



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5801

by Rep. Mark Batinick

#### SYNOPSIS AS INTRODUCED:

New Act  
10 ILCS 5/28-7

from Ch. 46, par. 28-7

Creates the Citizens Empowerment Act. Provides that registered voters may petition for a referendum at the next general election to dissolve a unit of local government. Sets forth requirements for the petition, the ballot referendum, and the public hearing. Provides for the transfer of property, assets, obligations, and liabilities of the dissolving unit of local government to the receiving unit of local government. Limits when a special district may dissolve into another unit of local government. Defines terms. Amends the Election Code making conforming changes.

LRB100 19065 AWJ 34321 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning empowering citizens and revenue.

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

4 Section 1. Short title. This Act may be cited as the  
5 Citizens Empowerment Act.

6 Section 5. Scope. The method of dissolution of a unit of  
7 local government under this Act shall be in addition to any  
8 other method of dissolving a unit of local government provided  
9 by law or otherwise.

10 Section 10. Definitions. As used in this Act:

11 "Dissolving unit of local government" means the unit of  
12 local government proposed to be dissolved by referendum under  
13 this Act.

14 "Receiving unit of local government" means the unit of  
15 local government receiving the rights, duties, and liabilities  
16 of the unit of local government proposed be dissolved by  
17 referendum under this Act.

18 "Special district" means any political subdivision other  
19 than a county, municipality, or township.

20 "Unit of local government" has the same meaning as found in  
21 Section 1 of Article VII of the Illinois Constitution.

1 Section 15. Petition requirements; notice.

2 (a) Subject to the petition requirements of Section 28-3 of  
3 the Election Code and the dissolution limitations of Section  
4 35, petitions for a referendum to dissolve any unit of local  
5 government must be filed both with the governing board of the  
6 dissolving unit of local governmental and the governing board  
7 of the receiving unit of local government not less than 122  
8 days prior to a general election. Petitions must include:

9 (1) the dissolving unit of local government;

10 (2) the receiving unit of local government;

11 (3) the date of dissolution;

12 (4) signatures of a number of registered voters equal  
13 to or greater than 5% of the total ballots cast in the  
14 preceding general election of both the dissolving and  
15 receiving unit, except that if the proposed new  
16 consolidated unit has overlapping territory of both the  
17 dissolving and receiving unit, the signatures obtained  
18 from the overlapping territory count towards the 5%  
19 requirement for both entities; and

20 (5) an affidavit of publication, attesting that notice  
21 of the petition to dissolve a local unit of government was  
22 published in a newspaper of general circulation within the  
23 territory of the dissolving unit of local government and  
24 the receiving unit of local government at least 122 days  
25 and no more than 152 days prior to the general election at  
26 which the referendum is to be voted upon.

1 All signatures gathered under paragraph (4) of this  
2 subsection (a) must be signed within 365 days prior to the  
3 filing of a petition. A unit of local government may, by  
4 ordinance or resolution, limit the time in which signatures  
5 must be signed to less than 365 days prior to the filing of the  
6 petition but no less than 180 days before the filing of a  
7 petition. If either the dissolving unit of local government or  
8 receiving unit of local government has such an ordinance or  
9 resolution, the petition shall not be placed on the ballot if  
10 any signatures do not meet the requirements of any ordinance or  
11 resolution.

12 (b) The proposed date of dissolution shall be at least 90  
13 days after the date of the election at which the referendum is  
14 to be voted upon.

15 (c) The parties filing a petition under this Section shall  
16 give notice in substantially the following form:

17 NOTICE OF PETITION TO DISSOLVE (dissolving unit of local  
18 government).

19 Residents of (dissolving unit of local government) and  
20 (receiving unit of local government) are notified that a  
21 petition will be filed with (dissolving unit of local  
22 government) and (receiving unit of local government)  
23 requesting a referendum to dissolve (dissolving unit of  
24 local government) on (date of dissolution) with all real  
25 and personal property, and any other assets, together with

1 all personnel, contractual obligations, and liabilities  
2 being transferred to (receiving unit of local government).

