

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing
5 Section 18-190 as follows:

6 (35 ILCS 200/18-190)

7 Sec. 18-190. Direct referendum; new rate or increased
8 limiting rate.

9 (a) If a new rate is authorized by statute to be imposed
10 without referendum or is subject to a backdoor referendum, as
11 defined in Section 28-2 of the Election Code, the governing
12 body of the affected taxing district before levying the new
13 rate shall submit the new rate to direct referendum under the
14 provisions of this Section and of Article 28 of the Election
15 Code. Notwithstanding any other provision of law, the levies
16 authorized by Sections 21-110 and 21-110.1 of the Illinois
17 Pension Code shall not be considered new rates; however,
18 nothing in this amendatory Act of the 98th General Assembly
19 authorizes a taxing district to increase its limiting rate
20 without first obtaining referendum approval as provided in this
21 Section. Notwithstanding the provisions, requirements, or
22 limitations of any other law, any tax levied for the 2005 levy
23 year and all subsequent levy years by any taxing district

1 subject to this Law may be extended at a rate exceeding the
2 rate established for that tax by referendum or statute,
3 provided that the rate does not exceed the statutory ceiling
4 above which the tax is not authorized to be further increased
5 either by referendum or in any other manner. Notwithstanding
6 the provisions, requirements, or limitations of any other law,
7 all taxing districts subject to this Law shall follow the
8 provisions of this Section whenever seeking referenda approval
9 after March 21, 2006 to (i) levy a new tax rate authorized by
10 statute or (ii) increase the limiting rate applicable to the
11 taxing district. All taxing districts subject to this Law are
12 authorized to seek referendum approval of each proposition
13 described and set forth in this Section.

14 The proposition seeking to obtain referendum approval to
15 levy a new tax rate as authorized in clause (i) shall be in
16 substantially the following form:

17 Shall ... (insert legal name, number, if any, and
18 county or counties of taxing district and geographic or
19 other common name by which a school or community college
20 district is known and referred to), Illinois, be authorized
21 to levy a new tax for ... purposes and have an additional
22 tax of ...% of the equalized assessed value of the taxable
23 property therein extended for such purposes?

24 The votes must be recorded as "Yes" or "No".

25 The proposition seeking to obtain referendum approval to
26 increase the limiting rate as authorized in clause (ii) shall

1 be in substantially the following form:

2 Shall the limiting rate under the Property Tax
3 Extension Limitation Law for ... (insert legal name,
4 number, if any, and county or counties of taxing district
5 and geographic or other common name by which a school or
6 community college district is known and referred to),
7 Illinois, be increased by an additional amount equal to
8 ...% above the limiting rate for the purpose of...(insert
9 purpose) for levy year ... (insert the most recent levy
10 year for which the limiting rate of the taxing district is
11 known at the time the submission of the proposition is
12 initiated by the taxing district) and be equal to ...% of
13 the equalized assessed value of the taxable property
14 therein for levy year(s) (insert each levy year for which
15 the increase will be applicable, which years must be
16 consecutive and may not exceed 4)?

17 The votes must be recorded as "Yes" or "No".

18 The ballot for any proposition submitted pursuant to this
19 Section shall have printed thereon, but not as a part of the
20 proposition submitted, only the following supplemental
21 information (which shall be supplied to the election authority
22 by the taxing district) in substantially the following form:

23 (1) The approximate amount of taxes extendable at the
24 most recently extended limiting rate is \$..., and the
25 approximate amount of taxes extendable if the proposition
26 is approved is \$....

1 (2) For the ... (insert the first levy year for which
2 the new rate or increased limiting rate will be applicable)
3 levy year the approximate amount of the additional tax
4 extendable against property containing a single family
5 residence and having a fair market value at the time of the
6 referendum of \$100,000 is estimated to be \$....

7 (3) Based upon an average annual percentage increase
8 (or decrease) in the market value of such property of %...
9 (insert percentage equal to the average annual percentage
10 increase or decrease for the prior 3 levy years, at the
11 time the submission of the proposition is initiated by the
12 taxing district, in the amount of (A) the equalized
13 assessed value of the taxable property in the taxing
14 district less (B) the new property included in the
15 equalized assessed value), the approximate amount of the
16 additional tax extendable against such property for the ...
17 levy year is estimated to be \$... and for the ... levy year
18 is estimated to be \$

19 (4) If the proposition is approved, the aggregate
20 extension for ... (insert each levy year for which the
21 increase will apply) will be determined by the limiting
22 rate set forth in the proposition, rather than the
23 otherwise applicable limiting rate calculated under the
24 provisions of the Property Tax Extension Limitation Law
25 (commonly known as the Property Tax Cap Law).

