

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 28-1 and 28-2 and adding Article 28A as follows:

6 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

7 Sec. 28-1. The initiation and submission of all public
8 questions to be voted upon by the electors of the State or of
9 any political subdivision or district or precinct or
10 combination of precincts shall be subject to the provisions
11 of this Article.

12 Questions of public policy which have any legal effect
13 shall be submitted to referendum only as authorized by a
14 statute which so provides or by the Constitution. Advisory
15 questions of public policy shall be submitted to referendum
16 pursuant to Section 28-5 or pursuant to a statute which so
17 provides.

18 The method of initiating the submission of a public
19 question shall be as provided by the statute authorizing such
20 public question, or as provided by the Constitution.

21 All public questions shall be initiated, submitted and
22 printed on the ballot in the form required by Section 16-7 of
23 this Act, except as may otherwise be specified in the statute
24 authorizing a public question.

25 Whenever a statute provides for the initiation of a
26 public question by a petition of electors, the provisions of
27 such statute shall govern with respect to the number of
28 signatures required, the qualifications of persons entitled
29 to sign the petition, the contents of the petition, the
30 officer with whom the petition must be filed, and the form of
31 the question to be submitted. If such statute does not

1 specify any of the foregoing petition requirements, the
2 corresponding petition requirements of Section 28-6 shall
3 govern such petition.

4 Irrespective of the method of initiation, not more than 3
5 public questions other than (a) back door referenda, (b)
6 referenda to determine whether a disconnection may take place
7 where a city coterminous with a township is proposing to
8 annex territory from an adjacent township, ~~or~~ (c) referenda
9 held under the provisions of the Property Tax Extension
10 Limitation Law in the Property Tax Code, or (d) referenda
11 pursuant to Article 28A of the Election Code may be submitted
12 to referendum with respect to a political subdivision at the
13 same election.

14 If more than 3 propositions are timely initiated or
15 certified for submission at an election with respect to a
16 political subdivision, the first 3 validly initiated, by the
17 filing of a petition or by the adoption of a resolution or
18 ordinance of a political subdivision, as the case may be,
19 shall be printed on the ballot and submitted at that
20 election. However, except as expressly authorized by law not
21 more than one proposition to change the form of government of
22 a municipality pursuant to Article VII of the Constitution
23 may be submitted at an election. If more than one such
24 proposition is timely initiated or certified for submission
25 at an election with respect to a municipality, the first
26 validly initiated shall be the one printed on the ballot and
27 submitted at that election.

28 No public question shall be submitted to the voters of a
29 political subdivision at any regularly scheduled election at
30 which such voters are not scheduled to cast votes for any
31 candidates for nomination for, election to or retention in
32 public office, except that if, in any existing or proposed
33 political subdivision in which the submission of a public
34 question at a regularly scheduled election is desired, the

1 voters of only a portion of such existing or proposed
2 political subdivision are not scheduled to cast votes for
3 nomination for, election to or retention in public office at
4 such election, but the voters in one or more other portions
5 of such existing or proposed political subdivision are
6 scheduled to cast votes for nomination for, election to or
7 retention in public office at such election, the public
8 question shall be voted upon by all the qualified voters of
9 the entire existing or proposed political subdivision at the
10 election.

11 Not more than 3 advisory public questions may be
12 submitted to the voters of the entire state at a general
13 election. If more than 3 such advisory propositions are
14 initiated, the first 3 timely and validly initiated shall be
15 the questions printed on the ballot and submitted at that
16 election; provided however, that a question for a proposed
17 amendment to Article IV of the Constitution pursuant to
18 Section 3, Article XIV of the Constitution, or for a question
19 submitted under the Property Tax Cap Referendum Law, shall
20 not be included in the foregoing limitation.

21 (Source: P.A. 88-116; 89-510, eff. 7-11-96.)