3 Section 20. Ballot placement. A petition that meets the  
4 requirements of Section 15 shall be placed on the ballot in the  
5 form provided for in Section 30 at the general election next  
6 following. Failure to publish the required notice of petition  
7 shall render the petition, and the results of any referendum  
8 held on the petition, null and void.

9 Section 25. Public hearing. Both the dissolving and  
10 receiving unit of local government shall hold a public hearing  
11 on the proposed consolidation after the ballot question has  
12 been certified and before the early voting process has begun on  
13 the ballot question. The notice of the hearing shall be  
14 published in a newspaper or newspapers having a general  
15 circulation in the units of local government affected. The  
16 notice shall be published at least 30 days before the date of  
17 the hearing. The notice shall contain, at a minimum, the name  
18 of all units of local government proposed to be consolidated  
19 and a description of the area of consolidation. The notice  
20 shall also be posted on the main website of each of the units  
21 of local government 30 days before the date of the hearing and  
22 continuously until the election results are certified.

23 Section 30. Referendum; voting.



1           (2) On the date of dissolution, the dissolving unit of  
2 local government is dissolved.

3           (3) On and after the date of dissolution, all rights  
4 and duties of the dissolved unit of local government,  
5 including, but not limited to, the authority to tax (if  
6 any), may be exercised by the governing board of the  
7 receiving unit of local government.

8           Section 40. Limitations on dissolution.

9           (a) A special district may only dissolve into another  
10 special district under this Act if both: (1) the special  
11 districts are contiguous; and (2) the special districts are  
12 organized under the same statutory authority.

13           (b) A county, municipality, or township may not be  
14 dissolved into a special district.

15           (c) Special districts may only be dissolved into a county,  
16 municipality, or township if the special district is completely  
17 within the borders of that county, municipality, or township.

18           (d) There may only be one referendum per dissolving unit of  
19 local government per general election.

20           (e) A county may only be dissolved into another contiguous  
21 county.

22           (f) A municipality or township may only be dissolved into  
23 another county, municipality, or township if it is contiguous,  
24 coterminous, or within the receiving unit of local government.

25           (g) When a special purpose district is dissolved into a

1 county, municipality, or township, the inherited taxing  
2 authority of the receiving unit of local government will only  
3 extend to the territory of the dissolving unit of local  
4 government at the time of dissolution.

5 Section 900. The Election Code is amended by changing  
6 Section 28-7 as follows:

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

8 Sec. 28-7. Except as provided in the Citizens Empowerment  
9 Act, in ~~in~~ any case in which Article VII or paragraph (a) of  
10 Section 5 of the Transition Schedule of the Constitution  
11 authorizes any action to be taken by or with respect to any  
12 unit of local government, as defined in Section 1 of Article  
13 VII of the Constitution, by or subject to approval by  
14 referendum, any such public question shall be initiated in  
15 accordance with this Section.

16 Any such public question may be initiated by the governing  
17 body of the unit of local government by resolution or by the  
18 filing with the clerk or secretary of the governmental unit of  
19 a petition signed by a number of qualified electors equal to or  
20 greater than at least 8% of the total votes cast for candidates  
21 for Governor in the preceding gubernatorial election,  
22 requesting the submission of the proposal for such action to  
23 the voters of the governmental unit at a regular election.

24 If the action to be taken requires a referendum involving 2

1 or more units of local government, the proposal shall be  
2 submitted to the voters of such governmental units by the  
3 election authorities with jurisdiction over the territory of  
4 the governmental units. Such multi-unit proposals may be  
5 initiated by appropriate resolutions by the respective  
6 governing bodies or by petitions of the voters of the several  
7 governmental units filed with the respective clerks or  
8 secretaries.

9 This Section is intended to provide a method of submission  
10 to referendum in all cases of proposals for actions which are  
11 authorized by Article VII of the Constitution by or subject to  
12 approval by referendum and supersedes any conflicting  
13 statutory provisions except those contained in Division 2-5 of  
14 the Counties Code or the Citizens Empowerment Act ~~the "County~~  
15 ~~Executive Act"~~.

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

21 (Source: P.A. 97-81, eff. 7-5-11; revised 9-22-17.)