

1 AN ACT in relation to 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
5 Section 12-5 as follows:

6 (10 ILCS 5/12-5) (from Ch. 46, par. 12-5)

7 Sec. 12-5. Notice for public questions. For all
8 elections held after July 1, 1999, notice of public questions
9 shall be required only as set forth in this Section or as set
10 forth in Section 17-3 or 19-3 of the School Code. Not more
11 than 30 days nor less than 10 days before the date of a
12 regular election at which a public question is to be
13 submitted to the voters of a political or governmental
14 subdivision, and at least 20 days before an emergency
15 referendum, the election authority shall publish notice of
16 the referendum. The notice shall be published once in a
17 local, community newspaper having general circulation in the
18 political or governmental subdivision. The notice shall also
19 be given at least 10 days before the date of the election by
20 posting a copy of the notice at the principal office of the
21 election authority. The local election official shall also
22 post a copy of the notice at the principal office of the
23 political or governmental subdivision, or if there is no
24 principal office at the building in which the governing body
25 of the political or governmental subdivision held its first
26 meeting of the calendar year in which the referendum is being
27 held. The election authority and the political or
28 governmental subdivision may, but are not required to, post
29 the notice electronically on their World Wide Web pages. The
30 notice, which shall appear over the name or title of the
31 election authority, shall be substantially in the following

1 form:

2 NOTICE IS HEREBY GIVEN that at the election to be
3 held on (insert day of the week), (insert date of
4 election), the following proposition will be submitted to
5 the voters of (name of political or governmental
6 subdivision):

7 (insert the public question as it will appear on the
8 ballot)

9 The polls at the election will be open at 6:00
10 o'clock A.M. and will continue to be open until 7:00
11 o'clock P.M. of that day.

12 Dated (date of notice)

13 (Name or title of the election authority)

14 The notice shall also include any additional information
15 required by the statute authorizing the public question. The
16 notice shall set forth the precincts and polling places at
17 which the referendum will be conducted only in the case of
18 emergency referenda.

19 (Source: P.A. 91-57, eff. 6-30-99.)

20 Section 10. The Township Code is amended by changing
21 Sections 115-20 and 115-105 as follows:

22 (60 ILCS 1/115-20)

23 Sec. 115-20. Referendum on recommended plan; petition.

24 (a) If the board recommends adoption of the open space
25 plan, or if a petition is filed by not less than 5% or 50,
26 whichever is greater, of the registered voters of the
27 township (according to the voting registration records at the
28 time the petition is filed) recommending adoption of the open
29 space plan, then the Board, within 30 days of making of the
30 recommendation or the filing of the petition, shall file a
31 petition with the township clerk, requesting the clerk to
32 submit to the voters of the township the question of whether

1 the township shall adopt the open space plan and enter upon
2 an open space program, with the power to acquire open land by
3 purchase, condemnation (except townships in counties having a
4 population of more than 150,000 but not more than 250,000),
5 or otherwise in the township and with the power to issue
6 bonds for those purposes under this Article. The total amount
7 of bonds to be issued under this Section may not exceed 5% of
8 the valuation of all taxable property in the township and
9 shall be set forth in the question as a dollar amount. The
10 township clerk shall certify that proposition to the proper
11 election officials, who shall submit the proposition to the
12 township voters at the next regular election. The referendum
13 shall be conducted and notice given in accordance with the
14 general election law.

15 (b) The question submitted to the voters at the election
16 shall be in substantially the following form:

17 Shall (name of township) adopt the open space plan
18 considered at the public hearing on (date) and enter upon
19 an open space program, and shall the Township Board have
20 the power (i) to acquire open land by purchase (insert "
21 condemnation," if the township is in a county having a
22 population of more than 250,000) or otherwise, (ii) to
23 issue bonds for open space purposes in an amount not
24 exceeding \$(amount), and (iii) to levy a tax to pay the
25 principal of and interest on those bonds, as provided in
26 Article 115 of the Township Code?

27 The votes shall be recorded as "Yes" or "No".

28 (c) If a majority of the voters voting at the election
29 on the question vote in favor of the question, the township
30 shall thereafter adopt the open space plan recommended by the
31 board or by the petition of the registered voters of the
32 township and shall enter upon an open space program under
33 this Article. If the proposition does not receive the
34 approval of a majority of the voters voting at the election

1 on the question, no proposition may be submitted to the
2 voters under this Section less than 23 months after the date
3 of the election.

