

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 the legal voters registered with the board of
17 election commissioners or county clerk, as the case may be,
18 from the precinct. However, if a petition is filed in calendar
19 years 2012, 2013, or 2014 that seeks to prohibit the sale at
20 retail of alcoholic liquor in a precinct, and the petition
21 includes supporting materials demonstrating, to the
22 satisfaction of the local liquor control commissioner, that
23 there is a correlation between the sale of alcoholic liquor and

1 the incidence of crime in that precinct, then the petition
2 shall contain the signatures of not less than 25% of registered
3 voters who cast a ballot in the last presidential election in
4 that precinct. Provided, however, that when the petition seeks
5 to prohibit the sale at retail of alcoholic liquor at a
6 particular street address of a licensed establishment within
7 the precinct the petition shall contain the signatures of not
8 less than 40% of the legal voters requested from that precinct.
9 The petition shall request that the proposition "Shall the sale
10 at retail of alcoholic liquor be prohibited in (or at)?"
11 be submitted to the voters of the precinct at the next ensuing
12 election at which such proposition may be voted upon. The
13 submission of the question to the voters of such precinct at
14 such election shall be mandatory when the petition has been
15 filed in proper form with the clerk. If more than one set of
16 petitions are presented to the clerk for submission at the same
17 election, the petition presented first shall be given
18 preference; however, the clerk shall provisionally accept any
19 other set of petitions setting forth the same (or substantially
20 the same) proposition. If the first set of petitions for a
21 proposition is found to be in proper form and is not found to
22 be invalid, it shall be accepted by the clerk and all
23 provisionally accepted sets of petitions setting forth the same
24 (or substantially the same) proposition shall be rejected by
25 the clerk. If the first set of petitions for a proposition is
26 found not to be in proper form or is found to be invalid, the

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

20 In cities, villages and incorporated towns of 200,000 or
21 less population, as determined by the last preceding Federal
22 census, the vote upon the question of prohibiting the sale at
23 retail of alcoholic liquor, or alcoholic liquor other than beer
24 containing not more than 4% of alcohol by volume, or alcoholic
25 liquor containing more than 4% of alcohol by weight in the
26 original package and not for consumption on the premises, shall

1 be by the voters of the political subdivision as a unit. When
2 any legal voters of such a city, village or incorporated town
3 desire to pass upon the question of whether the sale at retail
4 of alcoholic liquor shall be prohibited in the municipality,
5 they shall, at least 104 days before an election, file in the
6 office of the clerk of the municipality, a petition directed to
7 the clerk, containing the signatures of not less than 25% of
8 the legal voters registered with the board of election
9 commissioners or county clerk, as the case may be, from the
10 municipality. The petition shall request that the proposition,
11 "Shall the sale at retail of alcoholic liquor be prohibited
12 in....?" be submitted to the voters of the municipality at the
13 next ensuing election at which the proposition may be voted
14 upon. The submission of the question to the voters of the
15 municipality at such election shall be mandatory when the
16 petition has been filed in proper form with the clerk. If more
17 than one set of petitions are presented to the clerk for
18 submission at the same election, setting forth the same or
19 different propositions, the petition presented first shall be
20 given preference and the clerk shall refuse to accept any other
21 set of petitions. Notice of the filing of the petition and the
22 result of the election shall be given to the Secretary of State
23 at his offices in both Chicago and Springfield, Illinois. A
24 return of the result of the election shall be made to the clerk
25 of the city, village or incorporated town. If a majority of the
26 voters voting upon the proposition vote "Yes", the sale at

1 retail of alcoholic liquor shall be prohibited in the
2 municipality.

3 In the event a municipality does not vote to prohibit the
4 sale at retail of alcoholic liquor, the council or governing
5 body shall ascertain and determine what portions of the
6 municipality are predominantly residence districts. No license
7 permitting the sale of alcoholic liquors shall be issued by the
8 local liquor commissioner or licensing officer permitting the
9 sale of alcoholic liquors at any place within the residence
10 district so determined, unless the owner or owners of at least
11 two-thirds of the frontage, 200 feet in each direction along
12 the street and streets adjacent to the place of business for
13 which a license is sought, file with the local liquor
14 commissioner or licensing officer, his or their written consent
15 to the use of such place for the sale of alcoholic liquors.

16 In each township or road district lying outside the
17 corporate limits of a city, village or incorporated town, or in
18 a part of a township or road district lying partly within and
19 partly outside a city, village or incorporated town, the vote
20 of such township, road district or part thereof, shall be as a
21 unit. When any legal voters of any such township, or part
22 thereof, in counties under township organization, or any legal
23 voters of such road district or part thereof, in counties not
24 under township organization, desire to vote upon the
25 proposition as to whether the sale at retail of alcoholic
26 liquor shall be prohibited in such township or road district or

1 part thereof, they shall, at least 90 days before an election,
2 file in the office of the township or road district clerk, of
3 the township or road district within which the election is to
4 be held, a petition directed to the clerk and containing the
5 signatures of not less than 25% of the legal voters registered
6 with the county clerk from such township or road district or
7 part thereof. The submission of the question to the voters of
8 the township, road district or part thereof, at the next
9 ensuing election shall be mandatory when the petition has been
10 filed in proper form with the clerk. If more than one set of
11 petitions are presented to the clerk for submission at the same
12 election, setting forth the same or different propositions, the
13 petition presented first shall be given preference and the
14 clerk shall refuse to accept any other set of petitions. A
15 return of the result of such election shall be made to the
16 clerk of the township or road district in which the territory
17 is situated, and shall also be made to the Secretary of State
18 at his offices in both Chicago and Springfield, Illinois.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.