



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0022

Introduced , by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

ILCON Art. VII, Sec. 6

Proposes to amend the Local Government Article of the Illinois Constitution. Provides that a municipality may become a home rule unit by the affirmative vote of at least two-thirds of the corporate authorities of the municipality (rather than by having a population of more than 25,000 or electing by referendum to become a home rule unit). Provides that a municipality that is a home rule unit may elect not to be a home rule unit by the affirmative vote of at least two-thirds of the corporate authorities of the municipality (rather than by a referendum). Provides that a municipality that is a home rule unit on January 1, 2027 shall remain a home rule unit until the municipality elects not to be a home rule unit. Effective upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

LRB104 15287 RTM 28441 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
4 HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
5 SENATE CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption
8 of this resolution a proposition to amend Article VII of the
9 Illinois Constitution by changing Section 6 as follows:

10 ARTICLE VII
11 LOCAL GOVERNMENT

12 (ILCON Art. VII, Sec. 6)

13 SECTION 6. POWERS OF HOME RULE UNITS

14 (a) A County which has a chief executive officer elected
15 by the electors of the county is a home rule unit. A
16 municipality may become a home rule unit by the affirmative
17 vote of at least two-thirds of the corporate authorities of
18 the municipality and any municipality which has a population
19 of more than 25,000 are home rule units. Other municipalities
20 may elect by referendum to become home rule units. Except as
21 limited by this Section, a home rule unit may exercise any
22 power and perform any function pertaining to its government
23 and affairs, including, but not limited to, the power to

1 regulate for the protection of the public health, safety,
2 morals and welfare; to license; to tax; and to incur debt.

3 (b) A county that is a home rule unit ~~by referendum~~ may
4 elect not to be a home rule unit by referendum. A municipality
5 that is a home rule unit may elect not to be a home rule unit
6 by the affirmative vote of at least two-thirds of the
7 corporate authorities of the municipality. A municipality that
8 is a home rule unit on January 1, 2027 shall remain a home rule
9 unit until the municipality elects not to be a home rule unit.

10 (c) If a home rule county ordinance conflicts with an
11 ordinance of a municipality, the municipal ordinance shall
12 prevail within its jurisdiction.

13 (d) A home rule unit does not have the power (1) to incur
14 debt payable from ad valorem property tax receipts maturing
15 more than 40 years from the time it is incurred or (2) to
16 define and provide for the punishment of a felony.

17 (e) A home rule unit shall have only the power that the
18 General Assembly may provide by law (1) to punish by
19 imprisonment for more than six months or (2) to license for
20 revenue or impose taxes upon or measured by income or earnings
21 or upon occupations.

22 (f) A home rule unit shall have the power subject to
23 approval by referendum to adopt, alter or repeal a form of
24 government provided by law, except that the form of government
25 of Cook County shall be subject to the provisions of Section 3
26 of this Article. A home rule municipality shall have the power

1 to provide for its officers, their manner of selection and
2 terms of office only as approved by referendum or as otherwise
3 authorized by law. A home rule county shall have the power to
4 provide for its officers, their manner of selection and terms
5 of office in the manner set forth in Section 4 of this Article.

6 (g) The General Assembly by a law approved by the vote of
7 three-fifths of the members elected to each house may deny or
8 limit the power to tax and any other power or function of a
9 home rule unit not exercised or performed by the State other
10 than a power or function specified in subsection (1) of this
11 section.

12 (h) The General Assembly may provide specifically by law
13 for the exclusive exercise by the State of any power or
14 function of a home rule unit other than a taxing power or a
15 power or function specified in subsection (1) of this Section.

16 (i) Home rule units may exercise and perform concurrently
17 with the State any power or function of a home rule unit to the
18 extent that the General Assembly by law does not specifically
19 limit the concurrent exercise or specifically declare the
20 State's exercise to be exclusive.

21 (j) The General Assembly may limit by law the amount of
22 debt which home rule counties may incur and may limit by law
23 approved by three-fifths of the members elected to each house
24 the amount of debt, other than debt payable from ad valorem
25 property tax receipts, which home rule municipalities may
26 incur.

1 (k) The General Assembly may limit by law the amount and
2 require referendum approval of debt to be incurred by home
3 rule municipalities, payable from ad valorem property tax
4 receipts, only in excess of the following percentages of the
5 assessed value of its taxable property: (1) if its population
6 is 500,000 or more, an aggregate of three percent; (2) if its
7 population is more than 25,000 and less than 500,000, an
8 aggregate of one percent; and (3) if its population is 25,000
9 or less, an aggregate of one-half percent. Indebtedness which
10 is outstanding on the effective date of this Constitution or
11 which is thereafter approved by referendum or assumed from
12 another unit of local government shall not be included in the
13 foregoing percentage amounts.

14 (1) The General Assembly may not deny or limit the power of
15 home rule units (1) to make local improvements by special
16 assessment and to exercise this power jointly with other
17 counties and municipalities, and other classes of units of
18 local government having that power on the effective date of
19 this Constitution unless that power is subsequently denied by
20 law to any such other units of local government or (2) to levy
21 or impose additional taxes upon areas within their boundaries
22 in the manner provided by law for the provision of special
23 services to those areas and for the payment of debt incurred in
24 order to provide those special services.

25 (m) Powers and functions of home rule units shall be
26 construed liberally.

1 (Source: Illinois Constitution.)

2 SCHEDULE

3 This Constitutional Amendment takes effect upon being
4 declared adopted in accordance with Section 7 of the Illinois
5 Constitutional Amendment Act.