



Rep. Kam Buckner

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LRB104 20623 RTM 36058 a

1 AMENDMENT TO HOUSE BILL 5282

2 AMENDMENT NO. _____. Amend House Bill 5282 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Municipal Home Rule Charter Act.

6 Section 5. Findings. The General Assembly finds the
7 following:

8 (1) The United States Constitution and the Illinois
9 Constitution provide for core principles and structures of
10 national and State government and support long-term
11 stability, clarity, and consistency as to the operation
12 and principles of government. Municipal charters can
13 provide the same value for city government.

14 (2) Municipal charters have been successfully adopted
15 as the governance mechanisms across the United States,
16 including by each of the 15 most populous cities in the

1 nation except Chicago.

2 (3) The establishment of a charter commission and the
3 adoption of a municipal charter will allow citizens to
4 provide for the principles and organization of city
5 government that reflect the values that are significant to
6 those citizens.

7 (4) The adoption of a municipal charter is consistent
8 with subsection (f) of Section 6 of Article VII of the
9 Illinois Constitution, which provides for home rule units
10 of government to have the power, subject to approval by
11 referendum, to adopt, alter, or repeal a form of
12 government provided by law.

13 (5) The General Assembly finds that it is in the best
14 interest of the State to establish an orderly process for
15 the development and consideration of municipal charters,
16 thereby enabling the participation of the people.

17 Section 10. Adoption of a charter.

18 (a) A home rule municipality with a population of more
19 than 500,000 people may adopt a charter to govern municipal
20 affairs. The charter shall be the organic law of the
21 municipality, subject to the United States Constitution, the
22 Illinois Constitution, and applicable federal and State law.

23 (b) A charter adopted pursuant to this Act shall
24 constitute an exercise of home rule authority of the
25 municipality.

1 (c) The charter may establish the organization and
2 governance of the municipality, including: municipal officers,
3 their manner of selection, and terms of office; the
4 organization of government departments; and the structure,
5 procedures, and officers of the municipality's legislative
6 body. A charter shall not prescribe the substance of matters
7 of public policy.

8 (d) The charter must be consistent with the Illinois
9 Constitution and the United States Constitution.

10 (e) Upon adoption of a charter pursuant to this Act,
11 Article 21 of the Revised Cities and Villages Act shall not
12 apply with respect to that municipality, and the charter so
13 adopted shall govern the organization and governance of the
14 municipality. A charter adopted pursuant to this Act shall be
15 deemed a form of government authorized by law or a proper
16 alteration thereof.

17 (f) A municipality that adopts a charter pursuant to this
18 Act may not subsequently pass, enact, or adopt any ordinance,
19 legislation, or regulation in conflict with the adopted
20 charter.

21 Section 15. Creation of a charter commission.

22 (a) A home rule municipality with a population of more
23 than 500,000 people may establish a charter commission to
24 create or revise the municipality's charter as follows:

25 (1) by executive order of the mayor of the

1 municipality;

2 (2) by ordinance of the municipality; or

3 (3) by the electors of the municipality pursuant to
4 Section 35.

5 (b) If a commission is established by the electors of the
6 municipality pursuant to Section 35, for 2 years after the
7 commission is established, no commission may be established by
8 executive order of the mayor or by ordinance of the
9 municipality. Any commission that had been established by
10 executive order of the mayor or by ordinance of the
11 municipality and that remains in existence on the date a
12 commission is established by the electors shall be immediately
13 and automatically abolished upon the establishment of a
14 commission by the electors of the municipality.

15 (c) If a commission is established by executive order of
16 the mayor, a commission may not be established by ordinance of
17 the municipality for 90 days after the date on which the
18 executive order is issued. If a commission is established by
19 ordinance of the municipality, a commission may not be
20 established by executive order of the mayor for 90 days after
21 the date on which the ordinance becomes law. If, after the
22 expiration of any 90-day period described in this subsection
23 (c), a second commission is established, that second
24 commission may not include in its initial scope resolution and
25 may not consider, study, or propose charter provisions that
26 are within the initial scope resolution of the first

1 commission.

