

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 6-19, 28-2, and 28-5 as follows:

6 (10 ILCS 5/6-19) (from Ch. 46, par. 6-19)

7 Sec. 6-19. The election officials canvassing returns shall
8 cause a statement of the result of such election on the
9 rejection of this Article 6 and Articles 14 and 18 of this Act
10 to be certified to the court. If a majority of the electors
11 voting on the question vote ~~total votes cast at such election~~
12 ~~is~~ in the affirmative, the court shall enter an order declaring
13 said Articles rejected and shall file a copy of the order in
14 the office of the Secretary of State. Thereupon said Articles
15 shall cease to be operative and binding in such city.

16 (Source: Laws 1965, p. 3481.)

17 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

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

28 (b) However, petitions for the submission of a public
29 question to referendum which proposes the creation or formation
30 of a political subdivision must be filed with the appropriate
31 officer or board not less than 108 days prior to a regular

1 election to be eligible for submission on the ballot at such
2 election.

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

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

24 (e) If a petition initiating a public question does not
25 specify a regularly scheduled election, the public question
26 shall be submitted to referendum at the next regular election
27 occurring not less than 78 days after the filing of the
28 petition, or not less than 108 days after the filing of a
29 petition for referendum to create a political subdivision. If a
30 resolution or ordinance initiating a public question does not
31 specify a regularly scheduled election, the public question
32 shall be submitted to referendum at the next regular election
33 occurring not less than 65 days after the adoption of the
34 resolution or ordinance.

35 (f) In the case of back door referenda, any limitations in
36 another statute authorizing such a referendum which restrict

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

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

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

28 Residents of the territory described below are notified
29 that a petition will or has been filed in the Office
30 of.....requesting a referendum to establish a
31 new....., to be called the.....

32 *The officers of the new.....will be elected on the
33 same day as the referendum. Candidates for the governing board
34 of the new.....may file nominating petitions with the officer
35 named above until.....

36 The territory proposed to comprise the new.....is

1 described as follows:

2 (description of territory included in petition)

3 (signature).....

4 Name and address of person or persons proposing
5 the new political subdivision.

6 * Where applicable.

7 Failure to file such affidavit, or failure to publish the
8 required notice with the correct information contained therein
9 shall render the petition, and any referendum held pursuant to
10 such petition, null and void.

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

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

24 (10 ILCS 5/28-5) (from Ch. 46, par. 28-5)

25 Sec. 28-5. Not less than 61 days before a regularly
26 scheduled election, each local election official shall certify
27 the public questions to be submitted to the voters of or within
28 his political subdivision at that election which have been
29 initiated by petitions filed in his office or by action of the
30 governing board of his political subdivision.

31 Not less than 61 days before a regularly scheduled
32 election, each circuit court clerk shall certify the public
33 questions to be submitted to the voters of a political
34 subdivision at that election which have been ordered to be so
35 submitted by the circuit court pursuant to law. Not less than

1 30 days before the date set by the circuit court for the
2 conduct of an emergency referendum pursuant to Section 2A-1.4,
3 the circuit court clerk shall certify the public question as
4 herein required.

5 Local election officials and circuit court clerks shall
6 make their certifications, as required by this Section, to each
7 election authority having jurisdiction over any of the
8 territory of the respective political subdivision in which the
9 public question is to be submitted to referendum.

10 Not less than 61 days before the next regular election, the
11 county clerk shall certify the public questions to be submitted
12 to the voters of the entire county at that election, which have
13 been initiated by petitions filed in his office or by action of
14 the county board, to the board of election commissioners, if
15 any, in his county.

16 Not less than 67 days before the general election, the
17 State Board of Elections shall certify any questions proposing
18 an amendment to Article IV of the Constitution pursuant to
19 Section 3, Article XIV of the Constitution and any advisory
20 public questions to be submitted to the voters of the entire
21 State, which have been initiated by petitions received or filed
22 at its office, to the respective county clerks. Not less than
23 61 days before the general election, the county clerk shall
24 certify such questions to the board of election commissioners,
25 if any, in his county.

26 The certifications shall include the form of the public
27 question to be placed on the ballot, the date on which the
28 public question was initiated by either the filing of a
29 petition or the adoption of a resolution or ordinance by a
30 governing body, as the case may be, and a certified copy of any
31 court order or political subdivision resolution or ordinance
32 requiring the submission of the public question.
33 Certifications of propositions for annexation to,
34 disconnection from, or formation of political subdivisions or
35 for other purposes shall include a description of the territory
36 in which the proposition is required to be submitted, whenever

1 such territory is not coterminous with an existing political
2 subdivision.

3 The certification of a public question described in
4 subsection (b) of Section 28-6 shall include the precincts
5 included in the territory concerning which the public question
6 is to be submitted, as well as a common description of such
7 territory, in plain and nonlegal language, and specify the
8 election at which the question is to be submitted. The
9 description of the territory shall be prepared by the local
10 election official as set forth in the resolution or ordinance
11 initiating the public question.

12 Whenever a local election official, an election authority,
13 or the State Board of Elections is in receipt of an initiating
14 petition, or a certification for the submission of a public
15 question at an election at which the public question may not be
16 placed on the ballot or submitted because of the limitations of
17 Section 28-1, such officer or board shall give notice of such
18 prohibition, by registered mail, as follows:

19 (a) in the case of a petition, to any person designated on
20 a certificate attached thereto as the proponent or as the
21 proponents' attorney for purposes of notice of objections;

22 (b) in the case of a certificate from a local election
23 authority, to such local election authority, who shall
24 thereupon give notice as provided in subparagraph (a), or
25 notify the governing board which adopted the initiating
26 resolution or ordinance;

27 (c) in the case of a certification from a circuit court
28 clerk of a court order, to such court, which shall thereupon
29 give notice as provided in subparagraph (a) and shall modify
30 its order in accordance with the provisions of this Act.

