



Rep. Esther Golar

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09700HB5277ham001

LRB097 18634 AMC 68159 a

1 AMENDMENT TO HOUSE BILL 5277

2 AMENDMENT NO. _____. Amend House Bill 5277 by replacing
3 everything after the enacting clause with the following:

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 last preceding Federal census, desire to
10 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 104 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

1 election commissioners or county clerk, as the case may be,
2 from the precinct. However, if a petition is filed in calendar
3 years 2012, 2013, or 2014 that seeks to prohibit the sale at
4 retail of alcoholic liquor in a precinct, and the petition
5 includes supporting materials demonstrating, to the
6 satisfaction of the local liquor control commissioner, that
7 there is a correlation between the sale of alcoholic liquor and
8 the incidence of crime in that precinct, then the petition
9 shall contain the signatures of not less than 25% of registered
10 voters who cast a ballot in the last presidential election in
11 that precinct. Provided, however, that when the petition seeks
12 to prohibit the sale at retail of alcoholic liquor at a
13 particular street address of a licensed establishment within
14 the precinct the petition shall contain the signatures of not
15 less than 40% of the legal voters requested from that precinct.
16 The petition shall request that the proposition "Shall the sale
17 at retail of alcoholic liquor be prohibited in (or at)?"
18 be submitted to the voters of the precinct at the next ensuing
19 election at which such proposition may be voted upon. The
20 submission of the question to the voters of such precinct at
21 such election shall be mandatory when the petition has been
22 filed in proper form with the clerk. If more than one set of
23 petitions are presented to the clerk for submission at the same
24 election, the petition presented first shall be given
25 preference; however, the clerk shall provisionally accept any
26 other set of petitions setting forth the same (or substantially

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

1 In cities, villages and incorporated towns of 200,000 or
2 less population, as determined by the last preceding Federal
3 census, the vote upon the question of prohibiting the sale at
4 retail of alcoholic liquor, or alcoholic liquor other than beer
5 containing not more than 4% of alcohol by volume, or alcoholic
6 liquor containing more than 4% of alcohol by weight in the
7 original package and not for consumption on the premises, shall
8 be by the voters of the political subdivision as a unit. When
9 any legal voters of such a city, village or incorporated town
10 desire to pass upon the question of whether the sale at retail
11 of alcoholic liquor shall be prohibited in the municipality,
12 they shall, at least 104 days before an election, file in the
13 office of the clerk of the municipality, a petition directed to
14 the clerk, containing the signatures of not less than 25% of
15 the legal voters registered with the board of election
16 commissioners or county clerk, as the case may be, from the
17 municipality. The petition shall request that the proposition,
18 "Shall the sale at retail of alcoholic liquor be prohibited
19 in....?" be submitted to the voters of the municipality at the
20 next ensuing election at which the proposition may be voted
21 upon. The submission of the question to the voters of the
22 municipality at such election shall be mandatory when the
23 petition has been filed in proper form with the clerk. If more
24 than one set of petitions are presented to the clerk for
25 submission at the same election, setting forth the same or
26 different propositions, the petition presented first shall be

1 given preference and the clerk shall refuse to accept any other
2 set of petitions. Notice of the filing of the petition and the
3 result of the election shall be given to the Secretary of State
4 at his offices in both Chicago and Springfield, Illinois. A
5 return of the result of the election shall be made to the clerk
6 of the city, village or incorporated town. If a majority of the
7 voters voting upon the proposition vote "Yes", the sale at
8 retail of alcoholic liquor shall be prohibited in the
9 municipality.

10 In the event a municipality does not vote to prohibit the
11 sale at retail of alcoholic liquor, the council or governing
12 body shall ascertain and determine what portions of the
13 municipality are predominantly residence districts. No license
14 permitting the sale of alcoholic liquors shall be issued by the
15 local liquor commissioner or licensing officer permitting the
16 sale of alcoholic liquors at any place within the residence
17 district so determined, unless the owner or owners of at least
18 two-thirds of the frontage, 200 feet in each direction along
19 the street and streets adjacent to the place of business for
20 which a license is sought, file with the local liquor
21 commissioner or licensing officer, his or their written consent
22 to the use of such place for the sale of alcoholic liquors.

23 In each township or road district lying outside the
24 corporate limits of a city, village or incorporated town, or in
25 a part of a township or road district lying partly within and
26 partly outside a city, village or incorporated town, the vote

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

26 (Source: P.A. 96-1008, eff. 7-6-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".