

# HB1797



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB1797**

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/9-2

from Ch. 43, par. 167

Amends the Liquor Control Act of 1934. Makes a technical change in a Section concerning referenda on retail sales of alcoholic liquor.

LRB096 05465 ASK 15531 b

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 9-2 as follows:

6 (235 ILCS 5/9-2) (from Ch. 43, par. 167)

7 Sec. 9-2. When any legal voters of a precinct in any city,  
8 village or incorporated town of more than 200,000 inhabitants,  
9 as determined by the ~~the~~ last preceding Federal census, desire  
10 to pass upon the question of whether the sale at retail of  
11 alcoholic liquor shall be prohibited in the precinct or at a  
12 particular street address within the precinct, they shall, at  
13 least 90 days before an election, file in the office of the  
14 clerk of such city, village or incorporated town, a petition  
15 directed to the clerk, containing the signatures of not less  
16 than 25% of the legal voters registered with the board of  
17 election commissioners or county clerk, as the case may be,  
18 from the precinct. Provided, however, that when the petition  
19 seeks to prohibit the sale at retail of alcoholic liquor at a  
20 particular street address of a licensed establishment within  
21 the precinct the petition shall contain the signatures of not  
22 less than 40% of the legal voters requested from that precinct.  
23 The petition shall request that the proposition "Shall the sale

1 at retail of alcoholic liquor be prohibited in (or at) ....?"  
2 be submitted to the voters of the precinct at the next ensuing  
3 election at which such proposition may be voted upon. The  
4 submission of the question to the voters of such precinct at  
5 such election shall be mandatory when the petition has been  
6 filed in proper form with the clerk. If more than one set of  
7 petitions are presented to the clerk for submission at the same  
8 election, the petition presented first shall be given  
9 preference; however, the clerk shall provisionally accept any  
10 other set of petitions setting forth the same (or substantially  
11 the same) proposition. If the first set of petitions for a  
12 proposition is found to be in proper form and is not found to  
13 be invalid, it shall be accepted by the clerk and all  
14 provisionally accepted sets of petitions setting forth the same  
15 (or substantially the same) proposition shall be rejected by  
16 the clerk. If the first set of petitions for a proposition is  
17 found not to be in proper form or is found to be invalid, the  
18 clerk shall (i) reject the first set of petitions, (ii) accept  
19 the first provisionally accepted set of petitions that is in  
20 proper form and is not found to be invalid, and (iii) reject  
21 all other provisionally accepted sets of petitions setting  
22 forth the same (or substantially the same) proposition. Notice  
23 of the filing of the petition and the result of the election  
24 shall be given to the Secretary of State at his offices in  
25 both, Chicago and Springfield, Illinois. A return of the result  
26 of the election shall be made to the clerk of the city, village

1 or incorporated town in which the precinct is located. If a  
2 majority of the voters voting upon such proposition vote "YES",  
3 the sale at retail of alcoholic liquor shall be prohibited in  
4 the precinct or at the street address. If the sale at retail of  
5 alcoholic liquor at a particular street address is prohibited  
6 pursuant to this Section, the license for any establishment at  
7 that street address shall be void, and no person may apply for  
8 a license for the sale at retail of alcoholic liquor at an  
9 establishment at that street address unless such prohibition is  
10 discontinued pursuant to Section 9-10.

11 In cities, villages and incorporated towns of 200,000 or  
12 less population, as determined by the last preceding Federal  
13 census, the vote upon the question of prohibiting the sale at  
14 retail of alcoholic liquor, or alcoholic liquor other than beer  
15 containing not more than 4% of alcohol by volume, or alcoholic  
16 liquor containing more than 4% of alcohol by weight in the  
17 original package and not for consumption on the premises, shall  
18 be by the voters of the political subdivision as a unit. When  
19 any legal voters of such a city, village or incorporated town  
20 desire to pass upon the question of whether the sale at retail  
21 of alcoholic liquor shall be prohibited in the municipality,  
22 they shall, at least 90 days before an election, file in the  
23 office of the clerk of the municipality, a petition directed to  
24 the clerk, containing the signatures of not less than 25% of  
25 the legal voters registered with the board of election  
26 commissioners or county clerk, as the case may be, from the

1 municipality. The petition shall request that the proposition,  
2 "Shall the sale at retail of alcoholic liquor be prohibited  
3 in....?" be submitted to the voters of the municipality at the  
4 next ensuing election at which the proposition may be voted  
5 upon. The submission of the question to the voters of the  
6 municipality at such election shall be mandatory when the  
7 petition has been filed in proper form with the clerk. If more  
8 than one set of petitions are presented to the clerk for  
9 submission at the same election, setting forth the same or  
10 different propositions, the petition presented first shall be  
11 given preference and the clerk shall refuse to accept any other  
12 set of petitions. Notice of the filing of the petition and the  
13 result of the election shall be given to the Secretary of State  
14 at his offices in both Chicago and Springfield, Illinois. A  
15 return of the result of the election shall be made to the clerk  
16 of the city, village or incorporated town. If a majority of the  
17 voters voting upon the proposition vote "Yes", the sale at  
18 retail of alcoholic liquor shall be prohibited in the  
19 municipality.

20 In the event a municipality does not vote to prohibit the  
21 sale at retail of alcoholic liquor, the council or governing  
22 body shall ascertain and determine what portions of the  
23 municipality are predominantly residence districts. No license  
24 permitting the sale of alcoholic liquors shall be issued by the  
25 local liquor commissioner or licensing officer permitting the  
26 sale of alcoholic liquors at any place within the residence

1 district so determined, unless the owner or owners of at least  
2 two-thirds of the frontage, 200 feet in each direction along  
3 the street and streets adjacent to the place of business for  
4 which a license is sought, file with the local liquor  
5 commissioner or licensing officer, his or their written consent  
6 to the use of such place for the sale of alcoholic liquors.

7 In each township or road district lying outside the  
8 corporate limits of a city, village or incorporated town, or in  
9 a part of a township or road district lying partly within and  
10 partly outside a city, village or incorporated town, the vote  
11 of such township, road district or part thereof, shall be as a  
12 unit. When any legal voters of any such township, or part  
13 thereof, in counties under township organization, or any legal  
14 voters of such road district or part thereof, in counties not  
15 under township organization, desire to vote upon the  
16 proposition as to whether the sale at retail of alcoholic  
17 liquor shall be prohibited in such township or road district or  
18 part thereof, they shall, at least 90 days before an election,  
19 file in the office of the township or road district clerk, of  
20 the township or road district within which the election is to  
21 be held, a petition directed to the clerk and containing the  
22 signatures of not less than 25% of the legal voters registered  
23 with the county clerk from such township or road district or  
24 part thereof. The submission of the question to the voters of  
25 the township, road district or part thereof, at the next  
26 ensuing election shall be mandatory when the petition has been

1 filed in proper form with the clerk. If more than one set of  
2 petitions are presented to the clerk for submission at the same  
3 election, setting forth the same or different propositions, the  
4 petition presented first shall be given preference and the  
5 clerk shall refuse to accept any other set of petitions. A  
6 return of the result of such election shall be made to the  
7 clerk of the township or road district in which the territory  
8 is situated, and shall also be made to the Secretary of State  
9 at his offices in both Chicago and Springfield, Illinois.

10 (Source: P.A. 88-613, eff. 1-1-95.)