

1 AN ACT in relation to alcoholic 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
8 city, village or incorporated town of more than 200,000
9 inhabitants, as determined by the last preceding Federal
10 census, desire to pass upon the question of whether the sale
11 at retail of alcoholic liquor shall be prohibited in the
12 precinct or at a particular street address within the
13 precinct, they shall, at least 90 days before an election,
14 file in the office of the clerk of that such city, village or
15 incorporated town, a petition directed to the clerk,
16 containing the signatures of not less than 25% of the legal
17 voters registered with the board of election commissioners or
18 county clerk, as the case may be, from the precinct.
19 Provided, however, that when the petition seeks to prohibit
20 the sale at retail of alcoholic liquor at a particular street
21 address of a licensed establishment within the precinct the
22 petition shall contain the signatures of not less than 40% of
23 the legal voters requested from that precinct. The petition
24 shall request that the proposition "Shall the sale at retail
25 of alcoholic liquor be prohibited in (or at)?" be
26 submitted to the voters of the precinct at the next ensuing
27 election at which such proposition may be voted upon. The
28 submission of the question to the voters of such precinct at
29 such election shall be mandatory when the petition has been
30 filed in proper form with the clerk. If more than one set of
31 petitions are presented to the clerk for submission at the

1 same election, the petition presented first shall be given
2 preference; however, the clerk shall provisionally accept any
3 other set of petitions setting forth the same (or
4 substantially the same) proposition. If the first set of
5 petitions for a proposition is found to be in proper form and
6 is not found to be invalid, it shall be accepted by the clerk
7 and all provisionally accepted sets of petitions setting
8 forth the same (or substantially the same) proposition shall
9 be rejected by the clerk. If the first set of petitions for
10 a proposition is found not to be in proper form or is found
11 to be invalid, the clerk shall (i) reject the first set of
12 petitions, (ii) accept the first provisionally accepted set
13 of petitions that is in proper form and is not found to be
14 invalid, and (iii) reject all other provisionally accepted
15 sets of petitions setting forth the same (or substantially
16 the same) proposition. Notice of the filing of the petition
17 and the result of the election shall be given to the
18 Secretary of State at his offices in both, Chicago and
19 Springfield, Illinois. A return of the result of the election
20 shall be made to the clerk of the city, village or
21 incorporated town in which the precinct is located. If a
22 majority of the voters voting upon such proposition vote
23 "YES", the sale at retail of alcoholic liquor shall be
24 prohibited in the precinct or at the street address. If the
25 sale at retail of alcoholic liquor at a particular street
26 address is prohibited pursuant to this Section, the license
27 for any establishment at that street address shall be void,
28 and no person may apply for a license for the sale at retail
29 of alcoholic liquor at an establishment at that street
30 address unless such prohibition is discontinued pursuant to
31 Section 9-10.

32 In cities, villages and incorporated towns of 200,000 or
33 less population, as determined by the last preceding Federal
34 census, the vote upon the question of prohibiting the sale at

1 retail of alcoholic liquor, or alcoholic liquor other than
2 beer containing not more than 4% of alcohol by volume, or
3 alcoholic liquor containing more than 4% of alcohol by weight
4 in the original package and not for consumption on the
5 premises, shall be by the voters of the political subdivision
6 as a unit. When any legal voters of such a city, village or
7 incorporated town desire to pass upon the question of whether
8 the sale at retail of alcoholic liquor shall be prohibited in
9 the municipality, they shall, at least 90 days before an
10 election, file in the office of the clerk of the
11 municipality, a petition directed to the clerk, containing
12 the signatures of not less than 25% of the legal voters
13 registered with the board of election commissioners or county
14 clerk, as the case may be, from the municipality. The
15 petition shall request that the proposition, "Shall the sale
16 at retail of alcoholic liquor be prohibited in....?" be
17 submitted to the voters of the municipality at the next
18 ensuing election at which the proposition may be voted upon.
19 The submission of the question to the voters of the
20 municipality at such election shall be mandatory when the
21 petition has been filed in proper form with the clerk. If
22 more than one set of petitions are presented to the clerk for
23 submission at the same election, setting forth the same or
24 different propositions, the petition presented first shall be
25 given preference and the clerk shall refuse to accept any
26 other set of petitions. Notice of the filing of the petition
27 and the result of the election shall be given to the
28 Secretary of State at his offices in both Chicago and
29 Springfield, Illinois. A return of the result of the election
30 shall be made to the clerk of the city, village or
31 incorporated town. If a majority of the voters voting upon
32 the proposition vote "Yes", the sale at retail of alcoholic
33 liquor shall be prohibited in the municipality.

34 In the event a municipality does not vote to prohibit the

1 sale at retail of alcoholic liquor, the council or governing
2 body shall ascertain and determine what portions of the
3 municipality are predominantly residence districts. No
4 license permitting the sale of alcoholic liquors shall be
5 issued by the local liquor commissioner or licensing officer
6 permitting the sale of alcoholic liquors at any place within
7 the residence district so determined, unless the owner or
8 owners of at least two-thirds of the frontage, 200 feet in
9 each direction along the street and streets adjacent to the
10 place of business for which a license is sought, file with
11 the local liquor commissioner or licensing officer, his or
12 their written consent to the use of such place for the sale
13 of alcoholic liquors.

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

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

10 (Source: P.A. 88-613, eff. 1-1-95.)