22 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

23 Sec. 28-2. (a) Except as otherwise provided in this
24 Section or Article 28A, petitions for the submission of
25 public questions to referendum must be filed with the
26 appropriate officer or board not less than 78 days prior to a
27 regular election to be eligible for submission on the ballot
28 at such election; and petitions for the submission of a
29 question under Section 18-120 of the Property Tax Code must
30 be filed with the appropriate officer or board not more than
31 10 months nor less than 6 months prior to the election at
32 which such question is to be submitted to the voters.

33 (b) However, petitions for the submission of a public

1 question to referendum which proposes the creation or
2 formation of a political subdivision must be filed with the
3 appropriate officer or board not less than 108 days prior to
4 a regular election to be eligible for submission on the
5 ballot at such election.

6 (c) Resolutions or ordinances of governing boards of
7 political subdivisions which initiate the submission of
8 public questions pursuant to law must be adopted not less
9 than 65 days before a regularly scheduled election to be
10 eligible for submission on the ballot at such election.

11 (d) A petition, resolution or ordinance initiating the
12 submission of a public question may specify a regular
13 election at which the question is to be submitted, and must
14 so specify if the statute authorizing the public question
15 requires submission at a particular election. However, no
16 petition, resolution or ordinance initiating the submission
17 of a public question, other than a legislative resolution
18 initiating an amendment to the Constitution, may specify such
19 submission at an election more than one year after the date
20 on which it is filed or adopted, as the case may be. A
21 petition, resolution or ordinance initiating a public
22 question which specifies a particular election at which the
23 question is to be submitted shall be so limited, and shall
24 not be valid as to any other election, other than an
25 emergency referendum ordered pursuant to Section 2A-1.4.

26 (e) If a petition initiating a public question does not
27 specify a regularly scheduled election, the public question
28 shall be submitted to referendum at the next regular election
29 occurring not less than 78 days after the filing of the
30 petition, or not less than 108 days after the filing of a
31 petition for referendum to create a political subdivision.
32 If a resolution or ordinance initiating a public question
33 does not specify a regularly scheduled election, the public
34 question shall be submitted to referendum at the next regular

1 election occurring not less than 65 days after the adoption
2 of the resolution or ordinance.

3 (f) In the case of back door referenda, any limitations
4 in another statute authorizing such a referendum which
5 restrict the time in which the initiating petition may be
6 validly filed shall apply to such petition, in addition to
7 the filing deadlines specified in this Section for submission
8 at a particular election. In the case of any back door
9 referendum, the publication of the ordinance or resolution of
10 the political subdivision shall include a notice of (1) the
11 specific number of voters required to sign a petition
12 requesting that a public question be submitted to the voters
13 of the subdivision; (2) the time within which the petition
14 must be filed; and (3) the date of the prospective
15 referendum. The secretary or clerk of the political
16 subdivision shall provide a petition form to any individual
17 requesting one. As used herein, a "back door referendum" is
18 the submission of a public question to the voters of a
19 political subdivision, initiated by a petition of voters or
20 residents of such political subdivision, to determine whether
21 an action by the governing body of such subdivision shall be
22 adopted or rejected.

23 (g) A petition for the incorporation or formation of a
24 new political subdivision whose officers are to be elected
25 rather than appointed must have attached to it an affidavit
26 attesting that at least 108 days and no more than 138 days
27 prior to such election notice of intention to file such
28 petition was published in a newspaper published within the
29 proposed political subdivision, or if none, in a newspaper of
30 general circulation within the territory of the proposed
31 political subdivision in substantially the following form:

32 NOTICE OF PETITION TO FORM A NEW.....

33 Residents of the territory described below are notified
34 that a petition will or has been filed in the Office

1 of.....requesting a referendum to establish a
2 new....., to be called the.....

3 *The officers of the new.....will be elected on the
4 same day as the referendum. Candidates for the governing
5 board of the new.....may file nominating petitions with the
6 officer named above until.....

7 The territory proposed to comprise the new.....is
8 described as follows:

9 (description of territory included in petition)

10 (signature).....

11 Name and address of person or persons proposing
12 the new political subdivision.

13 * Where applicable.

