



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1883

Introduced 2/23/2007, by Rep. Kathleen A. Ryg - Karen May

SYNOPSIS AS INTRODUCED:

10 ILCS 5/28-1	from Ch. 46, par. 28-1
10 ILCS 5/28-2	from Ch. 46, par. 28-2
10 ILCS 5/Art. 28A heading new	
10 ILCS 5/28A-1 new	

Amends the Election Code. Authorizes binding initiatives relating to a healthful environment to be placed on the ballot by electors of units of local government.

LRB095 07014 JAM 27134 b

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 the Article 28A heading and
6 Section 28A-1 as follows:

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

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

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

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

22 All public questions shall be initiated, submitted and
23 printed on the ballot in the form required by Section 16-7 of

1 this Act, except as may otherwise be specified in the statute
2 authorizing a public question.

3 Whenever a statute provides for the initiation of a public
4 question by a petition of electors, the provisions of such
5 statute shall govern with respect to the number of signatures
6 required, the qualifications of persons entitled to sign the
7 petition, the contents of the petition, the officer with whom
8 the petition must be filed, and the form of the question to be
9 submitted. If such statute does not specify any of the
10 foregoing petition requirements, the corresponding petition
11 requirements of Section 28-6 shall govern such petition.

12 Irrespective of the method of initiation, not more than 3
13 public questions other than (a) back door referenda, (b)
14 referenda to determine whether a disconnection may take place
15 where a city coterminous with a township is proposing to annex
16 territory from an adjacent township, (c) referenda held under
17 the provisions of the Property Tax Extension Limitation Law in
18 the Property Tax Code, ~~or~~ (d) referenda held under Section
19 2-3002 of the Counties Code, or (e) referenda pursuant to
20 Article 28A of this Code may be submitted to referendum with
21 respect to a political subdivision at the same election.

22 If more than 3 propositions are timely initiated or
23 certified for submission at an election with respect to a
24 political subdivision, the first 3 validly initiated, by the
25 filing of a petition or by the adoption of a resolution or
26 ordinance of a political subdivision, as the case may be, shall

1 be printed on the ballot and submitted at that election.
2 However, except as expressly authorized by law not more than
3 one proposition to change the form of government of a
4 municipality pursuant to Article VII of the Constitution may be
5 submitted at an election. If more than one such proposition is
6 timely initiated or certified for submission at an election
7 with respect to a municipality, the first validly initiated
8 shall be the one printed on the ballot and submitted at that
9 election.

10 No public question shall be submitted to the voters of a
11 political subdivision at any regularly scheduled election at
12 which such voters are not scheduled to cast votes for any
13 candidates for nomination for, election to or retention in
14 public office, except that if, in any existing or proposed
15 political subdivision in which the submission of a public
16 question at a regularly scheduled election is desired, the
17 voters of only a portion of such existing or proposed political
18 subdivision are not scheduled to cast votes for nomination for,
19 election to or retention in public office at such election, but
20 the voters in one or more other portions of such existing or
21 proposed political subdivision are scheduled to cast votes for
22 nomination for, election to or retention in public office at
23 such election, the public question shall be voted upon by all
24 the qualified voters of the entire existing or proposed
25 political subdivision at the election.

26 Not more than 3 advisory public questions may be submitted

1 to the voters of the entire state at a general election. If
2 more than 3 such advisory propositions are initiated, the first
3 timely and validly initiated shall be the questions printed
4 on the ballot and submitted at that election; provided however,
5 that a question for a proposed amendment to Article IV of the
6 Constitution pursuant to Section 3, Article XIV of the
7 Constitution, or for a question submitted under the Property
8 Tax Cap Referendum Law, shall not be included in the foregoing
9 limitation.

10 (Source: P.A. 93-308, eff. 7-23-03.)

11 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

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

22 (b) However, petitions for the submission of a public
23 question to referendum which proposes the creation or formation
24 of a political subdivision must be filed with the appropriate
25 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

1 occurring not less than 78 days after the filing of the
2 petition, or not less than 108 days after the filing of a
3 petition for referendum to create a political subdivision. If a
4 resolution or ordinance initiating a public question does not
5 specify a regularly scheduled election, the public question
6 shall be submitted to referendum at the next regular election
7 occurring not less than 65 days after the adoption of the
8 resolution or ordinance.

