

AMENDMENT TO HOUSE BILL 5282

AMENDMENT NO. _____. Amend House Bill 5282 by replacing everything after the enacting clause with the following:

Section 1. Short title. This Act may be cited as the Municipal Home Rule Charter Act.

Section 5. Findings. The General Assembly finds the following:

(1) As the United States Constitution and Illinois Constitution provide for core principles and structures of national and state governance and support long-term stability, clarity, and consistency as to the operation and principles of government, municipal charters have the opportunity to provide the same values for city government.

(2) Municipal charters have been successfully adopted as the governance mechanisms across the United States, including by each of the 15 most populous cities in the nation except Chicago.

(3) The establishment of a charter commission and the adoption of a municipal charter will provide citizens an opportunity to contribute to setting down principles and organization of city governance that reflect the values that are significant to Chicagoans.

(4) Section 6(f) of Article VII of the Illinois Constitution provides for home rule units of government to have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, which provides a path for the adoption of a charter for Chicago.

(5) The General Assembly finds it to be in the interest of the State to establish an orderly process for the development and consideration of such a form of municipal government, enabling the participation of the people.

Section 5. Charter.

(a) A home rule municipality with a population over 500,000 people may adopt a charter to govern municipal affairs which shall be the organic law of the municipality, subject to the Illinois Constitution and applicable State law.

(b) A charter adopted pursuant to this Act shall constitute an exercise of home rule authority of the municipality and shall be consistent with to the following:

(1) A charter may establish the structure, organization, powers, and procedures of the municipality's government, including, without limitation:

(i) the officers and their manner of selection and terms of office;

(ii) the organization of government departments;

(iii) the structure, procedures, and officers of the municipality's legislative body and the timing and procedures for the periodic revision of legislative district boundaries;

(iv) the procedures for adopting budgets of the municipality and limitations and controls over the municipality's finances; and

(v) ethics, transparency, and oversight requirements.

A charter shall not prescribe the substance of matters of public policy, such as, without limitation, laws that regulate or prescribe policy pertaining to business regulation, the environment, education, public safety, or labor, or that establish minimum or maximum funding or staffing levels. A charter may not regulate matters in a manner that conflicts with federal or state law.

(2) The charter must be consistent with the Illinois Constitution and United States Constitution.

(c) Upon adoption of a charter pursuant to this Act, Article 21 of the Revised Cities and Villages Act shall be superseded and repealed, and the charter so adopted shall govern the organization and governance of the municipality. A charter adopted pursuant to this Act shall be deemed a form of government authorized by law or a proper alteration thereof, as contemplated by Section 6(f) of Article VII of the Illinois Constitution.

(d) A municipality that adopts a charter pursuant to this Act may not subsequently pass, enact, or promulgate any ordinance, legislation, or regulation in conflict with the adopted charter.

Section 10. Chicago Charter Commission Created.

(a) There is hereby created the Chicago Charter Commission (herein referred to as the "Commission") which shall consist of 11 members:

(1) Ten members of the Commission shall be elected by the electors of the municipality during the general election of 2028, one from each of the ten districts used to elect members of the Chicago Board of Education during the 2024 general election.

(2) One member of the Commission, who shall be its chairperson, shall be appointed by the other members of the Commission at its first meeting after their election. The clerk of the municipality shall publicly invite and receive applications from interested residents of the municipality in

advance of the first meeting of the Commission after their election.

(b) Nominating Petitions. In addition to the requirements of the general election law, the form of petitions under this Section shall be substantially as follows:

NOMINATING PETITIONS

(LEAVE OUT THE INAPPLICABLE PART.)

To the Board of Election Commissioners for the City of Chicago:

We the undersigned, being (.... or more) of the voters residing within said district, hereby petition that who resides at in the City of Chicago shall be a candidate for the office of of the Chicago Charter Commission to be voted for at the election to be held on (insert date).

Name: Address:

In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition, then (i) the candidate's name on the petition must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in clause (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot, but these requirements do not apply to name changes to conform a candidate's name to the candidate's identity or name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage or civil union to assume a spouse's surname, or dissolution of marriage or civil union or declaration of invalidity of marriage to assume a former surname. No other designation, such as a political slogan, as defined by Section 7-17 of the Election Code, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

All petitions for the nomination of members of the Chicago Charter Commission shall be signed by at least 500 qualified voters of the district.

