



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5276

Introduced 1/31/2022, by Rep. Jonathan Carroll

#### SYNOPSIS AS INTRODUCED:

New Act  
10 ILCS 5/28-7

from Ch. 46, par. 28-7

Creates the Citizens Empowerment Act. Provides that electors may petition for a referendum at the next general election to dissolve a unit or units of local government. Sets forth the requirements for the petition, together with the form and requirements for the ballot referendum. Provides for the transfer of all real and personal property and any other assets, together with all personnel, contractual obligations, and liabilities of the dissolving unit or units of local government to the receiving unit or units of local government. Amends the Election Code to provide exceptions for the Citizens Empowerment Act. Effective immediately.

LRB102 25135 AWJ 34397 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 1. Short title. This Act may be cited as the  
5 Citizens Empowerment Act.

6 Section 5. Scope. The method of dissolution of a unit of  
7 local government under this Act shall be in addition to any  
8 other method of dissolving a unit of local government provided  
9 by law or otherwise.

10 Section 10. Definitions. As used in this Act:

11 "Dissolving unit of local government" means a unit of  
12 local government proposed to be dissolved by referendum under  
13 this Act.

14 "Electors" means the registered voters of a dissolving  
15 unit of local government and the registered voters of the  
16 receiving unit of local government.

17 "Receiving unit of local government" means a unit of local  
18 government receiving the rights, duties, and liabilities of a  
19 dissolving unit of local government.

20 Section 15. Petition requirements; notice.

21 (a) Subject to the petition requirements of Section 28-3

1 of the Election Code, petitions for a referendum to dissolve  
2 one or more units of local government must be filed both with  
3 the governing board of each dissolving unit of local  
4 government and the governing board of each receiving unit of  
5 local government not less than 122 days prior to a general  
6 election. Petitions must include:

7 (1) the dissolving unit or units of local government;

8 (2) the receiving unit or units of local government;

9 (3) the date of dissolution;

10 (4) signatures of a number of electors equal to or  
11 greater than 5% of the total votes cast from each  
12 dissolving unit of local government in the preceding  
13 general election; and

14 (5) an affidavit of publication attesting that notice  
15 of the petition to dissolve a unit of local government was  
16 published in a newspaper of general circulation within the  
17 territory of each dissolving unit of local government and  
18 each receiving unit of local government at least 122 days  
19 and no more than 152 days prior to the general election at  
20 which the referendum is to be voted upon.

21 All signatures gathered under paragraph (4) of this  
22 subsection must be signed within 365 days prior to the filing  
23 of a petition. A unit of local government may by ordinance or  
24 resolution limit the time in which signatures must be signed  
25 to less than 365 days prior to the filing of the petition but  
26 no less than 180 days before the filing of a petition. If any

1 of the dissolving units of local government or receiving units  
2 of local government have such an ordinance or resolution, the  
3 petition shall not be placed on the ballot if any signatures do  
4 not meet the requirements of any ordinance or resolution.

5 (b) The proposed date of dissolution shall be at least 90  
6 days after the date of the election at which the referendum is  
7 to be voted upon.

8 (c) The parties filing a petition under this Section shall  
9 give notice in substantially the following form to each  
10 dissolving and receiving unit of local government:

11 NOTICE OF PETITION TO DISSOLVE (dissolving unit of local  
12 government).

13 Residents of (dissolving unit or units of local  
14 government) and (receiving unit of local government) are  
15 notified that a petition will be filed with (dissolving  
16 unit or units of local government) and (receiving unit of  
17 local government) requesting a referendum to dissolve  
18 (dissolving unit or units of local government) on (date of  
19 dissolution) with all real and personal property, and any  
20 other assets, together with all personnel, contractual  
21 obligations, and liabilities being transferred to  
22 (receiving unit of local government).

