



Rep. Emanuel Chris Welch

Filed: 3/21/2019

10100HB0529ham001

LRB101 03046 SMS 57594 a

1 AMENDMENT TO HOUSE BILL 529

2 AMENDMENT NO. _____. Amend House Bill 529 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 28-1 and 28-2 and by adding Article 28A as follows:

6 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

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

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

1 provides.

2 The method of initiating the submission of a public
3 question shall be as provided by the statute authorizing such
4 public question, or as provided by the Constitution.

5 All public questions shall be initiated, submitted and
6 printed on the ballot in the form required by Section 16-7 of
7 this Act, except as may otherwise be specified in the statute
8 authorizing a public question.

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

18 Irrespective of the method of initiation, not more than 3
19 public questions other than (a) back door referenda, (b)
20 referenda to determine whether a disconnection may take place
21 where a city coterminous with a township is proposing to annex
22 territory from an adjacent township, (c) referenda held under
23 the provisions of the Property Tax Extension Limitation Law in
24 the Property Tax Code, (d) referenda held under Section 2-3002
25 of the Counties Code, ~~or~~ (e) referenda held under Article 22,
26 23, or 29 of the Township Code, or (f) referenda pursuant to

1 Article 28A of this Code may be submitted to referendum with
2 respect to a political subdivision at the same election.

3 If more than 3 propositions are timely initiated or
4 certified for submission at an election with respect to a
5 political subdivision, the first 3 validly initiated, by the
6 filing of a petition or by the adoption of a resolution or
7 ordinance of a political subdivision, as the case may be, shall
8 be printed on the ballot and submitted at that election.
9 However, except as expressly authorized by law not more than
10 one proposition to change the form of government of a
11 municipality pursuant to Article VII of the Constitution may be
12 submitted at an election. If more than one such proposition is
13 timely initiated or certified for submission at an election
14 with respect to a municipality, the first validly initiated
15 shall be the one printed on the ballot and submitted at that
16 election.

17 No public question shall be submitted to the voters of a
18 political subdivision at any regularly scheduled election at
19 which such voters are not scheduled to cast votes for any
20 candidates for nomination for, election to or retention in
21 public office, except that if, in any existing or proposed
22 political subdivision in which the submission of a public
23 question at a regularly scheduled election is desired, the
24 voters of only a portion of such existing or proposed political
25 subdivision are not scheduled to cast votes for nomination for,
26 election to or retention in public office at such election, but

1 the voters in one or more other portions of such existing or
2 proposed political subdivision are scheduled to cast votes for
3 nomination for, election to or retention in public office at
4 such election, the public question shall be voted upon by all
5 the qualified voters of the entire existing or proposed
6 political subdivision at the election.

7 Not more than 3 advisory public questions may be submitted
8 to the voters of the entire state at a general election. If
9 more than 3 such advisory propositions are initiated, the first
10 3 timely and validly initiated shall be the questions printed
11 on the ballot and submitted at that election; provided however,
12 that a question for a proposed amendment to Article IV of the
13 Constitution pursuant to Section 3, Article XIV of the
14 Constitution, or for a question submitted under the Property
15 Tax Cap Referendum Law, shall not be included in the foregoing
16 limitation.

17 (Source: P.A. 100-107, eff. 1-1-18.)

18 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

19 Sec. 28-2. (a) Except as otherwise provided in this Section
20 or Article 28A, petitions for the submission of public
21 questions to referendum must be filed with the appropriate
22 officer or board not less than 92 days prior to a regular
23 election to be eligible for submission on the ballot at such
24 election; and petitions for the submission of a question under
25 Section 18-120 or Section 18-206 of the Property Tax Code must

1 be filed with the appropriate officer or board not more than 10
2 months nor less than 6 months prior to the election at which
3 such question is to be submitted to the voters.

4 (b) However, petitions for the submission of a public
5 question to referendum which proposes the creation or formation
6 of a political subdivision must be filed with the appropriate
7 officer or board not less than 122 days prior to a regular
8 election to be eligible for submission on the ballot at such
9 election.

10 (c) Resolutions or ordinances of governing boards of
11 political subdivisions which initiate the submission of public
12 questions pursuant to law must be adopted not less than 79 days
13 before a regularly scheduled election to be eligible for
14 submission on the ballot at such election.

15 (d) A petition, resolution or ordinance initiating the
16 submission of a public question may specify a regular election
17 at which the question is to be submitted, and must so specify
18 if the statute authorizing the public question requires
19 submission at a particular election. However, no petition,
20 resolution or ordinance initiating the submission of a public
21 question, other than a legislative resolution initiating an
22 amendment to the Constitution, may specify such submission at
23 an election more than one year, or 15 months in the case of a
24 back door referendum as defined in subsection (f), after the
25 date on which it is filed or adopted, as the case may be. A
26 petition, resolution or ordinance initiating a public question

1 which specifies a particular election at which the question is
2 to be submitted shall be so limited, and shall not be valid as
3 to any other election, other than an emergency referendum
4 ordered pursuant to Section 2A-1.4.

