

HB2842



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2842

Introduced 2/22/2005, by Rep. Tom Cross

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.

LRB094 03946 LJB 33961 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
24 at retail of alcoholic liquor be prohibited in (or at)?"
25 be submitted to the voters of the precinct at the next ensuing
26 election at which such proposition may be voted upon. The
27 submission of the question to the voters of such precinct at
28 such election shall be mandatory when the petition has been
29 filed in proper form with the clerk. If more than one set of
30 petitions are presented to the clerk for submission at the same
31 election, the petition presented first shall be given
32 preference; however, the clerk shall provisionally accept any

1 other set of petitions setting forth the same (or substantially
2 the same) proposition. If the first set of petitions for a
3 proposition is found to be in proper form and is not found to
4 be invalid, it shall be accepted by the clerk and all
5 provisionally accepted sets of petitions setting forth the same
6 (or substantially the same) proposition shall be rejected by
7 the clerk. If the first set of petitions for a proposition is
8 found not to be in proper form or is found to be invalid, the
9 clerk shall (i) reject the first set of petitions, (ii) accept
10 the first provisionally accepted set of petitions that is in
11 proper form and is not found to be invalid, and (iii) reject
12 all other provisionally accepted sets of petitions setting
13 forth the same (or substantially the same) proposition. Notice
14 of the filing of the petition and the result of the election
15 shall be given to the Secretary of State at his offices in
16 both, Chicago and Springfield, Illinois. A return of the result
17 of the election shall be made to the clerk of the city, village
18 or incorporated town in which the precinct is located. If a
19 majority of the voters voting upon such proposition vote "YES",
20 the sale at retail of alcoholic liquor shall be prohibited in
21 the precinct or at the street address. If the sale at retail of
22 alcoholic liquor at a particular street address is prohibited
23 pursuant to this Section, the license for any establishment at
24 that street address shall be void, and no person may apply for
25 a license for the sale at retail of alcoholic liquor at an
26 establishment at that street address unless such prohibition is
27 discontinued pursuant to Section 9-10.

28 In cities, villages and incorporated towns of 200,000 or
29 less population, as determined by the last preceding Federal
30 census, the vote upon the question of prohibiting the sale at
31 retail of alcoholic liquor, or alcoholic liquor other than beer
32 containing not more than 4% of alcohol by volume, or alcoholic
33 liquor containing more than 4% of alcohol by weight in the
34 original package and not for consumption on the premises, shall
35 be by the voters of the political subdivision as a unit. When
36 any legal voters of such a city, village or incorporated town

1 desire to pass upon the question of whether the sale at retail
2 of alcoholic liquor shall be prohibited in the municipality,
3 they shall, at least 90 days before an election, file in the
4 office of the clerk of the municipality, a petition directed to
5 the clerk, containing the signatures of not less than 25% of
6 the legal voters registered with the board of election
7 commissioners or county clerk, as the case may be, from the
8 municipality. The petition shall request that the proposition,
9 "Shall the sale at retail of alcoholic liquor be prohibited
10 in....?" be submitted to the voters of the municipality at the
11 next ensuing election at which the proposition may be voted
12 upon. The submission of the question to the voters of the
13 municipality at such election shall be mandatory when the
14 petition has been filed in proper form with the clerk. If more
15 than one set of petitions are presented to the clerk for
16 submission at the same election, setting forth the same or
17 different propositions, the petition presented first shall be
18 given preference and the clerk shall refuse to accept any other
19 set of petitions. Notice of the filing of the petition and the
20 result of the election shall be given to the Secretary of State
21 at his offices in both Chicago and Springfield, Illinois. A
22 return of the result of the election shall be made to the clerk
23 of the city, village or incorporated town. If a majority of the
24 voters voting upon the proposition vote "Yes", the sale at
25 retail of alcoholic liquor shall be prohibited in the
26 municipality.

27 In the event a municipality does not vote to prohibit the
28 sale at retail of alcoholic liquor, the council or governing
29 body shall ascertain and determine what portions of the
30 municipality are predominantly residence districts. No license
31 permitting the sale of alcoholic liquors shall be issued by the
32 local liquor commissioner or licensing officer permitting the
33 sale of alcoholic liquors at any place within the residence
34 district so determined, unless the owner or owners of at least
35 two-thirds of the frontage, 200 feet in each direction along
36 the street and streets adjacent to the place of business for

1 which a license is sought, file with the local liquor
2 commissioner or licensing officer, his or their written consent
3 to the use of such place for the sale of alcoholic liquors.

4 In each township or road district lying outside the
5 corporate limits of a city, village or incorporated town, or in
6 a part of a township or road district lying partly within and
7 partly outside a city, village or incorporated town, the vote
8 of such township, road district or part thereof, shall be as a
9 unit. When any legal voters of any such township, or part
10 thereof, in counties under township organization, or any legal
11 voters of such road district or part thereof, in counties not
12 under township organization, desire to vote upon the
13 proposition as to whether the sale at retail of alcoholic
14 liquor shall be prohibited in such township or road district or
15 part thereof, they shall, at least 90 days before an election,
16 file in the office of the township or road district clerk, of
17 the township or road district within which the election is to
18 be held, a petition directed to the clerk and containing the
19 signatures of not less than 25% of the legal voters registered
20 with the county clerk from such township or road district or
21 part thereof. The submission of the question to the voters of
22 the township, road district or part thereof, at the next
23 ensuing election shall be mandatory when the petition has been
24 filed in proper form with the clerk. If more than one set of
25 petitions are presented to the clerk for submission at the same
26 election, setting forth the same or different propositions, the
27 petition presented first shall be given preference and the
28 clerk shall refuse to accept any other set of petitions. A
29 return of the result of such election shall be made to the
30 clerk of the township or road district in which the territory
31 is situated, and shall also be made to the Secretary of State
32 at his offices in both Chicago and Springfield, Illinois.
33 (Source: P.A. 88-613, eff. 1-1-95.)