31 If the petition, resolution or ordinance initiating such
32 prohibited public question did not specify a particular
33 election for its submission, the officer or board responsible
34 for certifying the question to the election authorities shall
35 certify or recertify the question, in the manner required
36 herein, for submission on the ballot at the next regular

1 election no more than one year, or 15 months in the case of a
2 back door referendum as defined in subsection (f) of Section
3 28-2, subsequent to the filing of the initiating petition or
4 the adoption of the initiating resolution or ordinance and at
5 which the public question may be submitted, and the appropriate
6 election authorities shall submit the question at such
7 election, unless the public question is ordered submitted as an
8 emergency referendum pursuant to Section 2A-1.4 or is withdrawn
9 as may be provided by law.

10 (Source: P.A. 86-875.)

11 Section 10. The Counties Code is amended by changing
12 Sections 1-3001, 1-3002, and 1-4004 as follows:

13 (55 ILCS 5/1-3001) (from Ch. 34, par. 1-3001)

14 Sec. 1-3001. Petition to form new county. Whenever it is
15 desired to form a new county out of one or more of the then
16 existing counties, ~~and~~ a petition praying for the erection of
17 such new county, stating and describing the territory proposed
18 to be taken for such new county, together with the name of such
19 proposed new county, must be signed by a majority of the legal
20 voters residing in the territory to be stricken from such
21 county or counties equal in number to 1% of the total votes
22 cast in the affected territory for candidates for Governor in
23 the preceding gubernatorial election. The petition must be
24 signed by the petitioners not more than 24 months preceding the
25 date of the general election at which the question is to be
26 submitted and, shall be presented to the county board of each
27 county to be affected by such division. If it appears, ~~and it~~
28 ~~appearing~~ that such new county can be constitutionally formed,
29 it shall be the duty of such county board or county boards to
30 make an order providing for the submission of the question of
31 the erection of such new county to a vote of the people of the
32 counties to be affected. The County Board or boards shall
33 certify the question to the proper election officials, who
34 shall submit the question to the voters at a general election,

1 in accordance with the general election law. The form of the
2 proposition shall be as follows: "For new county," and "Against
3 new county."

4 (Source: P.A. 86-962.)

5 (55 ILCS 5/1-3002) (from Ch. 34, par. 1-3002)

6 Sec. 1-3002. Election; effect. If it shall appear that a
7 majority of the electors voting on the question ~~all the votes~~
8 ~~cast at such election~~, in each of the counties interested, is
9 in favor of the erection of such new county, the county clerk
10 of each of said counties shall certify the same to the
11 Secretary of State, stating in such certificate the name,
12 territorial contents and boundaries of such new county;
13 whereupon the Secretary of State shall notify the Governor of
14 the result of such election, whose duty it shall be to order an
15 election of county officers for such new county in accordance
16 with the general election law for the election of county
17 officers. At such election the qualified voters of said new
18 county shall elect all county officers for said county, except
19 as hereinafter excepted, who shall be commissioned and
20 qualified in the same manner as such officers are in other
21 counties in this State, and who shall continue in office until
22 the next regular election for such officers, and until their
23 successors are elected and qualified, and who shall have all
24 the jurisdiction and perform all the duties which are or may be
25 conferred upon such officers in other counties of this State.

26 (Source: P.A. 86-962.)

27 (55 ILCS 5/1-4004) (from Ch. 34, par. 1-4004)

28 Sec. 1-4004. Effect of vote. If a majority of the electors
29 voting on the question, in each of the counties, is ~~votes~~
30 ~~polled in each of such counties at such election shall be~~ in
31 favor of said proposition, all that territory included within
32 the established boundaries of the petitioning county, shall be
33 united and annexed to the adjoining county, and such
34 petitioning county, shall cease to have any separate existence

1 as a county, but shall be merged into and form an integral part
2 of such adjoining county, in fact and in name, at the time and
3 in the manner hereinafter provided.

4 (Source: P.A. 86-962.)

5 Section 15. The Illinois Municipal Code is amended by
6 changing Sections 2-2-3, 2-2-8, 2-3-6, 5-5-1, 11-66-3, and
7 11-112-1 as follows:

8 (65 ILCS 5/2-2-3) (from Ch. 24, par. 2-2-3)

9 Sec. 2-2-3. The question shall be in substantially the
10 following form:

11 -----
12 Shall the city of.... YES
13 incorporate as a city under -----
14 the general law? NO

15 -----
16 The corporate authorities shall cause the result of the canvass
17 to be entered on the records of the city. If a majority of the
18 electors voting on the question ~~votes cast at the election~~
19 favor incorporation as a city under the general law, the city
20 is incorporated under this Code. Thereupon, the city officers
21 then in office shall exercise the powers conferred upon like
22 officers in this Code, until their successors are elected and
23 have qualified.

24 (Source: P.A. 81-1489.)

25 (65 ILCS 5/2-2-8) (from Ch. 24, par. 2-2-8)

26 Sec. 2-2-8. The proposition shall be in substantially the
27 following form:

28 -----
29 Shall the territory (here describe YES
30 it) be incorporated as a city under -----
31 the general law? NO

32 -----
33 The result of the election shall be entered of record in

1 the court. If a majority of the electors voting on the
 2 proposition ~~votes cast at the election~~ favor incorporation as a
 3 city under the general law, the inhabitants of the territory
 4 described in the petition are incorporated as a city under this
 5 Code, with the name stated in the petition.

6 Appeals may be taken as in other civil cases.

7 (Source: P.A. 83-343.)

8 (65 ILCS 5/2-3-6) (from Ch. 24, par. 2-3-6)

9 Sec. 2-3-6. Upon the filing of such a petition with the
 10 circuit clerk, the court shall hear testimony and rule that the
 11 area under consideration is or is not a village in fact. The
 12 ruling of the court shall be entered of record in the court. If
 13 the court rules that the area does not constitute a village in
 14 fact, the petition to incorporate the area as a village is
 15 denied and no subsequent petition concerning village
 16 incorporation of any of the land described in the earlier
 17 petition may be filed within one year. If the court rules that
 18 the area does constitute a village in fact, such court shall
 19 enter an order so finding and the proposition shall be
 20 certified and submitted to the electors of such area in the
 21 manner provided by the general election law. The proposition
 22 shall be in substantially the following form:

23 -----
 24 Shall the territory (here YES
 25 describe it) be incorporated as -----
 26 a village under the general law? NO
 27 -----

28 The result of the election shall be entered of record in
 29 the court. If a majority of the electors voting on the
 30 proposition ~~votes cast at the election~~ favor incorporation as a
 31 village under the general law the inhabitants of the territory
 32 described in the petition are incorporated as a village under
 33 this Code with the name stated in the petition.

