HB2590

LRB09611361JAM21819b

96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2590

Introduced 2/20/2009, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

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

Amends the Election Code. Provides that the limit of 3 public questions per election in a political subdivision does not apply when a fourth public question is non-advisory and initiated by electors if the first 3 public questions are advisory propositions initiated by resolution. Effective immediately.

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A BILL FOR

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 Section

5   28-1 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 of

11   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

1   authorizing a public question.

2   Whenever a statute provides for the initiation of a public

3   question by a petition of electors, the provisions of such

4   statute shall govern with respect to the number of signatures

5   required, the qualifications of persons entitled to sign the

6   petition, the contents of the petition, the officer with whom

7   the petition must be filed, and the form of the question to be

8   submitted. If such statute does not specify any of the

9   foregoing petition requirements, the corresponding petition

10   requirements of Section 28-6 shall govern such petition.

11   Irrespective of the method of initiation, not more than 3

12   public questions other than (a) back door referenda, (b)

13   referenda to determine whether a disconnection may take place

14   where a city coterminous with a township is proposing to annex

15   territory from an adjacent township, (c) referenda held under

16   the provisions of the Property Tax Extension Limitation Law in

17   the Property Tax Code, or (d) referenda held under Section

18   2-3002 of the Counties Code may be submitted to referendum with

19   respect to a political subdivision at the same election, except

20   as otherwise provided in this Section.

21   If more than 3 propositions are timely initiated or

22   certified for submission at an election with respect to a

23   political subdivision, the first 3 validly initiated, by the

24   filing of a petition or by the adoption of a resolution or

25   ordinance of a political subdivision, as the case may be, shall

26   be printed on the ballot and submitted at that election. If 3

1   advisory propositions have been placed on the ballot by

2   resolution, however, then a fourth proposition shall be

3   permitted if a non-advisory public question is subsequently

4   initiated by petition of electors. However, except as expressly

5   authorized by law not more than one proposition to change the

6   form of government of a municipality pursuant to Article VII of

7   the Constitution may be submitted at an election. If more than

8   one such proposition is timely initiated or certified for

9   submission at an election with respect to a municipality, the

10   first validly initiated shall be the one printed on the ballot

11   and submitted at that election.

12   No public question shall be submitted to the voters of a

13   political subdivision at any regularly scheduled election at

14   which such voters are not scheduled to cast votes for any

15   candidates for nomination for, election to or retention in

16   public office, except that if, in any existing or proposed

17   political subdivision in which the submission of a public

18   question at a regularly scheduled election is desired, the

19   voters of only a portion of such existing or proposed political

20   subdivision are not scheduled to cast votes for nomination for,

21   election to or retention in public office at such election, but

22   the voters in one or more other portions of such existing or

23   proposed political subdivision are scheduled to cast votes for

24   nomination for, election to or retention in public office at

25   such election, the public question shall be voted upon by all

26   the qualified voters of the entire existing or proposed

1   political subdivision at the election.

2   Not more than 3 advisory public questions may be submitted

3   to the voters of the entire state at a general election. If

4   more than 3 such advisory propositions are initiated, the first

5   3 timely and validly initiated shall be the questions printed

6   on the ballot and submitted at that election; provided however,

7   that a question for a proposed amendment to Article IV of the

8   Constitution pursuant to Section 3, Article XIV of the

9   Constitution, or for a question submitted under the Property

10   Tax Cap Referendum Law, shall not be included in the foregoing

11   limitation.

12   (Source: P.A. 93-308, eff. 7-23-03.)

13   Section 99. Effective date. This Act takes effect upon

14   becoming law.