

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Sections 28-1 and 28-2 and adding Article 28A as follows:

6 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

7 Sec. 28-1. The initiation and submission of all public  
8 questions to be voted upon by the electors of the State or of  
9 any political subdivision or district or precinct or  
10 combination of precincts shall be subject to the provisions  
11 of this Article.

12 Questions of public policy which have any legal effect  
13 shall be submitted to referendum only as authorized by a  
14 statute which so provides or by the Constitution. Advisory  
15 questions of public policy shall be submitted to referendum  
16 pursuant to Section 28-5 or pursuant to a statute which so  
17 provides.

18 The method of initiating the submission of a public  
19 question shall be as provided by the statute authorizing such  
20 public question, or as provided by the Constitution.

21 All public questions shall be initiated, submitted and  
22 printed on the ballot in the form required by Section 16-7 of  
23 this Act, except as may otherwise be specified in the statute  
24 authorizing a public question.

25 Whenever a statute provides for the initiation of a  
26 public question by a petition of electors, the provisions of  
27 such statute shall govern with respect to the number of  
28 signatures required, the qualifications of persons entitled  
29 to sign the petition, the contents of the petition, the  
30 officer with whom the petition must be filed, and the form of  
31 the question to be submitted. If such statute does not

1 specify any of the foregoing petition requirements, the  
2 corresponding petition requirements of Section 28-6 shall  
3 govern such petition.

4 Irrespective of the method of initiation, not more than 3  
5 public questions other than (a) back door referenda, (b)  
6 referenda to determine whether a disconnection may take place  
7 where a city coterminous with a township is proposing to  
8 annex territory from an adjacent township, ~~or~~ (c) referenda  
9 held under the provisions of the Property Tax Extension  
10 Limitation Law in the Property Tax Code, or (d) referenda  
11 pursuant to Article 28A of the Election Code may be submitted  
12 to referendum with respect to a political subdivision at the  
13 same election.

14 If more than 3 propositions are timely initiated or  
15 certified for submission at an election with respect to a  
16 political subdivision, the first 3 validly initiated, by the  
17 filing of a petition or by the adoption of a resolution or  
18 ordinance of a political subdivision, as the case may be,  
19 shall be printed on the ballot and submitted at that  
20 election. However, except as expressly authorized by law not  
21 more than one proposition to change the form of government of  
22 a municipality pursuant to Article VII of the Constitution  
23 may be submitted at an election. If more than one such  
24 proposition is timely initiated or certified for submission  
25 at an election with respect to a municipality, the first  
26 validly initiated shall be the one printed on the ballot and  
27 submitted at that election.

28 No public question shall be submitted to the voters of a  
29 political subdivision at any regularly scheduled election at  
30 which such voters are not scheduled to cast votes for any  
31 candidates for nomination for, election to or retention in  
32 public office, except that if, in any existing or proposed  
33 political subdivision in which the submission of a public  
34 question at a regularly scheduled election is desired, the

1 voters of only a portion of such existing or proposed  
2 political subdivision are not scheduled to cast votes for  
3 nomination for, election to or retention in public office at  
4 such election, but the voters in one or more other portions  
5 of such existing or proposed political subdivision are  
6 scheduled to cast votes for nomination for, election to or  
7 retention in public office at such election, the public  
8 question shall be voted upon by all the qualified voters of  
9 the entire existing or proposed political subdivision at the  
10 election.

11 Not more than 3 advisory public questions may be  
12 submitted to the voters of the entire state at a general  
13 election. If more than 3 such advisory propositions are  
14 initiated, the first 3 timely and validly initiated shall be  
15 the questions printed on the ballot and submitted at that  
16 election; provided however, that a question for a proposed  
17 amendment to Article IV of the Constitution pursuant to  
18 Section 3, Article XIV of the Constitution, or for a question  
19 submitted under the Property Tax Cap Referendum Law, shall  
20 not be included in the foregoing limitation.

21 (Source: P.A. 88-116; 89-510, eff. 7-11-96.)