34 (Source: P.A. 83-343.)

1 (65 ILCS 5/5-5-1) (from Ch. 24, par. 5-5-1)

2 Sec. 5-5-1. Petition for abandonment of managerial form;
3 referendum; succeeding elections of officers and aldermen or
4 trustees.

5 (a) A city or village that has operated for 4 years or more
6 under the managerial form of municipal government may abandon
7 that organization as provided in this Section. For the purposes
8 of this Article, the operation of the managerial form of
9 municipal government shall be deemed to begin on the date of
10 the appointment of the first manager in the city or village.
11 When a petition for abandonment signed by electors of the
12 municipality equal in number to at least 10% of the number of
13 votes cast for candidates for mayor at the preceding general
14 quadrennial municipal election is filed with the circuit court
15 for the county in which that city or village is located, the
16 court shall set a date not less than 10 nor more than 30 days
17 thereafter for a hearing on the sufficiency of the petition.
18 Notice of the filing of the petition and of the date of the
19 hearing shall be given in writing to the city or village clerk
20 and to the mayor or village president at least 7 days before
21 the date of the hearing. If the petition is found sufficient,
22 the court shall enter an order directing that the proposition
23 be submitted at an election other than a primary election for
24 the municipality. The clerk of the court shall certify the
25 proposition to the proper election authorities for submission.
26 The proposition shall be in substantially the following form:

27 Shall (name of city or village) retain the managerial
28 form of municipal government?

29 (b) If the majority of the electors voting on the
30 proposition vote in the affirmative ~~votes at the election are~~
31 ~~"yes"~~, then the proposition to abandon is rejected and the
32 municipality shall continue operating under this Article 5. If
33 the majority of the electors voting on the proposition vote in
34 the negative ~~of the votes are "no"~~, then the proposition to
35 abandon operation under this Article 5 is approved.

36 (c) If the proposition for abandonment is approved, the

1 city or village shall become subject to Article 3.1 or Article
2 4, whichever Article was in force in the city or village
3 immediately before the adoption of the plan authorized by this
4 Article 5, upon the election and qualification of officers to
5 be elected at the next succeeding general municipal election.
6 Those officers shall be those prescribed by Article 3.1 or
7 Article 4, as the case may be, but the change shall not in any
8 manner or degree affect the property rights or liabilities of
9 the city or village. The mayor, clerk, and treasurer and all
10 other elected officers of a city or village in office at the
11 time the proposition for abandonment is approved shall continue
12 in office until the expiration of the term for which they were
13 elected.

14 (d) If a city or village operating under this Article 5 has
15 aldermen or trustees elected from wards or districts and a
16 proposition to abandon operation under this Article 5 is
17 approved, then the officers to be elected at the next
18 succeeding general municipal election shall be elected from the
19 same wards or districts as exist immediately before the
20 abandonment.

21 (e) If a city or village operating under this Article 5 has
22 a council or village board elected from the municipality at
23 large and a proposition to abandon operation under this Article
24 5 is approved, then the first group of aldermen, board of
25 trustees, or commissioners so elected shall be of the same
26 number as was provided for in the municipality at the time of
27 the adoption of a plan under this Article 5, with the same ward
28 or district boundaries in cities or villages that immediately
29 before the adoption of this Article 5 had wards or districts,
30 unless the municipal boundaries have been changed. If there has
31 been such a change, the council or village board shall so alter
32 the former ward or district boundaries so as to conform as
33 nearly as possible to the former division. If the plan
34 authorized by this Article 5 is abandoned, the next general
35 municipal election for officers shall be held at the time
36 specified in Section 3.1-10-75 or 3.1-25-15 for that election.

1 The aldermen or trustees elected at that election shall, if the
2 city or village was operating under Article 3 at the time of
3 adoption of this Article 5 and had at that time staggered 4
4 year terms of office for the aldermen or trustees, choose by
5 lot which shall serve initial 2 year terms as provided by
6 Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in
7 the case of election of those officers at the first election
8 after a municipality is incorporated.

9 (f) The proposition to abandon the managerial form of
10 municipal government shall not be submitted in any city or
11 village oftener than once in 12 months.

12 (Source: P.A. 93-847, eff. 7-30-04.)

13 (65 ILCS 5/11-66-3) (from Ch. 24, par. 11-66-3)

14 Sec. 11-66-3. If a majority of the electors voting on the
15 question ~~all votes cast at the election~~ are in favor of the tax
16 levy for a municipal coliseum, the corporate authorities, in
17 the next annual tax levy, shall include a tax not to exceed
18 .25% of the value, as equalized or assessed by the Department
19 of Revenue, on all the taxable property of the municipality for
20 the establishment of a municipal coliseum in the municipality,
21 and thereafter may annually levy a tax not to exceed .05% of
22 the value, as equalized or assessed by the Department of
23 Revenue, on all the taxable property of the municipality, for
24 the maintenance thereof and for the payment for the use of any
25 money loaned or advanced to the municipality for the purpose of
26 buying a site and building the municipal coliseum, and for the
27 repayment of any money so loaned or advanced. Payment for the
28 use of money so loaned or advanced shall be in such form and
29 manner as the board of directors may determine, and the amount
30 so paid shall not exceed 5% annually on any money so loaned or
31 advanced. The corporate authorities of such a municipality,
32 when real estate owned by the municipality is not necessary for
33 any other municipal purpose, may authorize the use of the real
34 estate for the municipal coliseum.

35 The foregoing limitations upon tax rates may be increased

1 or decreased according to the referendum provisions of the
2 General Revenue Law of Illinois.

3 (Source: P.A. 86-1028.)