2 (d) The name of a commission established by the electors
3 of the municipality pursuant to Section 35 shall be the "[name
4 of municipality] Charter Commission". The name of a commission
5 established by executive order of the mayor shall be the
6 "[name of municipality] Mayoral Charter Commission". The name
7 of a commission established by ordinance of the municipality
8 shall be the "[name of municipality] City Council Charter
9 Commission".

10 (b) If the commission is established by executive order of
11 the mayor or by ordinance of the municipality, then the
12 commission shall consist of 11 members appointed as follows:

13 (1) four members shall be appointed by the mayor of
14 the municipality;

15 (2) four members shall be appointed by the city
16 council of the municipality; and

17 (3) the remaining 3 members shall be appointed by the
18 commission acting by affirmative vote of at least 5 of the
19 8 members appointed by the mayor and city council of the
20 municipality.

21 The 11 members of the commission shall elect a chairperson
22 from among themselves.

23 (c) If the commission is established by the electors of
24 the municipality pursuant to Section 35, then the commission
25 shall consist of 11 members elected and appointed as follows:

26 (1) ten members shall be elected, one from each

1 Chicago Board of Education district; and

2 (2) the remaining member shall be appointed by the
3 commission acting by affirmative vote of at least 6 of the
4 10 elected members. The member appointed by the elected
5 members shall be the chairperson of the commission.

6 (d) A member of the commission, at the time of his or her
7 appointment or nomination, shall:

8 (1) be at least 18 years of age;

9 (2) be registered to vote in the municipality;

10 (3) have resided in the municipality for at least 5
11 years;

12 (4) not hold any elective office; and

13 (5) not be the spouse, domestic partner, child,
14 parent, sibling, or parent-in-law of the mayor or any
15 member of the city council of the municipality.

16 During his or her service as a member of the commission,
17 the member may not hold any ownership or beneficial interest
18 in any business entity, or than stock in a publicly traded
19 company, that (i) has any contract with the municipality to
20 provide goods or services to that municipality or (ii) is
21 seeking any regulatory, zoning, or similar action from the
22 municipality requiring specific approval by the city council
23 of the municipality. During his or her service as a member of
24 the commission, the member may not provide compensated
25 services as an employee or independent contractor of the
26 municipality.

1 (e) Members of the commission shall serve without
2 compensation. All members shall be reimbursed for reasonable
3 expenses incurred in the performance of their duties.

4 (f) The commission shall have the power to designate its
5 officers and rules. The commission may elect a
6 vice-chairperson from among its members, who shall preside
7 over the meetings of the commission in the absence of the
8 chairperson.

9 (g) Each commissioner shall serve until the abolition of
10 the commission. A commissioner may be removed for malfeasance,
11 misconduct, or other similar cause by the commission acting by
12 affirmative vote of two-thirds of the other commissioners then
13 in office. Any vacancy in the commission arising during that
14 period shall be filled by the commission for the remainder of
15 the unexpired term from among qualified candidates pursuant to
16 this Section from the district of the vacant position (or
17 citywide in the case of the chairperson); nomination forms for
18 any such vacant position shall be made publicly available and
19 be able to be received by the commission at least 30 days
20 before the commission fills the vacancy.

21 (h) The commission shall be provided sufficient funding
22 and other support from the municipality to carry out its
23 purposes under this Act. The commission may accept charitable
24 donations to support its activities. The commission may hire,
25 retain, and engage staff, counsel, advisers, and other support
26 personnel pursuant to its own policies; any employees shall be

1 considered employees of the municipality for wage and benefit
2 purposes.

3 (i) No commission for the creation or revision of a
4 charter of a home rule municipality with a population over
5 500,000 people may be established by State, municipal, or
6 other law except pursuant to this Act.