23 Section 20. Resolution or ordinance of county board or  
24 governing board of another unit of local government. Subject

1 to the requirements of Section 28-2 of the Election Code, any  
2 resolution or ordinance for a referendum to dissolve any unit  
3 or units of local government passed by both the governing  
4 board or boards of the dissolving unit or units of local  
5 government and the governing board of the receiving unit or  
6 units of local government, or, in the case where both  
7 dissolving unit or units of local government and receiving  
8 unit or units of local government reside in a single county,  
9 any county board resolution or ordinance for a referendum to  
10 dissolve any unit or units of local government within that  
11 county, must include:

- 12 (1) The dissolving unit or units of local government;  
13 (2) The receiving unit or units of local government;  
14 (3) The date of dissolution;

15 Section 25. Ballot placement. A petition that meets the  
16 requirements of Section 15 shall be placed on the ballot in the  
17 form provided for in Section 30 at the general election next  
18 following. Failure to publish the required notice of petition  
19 shall render the petition, and the results of any referendum  
20 held on the petition, null and void.

21 Section 30. Referendum; voting.

22 (a) Subject to the requirements of Section 16-7 of the  
23 Election Code, the referendum described in Section 25 shall be  
24 in substantially the following form on the ballot in each

1 dissolving unit of local government and receiving unit of  
2 local government:

3 -----

4 Shall the (dissolving  
5 unit or units of local government) be  
6 dissolved on (date of dissolution) YES  
7 with all of its property,  
8 assets, personnel, obligations, and -----  
9 liabilities being transferred to  
10 (receiving unit of local government)? NO

11 -----

- 12 (b) The referendum is approved when:
- 13 (1) three-fifths of those voting on the amendment or a  
14 majority of those voting in the election from each  
15 dissolving unit of local government approve the  
16 referendum; and
- 17 (2) three-fifths of those voting on the amendment or a  
18 majority of those voting in the election from electors of  
19 the receiving unit of local government approve the  
20 referendum.

21 Section 35. Dissolution; transfer of rights and duties.  
22 When the dissolution of a unit of local government has been  
23 approved under Section 30:

24 (a) On or before the date of dissolution, all real and  
25 personal property, and any other assets, together with all

1 personnel, contractual obligations, and liabilities of each  
2 dissolving unit of local government shall be transferred to  
3 the receiving unit of local government.

4 (b) On the date of dissolution, each dissolving unit of  
5 local government is dissolved.

6 (c) On and after the date of dissolution, all rights and  
7 duties of each dissolved unit of local government, including,  
8 but not limited to, the authority to tax (if any), may be  
9 exercised by the governing board of the receiving unit of  
10 local government.

11 Section 50. The Election Code is amended by changing  
12 Section 28-7 as follows:

13 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

14 Sec. 28-7. Except as provided in Article 24 of the  
15 Township Code and the Citizens Empowerment Act, in any case in  
16 which Article VII or paragraph (a) of Section 5 of the  
17 Transition Schedule of the Constitution authorizes any action  
18 to be taken by or with respect to any unit of local government,  
19 as defined in Section 1 of Article VII of the Constitution, by  
20 or subject to approval by referendum, any such public question  
21 shall be initiated in accordance with this Section.

22 Any such public question may be initiated by the governing  
23 body of the unit of local government by resolution or by the  
24 filing with the clerk or secretary of the governmental unit of

1 a petition signed by a number of qualified electors equal to or  
2 greater than at least 8% of the total votes cast for candidates  
3 for Governor in the preceding gubernatorial election,  
4 requesting the submission of the proposal for such action to  
5 the voters of the governmental unit at a regular election.

6 If the action to be taken requires a referendum involving  
7 2 or more units of local government, the proposal shall be  
8 submitted to the voters of such governmental units by the  
9 election authorities with jurisdiction over the territory of  
10 the governmental units. Such multi-unit proposals may be  
11 initiated by appropriate resolutions by the respective  
12 governing bodies or by petitions of the voters of the several  
13 governmental units filed with the respective clerks or  
14 secretaries.

15 This Section is intended to provide a method of submission  
16 to referendum in all cases of proposals for actions which are  
17 authorized by Article VII of the Constitution by or subject to  
18 approval by referendum and supersedes any conflicting  
19 statutory provisions except those contained in Division 2-5 of  
20 the Counties Code, ~~or~~ Article 24 of the Township Code, or the  
21 Citizens Empowerment Act.

22 Referenda provided for in this Section may not be held  
23 more than once in any 23-month period on the same proposition,  
24 provided that in any municipality a referendum to elect not to  
25 be a home rule unit may be held only once within any 47-month  
26 period.



1 (Source: P.A. 100-863, eff. 8-14-18; 101-230, eff. 8-9-19.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.