



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5277

Introduced 2/8/2012, by Rep. Esther Golar

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/9-2

from Ch. 43, par. 167

Amends the Liquor Control Act of 1934. In language that establishes petition requirements for submitting a petition to place on an election ballot a proposition concerning the prohibition of the sale of alcohol within a designated area or jurisdiction, provides that the applicable percentage of voters is not less than 25% of registered voters who cast a ballot in the last presidential election in the applicable area or jurisdiction (instead of 25% of the legal voters registered to vote in the applicable area or jurisdiction).

LRB097 18634 AJO 63868 b

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 9-2 as follows:

6 (235 ILCS 5/9-2) (from Ch. 43, par. 167)

7 Sec. 9-2. When any legal voters of a precinct in any city,  
8 village or incorporated town of more than 200,000 inhabitants,  
9 as determined by the last preceding Federal census, desire to  
10 pass upon the question of whether the sale at retail of  
11 alcoholic liquor shall be prohibited in the precinct or at a  
12 particular street address within the precinct, they shall, at  
13 least 104 days before an election, file in the office of the  
14 clerk of such city, village or incorporated town, a petition  
15 directed to the clerk, containing the signatures of not less  
16 than 25% of registered voters who cast a ballot in the last  
17 presidential election ~~the legal voters registered with the~~  
18 ~~board of election commissioners or county clerk, as the case~~  
19 ~~may be,~~ from the precinct. Provided, however, that when the  
20 petition seeks to prohibit the sale at retail of alcoholic  
21 liquor at a particular street address of a licensed  
22 establishment within the precinct the petition shall contain  
23 the signatures of not less than 40% of the legal voters

1 requested from that precinct. The petition shall request that  
2 the proposition "Shall the sale at retail of alcoholic liquor  
3 be prohibited in (or at) ....?" be submitted to the voters of  
4 the precinct at the next ensuing election at which such  
5 proposition may be voted upon. The submission of the question  
6 to the voters of such precinct at such election shall be  
7 mandatory when the petition has been filed in proper form with  
8 the clerk. If more than one set of petitions are presented to  
9 the clerk for submission at the same election, the petition  
10 presented first shall be given preference; however, the clerk  
11 shall provisionally accept any other set of petitions setting  
12 forth the same (or substantially the same) proposition. If the  
13 first set of petitions for a proposition is found to be in  
14 proper form and is not found to be invalid, it shall be  
15 accepted by the clerk and all provisionally accepted sets of  
16 petitions setting forth the same (or substantially the same)  
17 proposition shall be rejected by the clerk. If the first set of  
18 petitions for a proposition is found not to be in proper form  
19 or is found to be invalid, the clerk shall (i) reject the first  
20 set of petitions, (ii) accept the first provisionally accepted  
21 set of petitions that is in proper form and is not found to be  
22 invalid, and (iii) reject all other provisionally accepted sets  
23 of petitions setting forth the same (or substantially the same)  
24 proposition. Notice of the filing of the petition and the  
25 result of the election shall be given to the Secretary of State  
26 at his offices in both, Chicago and Springfield, Illinois. A

1 return of the result of the election shall be made to the clerk  
2 of the city, village or incorporated town in which the precinct  
3 is located. If a majority of the voters voting upon such  
4 proposition vote "YES", the sale at retail of alcoholic liquor  
5 shall be prohibited in the precinct or at the street address.  
6 If the sale at retail of alcoholic liquor at a particular  
7 street address is prohibited pursuant to this Section, the  
8 license for any establishment at that street address shall be  
9 void, and no person may apply for a license for the sale at  
10 retail of alcoholic liquor at an establishment at that street  
11 address unless such prohibition is discontinued pursuant to  
12 Section 9-10.