22 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

23 Sec. 28-2. (a) Except as otherwise provided in this  
24 Section or Article 28A, petitions for the submission of  
25 public questions to referendum must be filed with the  
26 appropriate officer or board not less than 78 days prior to a  
27 regular election to be eligible for submission on the ballot  
28 at such election; and petitions for the submission of a  
29 question under Section 18-120 of the Property Tax Code must  
30 be filed with the appropriate officer or board not more than  
31 10 months nor less than 6 months prior to the election at  
32 which such question is to be submitted to the voters.

33 (b) However, petitions for the submission of a public

1 question to referendum which proposes the creation or  
2 formation of a political subdivision must be filed with the  
3 appropriate officer or board not less than 108 days prior to  
4 a regular election to be eligible for submission on the  
5 ballot at such election.

6 (c) Resolutions or ordinances of governing boards of  
7 political subdivisions which initiate the submission of  
8 public questions pursuant to law must be adopted not less  
9 than 65 days before a regularly scheduled election to be  
10 eligible for submission on the ballot at such election.

11 (d) A petition, resolution or ordinance initiating the  
12 submission of a public question may specify a regular  
13 election at which the question is to be submitted, and must  
14 so specify if the statute authorizing the public question  
15 requires submission at a particular election. However, no  
16 petition, resolution or ordinance initiating the submission  
17 of a public question, other than a legislative resolution  
18 initiating an amendment to the Constitution, may specify such  
19 submission at an election more than one year after the date  
20 on which it is filed or adopted, as the case may be. A  
21 petition, resolution or ordinance initiating a public  
22 question which specifies a particular election at which the  
23 question is to be submitted shall be so limited, and shall  
24 not be valid as to any other election, other than an  
25 emergency referendum ordered pursuant to Section 2A-1.4.

26 (e) If a petition initiating a public question does not  
27 specify a regularly scheduled election, the public question  
28 shall be submitted to referendum at the next regular election  
29 occurring not less than 78 days after the filing of the  
30 petition, or not less than 108 days after the filing of a  
31 petition for referendum to create a political subdivision.  
32 If a resolution or ordinance initiating a public question  
33 does not specify a regularly scheduled election, the public  
34 question shall be submitted to referendum at the next regular

1 election occurring not less than 65 days after the adoption  
2 of the resolution or ordinance.

3 (f) In the case of back door referenda, any limitations  
4 in another statute authorizing such a referendum which  
5 restrict the time in which the initiating petition may be  
6 validly filed shall apply to such petition, in addition to  
7 the filing deadlines specified in this Section for submission  
8 at a particular election. In the case of any back door  
9 referendum, the publication of the ordinance or resolution of  
10 the political subdivision shall include a notice of (1) the  
11 specific number of voters required to sign a petition  
12 requesting that a public question be submitted to the voters  
13 of the subdivision; (2) the time within which the petition  
14 must be filed; and (3) the date of the prospective  
15 referendum. The secretary or clerk of the political  
16 subdivision shall provide a petition form to any individual  
17 requesting one. As used herein, a "back door referendum" is  
18 the submission of a public question to the voters of a  
19 political subdivision, initiated by a petition of voters or  
20 residents of such political subdivision, to determine whether  
21 an action by the governing body of such subdivision shall be  
22 adopted or rejected.

23 (g) A petition for the incorporation or formation of a  
24 new political subdivision whose officers are to be elected  
25 rather than appointed must have attached to it an affidavit  
26 attesting that at least 108 days and no more than 138 days  
27 prior to such election notice of intention to file such  
28 petition was published in a newspaper published within the  
29 proposed political subdivision, or if none, in a newspaper of  
30 general circulation within the territory of the proposed  
31 political subdivision in substantially the following form:

32 NOTICE OF PETITION TO FORM A NEW.....

33 Residents of the territory described below are notified  
34 that a petition will or has been filed in the Office

1 of.....requesting a referendum to establish a  
2 new....., to be called the.....

3 \*The officers of the new.....will be elected on the  
4 same day as the referendum. Candidates for the governing  
5 board of the new.....may file nominating petitions with the  
6 officer named above until.....

7 The territory proposed to comprise the new.....is  
8 described as follows:

9 (description of territory included in petition)

10 (signature).....

11 Name and address of person or persons proposing  
12 the new political subdivision.

13 \* Where applicable.

14 Failure to file such affidavit, or failure to publish the  
15 required notice with the correct information contained  
16 therein shall render the petition, and any referendum held  
17 pursuant to such petition, null and void.