7 Section 20. Commission meetings and term.

8 (a) The commission shall hold its first meeting within 30
9 days after the commission is established.

10 (b) The commission shall conduct meetings at such places
11 and at such times as it may deem necessary or convenient to
12 enable it to exercise fully and effectively its powers,
13 perform its duties, and accomplish its objectives and
14 purposes. The commission shall be a public body for the Open
15 Meetings Act and the Freedom of Information Act.

16 (c) The commission shall hold regular and periodic public
17 hearings to receive testimony and inform the electorate of the
18 municipality on the charter process. The commission shall post
19 a notice with the clerk of the municipality containing the
20 time and place of each hearing and identify any subject matter
21 being considered during the hearing.

22 (d) The commission is automatically abolished 90 days
23 after the public questions to be submitted under Section 30
24 this Act are certified by the relevant election authority.

1 Section 25. Commission scope.

2 (a) A commission may consider, study, and propose charter
3 provisions solely concerning the structure, organization,
4 powers, and procedures of municipal government, including but
5 not limited to:

6 (1) institutions and procedures of governmental
7 decision-making;

8 (2) organization, powers, and oversight of municipal
9 departments and offices;

10 (3) the budget process and fiscal controls;

11 (4) the structure and timing of elections and
12 redistricting; and

13 (5) ethics, transparency, and oversight requirements.

14 (b) A commission may not consider, study, or propose
15 charter provisions that:

16 (1) mandate substantive policy outcomes, including but
17 not limited to programmatic, regulatory, environmental,
18 educational, public safety, or labor policies;

19 (2) prescribe operational, programmatic, or
20 service-delivery mandates such as staffing levels,
21 programmatic funding, or service requirements; or

22 (3) regulate matters governed by state or federal law.

23 (c) Within 30 days after its first meeting, a commission
24 shall adopt an initial scope resolution that identifies the
25 structural governance topics it intends to study, analyze, and
26 consider for potential inclusion in proposed charter

1 provisions. The initial scope resolution shall:

2 (1) organize the commission's work into major topic
3 areas;

4 (2) identify research and staffing needs associated
5 with each area;

6 (3) establish an orderly process for public input tied
7 to those areas; and

8 (4) specify the general election, primary election, or
9 consolidated municipal election at which the ballot
10 questions adopted under this Act shall be submitted to be
11 voted upon by the electors of the municipality.

12 Nothing in the initial scope resolution shall limit the
13 commission's statutory authority to consider additional
14 structural topics permitted under this Act, but any additions
15 must be first approved as an amendment to the initial scope
16 resolution that is approved by an affirmative vote of at least
17 6 members of the commission at a public meeting.

18 Section 30. Preparation and submission of charter by the
19 commission.

20 (a) The commission shall draft a charter, one or more
21 specific charter provisions, or one or more revisions to a
22 charter consistent with this Act for presentation to the
23 electors of the municipality. The commission may propose a
24 single question or several provisions or revisions to be voted
25 upon as separate questions. The commission shall submit the

1 questions to be voted upon by the electors of the municipality
2 pursuant to Article 28 of the Election Code at a general
3 election, a primary election, or a consolidated municipal
4 election.

5 (b) The substance of each question presented pursuant to
6 Section 16-7 of the Election Code, and any statements and
7 suggestions as may be necessary for the proper understanding
8 of the proposition, shall be drafted by the commission and
9 presented with the proposed charter to the clerk of the
10 municipality and the municipality's board of elections
11 pursuant to Section 28-7 of the Election Code. The question
12 shall be presented at the general, primary, or consolidated
13 municipal election designated by the commission.

14 (c) A ballot question shall be adopted by the affirmative
15 vote of a majority of voters voting on the question. If the
16 ballot question is adopted by such affirmative vote, the
17 charter or provisions or revisions proposed thereby shall be
18 deemed adopted.