4 (65 ILCS 5/11-112-1) (from Ch. 24, par. 11-112-1)

5 Sec. 11-112-1. When a vote has been taken under "An Act to
6 enable cities, villages and towns threatened with overflow or
7 inundation to levy taxes by vote of the electors thereof, to
8 strengthen, build, raise or repair the levees around same and
9 to issue anticipation warrants on such taxes," approved June
10 11, 1897, as amended, or when a vote is taken under this
11 Section and Section 11-112-2 at a general municipal election in
12 a municipality that is protected by levees or embankments, or
13 that may deem it necessary to be so protected, and a majority
14 of the electors voting on the question ~~legal votes cast at the~~
15 ~~election~~ were or are for a tax to build, raise, strengthen, or
16 repair the levees around the municipality, not exceeding the
17 rate of .1666% annually, to be levied annually for a period of
18 not exceeding 7 years on the taxable property of the
19 municipality, the corporate authorities of the municipality
20 may (1) make an appropriation by ordinance of the proceeds of
21 the tax so authorized, (2) pass an ordinance levying the tax
22 for the whole period as authorized by the vote to be annually
23 extended, and (3) draw tax anticipation warrants thereon to the
24 amount that the tax levy will produce based on the assessment
25 of the preceding year of all the taxable property of the
26 municipality. These warrants shall draw interest at not to
27 exceed the rate authorized by the vote authorizing the tax, not
28 exceeding 7% annually, but the warrants shall not be sold below
29 par.

30 The foregoing limitation upon tax rate may be increased or
31 decreased according to the referendum provisions of the General
32 Revenue Law of Illinois.

33 (Source: P.A. 76-845.)

34 Section 20. The Fire Protection District Act is amended by

1 changing Sections 1 and 3 as follows:

2 (70 ILCS 705/1) (from Ch. 127 1/2, par. 21)

3 Sec. 1. It is hereby declared as a matter of legislative
4 determination that in order to promote and protect the health,
5 safety, welfare and convenience of the public, it is necessary
6 in the public interest to provide for the creation of municipal
7 corporations known as fire protection districts and to confer
8 upon and vest in the fire protection districts all powers
9 necessary or appropriate in order that they may engage in the
10 acquisition, establishment, maintenance and operation of fire
11 stations, facilities, vehicles, apparatus and equipment for
12 the prevention and control of fire therein and the underwater
13 recovery of drowning victims, and provide as nearly adequate
14 protection from fire for lives and property within the
15 districts as possible and regulate the prevention and control
16 of fire therein; and that the powers herein conferred upon such
17 fire protection districts are public objects and governmental
18 functions in the public interest.

19 Whenever any territory is (1) an area of contiguous
20 territory in a county, or in more than one but in not more than
21 5 counties; (2) so situated that the destruction by fire of the
22 buildings and other property therein is hazardous to the lives
23 and property of the public; (3) so situated that the
24 acquisition, establishment, maintenance and operation of a
25 fire station or stations, facilities, vehicles, apparatus and
26 equipment for the prevention and control of fire therein will
27 conduce to the promotion and protection of the health, safety,
28 welfare and convenience of the public; (4) so situated that it
29 does not divide any city, village or incorporated town, but, in
30 the case of a city, village or incorporated town situated
31 partly within and partly without one or more existing fire
32 protection districts, such territory shall not be considered as
33 dividing the city, village or incorporated town if it includes
34 all of the city, village or incorporated town situated outside
35 of any existing fire protection district; (5) so situated that

1 such territory contains no territory included in any other fire
2 protection district, or if any territory is disconnected in the
3 manner provided in Section 16c of this Act, the same may be
4 incorporated as a fire protection district. For the purpose of
5 meeting the requirement of item (1) that the territory be
6 contiguous, territory shall be considered to be contiguous if
7 the only separation between parts of such territory is land
8 owned by the United States, the State of Illinois, or any
9 agency or instrumentality of either. In the case of territory
10 disconnected from an existing district pursuant to Section 16c
11 of this Act, such territory may be incorporated as provided in
12 that Section; otherwise such districts may be incorporated
13 under this Act in the manner following:

14 Fifty or more of the legal voters resident within the
15 limits of the proposed district, or a majority thereof if less
16 than 100, may petition the circuit court for the county which
17 contains all or the largest portion of the proposed district to
18 cause the question to be submitted to the legal voters of the
19 proposed district, whether the proposed territory shall be
20 organized as a fire protection district under this Act; the
21 petition shall be addressed to the court and shall contain a
22 definite description of the boundaries of the territory to be
23 embraced in the proposed district, and the name of the proposed
24 district and shall allege facts in support of the organization
25 and incorporation.

26 Upon filing a petition in the office of the circuit clerk
27 of the county in which the petition is made, the court shall
28 fix a time and place for a hearing upon the subject of the
29 petition.

30 Notice shall be given by the court to which the petition is
31 addressed, or by the circuit clerk or sheriff of the county in
32 which the petition is made at the order and direction of the
33 court, of the time and place of the hearing upon the subject of
34 the petition at least 20 days prior thereto by one publication
35 thereof in one or more daily or weekly papers published within
36 the proposed fire protection district (or if no daily or weekly

1 newspaper is published within such proposed fire protection
 2 district, then either by one publication thereof in any
 3 newspaper of general circulation within that territory or by
 4 posting at least 10 copies of the notice in the district at
 5 least 20 days before the hearing in conspicuous places as far
 6 separated from each other as consistently possible), and by
 7 mailing a copy of the notice to the mayor or president of the
 8 board of trustees of all cities, villages and incorporated
 9 towns in whole or in part within the proposed fire protection
 10 district.

11 At the hearing all persons residing in or owning property
 12 situated in the proposed fire protection district shall have an
 13 opportunity to be heard; and if the court finds that the
 14 petition does not comply with the provisions of this Act or
 15 that the allegations of the petition are not true, the court
 16 shall dismiss the petition; but if the court finds that the
 17 petition complies with the provisions of this Act and that the
 18 allegations of the petition are true, the same shall be
 19 incorporated in an order which shall be filed of record in the
 20 court. Upon the entering of such order the court shall order
 21 the submission to the legal voters of the proposed fire
 22 protection district the question of organization and
 23 establishment of the proposed fire protection district at an
 24 election. The circuit clerk shall certify the question and the
 25 order to the proper election officials who shall submit the
 26 question at an election in accordance with the general election
 27 law. The notice of the referendum shall specify the purpose of
 28 such election with a description of the proposed district.