26 The approximate amount of taxes extendable shown in paragraph

1 (1) shall be computed upon the last known equalized assessed
2 value of taxable property in the taxing district (at the time
3 the submission of the proposition is initiated by the taxing
4 district). Paragraph (3) shall be included only if the
5 increased limiting rate will be applicable for more than one
6 levy year and shall list each levy year for which the increased
7 limiting rate will be applicable. The additional tax shown for
8 each levy year shall be the approximate dollar amount of the
9 increase over the amount of the most recently completed
10 extension at the time the submission of the proposition is
11 initiated by the taxing district. The approximate amount of the
12 additional taxes extendable shown in paragraphs (2) and (3)
13 shall be calculated by multiplying \$100,000 (the fair market
14 value of the property without regard to any property tax
15 exemptions) by (i) the percentage level of assessment
16 prescribed for that property by statute, or by ordinance of the
17 county board in counties that classify property for purposes of
18 taxation in accordance with Section 4 of Article IX of the
19 Illinois Constitution; (ii) the most recent final equalization
20 factor certified to the county clerk by the Department of
21 Revenue at the time the taxing district initiates the
22 submission of the proposition to the electors; and (iii) either
23 the new rate or the amount by which the limiting rate is to be
24 increased. This amendatory Act of the 97th General Assembly is
25 intended to clarify the existing requirements of this Section,
26 and shall not be construed to validate any prior non-compliant

1 referendum language. Paragraph (4) shall be included if the
2 proposition concerns a limiting rate increase but shall not be
3 included if the proposition concerns a new rate. Any notice
4 required to be published in connection with the submission of
5 the proposition shall also contain this supplemental
6 information and shall not contain any other supplemental
7 information regarding the proposition. Any error,
8 miscalculation, or inaccuracy in computing any amount set forth
9 on the ballot and in the notice that is not deliberate shall
10 not invalidate or affect the validity of any proposition
11 approved. Notice of the referendum shall be published and
12 posted as otherwise required by law, and the submission of the
13 proposition shall be initiated as provided by law.

14 If a majority of all ballots cast on the proposition are in
15 favor of the proposition, the following provisions shall be
16 applicable to the extension of taxes for the taxing district:

17 (A) a new tax rate shall be first effective for the
18 levy year in which the new rate is approved;

19 (B) if the proposition provides for a new tax rate, the
20 taxing district is authorized to levy a tax after the
21 canvass of the results of the referendum by the election
22 authority for the purposes for which the tax is authorized;

23 (C) a limiting rate increase shall be first effective
24 for the levy year in which the limiting rate increase is
25 approved, provided that the taxing district may elect to
26 have a limiting rate increase be effective for the levy

1 year prior to the levy year in which the limiting rate
2 increase is approved unless the extension of taxes for the
3 prior levy year occurs 30 days or less after the canvass of
4 the results of the referendum by the election authority in
5 any county in which the taxing district is located;

6 (D) in order for the limiting rate increase to be first
7 effective for the levy year prior to the levy year of the
8 referendum, the taxing district must certify its election
9 to have the limiting rate increase be effective for the
10 prior levy year to the clerk of each county in which the
11 taxing district is located not more than 2 days after the
12 date the results of the referendum are canvassed by the
13 election authority; and

14 (E) if the proposition provides for a limiting rate
15 increase, the increase may be effective regardless of
16 whether the proposition is approved before or after the
17 taxing district adopts or files its levy for any levy year.

18 Rates required to extend taxes on levies subject to a
19 backdoor referendum in each year there is a levy are not new
20 rates or rate increases under this Section if a levy has been
21 made for the fund in one or more of the preceding 3 levy years.
22 Changes made by this amendatory Act of 1997 to this Section in
23 reference to rates required to extend taxes on levies subject
24 to a backdoor referendum in each year there is a levy are
25 declarative of existing law and not a new enactment.

26 (b) Whenever other applicable law authorizes a taxing

1 district subject to the limitation with respect to its
2 aggregate extension provided for in this Law to issue bonds or
3 other obligations either without referendum or subject to
4 backdoor referendum, the taxing district may elect for each
5 separate bond issuance to submit the question of the issuance
6 of the bonds or obligations directly to the voters of the
7 taxing district, and if the referendum passes the taxing
8 district is not required to comply with any backdoor referendum
9 procedures or requirements set forth in the other applicable
10 law. The direct referendum shall be initiated by ordinance or
11 resolution of the governing body of the taxing district, and
12 the question shall be certified to the proper election
13 authorities in accordance with the provisions of the Election
14 Code.

15 (Source: P.A. 96-764, eff. 8-25-09; 97-1087, eff. 8-24-12.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.