

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing  
5 Sections 18-190 and 18-205 as follows:

6 (35 ILCS 200/18-190)

7 Sec. 18-190. Direct referendum; new rate or increased  
8 limiting rate.

9 (a) If a new rate is authorized by statute to be imposed  
10 without referendum or is subject to a backdoor referendum, as  
11 defined in Section 28-2 of the Election Code, the governing  
12 body of the affected taxing district before levying the new  
13 rate shall submit the new rate to direct referendum under the  
14 provisions of this Section and of Article 28 of the Election  
15 Code. Notwithstanding the provisions, requirements, or  
16 limitations of any other law, any tax levied for the 2005 levy  
17 year and all subsequent levy years by any taxing district  
18 subject to this Law may be extended at a rate exceeding the  
19 rate established for that tax by referendum or statute,  
20 provided that the rate does not exceed the statutory ceiling  
21 above which the tax is not authorized to be further increased  
22 either by referendum or in any other manner. Notwithstanding  
23 the provisions, requirements, or limitations of any other law,

1 all taxing districts subject to this Law shall follow the  
2 provisions of this Section whenever seeking referenda approval  
3 after March 21, 2006 to (i) levy a new tax rate authorized by  
4 statute or (ii) increase the limiting rate applicable to the  
5 taxing district. All taxing districts subject to this Law are  
6 authorized to seek referendum approval of each proposition  
7 described and set forth in this Section.

8 The proposition seeking to obtain referendum approval to  
9 levy a new tax rate as authorized in clause (i) shall be in  
10 substantially the following form:

11 Shall ... (insert legal name, number, if any, and  
12 county or counties of taxing district and geographic or  
13 other common name by which a school or community college  
14 district is known and referred to), Illinois, be authorized  
15 to levy a new tax for ... purposes and have an additional  
16 tax of ...% of the equalized assessed value of the taxable  
17 property therein extended for such purposes?

18 The votes must be recorded as "Yes" or "No".

19 The proposition seeking to obtain referendum approval to  
20 increase the limiting rate as authorized in clause (ii) shall  
21 be in substantially the following form:

22 Shall the limiting rate under the Property Tax  
23 Extension Limitation Law for ... (insert legal name,  
24 number, if any, and county or counties of taxing district  
25 and geographic or other common name by which a school or  
26 community college district is known and referred to),

1 Illinois, be increased by an additional amount equal to  
2 ...% above the limiting rate for the purpose of...(insert  
3 purpose) for levy year ... (insert the most recent levy  
4 year for which the limiting rate of the taxing district is  
5 known at the time the submission of the proposition is  
6 initiated by the taxing district) and be equal to ...% of  
7 the equalized assessed value of the taxable property  
8 therein for levy year(s) (insert each levy year for which  
9 the increase will be applicable, which years must be  
10 consecutive and may not exceed 4)?

11 The votes must be recorded as "Yes" or "No".

12 The ballot for any proposition submitted pursuant to this  
13 Section shall have printed thereon, but not as a part of the  
14 proposition submitted, only the following supplemental  
15 information (which shall be supplied to the election authority  
16 by the taxing district) in substantially the following form:

17 (1) The approximate amount of taxes extendable at the  
18 most recently extended limiting rate is \$..., and the  
19 approximate amount of taxes extendable if the proposition  
20 is approved is \$....

21 (2) For the ... (insert the first levy year for which  
22 the new rate or increased limiting rate will be applicable)  
23 levy year the approximate amount of the additional tax  
24 extendable against property containing a single family  
25 residence and having a fair market value at the time of the  
26 referendum of \$100,000 is estimated to be \$....

1           (3) Based upon an average annual percentage increase  
2           (or decrease) in the market value of such property of %...  
3           (insert percentage equal to the average annual percentage  
4           increase or decrease for the prior 3 levy years, at the  
5           time the submission of the proposition is initiated by the  
6           taxing district, in the amount of (A) the equalized  
7           assessed value of the taxable property in the taxing  
8           district less (B) the new property included in the  
9           equalized assessed value), the approximate amount of the  
10          additional tax extendable against such property for the ...  
11          levy year is estimated to be \$... and for the ... levy year  
12          is estimated to be \$ ....

13          (4) If the proposition is approved, the aggregate  
14          extension for ... (insert each levy year for which the  
15          increase will apply) will be determined by the limiting  
16          rate set forth in the proposition, rather than the  
17          otherwise applicable limiting rate calculated under the  
18          provisions of the Property Tax Extension Limitation Law  
19          (commonly known as the Property Tax Cap Law).