5 (e) If a petition initiating a public question does not
6 specify a regularly scheduled election, the public question
7 shall be submitted to referendum at the next regular election
8 occurring not less than 92 days after the filing of the
9 petition, or not less than 122 days after the filing of a
10 petition for referendum to create a political subdivision. If a
11 resolution or ordinance initiating a public question does not
12 specify a regularly scheduled election, the public question
13 shall be submitted to referendum at the next regular election
14 occurring not less than 79 days after the adoption of the
15 resolution or ordinance.

16 (f) In the case of back door referenda, any limitations in
17 another statute authorizing such a referendum which restrict
18 the time in which the initiating petition may be validly filed
19 shall apply to such petition, in addition to the filing
20 deadlines specified in this Section for submission at a
21 particular election. In the case of any back door referendum,
22 the publication of the ordinance or resolution of the political
23 subdivision shall include a notice of (1) the specific number
24 of voters required to sign a petition requesting that a public
25 question be submitted to the voters of the subdivision; (2) the
26 time within which the petition must be filed; and (3) the date

1 of the prospective referendum. The secretary or clerk of the
2 political subdivision shall provide a petition form to any
3 individual requesting one. The legal sufficiency of that form,
4 if provided by the secretary or clerk of the political
5 subdivision, cannot be the basis of a challenge to placing the
6 back door referendum on the ballot. As used herein, a "back
7 door referendum" is the submission of a public question to the
8 voters of a political subdivision, initiated by a petition of
9 voters or residents of such political subdivision, to determine
10 whether an action by the governing body of such subdivision
11 shall be adopted or rejected.

12 (g) A petition for the incorporation or formation of a new
13 political subdivision whose officers are to be elected rather
14 than appointed must have attached to it an affidavit attesting
15 that at least 122 days and no more than 152 days prior to such
16 election notice of intention to file such petition was
17 published in a newspaper published within the proposed
18 political subdivision, or if none, in a newspaper of general
19 circulation within the territory of the proposed political
20 subdivision in substantially the following form:

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

22 Residents of the territory described below are notified
23 that a petition will or has been filed in the Office
24 of.....requesting a referendum to establish a
25 new....., to be called the.....

26 *The officers of the new.....will be elected on the

1 same day as the referendum. Candidates for the governing board
2 of the new.....may file nominating petitions with the officer
3 named above until.....

4 The territory proposed to comprise the new.....is
5 described as follows:

6 (description of territory included in petition)

7 (signature).....

8 Name and address of person or persons proposing
9 the new political subdivision.

10 * Where applicable.

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

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

1 (Source: P.A. 100-465, eff. 8-31-17.)

2 (10 ILCS 5/Art. 28A heading new)

3 ARTICLE 28A. ENVIRONMENTAL INITIATIVES

4 (10 ILCS 5/28A-1 new)

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

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

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

1 that general or consolidated election.

2 (c) If the corporate authorities of the unit of local
3 government, without amendment, pass the binding ordinance
4 proposed by such a petition filed with the unit of local
5 government's clerk not less than 78 days prior to the general
6 or consolidated election at which the petition specifies the
7 proposed binding ordinance is to be submitted, then the
8 proposed binding shall not be submitted to the electors of the
9 unit of local government.

10 (d) Except as otherwise provided in this Article, petitions
11 filed under this Article shall be governed by Article 28 of
12 this Code.

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

22 (f) If, after the election official or board of the unit of
23 local government orders the proposed ordinance to be submitted
24 to the electors of the unit of local government, it determines
25 that the proposed ordinance is too long to be printed in its
26 entirety on the ballot, it shall ask the clerk of the unit of

1 local government to provide a concise statement of its nature.
2 The election official or board shall then cause either the
3 entire proposed ordinance or the concise statement to be
4 printed on the ballot together with a question permitting the
5 elector to indicate approval or disapproval of adoption of the
6 proposed ordinance.

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

12 (h) Ordinances adopted under this Article, either by
13 approval of electors at an election or by passage by the
14 corporate authorities under subsection (c), shall not be
15 repealed or amended within 4 years after adoption except by
16 vote of the electors.

17 (i) The corporate authorities of a unit of local government
18 may submit to its electorate a proposition to repeal or amend
19 an ordinance adopted under this Article at any election in
20 conformance with Article 28 of this Code."