All petitions for the nomination of members of the Chicago Charter Commission shall be filed with the Chicago Board of Election Commissioners. The board of election commissioners shall receive and file only those petitions that include a statement of candidacy, the required number of voter signatures, the notarized signature of the

petition circulator, and a receipt from the county clerk showing that the candidate has filed a statement of economic interest on or before the last day to file as required by the Illinois Governmental Ethics Act. The board of election commissioners may have petition forms available for issuance to potential candidates and may give notice of the petition filing period by publication in a newspaper of general circulation within Chicago not less than 10 days prior to the first day of filing. The board of election commissioners shall make certification to the proper election authorities in accordance with the general election law.

The board of election commissioners shall notify the candidates for whom a petition for nomination is filed or the appropriate committee of the obligations under the Campaign Financing Act as provided in the general election law. Such notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law. The board of election commissioners shall within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing the office's acceptance of the petition.

Nomination petitions are not valid unless the candidate named therein files with the board of election commissioners a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his or her nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

(c) To be qualified as a candidate for the Commission, an individual must, at the time of filing nomination papers:

- (1) be 18 years of age;
- (2) be registered to vote in the municipality;
- (3) have resided in the municipality for at least 5 years;
- (4) not hold any other elected office or be the spouse, domestic partner, child, parent, sibling, parent-in-law, or child-in-law of any elected official;
- (5) not hold any direct or indirect ownership or other beneficial interest in any business entity that (i) is party to any contract with the municipality from which the business entity derives revenue or (ii) is seeking a discretionary approval from the municipality; and
- (6) not personally provide any compensated services to the municipality under any contract with the municipality.

For the purpose of this subsection (c), "discretionary approval" means an administrative, executive, or legislative action by the municipality that is not routinely provided to business entities in similar circumstances. Such discretionary

approvals do not include (i) submitting a regular application for, or corresponding with municipal officials solely as to the status of, a municipal registration, certificate, permit, or license; (ii) responding to a request for proposals or qualifications publicly issued by the municipality; or (3) seeking municipal services generally available to residents of the municipality, including, but not limited to, seeking establishment or modification of water, sewer, or garbage service, seeking review of a water or sewer bill believed to be in error, seeking parkway tree trimming services, seeking to have a pothole filled, seeking graffiti removal services, or seeking a temporary street closure in connection with a neighborhood block party or event.

In addition, to be qualified to be appointed as the chairperson of the Commission, an individual must meet the same qualifications set out above in this subsection (c) at the time of appointment and must not be the spouse, domestic partner, child, parent, sibling, parent-in-law, or child-in-law of any other member of the Commission.

(d) Members of the Commission shall serve without compensation. All members shall be reimbursed for reasonable expenses incurred in connection with their duties.

(e) The municipality shall provide sufficient funding to the Commission to carry out its responsibilities under this Act. The Commission may hire its own staff and counsel. To the extent that any such staff are considered to be employees under federal and state law, they shall be employees of the municipality, except they shall report directly to the Commission, be exempt from hiring and personnel laws, rules, or policies of the municipality, and shall be terminated at will by the Commission. The selection and retention of any counsel or contractors shall be subject to rules of the Commission but not any other procurement or similar laws, rules, or policies of the municipality.

(f) The Commission shall act by vote of six members. The chairperson shall not vote on any question before the Commission unless the other members are equally divided. The Commission shall have the power to designate its officers and rules. The Commission may elect a vice chairperson from among the members who shall preside over the meetings of the Commission in the absence of the chairperson. The clerk of the municipality shall temporarily act as chairperson of the Commission to convene the first meeting of the Commission after the election of its members and prior to the appointment of the chairperson.

(g) Each commissioner shall serve until the abolition of the Commission. Any vacancy in the Commission arising during that period shall be filled by the Commission for the remainder of the unexpired term from among qualified candidates from the district of the vacant position; nomination forms for any such vacant position shall be made publicly available and able to be received by the Commission at least 30 days before the Commission fills the vacancy.

Section 15. Preparation and Submission of Charter by Commission.

(a) The Commission shall draft a charter consistent with this Act for presentation to the electors of the municipality.

(b) The Commission shall hold its first meeting within 30 days of the certification of the election of the members. The Commission may conduct meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish its objectives and purposes. The Commission shall be a public body for the purpose of the Open Meetings Act and Freedom of Information Act.

(c) Within 60 days after its first meeting, the Commission shall adopt a resolution identifying the scope of categorical subjects that it intends to study and consider for inclusion in a charter. The resolution shall (1) organize the Commission's work into major topic areas, (2) identify research and staffing needs associated with each area, and (3) establish an orderly process for public input tied to those areas. Nothing in the resolution, nor the exclusion of anything from the resolution, shall limit the Commission's authority to consider additional structural topics permitted under this Act, but any additions or modifications must be approved by the Commission at a public meeting before a proposed charter is submitted to the electors of the municipality.