20          The approximate amount of taxes extendable shown in paragraph  
21          (1) shall be computed upon the last known equalized assessed  
22          value of taxable property in the taxing district (at the time  
23          the submission of the proposition is initiated by the taxing  
24          district). Paragraph (3) shall be included only if the  
25          increased limiting rate will be applicable for more than one  
26          levy year and shall list each levy year for which the increased

1 limiting rate will be applicable. The additional tax shown for  
2 each levy year shall be the approximate dollar amount of the  
3 increase over the amount of the most recently completed  
4 extension at the time the submission of the proposition is  
5 initiated by the taxing district. The approximate amount of the  
6 additional taxes extendable shown in paragraphs (2) and (3)  
7 shall be calculated by multiplying \$100,000 (the fair market  
8 value of the property without regard to any property tax  
9 exemptions) by (i) the percentage level of assessment  
10 prescribed for that property by statute, or by ordinance of the  
11 county board in counties that classify property for purposes of  
12 taxation in accordance with Section 4 of Article IX of the  
13 Illinois Constitution; (ii) the most recent final equalization  
14 factor certified to the county clerk by the Department of  
15 Revenue at the time the taxing district initiates the  
16 submission of the proposition to the electors; and (iii) either  
17 the new rate or the amount by which the limiting rate is to be  
18 increased. (i) without regard to any property tax exemptions  
19 and (ii) based upon the percentage level of assessment  
20 prescribed for such property by statute or by ordinance of the  
21 county board in counties which classify property for purposes  
22 of taxation in accordance with Section 4 of Article IX of the  
23 Constitution. Paragraph (4) shall be included if the  
24 proposition concerns a limiting rate increase but shall not be  
25 included if the proposition concerns a new rate. Any notice  
26 required to be published in connection with the submission of

1 the proposition shall also contain this supplemental  
2 information and shall not contain any other supplemental  
3 information regarding the proposition. Any error,  
4 miscalculation, or inaccuracy in computing any amount set forth  
5 on the ballot and in the notice that is not deliberate shall  
6 not invalidate or affect the validity of any proposition  
7 approved. Notice of the referendum shall be published and  
8 posted as otherwise required by law, and the submission of the  
9 proposition shall be initiated as provided by law.

10 If a majority of all ballots cast on the proposition are in  
11 favor of the proposition, the following provisions shall be  
12 applicable to the extension of taxes for the taxing district:

13 (A) a new tax rate shall be first effective for the  
14 levy year in which the new rate is approved;

15 (B) if the proposition provides for a new tax rate, the  
16 taxing district is authorized to levy a tax after the  
17 canvass of the results of the referendum by the election  
18 authority for the purposes for which the tax is authorized;

19 (C) a limiting rate increase shall be first effective  
20 for the levy year in which the limiting rate increase is  
21 approved, provided that the taxing district may elect to  
22 have a limiting rate increase be effective for the levy  
23 year prior to the levy year in which the limiting rate  
24 increase is approved unless the extension of taxes for the  
25 prior levy year occurs 30 days or less after the canvass of  
26 the results of the referendum by the election authority in

1 any county in which the taxing district is located;

2 (D) in order for the limiting rate increase to be first  
3 effective for the levy year prior to the levy year of the  
4 referendum, the taxing district must certify its election  
5 to have the limiting rate increase be effective for the  
6 prior levy year to the clerk of each county in which the  
7 taxing district is located not more than 2 days after the  
8 date the results of the referendum are canvassed by the  
9 election authority; and

10 (E) if the proposition provides for a limiting rate  
11 increase, the increase may be effective regardless of  
12 whether the proposition is approved before or after the  
13 taxing district adopts or files its levy for any levy year.

14 Rates required to extend taxes on levies subject to a  
15 backdoor referendum in each year there is a levy are not new  
16 rates or rate increases under this Section if a levy has been  
17 made for the fund in one or more of the preceding 3 levy years.  
18 Changes made by this amendatory Act of 1997 to this Section in  
19 reference to rates required to extend taxes on levies subject  
20 to a backdoor referendum in each year there is a levy are  
21 declarative of existing law and not a new enactment.

22 (b) Whenever other applicable law authorizes a taxing  
23 district subject to the limitation with respect to its  
24 aggregate extension provided for in this Law to issue bonds or  
25 other obligations either without referendum or subject to  
26 backdoor referendum, the taxing district may elect for each

1 separate bond issuance to submit the question of the issuance  
2 of the bonds or obligations directly to the voters of the  
3 taxing district, and if the referendum passes the taxing  
4 district is not required to comply with any backdoor referendum  
5 procedures or requirements set forth in the other applicable  
6 law. The direct referendum shall be initiated by ordinance or  
7 resolution of the governing body of the taxing district, and  
8 the question shall be certified to the proper election  
9 authorities in accordance with the provisions of the Election  
10 Code.

11 (Source: P.A. 96-764, eff. 8-25-09.)