19 Section 35. Voter establishment of a commission.

20 (a) The question of whether to establish a commission for
21 a municipality shall be presented to the electors of the
22 municipality upon a petition signed by a number of qualified
23 electors of the municipality equal to or greater than 10% of
24 the total votes cast in the municipality for candidates for
25 Governor in the preceding gubernatorial election requesting

1 the convening of a commission. Such a question may be
2 presented at any general or primary election or any
3 consolidated municipal election.

4 (b) In addition, the clerk of the municipality shall
5 automatically submit the question of whether to establish a
6 commission for the municipality at the general election
7 occurring in the year that is 10 years after the year in which
8 any of the following last occurred:

9 (1) the effectiveness of this Act;

10 (2) the abolition of a prior commission for the same
11 municipality; or

12 (3) the last submission of such question to the
13 electors of the same municipality pursuant to this
14 subsection (b), regardless of whether the last question
15 was adopted.

16 (c) A question of whether to establish a commission for a
17 municipality pursuant to this Section shall be adopted by the
18 affirmative vote of a majority of voters voting on the
19 question. If the question is adopted by such affirmative vote,
20 the commission shall be established upon the certification of
21 the question being adopted by the relevant election authority.

22 Section 40. Election of commissioners.

23 (a) This Section applies to the election of members of a
24 commission that is established pursuant to Section 35.

25 (b) In addition to the requirements of the general

1 election law, the form of petitions under this Section shall
2 be substantially as follows:

3 "NOMINATING PETITIONS

4 (LEAVE OUT THE INAPPLICABLE PART.)

5 To the Board of Election Commissioners for the City of
6 Chicago:

7 We, the undersigned, being (.... or more) of the voters
8 residing within said district, hereby petition that who
9 resides at in the City of Chicago shall be a candidate for
10 the office of of the Chicago Charter Commission to be
11 voted for at the election to be held on (insert date).

12 Name: Address:".

13 In the designation of the name of a candidate on a petition
14 for nomination, the candidate's given name or names, initial
15 or initials, a nickname by which the candidate is commonly
16 known, or a combination thereof may be used in addition to the
17 candidate's surname. If a candidate has changed his or her
18 name, whether by a statutory or common law procedure in
19 Illinois or any other jurisdiction, within 3 years before the
20 last day for filing the petition, then (i) the candidate's
21 name on the petition must be followed by "formerly known as
22 (list all prior names during the 3-year period) until name
23 changed on (list date of each such name change)" and (ii) the
24 petition must be accompanied by the candidate's affidavit
25 stating the candidate's previous names during the period
26 specified in clause (i) and the date or dates each of those

1 names was changed; failure to meet these requirements shall be
2 grounds for denying certification of the candidate's name for
3 the ballot, but these requirements do not apply to name
4 changes to conform a candidate's name to the candidate's
5 identity or name changes resulting from adoption to assume an
6 adoptive parent's or parents' surname, marriage or civil union
7 to assume a spouse's surname, or dissolution of marriage or
8 civil union or declaration of invalidity of marriage to assume
9 a former surname. No other designation, such as a political
10 slogan, as defined by Section 7-17 of the Election Code, title
11 or degree, or nickname suggesting or implying possession of a
12 title, degree, or professional status, or similar information
13 may be used in connection with the candidate's surname.

14 All petitions for the nomination of members of the Chicago
15 Charter Commission shall be filed with the Chicago Board of
16 Election Commissioners. The board of election commissioners
17 shall receive and file only those petitions that include a
18 statement of candidacy, the required number of voter
19 signatures, the notarized signature of the petition
20 circulator, and a receipt from the county clerk showing that
21 the candidate has filed a statement of economic interest on or
22 before the last day to file as required by the Illinois
23 Governmental Ethics Act. The board of election commissioners
24 may have petition forms available for issuance to potential
25 candidates and may give notice of the petition filing period
26 by publication in a newspaper of general circulation within

1 Chicago at least 10 days before the first day of filing. The
2 board of election commissioners shall make certification to
3 the proper election authorities in accordance with the general
4 election law.