14 Failure to file such affidavit, or failure to publish the
15 required notice with the correct information contained
16 therein shall render the petition, and any referendum held
17 pursuant to such petition, null and void.

18 Notwithstanding the foregoing provisions of this
19 subsection (g) or any other provisions of this Code, the
20 publication of notice and affidavit requirements of this
21 subsection (g) shall not apply to any petition filed under
22 Article 7, 7A, 11A, 11B, or 11D of the School Code nor to any
23 referendum held pursuant to any such petition, and neither
24 any petition filed under any of those Articles nor any
25 referendum held pursuant to any such petition shall be
26 rendered null and void because of the failure to file an
27 affidavit or publish a notice with respect to the petition or
28 referendum as required under this subsection (g) for
29 petitions that are not filed under any of those Articles of
30 the School Code.

31 (Source: P.A. 90-459, eff. 8-17-97.)

32 (10 ILCS 5/Art. 28A heading new)

33 ARTICLE 28A. BINDING INITIATIVES

1 (10 ILCS 5/28A-1 new)

2 Sec. 28A-1. Local government binding initiative petition
3 and referendum.

4 (a) The electors of any unit of local government may
5 pass, by initiative petition and referendum in the manner
6 prescribed by this Article, a binding ordinance that the
7 corporate authorities of their unit of local government are
8 empowered to pass.

9 (b) A binding ordinance may be proposed by a petition
10 signed by the number of electors equal to at least 8% of the
11 total votes cast for Governor at the last general election in
12 the unit of local government. The petition shall contain the
13 text of the proposed ordinance and the date of the regular or
14 unit of local government election at which the proposed
15 ordinance is to be submitted, shall have been signed by
16 petitioning electors not more than 12 months preceding the
17 regular or unit of local government election, and shall be
18 filed with the clerk of the unit of local government at least
19 108 days before that regular or unit of local government
20 election.

21 (c) If the corporate authorities of the unit of local
22 government, without amendment, pass the binding ordinance
23 proposed by such a petition filed with the unit of local
24 government's clerk not less than 78 days prior to the regular
25 or unit of local government election at which the petition
26 specifies the proposed binding ordinance is to be submitted,
27 then the proposed binding shall not be submitted to the
28 electors of the unit of local government.

29 (d) Except as otherwise provided in this Article,
30 petitions filed under this Article shall be governed by
31 Article 28 of the Election Code.

32 (e) If no objection to a petition filed under subsection
33 (b) is filed within 5 business days after such petition is
34 filed or if an objection is filed and the appropriate

1 electoral official or board rules the petition sufficient,
2 then the clerk of the unit of local government shall submit
3 the petition to the election official or board for the unit
4 of local government, and the election official or board shall
5 order the proposed ordinance submitted to the electors of the
6 unit of local government at the election specified in the
7 petition.

8 (f) If, after the election official or board of the unit
9 of local government orders the proposed ordinance to be
10 submitted to the electors of the unit of local government, it
11 determines that the proposed ordinance is too long to be
12 printed in its entirety on the ballot, it shall ask the clerk
13 of the unit of local government to provide a concise
14 statement of its nature. The election official or board shall
15 then cause either the entire proposed ordinance or the
16 concise statement to be printed on the ballot together with a
17 question permitting the elector to indicate approval or
18 disapproval of adoption of the proposed ordinance.

19 (g) If a majority of those voting on the proposed
20 ordinance indicate approval of its adoption, it shall be
21 passed and have the same effect as if it had been passed by
22 the corporate authorities of the unit of local government,
23 except as provided in subsection (h).

24 (h) Ordinances adopted under this Article, either by
25 approval of electors at an election or by passage by the
26 corporate authorities under subsection (c), shall not be
27 repealed or amended within 4 years after adoption except by
28 vote of the electors.

29 (i) The corporate authorities of a unit of local
30 government may submit to its electorate a proposition to
31 repeal or amend an ordinance adopted under this Article at
32 any election in conformance with Article 28 of the Election
33 Code.