

1 AN ACT concerning local government.

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

4 Section 5. The Election Code is amended by changing  
5 Section 28-1 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  
17 provides.

18 The method of initiating the submission of a public  
19 question shall be as provided by the statute authorizing such  
20 public question, or as provided by the Constitution.

21 All public questions shall be initiated, submitted and  
22 printed on the ballot in the form required by Section 16-7 of  
23 this Act, except as may otherwise be specified in the statute

1 authorizing a public question.

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

11 Irrespective of the method of initiation, not more than 3  
12 public questions other than (a) back door referenda, (b)  
13 referenda to determine whether a disconnection may take place  
14 where a city coterminous with a township is proposing to annex  
15 territory from an adjacent township, (c) referenda held under  
16 the provisions of the Property Tax Extension Limitation Law in  
17 the Property Tax Code, (d) referenda held under Section 2-3002  
18 of the Counties Code, or (e) referenda held under Article 22,  
19 23, or 29 of the Township Code may be submitted to referendum  
20 with respect to a political subdivision at the same election.

21 If more than 3 propositions are timely initiated or  
22 certified for submission at an election with respect to a  
23 political subdivision, the first 3 validly initiated, by the  
24 filing of a petition or by the adoption of a resolution or  
25 ordinance of a political subdivision, as the case may be,  
26 shall be printed on the ballot and submitted at that election.

1       However, except as expressly authorized by law not more than  
2       one proposition to change the form of government of a  
3       municipality pursuant to Article VII of the Constitution may  
4       be submitted at an election. If more than one such proposition  
5       is timely initiated or certified for submission at an election  
6       with respect to a municipality, the first validly initiated  
7       shall be the one printed on the ballot and submitted at that  
8       election.

9       No public question shall be submitted to the voters of a  
10      political subdivision at any regularly scheduled election at  
11      which such voters are not scheduled to cast votes for any  
12      candidates for nomination for, election to or retention in  
13      public office, except that if, in any existing or proposed  
14      political subdivision in which the submission of a public  
15      question at a regularly scheduled election is desired, the  
16      voters of only a portion of such existing or proposed  
17      political subdivision are not scheduled to cast votes for  
18      nomination for, election to or retention in public office at  
19      such election, but the voters in one or more other portions of  
20      such existing or proposed political subdivision are scheduled  
21      to cast votes for nomination for, election to or retention in  
22      public office at such election, the public question shall be  
23      voted upon by all the qualified voters of the entire existing  
24      or proposed political subdivision at the election.

25      Not more than 3 advisory public questions may be submitted  
26      to the voters of the entire state at a general election. If

1 more than 3 such advisory propositions are initiated, the  
2 first 3 timely and validly initiated shall be the questions  
3 printed on the ballot and submitted at that election; provided  
4 however, that a question for a proposed amendment to Article  
5 IV of the Constitution pursuant to Section 3, Article XIV of  
6 the Constitution, or for a question submitted under the  
7 Property Tax Cap Referendum Law, shall not be included in the  
8 foregoing limitation.

9 Notwithstanding any other provision of law, a community  
10 mental health public question may not be placed on the 2024  
11 primary or general election ballot in the same township where  
12 a community mental health public question was approved on the  
13 2022 general election ballot.

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

15 Section 10. The Property Tax Code is amended by changing  
16 Section 18-103 as follows:

17 (35 ILCS 200/18-103)

18 Sec. 18-103. General Community Mental Health Act  
19 Validation Law. On and after January 1, 1994 and on or before  
20 the effective date of this amendatory Act of the 103rd General  
21 Assembly ~~of this amendatory Act of the 102nd General Assembly,~~  
22 the provisions of the Truth in Taxation Law are subject to the  
23 Community Mental Health Act, Section 5-25025 of the Counties  
24 Code, the Community Care for Persons with Developmental

1 Disabilities Act, and those referenda under those Acts  
2 authorizing and creating boards and levies. The purpose of  
3 this Section is to validate boards and levies created on or  
4 after January 1, 1994 and on or before the effective date of  
5 this amendatory Act of the 103rd General Assembly ~~of this~~  
6 ~~amendatory Act of the 102nd General Assembly~~ that relied on  
7 conflicting referenda language contained in the Community  
8 Mental Health Act, the Counties Code, and the Community Care  
9 for Persons with Developmental Disabilities Act.

10 (Source: P.A. 102-839, eff. 5-13-22.)