13 In cities, villages and incorporated towns of 200,000 or  
14 less population, as determined by the last preceding Federal  
15 census, the vote upon the question of prohibiting the sale at  
16 retail of alcoholic liquor, or alcoholic liquor other than beer  
17 containing not more than 4% of alcohol by volume, or alcoholic  
18 liquor containing more than 4% of alcohol by weight in the  
19 original package and not for consumption on the premises, shall  
20 be by the voters of the political subdivision as a unit. When  
21 any legal voters of such a city, village or incorporated town  
22 desire to pass upon the question of whether the sale at retail  
23 of alcoholic liquor shall be prohibited in the municipality,  
24 they shall, at least 104 days before an election, file in the  
25 office of the clerk of the municipality, a petition directed to  
26 the clerk, containing the signatures of not less than 25% of

1 registered voters who cast a ballot in the last presidential  
2 election ~~the legal voters registered with the board of election~~  
3 ~~commissioners or county clerk, as the case may be,~~ from the  
4 municipality. The petition shall request that the proposition,  
5 "Shall the sale at retail of alcoholic liquor be prohibited  
6 in....?" be submitted to the voters of the municipality at the  
7 next ensuing election at which the proposition may be voted  
8 upon. The submission of the question to the voters of the  
9 municipality at such election shall be mandatory when the  
10 petition has been filed in proper form with the clerk. If more  
11 than one set of petitions are presented to the clerk for  
12 submission at the same election, setting forth the same or  
13 different propositions, the petition presented first shall be  
14 given preference and the clerk shall refuse to accept any other  
15 set of petitions. Notice of the filing of the petition and the  
16 result of the election shall be given to the Secretary of State  
17 at his offices in both Chicago and Springfield, Illinois. A  
18 return of the result of the election shall be made to the clerk  
19 of the city, village or incorporated town. If a majority of the  
20 voters voting upon the proposition vote "Yes", the sale at  
21 retail of alcoholic liquor shall be prohibited in the  
22 municipality.

23 In the event a municipality does not vote to prohibit the  
24 sale at retail of alcoholic liquor, the council or governing  
25 body shall ascertain and determine what portions of the  
26 municipality are predominantly residence districts. No license

1 permitting the sale of alcoholic liquors shall be issued by the  
2 local liquor commissioner or licensing officer permitting the  
3 sale of alcoholic liquors at any place within the residence  
4 district so determined, unless the owner or owners of at least  
5 two-thirds of the frontage, 200 feet in each direction along  
6 the street and streets adjacent to the place of business for  
7 which a license is sought, file with the local liquor  
8 commissioner or licensing officer, his or their written consent  
9 to the use of such place for the sale of alcoholic liquors.

10 In each township or road district lying outside the  
11 corporate limits of a city, village or incorporated town, or in  
12 a part of a township or road district lying partly within and  
13 partly outside a city, village or incorporated town, the vote  
14 of such township, road district or part thereof, shall be as a  
15 unit. When any legal voters of any such township, or part  
16 thereof, in counties under township organization, or any legal  
17 voters of such road district or part thereof, in counties not  
18 under township organization, desire to vote upon the  
19 proposition as to whether the sale at retail of alcoholic  
20 liquor shall be prohibited in such township or road district or  
21 part thereof, they shall, at least 90 days before an election,  
22 file in the office of the township or road district clerk, of  
23 the township or road district within which the election is to  
24 be held, a petition directed to the clerk and containing the  
25 signatures of not less than 25% of registered voters who cast a  
26 ballot in the last presidential election ~~the legal voters~~

1 ~~registered with the county clerk~~ from such township or road  
2 district or part thereof. The submission of the question to the  
3 voters of the township, road district or part thereof, at the  
4 next ensuing election shall be mandatory when the petition has  
5 been filed in proper form with the clerk. If more than one set  
6 of petitions are presented to the clerk for submission at the  
7 same election, setting forth the same or different  
8 propositions, the petition presented first shall be given  
9 preference and the clerk shall refuse to accept any other set  
10 of petitions. A return of the result of such election shall be  
11 made to the clerk of the township or road district in which the  
12 territory is situated, and shall also be made to the Secretary  
13 of State at his offices in both Chicago and Springfield,  
14 Illinois.

15 (Source: P.A. 96-1008, eff. 7-6-10.)