4 (d) If a majority of the legal voters voting at
5 referendum in any township approved a proposition at the
6 consolidated election in 2001 in reliance upon and consistent
7 with this Section 115-20 as it existed prior to the effective
8 date of Public Act 91-847, then that referendum and all
9 actions taken in reliance thereon are hereby validated and
10 are legally binding in all respects.

11 (Source: P.A. 91-641, eff. 8-20-99; 91-847, eff. 6-22-00.)

12 (60 ILCS 1/115-105)

13 Sec. 115-105. Borrowing money; bonds. The township
14 board may borrow money and issue bonds, after referendum, for
15 the purpose of acquiring, developing, rehabilitating and
16 renovating open lands for open space purposes, as defined in
17 Section 115-5, pursuant to an open space program adopted as
18 provided in this Article, in and for the township in any
19 amount not to exceed 5% on the valuation of taxable property
20 in the township, to be ascertained by the last assessment for
21 State and county taxes previous to the incurring of such
22 indebtedness or, until January 1, 1983, if greater, the sum
23 that is produced by multiplying the township's 1978 equalized
24 assessed valuation by the debt limitation percentage on
25 January 1, 1979.

26 Whenever the board desires to issue bonds under this
27 Article, or whenever the board receives a petition from not
28 less than 5% or 50, whichever is greater, of the registered
29 voters of the township, according to the voting registration
30 records at the time the petition is filed, requesting the
31 board to issue bonds under this Article, the board,
32 concurrently with the filing of a petition with the township
33 clerk requesting him to submit to the voters of the township

1 at the next election the question of whether or not to adopt
 2 an open space plan and enter upon an open space program,
 3 shall certify that proposition to the proper election
 4 officials who shall submit to the voters of the township at
 5 the next election the question of whether or not the board
 6 shall issue bonds to finance an open space program and
 7 provide for the levy and collection of a direct annual tax
 8 upon all taxable property within the township to meet the
 9 principal and interest on the bonds as they mature, which tax
 10 shall be in addition to and in excess of any other tax
 11 authorized to be levied by the township. The amount of bonds
 12 to be issued under this Section shall be set forth in the
 13 question as a dollar amount. The election shall be conducted
 14 and notice given in accordance with the general election law.
 15 The question submitted to the voters at the election shall be
 16 in substantially the following form:

17 Shall (name of township) issue bonds to finance the
 18 acquisition, maintenance, development, rehabilitation and
 19 renovation of open space lands for open space purposes as
 20 provided by the Township Open Space Article of the
 21 Township Code and levy and collect property taxes, in
 22 excess of any other tax authorized to be levied by the
 23 township, sufficient to meet the principal and interest
 24 on the bonds as they mature, but not in an amount in
 25 excess of \$(amount)?

26 The votes shall be recorded as "Yes" or "No".

27 If a majority of the voters voting on the question vote
 28 in favor of the question, the board shall issue bonds as
 29 provided in this Article provided such bonds are issued
 30 within 6 months after the voters vote favorably on such
 31 question. If such proposition does not receive the approval
 32 of a majority of the voters voting at the election on the
 33 question, no proposition may be submitted to such voters
 34 pursuant to this Section less than 23 months after the date

1 of such election.

2 The board shall then adopt a resolution authorizing the
3 issuance of such bonds, prescribing all the details thereof,
4 and stating the time or times when the principal thereof and
5 the interest on the bonds become payable, and the place of
6 payment thereof. The bonds must, however, be payable within
7 not less than 3 nor more than 40 years from date thereof, and
8 be issued to bear interest at not to exceed the maximum rate
9 authorized by the Bond Authorization Act, as amended at the
10 time of the making of the contract. Such a resolution shall
11 provide for the levy and collection of a direct annual tax
12 upon all the taxable property within the corporate limits of
13 such township sufficient to meet the principal of and
14 interest on the bonds as they mature, which tax shall be in
15 addition to and in excess of any other tax authorized to be
16 levied by the township.

17 A certified copy of the resolution providing for the
18 issuance of any such bonds shall be filed with the county
19 clerk of the county in which the township is located and
20 constitutes the basis and authority of the county clerk for
21 the extension and collection of the tax necessary to pay the
22 principal of and interest upon the bonds issued under the
23 resolution.

