



Sen. Laura Fine

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1 AMENDMENT TO SENATE BILL 918

2 AMENDMENT NO. _____. Amend Senate Bill 918 by replacing
3 everything after the enacting clause with the following:

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 the unit of
12 local government proposed to be dissolved by referendum under
13 this Act.

14 "Electors" means the registered voters of the dissolving
15 unit of local government and the registered voters of the

1 receiving unit of local government.

2 "Receiving unit of local government" means the unit of
3 local government receiving the rights, duties, and liabilities
4 of the unit of local government proposed to be dissolved by
5 referendum under this Act.

6 Section 15. Petition requirements; notice.

7 (a) Subject to the petition requirements of Section 28-3
8 of the Election Code, petitions for a referendum to dissolve
9 any unit of local government must be filed both with the
10 governing board of the dissolving unit of local government and
11 the governing board of the receiving unit of local government
12 not less than 122 days prior to a general election. Petitions
13 must include:

14 (1) the dissolving unit of local government;

15 (2) the receiving unit of local government;

16 (3) the date of dissolution;

17 (4) signatures of a number of electors equal to or
18 greater than 5% of the total votes cast in the preceding
19 general election; and

20 (5) an affidavit of publication attesting that notice
21 of the petition to dissolve a unit of local government was
22 published in a newspaper of general circulation within the
23 territory of the dissolving unit of local government and
24 the receiving unit of local government at least 122 days
25 and no more than 152 days prior to the general election at

1 which the referendum is to be voted upon.

2 All signatures gathered under paragraph (4) of this
3 subsection (a) must be signed within 365 days prior to the
4 filing of a petition. A unit of local government may by
5 ordinance or resolution limit the time signatures must be
6 signed to less than 365 days prior to the filing of the
7 petition but no less than 180 days before the filing of a
8 petition. If either the dissolving unit of local government or
9 receiving unit of local government has such an ordinance or
10 resolution, the petition shall not be placed on the ballot if
11 any signatures do not meet the requirements of any ordinance
12 or resolution.

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

16 (c) The parties filing a petition under this Section shall
17 give notice in substantially the following form:

18 NOTICE OF PETITION TO DISSOLVE (dissolving unit of local
19 government).

20 Residents of (dissolving unit of local government) and
21 (receiving unit of local government) are notified that a
22 petition will be filed with (dissolving unit of local
23 government) and (receiving unit of local government)
24 requesting a referendum to dissolve (dissolving unit of
25 local government) on (date of dissolution) with all real

1 and personal property, and any other assets, together with
 2 all personnel, contractual obligations, and liabilities
 3 being transferred to (receiving unit of local government).

4 Section 20. Ballot placement. A petition that meets the
 5 requirements of Section 15 shall be placed on the ballot in the
 6 form provided for in Section 25 at the general election next
 7 following. Failure to publish the required notice of petition
 8 shall render the petition, and the results of any referendum
 9 held on the petition, null and void.

10 Section 25. Referendum; voting.

11 (a) Subject to the requirements of Section 16-7 of the
 12 Election Code, the referendum described in Section 20 shall be
 13 in substantially the following form on the ballot:

14 -----
 15 Shall the (dissolving
 16 unit of local government) be
 17 dissolved on (date of dissolution) YES
 18 with all of its property,
 19 assets, personnel, obligations, and -----
 20 liabilities being transferred to
 21 (receiving unit of local government)? NO
 22 -----

23 (b) The referendum is approved when:
 24 (1) three-fifths of those voting on the amendment or a

1 majority of those voting in the election from the
2 dissolving unit of local government approve the
3 referendum; and

4 (2) three-fifths of those voting on the amendment or a
5 majority of those voting in the election from electors of
6 the receiving unit of local government approve the
7 referendum.

8 Section 30. Dissolution; transfer of rights and duties.
9 When the dissolution of a unit of local government has been
10 approved under Section 25:

11 (a) On or before the date of dissolution, all real and
12 personal property, and any other assets, together with all
13 personnel, contractual obligations, and liabilities of the
14 dissolving unit of local government shall be transferred to
15 the receiving unit of local government.

16 (b) On the date of dissolution, the dissolving unit of
17 local government is dissolved.

18 (c) On and after the date of dissolution, all rights and
19 duties of the dissolved unit of local government, including,
20 but not limited to, the authority to tax (if any), may be
21 exercised by the governing board of the receiving unit of
22 local government.

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

1 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

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

10 Any such public question may be initiated by the governing
11 body of the unit of local government by resolution or by the
12 filing with the clerk or secretary of the governmental unit of
13 a petition signed by a number of qualified electors equal to or
14 greater than at least 8% of the total votes cast for candidates
15 for Governor in the preceding gubernatorial election,
16 requesting the submission of the proposal for such action to
17 the voters of the governmental unit at a regular election.

18 If the action to be taken requires a referendum involving
19 2 or more units of local government, the proposal shall be
20 submitted to the voters of such governmental units by the
21 election authorities with jurisdiction over the territory of
22 the governmental units. Such multi-unit proposals may be
23 initiated by appropriate resolutions by the respective
24 governing bodies or by petitions of the voters of the several
25 governmental units filed with the respective clerks or

1 secretaries.

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

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

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."