



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4537

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

235 ILCS 5/9-1	from Ch. 43, par. 166
235 ILCS 5/9-2	from Ch. 43, par. 167

Amends the Liquor Control Act. Provides that the proponent of a referendum regarding retail sales of alcoholic liquor may withdraw the referendum after it has been submitted. Provides procedures for withdrawing a referendum. Provides that in cities, villages, and incorporated town with more than 200,000 inhabitants if multiple petitions for a referendum setting forth the same or substantially the same question are submitted and the first submitted petition is withdrawn, then the clerk shall accept the next provisionally accepted petition. Effective immediately.

LRB098 15748 RPS 50779 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 9-1 and 9-2 as follows:

6 (235 ILCS 5/9-1) (from Ch. 43, par. 166)

7 Sec. 9-1. The words and phrases defined in this section and
8 used in this Article, unless inconsistent with the context,
9 shall be construed as follows:

10 "Precinct" means any part of a city, village or
11 incorporated town of over 200,000 population which was a
12 "voting precinct" or an "election precinct" for voting at the
13 last general election.

14 "Political subdivision" means a township, road district,
15 city, village or incorporated town, as the case may be.

16 "Legal voter", insofar as the signing of a petition for a
17 local option election is concerned, means a person who is
18 registered to vote at the address shown opposite his signature
19 on the petition or was registered to vote at such address when
20 he signed the petition.

21 "Annexed area" means a territory which has attached to and
22 become a part of a different political subdivision or precinct.
23 The term shall be an appropriate designation only until the

1 area to which it attaches holds a referendum hereunder.

2 "Disconnected area" means a territory which has detached or
3 separated from a political subdivision or precinct.

4 "Licensed establishment" means the premises specified in a
5 retailer's license pursuant to paragraph (d) of Section 5-1 and
6 whose primary business is the sale of alcoholic beverages on
7 the premises, which premises are located in any municipality
8 having more than 2,000,000 inhabitants.

9 In the phrase, "Shall the sale at retail of alcoholic
10 liquor (or alcoholic liquor other than beer containing not more
11 than 4% of alcohol by weight) (or alcoholic liquor containing
12 more than 4% of alcohol by weight except in the original
13 package and not for consumption on the premises) be prohibited
14 in (or at)?" the proper name, whether of a "township",
15 "road district", "precinct", "city", "village" or
16 "incorporated town", or the street address of the licensed
17 establishment, shall be understood to be inserted in the blank,
18 and the same shall be inserted in the petitions filed by and
19 the ballots prepared for the voters of any precinct, township,
20 road district, city, village or incorporated town.

21 "Clerk", with reference to cities, villages and
22 incorporated towns, and precinct situated therein, means the
23 town, city or village clerk, as the case may be; with reference
24 to cities, villages and incorporated towns which have by
25 ordinance created a Board of Election Commissioners, it means
26 the Board of Election Commissioners; with reference to road

1 districts in counties not under township organization, it means
2 the road district clerk; with reference to townships or parts
3 of townships lying outside of cities, villages and incorporated
4 towns in counties under township organization, it means the
5 township clerk.

6 "Election" as used in reference to cities, villages and
7 incorporated towns, means an election at a time fixed by the
8 general election law for choosing city, village or incorporated
9 town officers. "Election" also means an election at a time
10 fixed by the general election law for choosing county, township
11 or road district officers.

12 In case an election is to be held for officers of the city,
13 village, incorporated town, township, or road district to which
14 a proposition requested pursuant to this Article shall be
15 submitted, or for the election of officers of a township or
16 road district in which it is requested that such proposition be
17 submitted to that part of a township or road district lying
18 outside the corporate limits of a city, village or incorporated
19 town, not less than 90 days nor more than 6 months following
20 the filing of such petition, then the words "next ensuing
21 election" as used herein shall mean the next ensuing election
22 for officers of such city, village, incorporated town, township
23 or road district, regardless of any intervening elections at
24 which residents of such city, village, incorporated town,
25 township or road district may vote.

26 "Proponent" means the person who files a petition with the

1 clerk.

2 (Source: P.A. 86-861; 87-347.)

3 (235 ILCS 5/9-2) (from Ch. 43, par. 167)

4 Sec. 9-2. When any legal voters of a precinct in any city,
5 village or incorporated town of more than 200,000 inhabitants,
6 as determined by the last preceding Federal census, desire to
7 pass upon the question of whether the sale at retail of
8 alcoholic liquor shall be prohibited in the precinct or at a
9 particular street address within the precinct, they shall, at
10 least 104 days before an election, file in the office of the
11 clerk of such city, village or incorporated town, a petition
12 directed to the clerk, containing the signatures of not less
13 than 25% of the legal voters registered with the board of
14 election commissioners or county clerk, as the case may be,
15 from the precinct. Provided, however, that when the petition
16 seeks to prohibit the sale at retail of alcoholic liquor at a
17 particular street address of a licensed establishment within
18 the precinct the petition shall contain the signatures of not
19 less than 40% of the legal voters requested from that precinct.
20 The petition shall request that the proposition "Shall the sale
21 at retail of alcoholic liquor be prohibited in (or at)?"
22 be submitted to the voters of the precinct at the next ensuing
23 election at which such proposition may be voted upon. The
24 submission of the question to the voters of such precinct at
25 such election shall be mandatory when the petition has been

1 filed in proper form with the clerk and the proponent has not
2 withdrawn the petition. A proponent may withdraw the petition
3 by request in writing, signed by the proponent and duly
4 acknowledged before an officer qualified to take
5 acknowledgments of deeds, and filed in the principal or
6 permanent branch office of the State Board of Elections or with
7 the appropriate election authority or local election official.