11 Section 15. The Community Care for Persons with  
12 Developmental Disabilities Act is amended by changing Section  
13 1.2 as follows:

14 (50 ILCS 835/1.2) (was 55 ILCS 105/1.2)

15 Sec. 1.2. Petition for submission to referendum by  
16 electors.

17 (a) Whenever a petition for submission to referendum by  
18 the electors which requests the establishment and maintenance  
19 of facilities or services for the benefit of its residents  
20 with a developmental disability and the levy of an annual tax  
21 not to exceed 0.1% upon all the taxable property in the  
22 governmental unit at the value thereof, as equalized or  
23 assessed by the Department of Revenue, is signed by electors  
24 of the governmental unit equal in number to at least 10% of the

1 total votes cast for the office that received the greatest  
2 total number of votes at the last preceding general election  
3 of the governmental unit and is presented to the county clerk,  
4 the clerk shall certify the proposition to the proper election  
5 authorities for submission at the governmental unit's next  
6 general election. The proposition shall be in substantially  
7 the following form:

8        Shall (governmental unit) levy an annual tax not to  
9        exceed 0.1% upon the equalized assessed value of all  
10       taxable property in (governmental unit) for the purposes  
11       of establishing and maintaining facilities or services for  
12       the benefit of its residents who are persons with  
13       intellectual or developmental disabilities and who are not  
14       eligible to participate in any program provided under  
15       Article 14 of the School Code, 105 ILCS 5/14-1.01 et seq.,  
16       including contracting for those facilities or services  
17       with any privately or publicly operated entity that  
18       provides those facilities or services either in or out of  
19       (governmental unit)?

20       (b) If a majority of the votes cast upon the proposition  
21       are in favor thereof, such tax levy shall be authorized and the  
22       governmental unit shall levy a tax not to exceed the rate set  
23       forth in Section 1 of this Act.

24       (c) If the governmental unit is also subject to the  
25       Property Tax Extension Limitation Law, then the proposition  
26       shall also comply with the Property Tax Extension Limitation

1 Law. Notwithstanding any provision of this subsection, any  
 2 referendum imposing an annual tax on or after January 1, 1994  
 3 and prior to the effective date of this amendatory Act of the  
 4 103rd General Assembly ~~of this amendatory Act of the 102nd~~  
 5 ~~General Assembly~~ that complies with this Section is hereby  
 6 validated.

7 (Source: P.A. 102-839, eff. 5-13-22.)

8 Section 20. The Counties Code is amended by changing  
 9 Section 5-25025 as follows:

10 (55 ILCS 5/5-25025) (from Ch. 34, par. 5-25025)

11 Sec. 5-25025. Mental health program. If the county board  
 12 of any county having a population of less than 1,000,000  
 13 inhabitants and maintaining a county health department under  
 14 this Division desires the inclusion of a mental health program  
 15 in that county health department and the authority to levy the  
 16 tax provided for in subsection (c) of this Section, the county  
 17 board shall certify that question to the proper election  
 18 officials, who shall submit the proposition at an election in  
 19 accordance with the general election law. The proposition  
 20 shall be in substantially the following form:

21 -----

22 Shall .....County include

23 a mental health program in the YES

24 county health department, and

1 levy an annual tax of not to exceed -----  
 2 .05% of the value of all taxable  
 3 property for use for mental health  
 4 purposes by the county health NO  
 5 department?  
 6 -----

7 If a majority of the electors voting at that election vote  
 8 in favor of the proposition, the county board may include the  
 9 mental health program in the county health department and may,  
 10 annually, levy the additional tax for mental health purposes.  
 11 All mental health facilities provided shall be available to  
 12 all citizens of the county, but the county health board may  
 13 vary any charges for services according to ability to pay.

14 If the county is also subject to the Property Tax  
 15 Extension Limitation Law, then the proposition shall also  
 16 comply with the Property Tax Extension Limitation Law.  
 17 Notwithstanding any provision of this Section, any referendum  
 18 imposing an annual tax on or after January 1, 1994 and prior to  
 19 the effective date of this amendatory Act of the 103rd General  
 20 Assembly ~~of this amendatory Act of the 102nd General Assembly~~  
 21 that complies with this Section is hereby validated.

22 When the inclusion of a mental health program has been  
 23 approved:

24 (a) To the extent practicable, at least one member of the  
 25 County Board of Health, under Section 5-25012, shall be a  
 26 person certified by The American Board of Psychiatry and



1 Neurology professionally engaged in the field of mental health  
2 and licensed to practice medicine in the State, unless there  
3 is no such qualified person in the county.

