



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5755

Introduced 5/5/2026, by Rep. Jed Davis

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-30 new

Amends the Illinois Municipal Code. Provides that, before a municipality grants an application for siting approval of a data center the corporate authorities of a municipality in which the facility will be located or the zoning board of appeals for the municipality shall hold at least one public hearing. Provides that notice of a public hearing shall be published in a newspaper of general circulation. Provides that the siting of a data center shall be subject to back-door referendum. Provides that a back-door referendum shall be held within 60 days after the municipality publishes notice of the application for siting approval of the data center, a petition is filed with the municipal clerk and signed by the necessary number of electors, asking that the application for siting approval of the data center be submitted to referendum. Sets forth the requirements of notice. Provides that the municipal clerk must certify the question for submission at a regularly scheduled election held in accordance with general election law. Sets forth the requirements of a back-door referendum. Defines "data center" and "application for siting approval of a data center".

LRB104 21525 TRT 36884 b

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 Illinois Municipal Code is amended by  
5 adding Section 11-13-30 as follows:

6 (65 ILCS 5/11-13-30 new)

7 Sec. 11-13-30. Data center zoning.

8 (a) As used in this Section:

9 "Application for siting approval of a data center" means  
10 an application for a municipality to approve the siting of a  
11 data center, to issue a special use permit for a data center,  
12 or to modify a previously granted local siting approval or  
13 special use permit for a data center.

14 "Data center" means:

15 (1) any qualifying Illinois data center as defined in  
16 Section 605-1025 of the Department of Commerce and  
17 Economic Opportunity Law of the Civil Administrative Code  
18 of Illinois; or

19 (2) any facility with a combined connected load that  
20 is greater than or equal to 5 megawatts and that is used:

21 (A) to provide digital data storage, management,  
22 and processing; and

23 (B) to house computer and network systems,

1 including associated components, such as servers,  
2 network equipment and appliances, telecommunications,  
3 and data storage systems; systems for monitoring and  
4 managing infrastructure performance; Internet-related  
5 equipment and services; data communications  
6 connections; environmental controls; fire protection  
7 systems; and security systems and services.

8 (b) Before a municipality may grant an application for  
9 siting approval of a data center, the corporate authorities of  
10 the municipality in which the facility will be located or the  
11 zoning board of appeals for the municipality shall hold at  
12 least one public hearing concerning the application.

13 (c) The public hearing shall be conducted in accordance  
14 with the Open Meetings Act within 60 days after the  
15 municipality receives the application for siting approval of  
16 the data center. The corporate authorities of the municipality  
17 shall allow interested parties an opportunity to present  
18 evidence and to cross-examine witnesses at the hearing, but  
19 the municipality may impose reasonable restrictions on the  
20 public hearing, including reasonable time limitations on the  
21 presentation of evidence and the cross-examination of  
22 witnesses. The municipality shall also allow public comment at  
23 the public hearing in accordance with the Open Meetings Act.  
24 Notice of the hearing shall be published in a newspaper of  
25 general circulation in the municipality.

26 (d) The siting of a data center by a municipality is

1 subject to back-door referendum approval. If a municipality  
2 receives an application for siting approval of a data center,  
3 the corporate authorities of the municipality in which the  
4 facility will be located shall publish the notice of the  
5 application and the notice of the back-door referendum within  
6 a newspaper of general circulation and on the municipality's  
7 website if the municipality maintains a website.

8 (1) The notice shall include all of the following  
9 information:

10 (A) The notice shall include the specific number  
11 of electors required to sign a petition requesting  
12 that the application for siting approval of the data  
13 center be submitted for referendum approval. For  
14 purposes of this paragraph, the necessary number of  
15 petition signatures must be a number that is equal to  
16 15% of the total votes cast in the municipality in the  
17 most recent general election.

18 (B) The notice shall specify the time by which the  
19 petition must be filed.

20 (C) The notice shall include the date of the next  
21 regularly scheduled election at which the referendum  
22 may be held.

23 (2) If a petition is filed with the municipal clerk  
24 and signed by the necessary number of electors, within 60  
25 days after the municipality publishes the notice of the  
26 application for siting approval of a data center, asking

1       that the application for siting approval of the data  
2       center be submitted to referendum, the municipal clerk  
3       shall certify the question for submission at a regularly  
4       scheduled election held in accordance with general  
5       election law.

6           (3) The referendum language shall contain a suitable  
7       description of the application for siting approval of the  
8       data center, including parameters, size, location, and  
9       scale of the data center.

10           The election authority of the municipality must submit  
11       the question in substantially the following form:

12                   Shall (owner of proposed) be authorized to place a  
13                   data center at (location) for (purpose)?

14           The election authority must record the votes as "Yes"  
15       or "No".

16           (4) If a majority of the electors voting on the  
17       application for siting approval of the data center vote in  
18       favor of locating the proposed data center within the  
19       municipality, the municipality may approve the application  
20       after the results of the election are certified by the  
21       proper election authority. If the majority of the electors  
22       voting on the application for siting approval of the data  
23       center vote against locating the data center within the  
24       municipality, then the municipality shall not approve the  
25       application. If no petition is filed with the municipal  
26       clerk within 60 days after publication or posting of the

1       notice of application, the municipality may thereafter  
2       approve or deny the application for sitting approval of  
3       the data center.