9 (f) In the case of back door referenda, any limitations in
10 another statute authorizing such a referendum which restrict
11 the time in which the initiating petition may be validly filed
12 shall apply to such petition, in addition to the filing
13 deadlines specified in this Section for submission at a
14 particular election. In the case of any back door referendum,
15 the publication of the ordinance or resolution of the political
16 subdivision shall include a notice of (1) the specific number
17 of voters required to sign a petition requesting that a public
18 question be submitted to the voters of the subdivision; (2) the
19 time within which the petition must be filed; and (3) the date
20 of the prospective referendum. The secretary or clerk of the
21 political subdivision shall provide a petition form to any
22 individual requesting one. The legal sufficiency of that form,
23 if provided by the secretary or clerk of the political
24 subdivision, cannot be the basis of a challenge to placing the
25 back door referendum on the ballot. As used herein, a "back
26 door referendum" is the submission of a public question to the

1 voters of a political subdivision, initiated by a petition of
 2 voters or residents of such political subdivision, to determine
 3 whether an action by the governing body of such subdivision
 4 shall be adopted or rejected.

5 (g) A petition for the incorporation or formation of a new
 6 political subdivision whose officers are to be elected rather
 7 than appointed must have attached to it an affidavit attesting
 8 that at least 108 days and no more than 138 days prior to such
 9 election notice of intention to file such petition was
 10 published in a newspaper published within the proposed
 11 political subdivision, or if none, in a newspaper of general
 12 circulation within the territory of the proposed political
 13 subdivision in substantially the following form:

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

15 Residents of the territory described below are notified
 16 that a petition will or has been filed in the Office
 17 of.....requesting a referendum to establish a
 18 new....., to be called the.....

19 *The officers of the new.....will be elected on the
 20 same day as the referendum. Candidates for the governing board
 21 of the new.....may file nominating petitions with the officer
 22 named above until.....

23 The territory proposed to comprise the new.....is
 24 described as follows:

25 (description of territory included in petition)

26 (signature).....

1 Name and address of person or persons proposing
2 the new political subdivision.

3 * Where applicable.

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

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

20 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;
21 94-1019, eff. 7-10-06.)

22 (10 ILCS 5/Art. 28A heading new)

23 ARTICLE 28A. ENVIRONMENTAL INITIATIVES

24 (10 ILCS 5/28A-1 new)

1 Sec. 28A-1. Local government initiative petition and
2 referendum to provide and maintain a healthful environment.

3 (a) In order to realize the public policy goals set forth
4 in Article XI of the Illinois Constitution, the electors of any
5 unit of local government may pass, by initiative petition and
6 referendum in the manner prescribed by this Article, a binding
7 ordinance relating to providing and maintaining a healthful
8 environment that the corporate authorities of their unit of
9 local government are empowered to pass.

10 (b) A binding ordinance relating to providing and
11 maintaining a healthful environment may be proposed by a
12 petition signed by the number of electors equal to at least 8%
13 of the total votes cast for Governor at the last general
14 election in the unit of local government. The petition shall
15 contain the text of the proposed ordinance and the date of the
16 regular or unit of local government election at which the
17 proposed ordinance is to be submitted, shall have been signed
18 by petitioning electors not more than 12 months preceding the
19 regular or unit of local government election, and shall be
20 filed with the clerk of the unit of local government at least
21 108 days before that regular or unit of local government
22 election.

23 (c) If the corporate authorities of the unit of local
24 government, without amendment, pass the binding ordinance
25 proposed by such a petition filed with the unit of local
26 government's clerk not less than 78 days prior to the regular

1 or unit of local government election at which the petition
2 specifies the proposed binding ordinance is to be submitted,
3 then the proposed binding shall not be submitted to the
4 electors of the unit of local government.

5 (d) Except as otherwise provided in this Article, petitions
6 filed under this Article shall be governed by Article 28 of
7 this Code.

8 (e) If no objection to a petition filed under subsection
9 (b) is filed within 5 business days after such petition is
10 filed or if an objection is filed and the appropriate electoral
11 official or board rules the petition sufficient, then the clerk
12 of the unit of local government shall submit the petition to
13 the election official or board for the unit of local
14 government, and the election official or board shall order the
15 proposed ordinance submitted to the electors of the unit of
16 local government at the election specified in the petition.

17 (f) If, after the election official or board of the unit of
18 local government orders the proposed ordinance to be submitted
19 to the electors of the unit of local government, it determines
20 that the proposed ordinance is too long to be printed in its
21 entirety on the ballot, it shall ask the clerk of the unit of
22 local government to provide a concise statement of its nature.
23 The election official or board shall then cause either the
24 entire proposed ordinance or the concise statement to be
25 printed on the ballot together with a question permitting the
26 elector to indicate approval or disapproval of adoption of the

1 proposed ordinance.

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

7 (h) Ordinances adopted under this Article, either by
8 approval of electors at an election or by passage by the
9 corporate authorities under subsection (c), shall not be
10 repealed or amended within 4 years after adoption except by
11 vote of the electors.

12 (i) The corporate authorities of a unit of local government
13 may submit to its electorate a proposition to repeal or amend
14 an ordinance adopted under this Article at any election in
15 conformance with Article 28 of this Code.