29 The question shall be in substantially the following form:

- 30 -----
 31 For Fire Protection District.
 32 -----
 33 Against Fire Protection District.
 34 -----

35 The court shall cause a written statement of the results of
 36 such election to be filed of record in the court. If no city or

1 village or incorporated town nor any part thereof is included
2 in the territory proposed as a district and the majority of the
3 electors voting ~~votes cast at such election~~ upon the question
4 shall be in favor of the incorporation of the proposed fire
5 protection district, or if a city or village or incorporated
6 town or any part thereof is included in the territory proposed
7 as a district and a majority of the electors voting ~~votes cast~~
8 ~~at such election~~ upon the question, within the limits of each
9 city or village or incorporated town and also a majority of the
10 electors voting on the question ~~those cast~~ outside the limits
11 of each such city or village or incorporated town shall be in
12 favor of the proposed fire protection district, or if a city or
13 village or incorporated town is included in the territory
14 proposed as a district and a majority of the electors voting
15 ~~votes cast at such election~~ upon the question within the limits
16 of such city or village or incorporated town or in any other
17 city or village or incorporated town which is included in the
18 proposed territory shall be in favor of the proposed fire
19 protection district, and even if a majority of the electors
20 voting upon the question ~~votes cast~~ outside the limits of such
21 city or cities or village or villages or incorporated town or
22 towns, are not in favor of the proposed fire protection
23 district, in each city or village or incorporated town in which
24 a majority of the electors voting on the question are ~~casts a~~
25 ~~majority of votes~~ in favor of the proposed district, the
26 proposed district or portion of the proposed district in which
27 a majority of the electors voting on the question ~~votes cast at~~
28 ~~the election~~ are in favor of the proposition as provided in
29 this amendatory Act of 1986 and this amendatory Act of the 94th
30 General Assembly shall thenceforth be deemed an organized fire
31 protection district under this Act, and the court shall enter
32 an order accordingly and cause the same to be filed of record
33 in the court and shall also cause to be sent to the county
34 clerk of any and all other counties in which any portion of the
35 district lies and the Office of the State Fire Marshal a
36 certified copy of the order organizing the district and a plat

1 of the same indicating what lands of the district lie in such
2 other county or counties. The circuit clerk shall also file
3 with the Office of the State Fire Marshal a certified copy of
4 any other order organizing any other fire protection district
5 which may have been theretofore organized in the county.

6 (Source: P.A. 85-1434.)

7 (70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

8 Sec. 3. Additional contiguous territory having the
9 qualifications set forth in Section 1 may be added to any fire
10 protection district as provided for in this Act in the manner
11 following:

12 (a) One percent or more of the legal voters resident within
13 the limits of the proposed addition to the fire protection
14 district may petition the court of the county in which the
15 original petition for the formation of the fire protection
16 district was filed, to cause the question to be submitted to
17 the legal voters of the proposed additional territory whether
18 the proposed additional territory shall become a part of any
19 contiguous fire protection district organized under this Act
20 and whether the voters of the additional territory shall assume
21 a proportionate share of the bonded indebtedness of the
22 district. The petition shall be addressed to the court and
23 shall contain a definite description of the boundaries of the
24 territory to be embraced in the proposed addition and shall
25 allege facts in support of such addition.

26 Upon filing the petition in the office of the circuit clerk
27 of the county in which the original petition for the formation
28 of the fire protection district was filed, it shall be the duty
29 of the court to fix a time and place of a hearing upon the
30 subject of the petition.

31 Notice shall be given by the court, or by the circuit clerk
32 or sheriff upon order of the court of the county in which the
33 petition is filed, of the time and place of a hearing upon the
34 petition in the manner as provided in Section 1. The conduct of
35 the hearing on the question whether the proposed additional

1 territory shall become a part of the fire protection district
2 shall be carried out in the manner described in Section 1, as
3 nearly as may be. The question shall be in substantially the
4 following form:

5 -----

6 For joining the.... Fire
7 Protection District and assuming a
8 proportionate share of bonded
9 indebtedness, if any.

10 -----

11 Against joining the.... Fire
12 Protection District and assuming a
13 proportionate share of bonded
14 indebtedness, if any.

15 -----

16 If a majority of the electors voting ~~votes cast at the~~
17 ~~election~~ upon the question of becoming a part of any contiguous
18 fire protection district are in favor of becoming a part of
19 that fire protection district and if the trustees of the fire
20 protection district accept the proposed additional territory
21 by resolution, the proposed additional territory shall be
22 deemed an integral part of that fire protection district and
23 shall be subject to all the benefits of service and
24 responsibilities of the district as set forth in this Act.

25 (b) The owner or owners of any tract or tracts of land,
26 contiguous to an existing fire protection district and not
27 already included in a fire protection district, may file a
28 written petition, addressed to the trustees of the fire
29 protection district to which they seek to have their tract or
30 tracts of land attached, containing a definite description of
31 the boundaries of the territory and a statement that they
32 desire that their property become a part of the fire protection
33 district to which their petition is addressed, and that they
34 are willing that their property assume a proportionate share of
35 the bonded indebtedness, if any, of the fire protection
36 district.

1 When such a petition is filed with the trustees, they shall
2 immediately pass a resolution to accept or reject the territory
3 proposed to be attached. If the trustees resolve in favor of
4 accepting the territory, they shall file with the court of the
5 county where the fire protection district was organized the
6 original petition and a certified copy of the resolution, and
7 the court shall then enter an order stating that the proposed
8 annexed territory shall be deemed an integral part of that fire
9 protection district and subject to all of the benefits of
10 service and responsibilities of the district. The circuit clerk
11 shall transmit a certified copy of the order to the county
12 clerk of each county in which any of the territory affected is
13 situated and to the State Fire Marshal.

14 (c) Upon the annexation of territory by a district, the
15 boundary shall extend to the far side of any adjacent highway
16 and shall include all of every highway within the area annexed.
17 These highways shall be considered to be annexed even though
18 not included in the legal description set forth in the petition
19 for annexation.

20 (Source: P.A. 85-556; 86-1191.)