24 With respect to instruments for the payment of money
25 issued under this Section either before, on, or after the
26 effective date of Public Act 86-004, it is and always has
27 been the intention of the General Assembly (i) that the
28 Omnibus Bond Acts are and always have been supplementary
29 grants of power to issue instruments in accordance with the
30 Omnibus Bond Acts, regardless of any provision of this
31 Article that may appear to be or to have been more
32 restrictive than those Acts, (ii) that the provisions of this
33 Section are not a limitation on the supplementary authority
34 granted by the Omnibus Bonds Acts, and (iii) that instruments

1 issued under this Section within the supplementary authority
2 granted by the Omnibus Bond Acts are not invalid because of
3 any provision of this Article that may appear to be or to
4 have been more restrictive than those Acts.

5 If a majority of the legal voters voting at referendum in
6 any township approved a proposition at the consolidated
7 election in 2001 in reliance upon and consistent with this
8 Section 115-105 as it existed prior to the effective date of
9 Public Act 91-847, then that referendum and all actions taken
10 in reliance thereon are hereby validated and are legally
11 binding in all respects.

12 (Source: P.A. 91-847, eff. 6-22-00.)

13 Section 15. The School Code is amended by changing
14 Sections 17-3 and 19-3 as follows:

15 (105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

16 Sec. 17-3. Additional levies-Submission to voters. The
17 school board in any district having a population of less than
18 500,000 inhabitants may, by proper resolution, cause a
19 proposition to increase, for a limited period of not less
20 than 3 nor more than 10 years or for an unlimited period, the
21 annual tax rate for educational purposes to be submitted to
22 the voters of such district at a regular scheduled election
23 as follows:

24 (1) in districts maintaining grades 1 through 8, or
25 grades 9 through 12, the maximum rate for educational
26 purposes shall not exceed 3.5% of the value as equalized
27 or assessed by the Department of Revenue;

28 (2) in districts maintaining grades 1 through 12
29 the maximum rate for educational purposes shall not
30 exceed 4.00%, except that if a single elementary district
31 and a secondary district having boundaries that are
32 coterminous on the effective date of this amendatory Act

1 form a community unit district under Section 11-6, then
2 the maximum rate for education purposes for such district
3 shall not exceed 6.00% of the value as equalized or
4 assessed by the Department of Revenue.

5 If the resolution of the school board seeks to increase
6 the annual tax rate for educational purposes for a limited
7 period of not less than 3 nor more than 10 years, the
8 proposition shall so state and shall identify the years for
9 which the tax increase is sought.

10 If a majority of the votes cast on the proposition is in
11 favor thereof at an election for which the election
12 authorities have given notice either (i) in accordance with
13 Section 12-5 of the Election Code or (ii) by publication of a
14 true and legible copy of the specimen ballot label containing
15 the proposition in the form in which it appeared or will
16 appear on the official ballot label on the day of the
17 election at least 5 days before the day of the election in at
18 least one newspaper published in and having a general
19 circulation in the district, the school board may thereafter,
20 until such authority is revoked in like manner, levy annually
21 the tax so authorized; provided that if the proposition as
22 approved limits the increase in the annual tax rate of the
23 district for educational purposes to a period of not less
24 than 3 nor more than 10 years, the district may, unless such
25 authority is sooner revoked in like manner, levy annually the
26 tax so authorized for the limited number of years approved by
27 a majority of the votes cast on the proposition. Upon
28 expiration of that limited period, the rate at which the
29 district may annually levy its tax for educational purposes
30 shall be the rate provided under Section 17-2, or the rate at
31 which the district last levied its tax for educational
32 purposes prior to approval of the proposition authorizing the
33 levy of that tax at an increased rate, whichever is greater.

34 The school board shall certify the proposition to the

1 proper election authorities in accordance with the general
2 election law.

3 The provisions of this Section concerning notice of the
4 tax rate increase referendum apply only to consolidated
5 primary elections held prior to January 1, 2002 at which not
6 less than 55% of the voters voting on the tax rate increase
7 proposition voted in favor of the tax rate increase
8 proposition.

9 (Source: P.A. 88-376.)