18 Notwithstanding the foregoing provisions of this  
19 subsection (g) or any other provisions of this Code, the  
20 publication of notice and affidavit requirements of this  
21 subsection (g) shall not apply to any petition filed under  
22 Article 7, 7A, 11A, 11B, or 11D of the School Code nor to any  
23 referendum held pursuant to any such petition, and neither  
24 any petition filed under any of those Articles nor any  
25 referendum held pursuant to any such petition shall be  
26 rendered null and void because of the failure to file an  
27 affidavit or publish a notice with respect to the petition or  
28 referendum as required under this subsection (g) for  
29 petitions that are not filed under any of those Articles of  
30 the School Code.

31 (Source: P.A. 90-459, eff. 8-17-97.)

32 (10 ILCS 5/Art. 28A heading new)

33 ARTICLE 28A. ENVIRONMENTAL INITIATIVES

1 (10 ILCS 5/28A-1 new)

2 Sec. 28A-1. Local government initiative petition and  
3 referendum to provide and maintain a healthful environment.

4 (a) In order to realize the public policy goals set  
5 forth in Article XI of the Illinois Constitution, the  
6 electors of any unit of local government may pass, by  
7 initiative petition and referendum in the manner prescribed  
8 by this Article, a binding ordinance relating to providing  
9 and maintaining a healthful environment that the corporate  
10 authorities of their unit of local government are empowered  
11 to pass.

12 (b) A binding ordinance relating to providing and  
13 maintaining a healthful environment may be proposed by a  
14 petition signed by the number of electors equal to at least  
15 8% of the total votes cast for Governor at the last general  
16 election in the unit of local government. The petition shall  
17 contain the text of the proposed ordinance and the date of  
18 the regular or unit of local government election at which the  
19 proposed ordinance is to be submitted, shall have been signed  
20 by petitioning electors not more than 12 months preceding the  
21 regular or unit of local government election, and shall be  
22 filed with the clerk of the unit of local government at least  
23 108 days before that regular or unit of local government  
24 election.

25 (c) If the corporate authorities of the unit of local  
26 government, without amendment, pass the binding ordinance  
27 proposed by such a petition filed with the unit of local  
28 government's clerk not less than 78 days prior to the regular  
29 or unit of local government election at which the petition  
30 specifies the proposed binding ordinance is to be submitted,  
31 then the proposed binding shall not be submitted to the  
32 electors of the unit of local government.

33 (d) Except as otherwise provided in this Article,  
34 petitions filed under this Article shall be governed by

1 Article 28 of the Election Code.

2 (e) If no objection to a petition filed under subsection  
3 (b) is filed within 5 business days after such petition is  
4 filed or if an objection is filed and the appropriate  
5 electoral official or board rules the petition sufficient,  
6 then the clerk of the unit of local government shall submit  
7 the petition to the election official or board for the unit  
8 of local government, and the election official or board shall  
9 order the proposed ordinance submitted to the electors of the  
10 unit of local government at the election specified in the  
11 petition.

12 (f) If, after the election official or board of the unit  
13 of local government orders the proposed ordinance to be  
14 submitted to the electors of the unit of local government, it  
15 determines that the proposed ordinance is too long to be  
16 printed in its entirety on the ballot, it shall ask the clerk  
17 of the unit of local government to provide a concise  
18 statement of its nature. The election official or board shall  
19 then cause either the entire proposed ordinance or the  
20 concise statement to be printed on the ballot together with a  
21 question permitting the elector to indicate approval or  
22 disapproval of adoption of the proposed ordinance.

23 (g) If a majority of those voting on the proposed  
24 ordinance indicate approval of its adoption, it shall be  
25 passed and have the same effect as if it had been passed by  
26 the corporate authorities of the unit of local government,  
27 except as provided in subsection (h).

28 (h) Ordinances adopted under this Article, either by  
29 approval of electors at an election or by passage by the  
30 corporate authorities under subsection (c), shall not be  
31 repealed or amended within 4 years after adoption except by  
32 vote of the electors.

33 (i) The corporate authorities of a unit of local  
34 government may submit to its electorate a proposition to



1 repeal or amend an ordinance adopted under this Article at  
2 any election in conformance with Article 28 of the Election  
3 Code.