4 (b) The president or chairman of the county board of  
5 health shall appoint a mental health advisory board composed  
6 of not less than 9 nor more than 15 members who have special  
7 knowledge and interest in the field of mental health.  
8 Initially, 1/3 of the board members shall be appointed for  
9 terms of one year, 1/3 for 2 years and 1/3 for 3 years.  
10 Thereafter, all terms shall be for 3 years. This advisory  
11 board shall meet at least twice each year and provide counsel,  
12 direction and advice to the county board of health in the field  
13 of mental health.

14 (c) The county board may levy, in excess of the statutory  
15 limit and in addition to the taxes permitted under Sections  
16 5-25003, 5-25004 and 5-25010, an additional annual tax of not  
17 more than .05% of the value, as equalized or assessed by the  
18 Department of Revenue, of all taxable property within the  
19 county which tax shall be levied and collected as provided in  
20 Section 5-25010 but held in the County Health Fund of the  
21 county treasury for use for mental health purposes. These  
22 funds may be used to provide care and treatment in public and  
23 private mental health facilities.

24 (d) When a mental health program has been included in a  
25 county health department pursuant to this Section, the county  
26 board may obtain the authority to levy a tax for mental health

1 purposes in addition to the tax authorized by the preceding  
 2 paragraphs of this Section but not in excess of an additional  
 3 .05% of the value, as equalized or assessed by the Department  
 4 of Revenue, of all taxable property in the county by following  
 5 the procedure set out in Section 5-25003 except that the  
 6 proposition shall be in substantially the following form:

7 -----  
 8 Shall.... county levy, in excess  
 9 of the statutory limit, an additional YES  
 10 annual tax of not to exceed .05% for -----  
 11 use for mental health purposes by the NO  
 12 county health department?  
 13 -----

14 If the majority of all the votes cast on the proposition in  
 15 the county is in favor thereof, the county board shall levy  
 16 such tax annually. The levy and collection of this tax shall be  
 17 as provided in Section 5-25010 but the tax shall be held in the  
 18 County Health Fund of the county treasury for use, with that  
 19 levied pursuant to paragraph (c), for mental health purposes.  
 20 (Source: P.A. 102-839, eff. 5-13-22.)

21 Section 25. The Community Mental Health Act is amended by  
 22 changing Sections 3a and 5 as follows:

23 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)  
 24 (Text of Section before amendment by P.A. 103-274)

1           Sec. 3a. Every governmental unit authorized to levy an  
2 annual tax under any of the provisions of this Act shall,  
3 before it may levy such tax, establish a 7 member community  
4 mental health board who shall administer this Act. Such board  
5 shall be appointed by the chairman of the governing body of a  
6 county, the mayor of a city, the president of a village, the  
7 president of an incorporated town, or the supervisor of a  
8 township, as the case may be, with the advice and consent of  
9 the governing body of such county, city, village, incorporated  
10 town or the town board of trustees of any township. Members of  
11 the community mental health board shall be residents of the  
12 government unit and, as nearly as possible, be representative  
13 of interested groups of the community such as local health  
14 departments, medical societies, local comprehensive health  
15 planning agencies, hospital boards, lay associations concerned  
16 with mental health, developmental disabilities and substance  
17 abuse, as well as the general public. Only one member shall be  
18 a member of the governing body. The chairman of the governing  
19 body may, upon the request of the community mental health  
20 board, appoint 2 additional members to the community mental  
21 health board. No member of the community mental health board  
22 may be a full-time or part-time employee of the Department of  
23 Human Services or a board member, employee or any other  
24 individual receiving compensation from any facility or service  
25 operating under contract to the board. If a successful  
26 referendum is held under Section 5 of this Act, all members of

1 such board shall be appointed within 60 days of the  
2 referendum. If a community mental health board has been  
3 established by a county with a population of less than 500,000  
4 and the community mental health board is funded in whole or in  
5 part by a special mental health sales tax described in  
6 paragraph (4) of subsection (a) of Section 5-1006.5 of the  
7 Counties Code, the largest municipality in the county with at  
8 least 125,000 residents may appoint 2 additional members to  
9 the board. The members shall be appointed by the mayor of the  
10 municipality with the advice and consent of the municipality's  
11 governing body.

12 Home rule units are exempt from this Act. However, they  
13 may, by ordinance, adopt the provisions of this Act, or any  
14 portion thereof, that they may deem advisable.