8 If more than one set of petitions are presented to the clerk
9 for submission at the same election, the petition presented
10 first shall be given preference; however, the clerk shall
11 provisionally accept any other set of petitions setting forth
12 the same (or substantially the same) proposition. If the first
13 set of petitions for a proposition is found to be in proper
14 form and is not found to be invalid, it shall be accepted by
15 the clerk ~~and all provisionally accepted sets of petitions~~
16 ~~setting forth the same (or substantially the same) proposition~~
17 ~~shall be rejected by the clerk.~~ If the first set of petitions
18 for a proposition is found not to be in proper form or is found
19 to be invalid, the clerk shall ~~(i)~~ reject the first set of
20 petitions and, ~~(ii)~~ accept the first provisionally accepted set
21 of petitions that is in proper form and is not found to be
22 invalid, ~~and (iii) reject all other provisionally accepted sets~~
23 ~~of petitions setting forth the same (or substantially the same)~~
24 ~~proposition.~~ If a petition is withdrawn after the clerk has
25 accepted the petition, then the clerk shall accept the next
26 provisionally accepted petition that is in proper form and is

1 not found to be invalid. Notice of the filing of the petition
2 and the result of the election shall be given to the Secretary
3 of State at his offices in both, Chicago and Springfield,
4 Illinois. A return of the result of the election shall be made
5 to the clerk of the city, village or incorporated town in which
6 the precinct is located. If a majority of the voters voting
7 upon such proposition vote "YES", the sale at retail of
8 alcoholic liquor shall be prohibited in the precinct or at the
9 street address. If the sale at retail of alcoholic liquor at a
10 particular street address is prohibited pursuant to this
11 Section, the license for any establishment at that street
12 address shall be void, and no person may apply for a license
13 for the sale at retail of alcoholic liquor at an establishment
14 at that street address unless such prohibition is discontinued
15 pursuant to Section 9-10.

16 In cities, villages and incorporated towns of 200,000 or
17 less population, as determined by the last preceding Federal
18 census, the vote upon the question of prohibiting the sale at
19 retail of alcoholic liquor, or alcoholic liquor other than beer
20 containing not more than 4% of alcohol by volume, or alcoholic
21 liquor containing more than 4% of alcohol by weight in the
22 original package and not for consumption on the premises, shall
23 be by the voters of the political subdivision as a unit. When
24 any legal voters of such a city, village or incorporated town
25 desire to pass upon the question of whether the sale at retail
26 of alcoholic liquor shall be prohibited in the municipality,

1 they shall, at least 104 days before an election, file in the
2 office of the clerk of the municipality, a petition directed to
3 the clerk, containing the signatures of not less than 25% of
4 the legal voters registered with the board of election
5 commissioners or county clerk, as the case may be, from the
6 municipality. The petition shall request that the proposition,
7 "Shall the sale at retail of alcoholic liquor be prohibited
8 in....?" be submitted to the voters of the municipality at the
9 next ensuing election at which the proposition may be voted
10 upon. The submission of the question to the voters of the
11 municipality at such election shall be mandatory when the
12 petition has been filed in proper form with the clerk and the
13 proponent has not withdrawn the petition. A proponent may
14 withdraw the petition by request in writing, signed by the
15 proponent and duly acknowledged before an officer qualified to
16 take acknowledgments of deeds, and filed in the principal or
17 permanent branch office of the State Board of Elections or with
18 the appropriate election authority or local election official.

19 If more than one set of petitions are presented to the clerk
20 for submission at the same election, setting forth the same or
21 different propositions, the petition presented first shall be
22 given preference and the clerk shall refuse to accept any other
23 set of petitions. Notice of the filing of the petition and the
24 result of the election shall be given to the Secretary of State
25 at his offices in both Chicago and Springfield, Illinois. A
26 return of the result of the election shall be made to the clerk

1 of the city, village or incorporated town. If a majority of the
2 voters voting upon the proposition vote "Yes", the sale at
3 retail of alcoholic liquor shall be prohibited in the
4 municipality.

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

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

1 proposition as to whether the sale at retail of alcoholic
2 liquor shall be prohibited in such township or road district or
3 part thereof, they shall, at least 90 days before an election,
4 file in the office of the township or road district clerk, of
5 the township or road district within which the election is to
6 be held, a petition directed to the clerk and containing the
7 signatures of not less than 25% of the legal voters registered
8 with the county clerk from such township or road district or
9 part thereof. The submission of the question to the voters of
10 the township, road district or part thereof, at the next
11 ensuing election shall be mandatory when the petition has been
12 filed in proper form with the clerk and the proponent has not
13 withdrawn the petition. A proponent may withdraw the petition
14 by request in writing, signed by the proponent and duly
15 acknowledged before an officer qualified to take
16 acknowledgments of deeds, and filed in the principal or
17 permanent branch office of the State Board of Elections or with
18 the appropriate election authority or local election official.
19 If more than one set of petitions are presented to the clerk
20 for submission at the same election, setting forth the same or
21 different propositions, the petition presented first shall be
22 given preference and the clerk shall refuse to accept any other
23 set of petitions. A return of the result of such election shall
24 be made to the clerk of the township or road district in which
25 the territory is situated, and shall also be made to the
26 Secretary of State at his offices in both Chicago and

1 Springfield, Illinois.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.