5 The board of election commissioners shall notify the
6 candidates for whom a petition for nomination is filed or the
7 appropriate committee of the obligations under the Campaign
8 Financing Act as provided in the general election law. Such
9 notice shall be given on a form prescribed by the State Board
10 of Elections and in accordance with the requirements of the
11 general election law. The board of election commissioners
12 shall, within 7 days of filing or on the last day for filing,
13 whichever is earlier, acknowledge to the petitioner in writing
14 the office's acceptance of the petition.

15 Each candidate shall be elected on a non-partisan basis.

16 Section 45. Home rule. This Act is a denial and limitation
17 of home rule powers and functions under subsection (g) of
18 Section 6 of Article VII of the Illinois Constitution.

19 Section 900. The Election Code is amended by changing
20 Sections 28-5 and 28-7 as follows:

21 (10 ILCS 5/28-5) (from Ch. 46, par. 28-5)

22 Sec. 28-5. Not less than 68 days before a regularly
23 scheduled election, each local election official shall certify

1 the public questions to be submitted to the voters of or within
2 his political subdivision at that election which have been
3 initiated by petitions filed in his office or by action of the
4 governing board of his political subdivision, or by action of
5 a charter commission created by petition filed in his office,
6 by action of the governing board of his municipality, or
7 action of the mayor of his or her municipality under the
8 Municipal Home Rule Charter Act.

9 Not less than 68 days before a regularly scheduled
10 election, each circuit court clerk shall certify the public
11 questions to be submitted to the voters of a political
12 subdivision at that election which have been ordered to be so
13 submitted by the circuit court pursuant to law. Not less than
14 30 days before the date set by the circuit court for the
15 conduct of an emergency referendum pursuant to Section 2A-1.4,
16 the circuit court clerk shall certify the public question as
17 herein required.

18 Local election officials and circuit court clerks shall
19 make their certifications, as required by this Section, to
20 each election authority having jurisdiction over any of the
21 territory of the respective political subdivision in which the
22 public question is to be submitted to referendum.

23 Not less than 68 days before the next regular election,
24 the county clerk shall certify the public questions to be
25 submitted to the voters of the entire county at that election,
26 which have been initiated by petitions filed in his office or

1 by action of the county board, to the board of election
2 commissioners, if any, in his county.

3 Not less than 74 days before the general election, the
4 State Board of Elections shall certify any questions proposing
5 an amendment to Article IV of the Constitution pursuant to
6 Section 3, Article XIV of the Constitution and any advisory
7 public questions to be submitted to the voters of the entire
8 State, which have been initiated by petitions received or
9 filed at its office, to the respective county clerks. Not less
10 than 62 days before the general election, the county clerk
11 shall certify such questions to the board of election
12 commissioners, if any, in his county.

13 The certifications shall include the form of the public
14 question to be placed on the ballot, the date on which the
15 public question was initiated by either the filing of a
16 petition or the adoption of a resolution or ordinance by a
17 governing body, as the case may be, and a certified copy of any
18 court order or political subdivision resolution or ordinance
19 requiring the submission of the public question.
20 Certifications of propositions for annexation to,
21 disconnection from, or formation of political subdivisions or
22 for other purposes shall include a description of the
23 territory in which the proposition is required to be
24 submitted, whenever such territory is not coterminous with an
25 existing political subdivision.

26 The certification of a public question described in

1 subsection (b) of Section 28-6 shall include the precincts
2 included in the territory concerning which the public question
3 is to be submitted, as well as a common description of such
4 territory, in plain and nonlegal language, and specify the
5 election at which the question is to be submitted. The
6 description of the territory shall be prepared by the local
7 election official as set forth in the resolution or ordinance
8 initiating the public question.