15 The tax rate set forth in Section 4 may be levied by any  
16 non-home rule unit only pursuant to the approval by the voters  
17 at a referendum. Such referendum may have been held at any time  
18 subsequent to the effective date of the Community Mental  
19 Health Act.

20 (Source: P.A. 95-336, eff. 8-21-07.)

21 (Text of Section after amendment by P.A. 103-274)

22 Sec. 3a. Every governmental unit authorized to levy an  
23 annual tax under any of the provisions of this Act shall,  
24 before it may levy such tax, establish a 7 member community  
25 mental health board who shall administer this Act. Such board

1 shall be appointed by the chairman of the governing body of a  
2 county, the mayor of a city, the president of a village, the  
3 president of an incorporated town, or the supervisor of a  
4 township, as the case may be, with the advice and consent of  
5 the governing body of such county, city, village, incorporated  
6 town or the town board of trustees of any township. Members of  
7 the community mental health board shall be residents of the  
8 government unit and, as nearly as possible, be representative  
9 of interested groups of the community such as local health  
10 departments, medical societies, local comprehensive health  
11 planning agencies, hospital boards, lay associations concerned  
12 with mental health, developmental disabilities and substance  
13 abuse, as well as the general public. Only one member shall be  
14 a member of the governing body, with the term of membership on  
15 the board to run concurrently with the elected term of the  
16 member. The chairman of the governing body may, upon the  
17 request of the community mental health board, appoint 2  
18 additional members to the community mental health board. No  
19 member of the community mental health board may be a full-time  
20 or part-time employee of the Department of Human Services or a  
21 board member, employee or any other individual receiving  
22 compensation from any facility or service operating under  
23 contract to the board. If a successful referendum is held  
24 under Section 5 of this Act, all members of such board shall be  
25 appointed within 60 days after the local election authority  
26 certifies the passage of the referendum. If a community mental

1 health board has been established by a county with a  
2 population of less than 500,000 and the community mental  
3 health board is funded in whole or in part by a special mental  
4 health sales tax described in paragraph (4) of subsection (a)  
5 of Section 5-1006.5 of the Counties Code, the largest  
6 municipality in the county with at least 125,000 residents may  
7 appoint 2 additional members to the board. The members shall  
8 be appointed by the mayor of the municipality with the advice  
9 and consent of the municipality's governing body.

10 Home rule units are exempt from this Act. However, they  
11 may, by ordinance, adopt the provisions of this Act, or any  
12 portion thereof, that they may deem advisable.

13 The tax rate set forth in Section 4 may be levied by any  
14 non-home rule unit only pursuant to the approval by the voters  
15 at a referendum. Such referendum may have been held at any time  
16 subsequent to the effective date of the Community Mental  
17 Health Act.

18 (Source: P.A. 103-274, eff. 1-1-24.)

19 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

20 (Text of Section before amendment by P.A. 103-274)

21 Sec. 5. (a) When the governing body of a governmental unit  
22 passes a resolution as provided in Section 4 asking that an  
23 annual tax may be levied for the purpose of providing such  
24 mental health facilities and services, including facilities  
25 and services for the person with a developmental disability or

1 a substance use disorder, in the community and so instructs  
 2 the clerk of the governmental unit such clerk shall certify  
 3 the proposition to the proper election officials for  
 4 submission at a regular election in accordance with the  
 5 general election law. The proposition shall be in the  
 6 following form:

7 -----  
 8 Shall..... (governmental  
 9 unit) levy an annual tax of (not YES  
 10 more than .15%) for the purpose of providing  
 11 community mental health facilities and -----  
 12 services including facilities and services  
 13 for persons with a developmental NO  
 14 disability or a substance use disorder?

15 -----  
 16 (a-5) If the governmental unit is also subject to the  
 17 Property Tax Extension Limitation Law, then the proposition  
 18 shall also comply with the Property Tax Extension Limitation  
 19 Law. Notwithstanding any provision of this subsection, any  
 20 referendum imposing an annual tax on or after January 1, 1994  
 21 and prior to the effective date of this amendatory Act of the  
 22 103rd General Assembly May 13, 2022 (the effective date of  
 23 Public Act 102-839) that complies with subsection (a) is  
 24 hereby validated.

