

1 AMENDMENT TO HOUSE BILL 138

2 AMENDMENT NO. _____. Amend House Bill 138 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 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
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

1 this Act, except as may otherwise be specified in the statute
2 authorizing a public question.

3 Whenever a statute provides for the initiation of a
4 public question by a petition of electors, the provisions of
5 such statute shall govern with respect to the number of
6 signatures required, the qualifications of persons entitled
7 to sign the petition, the contents of the petition, the
8 officer with whom the petition must be filed, and the form of
9 the question to be submitted. If such statute does not
10 specify any of the foregoing petition requirements, the
11 corresponding petition requirements of Section 28-6 shall
12 govern such petition.

13 Irrespective of the method of initiation, not more than 3
14 public questions other than (a) back door referenda, (b)
15 referenda to determine whether a disconnection may take place
16 where a city coterminous with a township is proposing to
17 annex territory from an adjacent township, ~~or~~ (c) referenda
18 held under the provisions of the Property Tax Extension
19 Limitation Law in the Property Tax Code, or (d) referenda
20 held under Section 2-3002 of the Counties Code may be
21 submitted to referendum with respect to a political
22 subdivision at the same election.

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

1 validly initiated shall be the one printed on the ballot and
2 submitted at that election.

3 No public question shall be submitted to the voters of a
4 political subdivision at any regularly scheduled election at
5 which such voters are not scheduled to cast votes for any
6 candidates for nomination for, election to or retention in
7 public office, except that if, in any existing or proposed
8 political subdivision in which the submission of a public
9 question at a regularly scheduled election is desired, the
10 voters of only a portion of such existing or proposed
11 political subdivision are not scheduled to cast votes for
12 nomination for, election to or retention in public office at
13 such election, but the voters in one or more other portions
14 of such existing or proposed political subdivision are
15 scheduled to cast votes for nomination for, election to or
16 retention in public office at such election, the public
17 question shall be voted upon by all the qualified voters of
18 the entire existing or proposed political subdivision at the
19 election.

20 Not more than 3 advisory public questions may be
21 submitted to the voters of the entire state at a general
22 election. If more than 3 such advisory propositions are
23 initiated, the first 3 timely and validly initiated shall be
24 the questions printed on the ballot and submitted at that
25 election; provided however, that a question for a proposed
26 amendment to Article IV of the Constitution pursuant to
27 Section 3, Article XIV of the Constitution, or for a question
28 submitted under the Property Tax Cap Referendum Law, shall
29 not be included in the foregoing limitation.

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

31 Section 10. The Counties Code is amended by changing
32 Sections 2-3002 and 2-3003 as follows:

1 (55 ILCS 5/2-3002) (from Ch. 34, par. 2-3002)
2 Sec. 2-3002. Counties with population of less than
3 3,000,000 and with township form of government.

4 (a) Reapportionment required. By July 1, 1971, and each
5 10 years thereafter, the county board of each county having a
6 population of less than 3,000,000 inhabitants and the
7 township form of government shall reapportion its county so
8 that each member of the county board represents the same
9 number of inhabitants. In reapportioning its county, the
10 county board shall first determine the size of the county
11 board to be elected, which may consist of not less than 5 nor
12 more than 29 members and may not exceed the size of the
13 county board in that county on October 2, 1969. The county
14 board shall also determine whether board members shall be
15 elected at large from the county or by county board
16 districts.

17 If the chairman of the county board is to be elected by
18 the voters in a county of less than 450,000 population as
19 provided in Section 2-3007, such chairman shall not be
20 counted as a member of the county board for the purpose of
21 the limitations on the size of a county board provided in
22 this Section.

23 (b) Advisory referenda. The voters of a county may
24 advise the county board, through an advisory referendum, on
25 questions concerning (i) the number of members of the county
26 board to be elected, (ii) whether the board members should be
27 elected from single-member districts, multi-member districts,
28 or at-large, (iii) whether voters will have cumulative voting
29 rights in the election of county board members, or (iv) any
30 combination of the preceding 3 questions. The advisory
31 referendum may be initiated either by petition or by
32 ordinance of the county board. A written petition for an
33 advisory referendum authorized by this Section must contain
34 the signatures of at least 8% of the votes cast for

1 candidates for Governor in the preceding gubernatorial
2 election by the registered voters of the county and must be
3 filed with the appropriate election authority. An ordinance
4 initiating an advisory referendum authorized by this Section
5 must be approved by a majority of the members of the county
6 board and must be filed with the appropriate election
7 authority. An advisory referendum initiated under this
8 Section shall be placed on the ballot at the general election
9 designated in the petition or ordinance.

10 (Source: P.A. 86-962.)

11 (55 ILCS 5/2-3003) (from Ch. 34, par. 2-3003)

12 Sec. 2-3003. Apportionment plan. (1) If the county board
13 determines that members shall be elected by districts, it
14 shall develop an apportionment plan and specify the number of
15 districts and the number of county board members to be
16 elected from each district and whether voters will have
17 cumulative voting rights in multi-member districts. Each such
18 district:

19 a. Shall be equal in population to each other district;

20 b. Shall be comprised of contiguous territory, as nearly
21 compact as practicable; and

22 c. May divide townships or municipalities only when
23 necessary to conform to the population requirement of
24 paragraph a. of this Section.

25 d. Shall be created in such a manner so that no precinct
26 shall be divided between 2 or more districts, insofar as is
27 practicable.

28 (2) The county board of each county having a population
29 of less than 3,000,000 inhabitants may, if it should so
30 decide, provide within that county for single member
31 districts outside the corporate limits and multi-member
32 districts within the corporate limits of any municipality
33 with a population in excess of 75,000. Paragraphs a, b, c

1 and d of subsection (1) of this Section shall apply to the
2 apportionment of both single and multi-member districts
3 within a county to the extent that compliance with paragraphs
4 a, b, c and d still permit the establishment of such
5 districts, except that the population of any multi-member
6 district shall be equal to the population of any single
7 member district, times the number of members found within
8 that multi-member district.

9 (Source: P.A. 86-962.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."