9 Whenever a local election official, an election authority,
10 or the State Board of Elections is in receipt of an initiating
11 petition, or a certification for the submission of a public
12 question at an election at which the public question may not be
13 placed on the ballot or submitted because of the limitations
14 of Section 28-1, such officer or board shall give notice of
15 such prohibition, by registered mail, as follows:

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

20 (b) in the case of a certificate from a local election
21 authority, to such local election authority, who shall
22 thereupon give notice as provided in subparagraph (a), or
23 notify the governing board which adopted the initiating
24 resolution or ordinance;

25 (c) in the case of a certification from a circuit
26 court clerk of a court order, to such court, which shall

1 thereupon give notice as provided in subparagraph (a) and
2 shall modify its order in accordance with the provisions
3 of this Act.

4 If the petition, resolution or ordinance initiating such
5 prohibited public question did not specify a particular
6 election for its submission, the officer or board responsible
7 for certifying the question to the election authorities shall
8 certify or recertify the question, in the manner required
9 herein, for submission on the ballot at the next regular
10 election no more than one year, or 15 months in the case of a
11 back door referendum as defined in subsection (f) of Section
12 28-2, subsequent to the filing of the initiating petition or
13 the adoption of the initiating resolution or ordinance and at
14 which the public question may be submitted, and the
15 appropriate election authorities shall submit the question at
16 such election, unless the public question is ordered submitted
17 as an emergency referendum pursuant to Section 2A-1.4 or is
18 withdrawn as may be provided by law.

19 (Source: P.A. 97-81, eff. 7-5-11.)

20 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

21 Sec. 28-7. Except as provided in Article 24 of the
22 Township Code, in any case in which Article VII or paragraph
23 (a) of Section 5 of the Transition Schedule of the
24 Constitution authorizes any action to be taken by or with
25 respect to any unit of local government, as defined in Section

1 1 of Article VII of the Constitution, by or subject to approval
2 by referendum, any such public question shall be initiated in
3 accordance with this Section.

4 Any such public question may be initiated by the governing
5 body of the unit of local government by resolution or by the
6 filing with the clerk or secretary of the governmental unit of
7 a petition signed by a number of qualified electors equal to or
8 greater than at least 8% of the total votes cast for candidates
9 for Governor in the preceding gubernatorial election,
10 requesting the submission of the proposal for such action to
11 the voters of the governmental unit at a regular election. In
12 addition, a public question related to the establishment of a
13 charter commission, the adoption of a charter, or revisions to
14 a charter pursuant to the Municipal Home Rule Charter Act may
15 be initiated as provided in the Municipal Home Rule Charter
16 Act. A proposed charter or revision pursuant to the Municipal
17 Home Rule Charter Act will be accompanied by the question to be
18 put to the electorate on the question as well as summary
19 statements and suggestions may be necessary for the proper
20 understanding of the proposition to be published by the
21 appropriate election authorities in connection with the public
22 question.

23 If the action to be taken requires a referendum involving
24 2 or more units of local government, the proposal shall be
25 submitted to the voters of such governmental units by the
26 election authorities with jurisdiction over the territory of

1 the governmental units. Such multi-unit proposals may be
2 initiated by appropriate resolutions by the respective
3 governing bodies or by petitions of the voters of the several
4 governmental units filed with the respective clerks or
5 secretaries.

6 This Section is intended to provide a method of submission
7 to referendum in all cases of proposals for actions which are
8 authorized by Article VII of the Constitution by or subject to
9 approval by referendum and supersedes any conflicting
10 statutory provisions except those contained in Division 2-5 of
11 the Counties Code, ~~or~~ Article 24 of the Township Code, or the
12 Municipal Home Rule Charter Act.

13 Referenda provided for in this Section may not be held
14 more than once in any 23-month period on the same proposition,
15 provided that in any municipality a referendum to elect not to
16 be a home rule unit may be held only once within any 47-month
17 period.

18 (Source: P.A. 100-863, eff. 8-14-18; 101-230, eff. 8-9-19.)".