21 Section 25. The River Conservancy Districts Act is amended
22 by changing Section 1 as follows:

23 (70 ILCS 2105/1) (from Ch. 42, par. 383)

24 Sec. 1. Whenever the unified control of a lake or of a
25 river system or a portion thereof shall be deemed conducive to
26 the prevention of stream pollution development, conservation
27 and protection of water supply, preservation of water levels,
28 control or prevention of floods, reclamation of wet and
29 overflowed lands, development of irrigation, conservation of
30 soil, provision of domestic, industrial or public water
31 supplies, collection and disposal of sewage and other public
32 liquid wastes, provision of forests, wildlife areas, parks and
33 recreational facilities, and to the promotion of the public
34 health, comfort and convenience the same may be organized as a

1 conservancy district under this Act in the manner following:

2 One per cent or more of the legal voters resident within
3 the limits of such proposed district, and, with respect to
4 petitions filed on or after the effective date of this
5 amendatory Act of 1990, one percent of the legal voters
6 resident in each county in which the proposed district is
7 situated, may petition the circuit court for the county which
8 contains all or the largest portion of the proposed district to
9 cause the question to be submitted to the legal voters of such
10 proposed district, whether such proposed territory shall be
11 organized as a conservancy district under this Act, which
12 petition shall be addressed to the court and shall contain a
13 general description of the boundaries of the territory to be
14 embraced in the proposed district and the name of such proposed
15 district. The description need not be given by metes and bounds
16 or by legal subdivisions, but it shall be sufficient if a
17 generally accurate description is given of the territory to be
18 organized as a district. Such territory need not be contiguous,
19 provided that it be so situated that the public health, safety,
20 convenience or welfare will be promoted by the organization as
21 a single district of the territory described.

22 Upon filing such petition in the office of the circuit
23 clerk of the county in which such petition is filed as
24 aforesaid it shall be the duty of the court to consider the
25 boundaries of any such proposed conservancy district, whether
26 the same shall be those stated in the petition or otherwise.
27 The decision of the court is appealable as in other civil
28 cases.

29 The court shall by order fix a time and place for a hearing
30 on the petition not less than 60 days after the date of such
31 order. Notice shall be given by the court to whom the petition
32 is addressed of the time and place where such commissioners
33 shall meet for such hearing by a publication inserted once in
34 one or more daily or weekly papers published within the
35 proposed conservancy district, or if no daily or weekly
36 newspaper is published within such proposed conservancy

1 district, then by posting such notice, at least 10 copies, in
 2 such proposed district at least 20 days before such meeting, in
 3 conspicuous public places as far separated from each other as
 4 consistently possible.

5 At such hearing all persons in such proposed conservancy
 6 district shall have an opportunity to be heard, touching upon
 7 the location and boundaries of such proposed district and to
 8 make suggestions regarding the same, and the court, after
 9 hearing statements, evidence and suggestions, shall fix and
 10 determine the limits and boundaries of such proposed district,
 11 and for that purpose and to that extent, may alter and amend
 12 such petition. After such determination by the court, the same
 13 shall be incorporated in an order which shall be entered of
 14 record in the circuit court or courts of the counties situate
 15 in the proposed district and the court shall also by the order
 16 provide for the holding of a referendum as herein provided.

17 Upon the entering of such order the court shall certify the
 18 question of organization and establishment of the proposed
 19 conservancy district as determined by the court to the proper
 20 election officials who shall submit the question at an election
 21 in accordance with the general election law. In addition to the
 22 requirements of the general election law, notice of the
 23 referendum shall specify the purpose of the referendum and
 24 contain a description of such proposed district. The clerk of
 25 the court shall send notice of the referendum to the county
 26 board of each county in which the proposed district is
 27 situated.

28 Each legal voter resident within such proposed conservancy
 29 district shall have the right to cast a ballot at such
 30 election. The question shall be in substantially the following
 31 form:

32 -----

33 Shall a Conservancy District
 34 be organized, with authority to levy
 35 an annual tax at a maximum rate of YES
 36 ... % (maximum rate authorized under

1 Section 17 of the River Conservancy -----
 2 Districts Act) of the value of all
 3 taxable property within the limits of NO
 4 the District as equalized or assessed
 5 by the Department of Revenue?

6 -----

7 The ballots cast on the question in each county shall be
 8 returned and canvassed by the county clerk of the county in
 9 which the same are cast and such county clerks respectively
 10 shall file with the county clerk of the county, in which the
 11 petition is filed, a true copy of the return and canvass of the
 12 votes cast in each of said counties and thereupon the county
 13 clerk of the county in which such petition is filed shall
 14 canvass the entire vote cast in the election from the returns
 15 furnished by such respective county clerks and shall ascertain
 16 the result of such referendum and certify the same to the
 17 court. The court shall cause a statement of the results of such
 18 referendum to be entered of record in the court. If a majority
 19 of the electors voting ~~votes cast at such election~~ upon the
 20 question shall be in favor of the organization of the proposed
 21 conservancy district such proposed district shall thenceforth
 22 be deemed an organized conservancy district under this Act and
 23 a municipal corporation with the powers and duties herein
 24 conferred and bearing the name set forth in the petition.

25 (Source: P.A. 86-1307.)

26 Section 30. The North Shore Sanitary District Act is
 27 amended by changing Sections 26 and 27 as follows:

28 (70 ILCS 2305/26) (from Ch. 42, par. 296.6)

29 Sec. 26. Additional contiguous territory may be added to
 30 any sanitary district organized under this Act in the manner
 31 following:

32 Ten per cent or more of the legal voters resident within
 33 the limits of such proposed addition to such sanitary district
 34 may petition the circuit court for the county in which such

1 sanitary district is located to cause the question to be
 2 submitted to the legal voters of such proposed additional
 3 territory whether such proposed additional territory shall
 4 become a part of any contiguous sanitary district organized
 5 under this Act and whether such additional territory and the
 6 taxpayers thereof shall assume a proportionate share of the
 7 bonded indebtedness, if any, of such sanitary district. Such
 8 petition shall be addressed to the court and shall contain a
 9 definite description of the boundaries of the territory sought
 10 to be added. Provided that no territory disqualified in Section
 11 1 of this Act shall be included.

12 Upon filing such petition in the office of the circuit
 13 clerk of the county in which such sanitary district is located
 14 it shall be the duty of the court to consider the boundaries of
 15 such proposed additional territory, whether the same shall be
 16 those stated in the petition or otherwise. The decision of the
 17 court shall be a final order and appealable as in other civil
 18 cases.