(d) The Commission shall hold regular and periodic public hearings to receive testimony and inform the electorate of the municipality on the charter process. The chair of the committee shall, no later than 10 days before any proposed hearing, post a notice with the clerk of the municipality containing the time and place of the hearing and identify any subject matter being considered during the hearing.

(e) The Commission shall submit a proposed charter to be voted upon by the electors of the municipality pursuant to Article 28 of the Illinois Election Code at the general election occurring two years after the general election of the members of the Commission by the deadline established for such questions in the Illinois Election Code.

(f) The substance of the question presented pursuant to Section 16-7 of the Illinois Election Code and any statements and suggestion as may be necessary for the proper understanding of the proposition shall be drafted by the Commission and presented with the proposed charter to the clerk of the municipality and the municipality's board of elections pursuant to Section 28-7. The question shall be presented at a general election.

(g) The ballot question shall be adopted by the affirmative vote of a majority of voters voting on the question. If the ballot question is adopted by such affirmative vote, the charter shall be deemed adopted.

(h) The Commission shall be abolished (1) upon the adoption or rejection of the charter proposed by the Commission or (2) on the second anniversary of the date of its first meeting.

(i) The Commission shall be provided sufficient support from the municipality to carry out its purposes under this Act.

Section 20. Convening of Future Charter Commissions.

(a) After the conclusion of the Commission prescribed by Section 10 of this Act, a new charter commission shall be convened in the same manner as prescribed in this Act for the first Commission upon approval of a majority of electors at any general election of the question of whether or not to convene such a new charter commission. The question of whether or not to convene such a new charter commission:

(1) shall be called the clerk of the municipality, without petition of the electors, at the general election first occurring every 10 years after (i) the last charter commission for the municipality was abolished or (ii) the last question of whether or not to convene such a new charter commission was submitted to the electors of the municipality; and

(2) may be called by petition signed by a number of qualified electors of the municipality equal to or greater than at least 8% of the total votes cast in the municipality for candidates for Governor in the most recent preceding gubernatorial election.

(b) There shall not be more than one charter commission elected and existing for a municipality at any one time.

(c) Upon the initiation of a charter commission pursuant to one of the above methods, members of such a commission shall be elected in a non-partisan, at-large election by the process established by the current charter in effect or, if no charter has been adopted pursuant to this Act, consistent with the election of the Chicago Charter Commission created pursuant to Section 10 of this Act.

(d) Candidates for any charter commission convened pursuant to this section will be subject to the same requirements as members of the Chicago Charter Commission created pursuant to Section 10 of this Act.

Section 25. Home rule. This Act is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 30. The Election Code is amended by changing Section 28-7 follows:

(10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

Sec. 28-7. Except as provided in Article 24 of the Township Code, in any case in which Article VII or paragraph (a) of Section 5 of the Transition Schedule of the Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with this Section.

Any such public question may be initiated by the governing body of the unit of local government by resolution or by the filing with the clerk or secretary of the governmental unit of a petition signed by a number of qualified electors equal to or greater than at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election, except in the case of a public question related to the adoption of a charter or revisions to a charter pursuant to the Municipal Home Rule Charter Act, which may be initiated by a commission established under such act filing a proposed charter or revision to a charter with the clerk of the municipality and the municipality's board of elections for submission of the proposed charter at the next regular election of the municipality. Such proposed charter will be accompanied by the question to be put to the electorate on the question as well as summary statements and suggestions may be necessary for the proper understanding of the proposition to be published by the appropriate election authorities in connection with the public question.

If the action to be taken requires a referendum involving 2 or more units of local government, the proposal shall be submitted to the voters of such governmental units by the election authorities with jurisdiction over the territory of the governmental units. Such multi-unit proposals may be initiated by appropriate resolutions by the respective governing bodies or by petitions of the voters of the several governmental units filed with the respective clerks or secretaries.

This Section is intended to provide a method of submission to referendum in all cases of proposals for actions which are authorized by Article VII of the Constitution by or subject to approval by referendum and supersedes any conflicting statutory provisions except those contained in Division 2-5 of the Counties Code or Article 24 of the Township Code or the Municipal Home Rule Charter Act.

Referenda provided for in this Section may not be held more than once in any 23-month period on the same proposition, provided that in any municipality a referendum to elect not to be a home rule unit may be held only once within any 47-month period.