10 (105 ILCS 5/19-3) (from Ch. 122, par. 19-3)

11 Sec. 19-3. Boards of education. Any school district
12 governed by a board of education and having a population of
13 not more than 500,000 inhabitants, and not governed by a
14 special Act may borrow money for the purpose of building,
15 equipping, altering or repairing school buildings or
16 purchasing or improving school sites, or acquiring and
17 equipping playgrounds, recreation grounds, athletic fields,
18 and other buildings or land used or useful for school
19 purposes or for the purpose of purchasing a site, with or
20 without a building or buildings thereon, or for the building
21 of a house or houses on such site, or for the building of a
22 house or houses on the school site of the school district,
23 for residential purposes of the superintendent, principal, or
24 teachers of the school district, and issue its negotiable
25 coupon bonds therefor signed by the president and secretary
26 of the board, in denominations of not less than \$100 nor more
27 than \$5,000, payable at such place and at such time or times,
28 not exceeding 20 years from date of issuance, as the board of
29 education may prescribe, and bearing interest at a rate not
30 to exceed the maximum rate authorized by the Bond
31 Authorization Act, as amended at the time of the making of
32 the contract, payable annually, semiannually or quarterly,
33 but no such bonds shall be issued unless the proposition to

1 issue them is submitted to the voters of the district at a
2 referendum held at a regularly scheduled election after the
3 board has certified the proposition to the proper election
4 authorities in accordance with the general election law, a
5 majority of all the votes cast on the proposition is in favor
6 of the proposition, and notice of such bond referendum ~~(if~~
7 ~~heretofore-or-hereafter-held-at-any-general--or--consolidated~~
8 ~~election)~~ has been given either (i) in accordance with the
9 second paragraph of Section 12-1 of the Election Code
10 irrespective of whether such notice included any reference to
11 the public question as it appeared on the ballot, or (ii) for
12 an election held on or after November 1, 1998, in accordance
13 with Section 12-5 of the Election Code, or (iii) by
14 publication of a true and legible copy of the specimen ballot
15 label containing the proposition in the form in which it
16 appeared or will appear on the official ballot label on the
17 day of the election at least 5 days before the day of the
18 election in at least one newspaper published in and having a
19 general circulation in ~~each-county-in-which~~ the district is
20 ~~located~~, irrespective of any other requirements of Article 12
21 or Section 24A-18 of the Election Code, nor shall any
22 residential site be acquired unless such proposition to
23 acquire a site is submitted to the voters of the district at
24 a referendum held at a regularly scheduled election after the
25 board has certified the proposition to the proper election
26 authorities in accordance with the general election law and a
27 majority of all the votes cast on the proposition is in favor
28 of the proposition. Nothing in this Act or in any other law
29 shall be construed to require the notice of the bond
30 referendum to be published over the name or title of the
31 election authority or the listing of maturity dates of any
32 bonds either in the notice of bond election or ballot used in
33 the bond election. The provisions of this Section concerning
34 notice of the bond referendum apply only to (i) consolidated

1 primary elections held prior to January 1, 2002 at which not
2 less than 60% of the voters voting on the bond proposition
3 voted in favor of the bond proposition, and (ii) other
4 elections held before July 1, 1999; otherwise thereafter,
5 notices required in connection with the submission of public
6 questions shall be as set forth in Section 12-5 of the
7 Election Code. Such proposition may be initiated by
8 resolution of the school board.

9 With respect to instruments for the payment of money
10 issued under this Section either before, on, or after the
11 effective date of this amendatory Act of 1989, it is and
12 always has been the intention of the General Assembly (i)
13 that the Omnibus Bond Acts are and always have been
14 supplementary grants of power to issue instruments in
15 accordance with the Omnibus Bond Acts, regardless of any
16 provision of this Act that may appear to be or to have been
17 more restrictive than those Acts, (ii) that the provisions of
18 this Section are not a limitation on the supplementary
19 authority granted by the Omnibus Bond Acts, and (iii) that
20 instruments issued under this Section within the
21 supplementary authority granted by the Omnibus Bond Acts are
22 not invalid because of any provision of this Act that may
23 appear to be or to have been more restrictive than those
24 Acts.

25 The proceeds of any bonds issued under authority of this
26 Section shall be deposited and accounted for separately
27 within the Site and Construction/Capital Improvements Fund.
28 (Source: P.A. 90-811, eff. 1-26-99; 90-812, eff. 1-26-99;
29 91-57, eff. 6-30-99.)

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

1 becoming law.