19 Notice shall be given by the court of the time and place
 20 when and where all persons interested will be heard
 21 substantially as provided in and by Section 1 of this Act. The
 22 court shall certify its order and the proposition to the proper
 23 election officials who shall submit the proposition at an
 24 election in accordance with the general election law. The
 25 proposition shall be in substantially the following form:

26 -----
 27 For joining sanitary district and
 28 assuming a proportionate share
 29 of bonded indebtedness, if any.

30 -----
 31 Against joining sanitary district
 32 and assuming a proportionate
 33 share of bonded indebtedness,
 34 if any.

35 -----
 36 If a majority of the electors voting on the question ~~votes cast~~

1 ~~at such election~~ shall be in favor of becoming a part of such
2 sanitary district and if the trustees of such sanitary district
3 accept the proposed additional territory by ordinance annexing
4 the same, the court shall enter an appropriate order of record
5 in the court, and such additional territory shall thenceforth
6 be deemed an integral part of such sanitary district. Any such
7 additional contiguous territory may be annexed to such sanitary
8 district upon petition addressed to such court, signed by a
9 majority of the owners of lands constituting such territory
10 who, in the case of natural persons, shall have arrived at
11 lawful age and who represent a majority in area of such
12 territory, which said petition shall contain a definite
13 description of the boundaries of such territory and shall set
14 forth the willingness of the petitioners that such territory
15 and the taxpayers thereof assume a proportionate share of the
16 bonded indebtedness, if any, of such sanitary district. Upon
17 the filing of such petition and notice of and hearing and
18 decision upon the same by the aforesaid commissioners, all as
19 hereinbefore provided, such commissioners or a majority of
20 them, shall enter an order containing their findings and
21 decision as to the boundaries of the territory to be annexed;
22 and thereupon, if the trustees of such sanitary district shall
23 pass an ordinance annexing the territory described in such
24 order to said sanitary district, the court shall enter an
25 appropriate order as hereinabove provided, and such additional
26 territory shall thenceforth be deemed an integral part of such
27 sanitary district.

28 (Source: P.A. 83-343.)

29 (70 ILCS 2305/27) (from Ch. 42, par. 296.7)

30 Sec. 27. Any contiguous territory located within the
31 boundaries of any sanitary district organized under this Act,
32 and upon the border of such district, may become disconnected
33 from such district in the manner following, to wit: 10% or more
34 of the legal voters resident in the territory sought to be
35 disconnected from such district, may petition the circuit court

1 for the county in which such sanitary district is located to
 2 cause the question of whether such territory shall be
 3 disconnected to be submitted to the legal voters of such
 4 territory. Such petition shall be addressed to the court and
 5 shall contain a definite description of the boundaries of such
 6 territory and recite as a fact, that there is no outstanding
 7 bonded indebtedness of such sanitary district which was
 8 incurred or assumed while such territory was a part of such
 9 sanitary district and that no special assessments for local
 10 improvements were levied upon or assessed against any of the
 11 lands within such territory or, if so levied or assessed, that
 12 all of such assessments have been fully paid and discharged and
 13 that such territory is not, at the time of the filing of such
 14 petition, and will not be, either benefited or served by any
 15 work or improvements either then existing or then authorized by
 16 said sanitary district. Upon filing such petition in the office
 17 of the circuit clerk of the county in which such sanitary
 18 district is located it shall be the duty of the court to
 19 consider the boundaries of such territory and the facts upon
 20 which the petition is founded. The court may alter the
 21 boundaries of such territory and shall deny the prayer of the
 22 petition, if the material allegations therein contained are not
 23 founded in fact; a decision of said commissioners or a majority
 24 of them shall be conclusive and not subject to review.

25 Notice shall be given by the court of the time and place
 26 when and where all persons interested will be heard
 27 substantially as provided in and by Section 1 of this Act. The
 28 court shall certify its order and the question to the proper
 29 election officials who shall submit the question at an election
 30 in accordance with the general election law. The proposition
 31 shall be in substantially the following form:

32 -----

33 For disconnection from
 34 sanitary district.

35 -----

36 Against disconnection from

1 sanitary district.

2 -----
3 If a majority of the electors voting on the proposition ~~votes~~
4 ~~cast at such election~~ shall be in favor of disconnection, and
5 if the trustees of such sanitary district shall, by ordinance,
6 disconnect such territory, thereupon the court shall enter an
7 appropriate order of record in the court and thereafter such
8 territory shall thenceforth be deemed disconnected from such
9 sanitary district.

10 (Source: P.A. 83-343.)

11 Section 35. The Street Light District Act is amended by
12 changing Section 2a as follows:

13 (70 ILCS 3305/2a) (from Ch. 121, par. 356a)

14 Sec. 2a. Additional territory having the qualifications
15 set forth in Section 1 may be added to any street lighting
16 district as provided for in this Act in the manner following:

17 Fifty or more of the legal voters resident within the
18 limits of such proposed addition to such street lighting
19 district may petition the circuit court of the county in which
20 the original petition for the formation of said street lighting
21 district was filed, to cause the question to be submitted to
22 the legal voters of such proposed additional territory whether
23 such proposed additional territory shall become a part of any
24 street lighting district organized under this Act and whether
25 the voters of the additional territory shall assume a
26 proportionate share of the bonded indebtedness of such
27 district. The petition shall be addressed to the court and
28 shall contain a definite description of the boundaries of the
29 territory to be embraced in the proposed addition and shall
30 allege facts in support of the addition.

31 Upon filing the petition in the office of the circuit clerk
32 of the county in which the original petition for the formation
33 of such street lighting district was filed, it shall be the
34 duty of the court to fix a time and place of a hearing upon the

1 subject of said petition.

2 Notice shall be given by the circuit court, or by the
3 circuit clerk or sheriff upon order of the circuit court of the
4 county in which such petition is filed, of the time and place
5 of a hearing upon the petition in the manner as provided in
6 Section 1. The conduct of the hearing and the manner of
7 conducting a subsequent referendum on the question whether the
8 proposed additional territory shall become a part of the street
9 lighting district, shall be carried out in the manner described
10 in Section 1, as nearly as may be, and in accordance with the
11 general election law but the question shall be in substantially
12 the following form, to-wit:

13 -----
14 For joining the.... Street
15 Lighting District and assuming a
16 proportionate share of bonded
17 indebtedness, if any.

