

1 AMENDMENT TO SENATE BILL 975

2 AMENDMENT NO. _____. Amend Senate Bill 975 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 28-2 and 28-5 as follows:

6 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

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

17 (b) However, petitions for the submission of a public
18 question to referendum which proposes the creation or
19 formation of a political subdivision must be filed with the
20 appropriate officer or board not less than 108 days prior to
21 a regular election to be eligible for submission on the
22 ballot at such election.

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

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

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

32 (f) In the case of back door referenda, any limitations
33 in another statute authorizing such a referendum which
34 restrict the time in which the initiating petition may be

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

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

1 officer named above until.....

2 The territory proposed to comprise the new.....is
3 described as follows:

4 (description of territory included in petition)

5 (signature).....

6 Name and address of person or persons proposing
7 the new political subdivision.

8 * Where applicable.

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

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

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

27 (10 ILCS 5/28-5) (from Ch. 46, par. 28-5)

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

1 Not less than 61 days before a regularly scheduled
2 election, each circuit court clerk shall certify the public
3 questions to be submitted to the voters of a political
4 subdivision at that election which have been ordered to be so
5 submitted by the circuit court pursuant to law. Not less than
6 30 days before the date set by the circuit court for the
7 conduct of an emergency referendum pursuant to Section
8 2A-1.4, the circuit court clerk shall certify the public
9 question as herein required.

10 Local election officials and circuit court clerks shall
11 make their certifications, as required by this Section, to
12 each election authority having jurisdiction over any of the
13 territory of the respective political subdivision in which
14 the public question is to be submitted to referendum.

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

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

31 The certifications shall include the form of the public
32 question to be placed on the ballot, the date on which the
33 public question was initiated by either the filing of a
34 petition or the adoption of a resolution or ordinance by a

1 governing body, as the case may be, and a certified copy of
2 any court order or political subdivision resolution or
3 ordinance requiring the submission of the public question.
4 Certifications of propositions for annexation to,
5 disconnection from, or formation of political subdivisions or
6 for other purposes shall include a description of the
7 territory in which the proposition is required to be
8 submitted, whenever such territory is not coterminous with an
9 existing political subdivision.

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

19 Whenever a local election official, an election
20 authority, or the State Board of Elections is in receipt of
21 an initiating petition, or a certification for the submission
22 of a public question at an election at which the public
23 question may not be placed on the ballot or submitted because
24 of the limitations of Section 28-1, such officer or board
25 shall give notice of such prohibition, by registered mail, as
26 follows:

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

30 (b) in the case of a certificate from a local election
31 authority, to such local election authority, who shall
32 thereupon give notice as provided in subparagraph (a), or
33 notify the governing board which adopted the initiating
34 resolution or ordinance;

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

5 If the petition, resolution or ordinance initiating such
6 prohibited public question did not specify a particular
7 election for its submission, the officer or board responsible
8 for certifying the question to the election authorities shall
9 certify or recertify the question, in the manner required
10 herein, for submission on the ballot at the next regular
11 election no more than 15 months ~~one-year~~ subsequent to the
12 filing of the initiating petition or the adoption of the
13 initiating resolution or ordinance and at which the public
14 question may be submitted, and the appropriate election
15 authorities shall submit the question at such election,
16 unless the public question is ordered submitted as an
17 emergency referendum pursuant to Section 2A-1.4 or is
18 withdrawn as may be provided by law.

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

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