12 (35 ILCS 200/18-205)

13 Sec. 18-205. Referendum to increase the extension  
14 limitation. A taxing district is limited to an extension  
15 limitation of 5% or the percentage increase in the Consumer  
16 Price Index during the 12-month calendar year preceding the  
17 levy year, whichever is less. A taxing district may increase  
18 its extension limitation for one or more levy years if that  
19 taxing district holds a referendum before the levy date for the  
20 first levy year at which a majority of voters voting on the  
21 issue approves adoption of a higher extension limitation.  
22 Referenda shall be conducted at a regularly scheduled election  
23 in accordance with the Election Code. The question shall be  
24 presented in substantially the following manner for all  
25 elections held after March 21, 2006:



1            Shall the extension limitation under the Property Tax  
2            Extension Limitation Law for (insert the legal name,  
3            number, if any, and county or counties of the taxing  
4            district and geographic or other common name by which a  
5            school or community college district is known and referred  
6            to), Illinois, be increased from the lesser of 5% or the  
7            percentage increase in the Consumer Price Index over the  
8            prior levy year to (insert the percentage of the proposed  
9            increase)% per year for (insert each levy year for which  
10           the increased extension limitation will apply)?

11           The votes must be recorded as "Yes" or "No".

12           If a majority of voters voting on the issue approves the  
13           adoption of the increase, the increase shall be applicable for  
14           each levy year specified.

15           The ballot for any question submitted pursuant to this  
16           Section shall have printed thereon, but not as a part of the  
17           question submitted, only the following supplemental  
18           information (which shall be supplied to the election authority  
19           by the taxing district) in substantially the following form:

20                    (1) For the (insert the first levy year for which the  
21                    increased extension limitation will be applicable) levy  
22                    year the approximate amount of the additional tax  
23                    extendable against property containing a single family  
24                    residence and having a fair market value at the time of the  
25                    referendum of \$100,000 is estimated to be \$....

26                    (2) Based upon an average annual percentage increase

1 (or decrease) in the market value of such property of ...%  
2 (insert percentage equal to the average annual percentage  
3 increase or decrease for the prior 3 levy years, at the  
4 time the submission of the question is initiated by the  
5 taxing district, in the amount of (A) the equalized  
6 assessed value of the taxable property in the taxing  
7 district less (B) the new property included in the  
8 equalized assessed value), the approximate amount of the  
9 additional tax extendable against such property for the ...  
10 levy year is estimated to be \$... and for the ... levy year  
11 is estimated to be \$....

12 Paragraph (2) shall be included only if the increased  
13 extension limitation will be applicable for more than one year  
14 and shall list each levy year for which the increased extension  
15 limitation will be applicable. The additional tax shown for  
16 each levy year shall be the approximate dollar amount of the  
17 increase over the amount of the most recently completed  
18 extension at the time the submission of the question is  
19 initiated by the taxing district. The approximate amount of the  
20 additional tax extendable shown in paragraphs (1) and (2) shall  
21 be calculated by multiplying \$100,000 (the fair market value of  
22 the property without regard to any property tax exemptions) by  
23 (i) the percentage level of assessment prescribed for that  
24 property by statute, or by ordinance of the county board in  
25 counties that classify property for purposes of taxation in  
26 accordance with Section 4 of Article IX of the Illinois

1 Constitution; (ii) the most recent final equalization factor  
2 certified to the county clerk by the Department of Revenue at  
3 the time the taxing district initiates the submission of the  
4 proposition to the electors; (iii) the last known aggregate  
5 extension base of the taxing district at the time the  
6 submission of the question is initiated by the taxing district;  
7 and (iv) the difference between the percentage increase  
8 proposed in the question and the lesser of 5% or the percentage  
9 increase in the Consumer Price Index for the prior levy year  
10 (or an estimate of the percentage increase for the prior levy  
11 year if the increase is unavailable at the time the submission  
12 of the question is initiated by the taxing district); and  
13 dividing the result by the last known equalized assessed value  
14 of the taxing district at the time the submission of the  
15 question is initiated by the taxing district. using (A) the  
16 lesser of 5% or the percentage increase in the Consumer Price  
17 Index for the prior levy year (or an estimate of the percentage  
18 increase for the prior levy year if the increase is unavailable  
19 at the time the submission of the question is initiated by the  
20 taxing district), (B) the percentage increase proposed in the  
21 question, and (C) the last known equalized assessed value and  
22 aggregate extension base of the taxing district at the time the  
23 submission of the question is initiated by the taxing district.  
24 The approximate amount of the tax extendable shall be  
25 calculated (i) without regard to any property tax exemptions  
26 and (ii) based upon the percentage level of assessment

1 ~~prescribed for such property by statute or by ordinance of the~~  
2 ~~county board in counties which classify property for purposes~~  
3 ~~of taxation in accordance with Section 4 of Article IX of the~~  
4 ~~Constitution.~~ Any notice required to be published in connection  
5 with the submission of the question shall also contain this  
6 supplemental information and shall not contain any other  
7 supplemental information. Any error, miscalculation, or  
8 inaccuracy in computing any amount set forth on the ballot or  
9 in the notice that is not deliberate shall not invalidate or  
10 affect the validity of any proposition approved. Notice of the  
11 referendum shall be published and posted as otherwise required  
12 by law, and the submission of the question shall be initiated  
13 as provided by law.

14 (Source: P.A. 94-976, eff. 6-30-06.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.