18 -----
19 Against joining the.... Street
20 Lighting District and assuming a
21 proportionate share of bonded
22 indebtedness, if any.

23 -----
24 If a majority of the electors voting ~~votes cast at the~~
25 ~~election~~ upon the question of becoming a part of any street
26 lighting district shall be in favor of becoming a part of such
27 street lighting district and if the trustees of said street
28 lighting district accept the proposed additional territory by
29 resolution, such proposed additional territory shall
30 thenceforth be deemed an integral part of such street lighting
31 district and shall be subject to all the benefits of service
32 and responsibilities of said district as herein set forth.

33 The owner or owners of any tract or tracts of land not
34 included in a street lighting district, may file a written
35 petition, addressed to the trustees of the street lighting
36 district to which they seek to have their tract or tracts of

1 land attached, containing a definite description of the
2 boundaries of the territory and a statement that they desire
3 that their property become a part of the street lighting
4 district to which their petition is addressed, and that they
5 are willing that their property assume a proportionate share of
6 the bonded indebtedness, if any, of such street lighting
7 district.

8 When such a petition is filed with the trustees, they shall
9 immediately pass a resolution to accept or reject the territory
10 proposed to be attached. If the trustees resolve in favor of
11 accepting such territory, they shall file with the court of the
12 county where the street lighting district was organized the
13 original petition and a certified copy of the resolution and
14 the circuit clerk shall then enter an order stating that such
15 proposed annexed territory shall thenceforth be deemed an
16 integral part of such street lighting district and subject to
17 all of the benefits of service and responsibilities of the
18 district. The circuit clerk shall transmit a certified copy of
19 the order to the county clerk of each county in which any of
20 the territory affected is situated.

21 (Source: P.A. 81-1489.)

22 Section 40. The School Code is amended by changing Section
23 32-1 as follows:

24 (105 ILCS 5/32-1) (from Ch. 122, par. 32-1)

25 Sec. 32-1. May vote to organize under general law.

26 (a) Any special charter district may, by vote of its
27 electors, cease to control its school under the Act under which
28 it was organized, and become part of the school township or
29 townships in which it is situated. Upon petition of 50 voters
30 of the district, presented to the board having the control and
31 management of the schools, the board shall order submitted to
32 the voters at an election to be held in the district, in
33 accordance with the general election law, the question of
34 "organizing under the general school law". The secretary of the

1 board shall make certification to the proper election authority
2 in accordance with the general election law. If, however, a
3 majority of the electors ~~votes cast at any such election~~ in any
4 school district subject to Sections 32-3 through 32-4.11 voting
5 on the question is against organizing the district under the
6 general school law, the question may not again be submitted in
7 the district for 22 months thereafter, and then only upon
8 petition signed by at least 2% of the voters of the school
9 district. Notice shall be given in accordance with the general
10 election law, which notice shall be in the following form:

11 NOTICE OF REFERENDUM

12 Notice is hereby given that on (insert date), a referendum
13 will be held at.... for the purpose of deciding the question of
14 organizing under the general school law. The polls will be
15 opened at o'clock ..m and closed at o'clock ..m.

16 Signed

17 If a majority of the electors voting ~~votes cast~~ on the
18 proposition is in favor of organizing under the general school
19 law, then the board having the control and management of
20 schools in the district, shall declare the proposition carried.

21 When such a proposition is declared to have so carried, the
22 board of education shall continue to exercise its powers and
23 duties under the general school law. Each member of the board
24 of education selected under the provisions of the special
25 charter shall continue in office until his term has expired.
26 Before the term of each of these members expires, the board
27 shall give notice of an election to be held on the date of the
28 next regular school election, in accordance with the general
29 election law to fill the vacancy which is created. Nomination
30 papers filed under this Section are not valid unless the
31 candidate named therein files with the secretary of the board
32 of education a receipt from the county clerk showing that the
33 candidate has filed a statement of economic interests as
34 required by the Illinois Governmental Ethics Act. Such receipt
35 shall be so filed either previously during the calendar year in

1 which his nomination papers were filed or within the period for
2 the filing of nomination papers in accordance with the general
3 election law.

4 (b) Notwithstanding the foregoing, any special charter
5 district whose board is appointed by the mayor or other
6 corporate authority of that municipality may, by resolution
7 adopted by the corporate authorities of that municipality cease
8 to control its school under the Act under which it was
9 organized, become a part of the school township or townships in
10 which it is situated and become organized under the general
11 school law. If such a resolution is adopted, the board of
12 education shall continue to exercise its powers and duties
13 under the general school law. Each member of the board of
14 education selected under the provisions of the special charter
15 shall continue in office until his term has expired. Before the
16 term of each of these members expires, the board shall give
17 notice of an election to be held on the date of the next
18 regular school election, in accordance with the general
19 election law to fill the vacancy which is created.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 Section 45. The Public Community College Act is amended by
22 changing Section 3-5 as follows:

23 (110 ILCS 805/3-5) (from Ch. 122, par. 103-5)

24 Sec. 3-5. The proposition shall be in substantially the
25 following form:

26 FOR the establishment of a community college district with
27 authority to levy taxes at the rate of.... per cent for
28 educational purposes, and.... per cent for operations and
29 maintenance of facilities purposes.

30 AGAINST the establishment of a community college district
31 with authority to levy taxes at the rate of.... per cent for
32 educational purposes, and.... per cent for operations and
33 maintenance of facilities purposes.

34 In order for the proposition to be approved, a majority of

1 the electors voting on the proposition ~~votes cast in the~~
2 ~~territory at the election~~ must be in favor of the proposition
3 of establishing a community college district; provided,
4 however, that if the territory described in the petition
5 includes one or more community college districts, the
6 proposition has not received a majority of the votes cast on
7 the proposition unless it also receives a majority of the votes
8 cast on the proposition within the territory included within
9 each such district, the count to be taken separately within
10 such districts.

11 (Source: P.A. 85-1335.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.