 new)

7 Sec. 7-1-5.4. Backdoor referendum in certain annexing
8 municipalities.

9 (a) Notwithstanding any other provision of law, in any
10 annexing municipality located within 5 miles of the Midewin
11 National Tallgrass Prairie and the Abraham Lincoln National
12 Cemetery that, on or after April 1, 2018, has approved an
13 ordinance, resolution, or vote authorizing the annexation of
14 contiguous territory of over 100 acres for a private
15 development, the annexation is subject to a backdoor referendum
16 upon the filing of a petition for a referendum meeting the
17 requirements of this Section.

18 (b) A referendum under this Section shall be submitted to
19 the eligible voters residing in a municipality within 5 miles
20 of the Midewin National Tallgrass Prairie and the Abraham
21 Lincoln National Cemetery that has approved an ordinance,
22 resolution, or vote authorizing the annexation of contiguous
23 territory of over 100 acres for private development on the

1 question of whether the municipality's annexation of that
2 territory shall occur.

3 (c) Petitions under this Section must contain a total
4 number of signatures equal in number to at least 50% of the
5 entire vote cast for all candidates for mayor or president of
6 the annexing municipality at the last preceding general
7 municipal election. Petitions shall be filed with the clerk or
8 secretary of the municipality no later than 30 days following
9 the municipality's approval of the ordinance, resolution, or
10 vote authorizing the annexation of contiguous territory and
11 shall meet the requirements of Section 28-3 of the Election
12 Code.

13 (d) Upon the filing of a petition meeting the requirements
14 of subsection (c), the municipality shall not complete the
15 annexation approved in its ordinance, resolution, or vote until
16 after a referendum is held. The referendum shall be held at the
17 general election or municipal election, whichever occurs
18 first, next following the filing of a petition, provided that
19 the municipal election is no less than 90 days following the
20 date of filing.

21 (e) Subject to the requirements of Section 16-7 of the
22 Election Code, the referendum shall be in substantially the
23 following form:

24 Shall (municipality) annex (area being annexed)?

25 Votes must be recorded as "yes" or "no".

26 (f) The referendum is approved and annexation may continue

1 when a majority of voters residing in the municipality approve
2 the referendum. If a majority of the voters residing in the
3 municipality vote against the referendum, the municipality may
4 not attempt to annex the territory for a period of no less than
5 2 years from the date it approved the ordinance, resolution, or
6 vote authorizing the annexation of the territory.

7 (g) This Section is repealed on January 1, 2025.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.