

# HB1353



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1353

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### 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.

LRB102 03369 RPS 13382 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  
23 precinct. The petition shall request that the proposition

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

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

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

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

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

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

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

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

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