25 (b) If a majority of all the votes cast upon the  
 26 proposition are for the levy of such tax, the governing body of

1 such governmental unit shall thereafter annually levy a tax  
2 not to exceed the rate set forth in Section 4. Thereafter, the  
3 governing body shall in the annual appropriation bill  
4 appropriate from such funds such sum or sums of money as may be  
5 deemed necessary, based upon the community mental health  
6 board's budget, the board's annual mental health report, and  
7 the local mental health plan to defray necessary expenses and  
8 liabilities in providing for such community mental health  
9 facilities and services.

10 (c) If the governing body of a governmental unit levies a  
11 tax under Section 4 of this Act and the rate specified in the  
12 proposition under subsection (a) of this Section is less than  
13 0.15%, then the governing body of the governmental unit may,  
14 upon referendum approval, increase that rate to not more than  
15 0.15%. The governing body shall instruct the clerk of the  
16 governmental unit to certify the proposition to the proper  
17 election officials for submission at a regular election in  
18 accordance with the general election law. The proposition  
19 shall be in the following form:

20 "Shall the tax imposed by (governmental unit) for the  
21 purpose of providing community mental health facilities  
22 and services, including facilities and services for  
23 persons with a developmental disability or substance use  
24 disorder be increased to (not more than 0.15%)?"

25 If a majority of all the votes cast upon the proposition  
26 are for the increase of the tax, then the governing body of the



1 governmental unit may thereafter annually levy a tax not to  
2 exceed the rate set forth in the referendum question.

3 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;  
4 103-154, eff. 6-30-23.)

5 (Text of Section after amendment by P.A. 103-274)

6 Sec. 5. (a) When the governing body of a governmental unit  
7 passes a resolution as provided in Section 4 asking that an  
8 annual tax may be levied for the purpose of providing such  
9 mental health facilities and services, including facilities  
10 and services for the person with a developmental disability or  
11 a substance use disorder, in the community and so instructs  
12 the clerk of the governmental unit such clerk shall certify  
13 the proposition to the proper election officials for  
14 submission at a regular election in accordance with the  
15 general election law. The proposition shall be in the  
16 following form:

17 -----

18 Shall..... (governmental  
19 unit) levy an annual tax of (not YES

20 more than .15%) for the purpose of providing  
21 community mental health facilities and -----

22 services including facilities and services  
23 for persons with a developmental NO

24 disability or a substance use disorder?  
25 -----

1 (a-5) If the governmental unit is also subject to the  
2 Property Tax Extension Limitation Law, then the proposition  
3 shall also comply with the Property Tax Extension Limitation  
4 Law. Notwithstanding any provision of this subsection, any  
5 referendum imposing an annual tax on or after January 1, 1994  
6 and prior to the effective date of this amendatory Act of the  
7 103rd General Assembly May 13, 2022 ~~(the effective date of~~  
8 ~~Public Act 102-839)~~ that complies with subsection (a) is  
9 hereby validated.

10 (b) If a majority of all the votes cast upon the  
11 proposition are for the levy of such tax, the governing body of  
12 such governmental unit shall thereafter annually levy a tax  
13 not to exceed the rate set forth in Section 4. Thereafter, the  
14 governing body shall in the annual appropriation bill  
15 appropriate from such funds such sum or sums of money as may be  
16 deemed necessary by the community mental health board, based  
17 upon the community mental health board's budget, the board's  
18 annual mental health report, and the local mental health plan  
19 to defray necessary expenses and liabilities in providing for  
20 such community mental health facilities and services.

21 (c) If the governing body of a governmental unit levies a  
22 tax under Section 4 of this Act and the rate specified in the  
23 proposition under subsection (a) of this Section is less than  
24 0.15%, then the governing body of the governmental unit may,  
25 upon referendum approval, increase that rate to not more than  
26 0.15%. The governing body shall instruct the clerk of the

1 governmental unit to certify the proposition to the proper  
2 election officials for submission at a regular election in  
3 accordance with the general election law. The proposition  
4 shall be in the following form:

5 "Shall the tax imposed by (governmental unit) for the  
6 purpose of providing community mental health facilities  
7 and services, including facilities and services for  
8 persons with a developmental disability or substance use  
9 disorder be increased to (not more than 0.15%)?"

10 If a majority of all the votes cast upon the proposition  
11 are for the increase of the tax, then the governing body of the  
12 governmental unit may thereafter annually levy a tax not to  
13 exceed the rate set forth in the referendum question.

14 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;  
15 103-154, eff. 6-30-23; 103-274, eff. 1-1-24.)

16 Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.

23 Section 999. Effective date. This Act takes effect upon  
24 becoming law.