

SUPPORTING OR OPPOSING REFERENDUM

Several resources to assist proponents or opponents of a public question are available for review or purchase from the Lake County Clerk's office, including maps, lists of voters, and important deadlines.

OBJECTIONS 10ILCS 5/28-4

The same provisions for objecting to candidate nominating petitions (and hearing and subsequent judicial review 10ILCS 5/28-8 through 10-10.1) will also apply to and govern objections to petitions for submitting public questions.

LISTS OF LAKE COUNTY REGISTERED VOTERS & VOTING HISTORY BY DISTRICT 10 ILCS 5/4-8; 5-7; 6-35

Voter registration and voting history data are public records available for inspection. The Illinois State Board of Election prohibits the use of electronic file for commercial solicitation or other business purposes.

List includes each registered voter's:

- Name,
- Address, and
- Voting history.

PRINTED LIST

- Sorted in numeric street order.
- Cost is \$1.50 per precinct.
- Precinct lists are available at no charge during the two weeks prior to an election, pursuant to statute.

ELECTRONIC FILE ON CD

Available for purchase only to political committees who have filed a *Statement of Organization* (State Board of Elections form D-1) with the State Board of Elections or the Federal Election Commission (FEC).

- Cost is \$1 per thousand records plus \$10 setup fee.

For an application and more detailed information, contact our Voter Registration Department

- ☎ (847) 377-2410
- 🌐 LakeCandidatePower.info
"List of Registered Voters & Voting History"
- ✉ VoterRegistration@lakecountyclerk.gov

CAMPAIGN DISCLOSURE

When petitions for a public question are filed with the local election official, a *Notice of Obligation* (State Board of Elections form D-5) should be made available to the proponent/opponent whose name is indicated on the petition or to the attorney for the proponents.

Illinois campaign disclosure laws require that financial details must be reported when \$5,000 has been collected or expended in support of or opposing a public question. Political committees anticipating reaching the \$5,000 threshold should file a *Statement of Organization* (State Board of Elections form D-1). For a courtesy packet on campaign disclosure filing, including a form D-1, email our office at elections@lakecountyclerk.gov or call (847) 377-2407.

Filing a *Statement of Organization* (State Board of Elections form D-1) as a political committee or as proponents/opponents of a public question serves to create a campaign committee as required under Illinois campaign disclosure laws. A date stamped receipt for filing a D-1 with the State Board of Elections is a prerequisite for purchase of registered voter information on diskette.

REFERENDUM INDEX BY UNIT OF GOVERNMENT

For information and assistance on past public questions with accompanying disposition, call the Elections Department at (847) 377-2314.

PRINTED DISTRICT MAPS

Available at the County Clerk's office

Township map \$5
with precinct boundaries

Political district map \$15
with 19th District Judicial Subcircuit, county board, state representative, state senatorial, or U.S. congressional district boundaries

For other county maps contact:
Lake County Geographic
Information System (GIS) Division
gis@lakecountyclerk.gov or (847) 377-2388

REV 11/2018

HISTORICAL ELECTION RESULTS

Voter turnout at prior elections may be useful for those planning referendum strategy.

Results are available:

- Online at LakeCountyClerk.info under "Election Results."
 - November 2006 to most recent election.
- Electronic file on CD
 - Each CD contains results for one election cycle (primary and general elections for either an even- or odd-numbered year).
 - Cost is \$25 per CD.
 - No charge for viewing CD in our office.
Call (847) 377-2410 for required appointment.

ELECTION NIGHT RESULTS VIRTUALLY LIVE AT LAKECOUNTYCLERK.INFO

All mailed, early voted, and Election Day ballots will be posted online after the Election Day polls close at 7 p.m. Web visitors can press their browser's refresh button to see the most current totals.

Results are deemed official 14 days after Election Day. This mandatory waiting time allows for late-arriving mailed and the processing of provisional ballots.

VIA TELEPHONE (847) 377-2410

Election night results are available by phone starting at 8:00 p.m. until all votes are counted.

REFERENDUM FILING



LAKECOUNTYCLERK.INFO

18 NORTH COUNTY ST., ROOM 101
WAUKEGAN, ILLINOIS 60085

847.377.2400

 **LakeCounty**
Robin M. O'Connor
Lake County Clerk

INITIATING A REFERENDUM

INTRODUCTION 10 ILCS 5/28-1 ET SEQ

Article 28 of the Illinois Election Code provides detailed information about the authority, requirements and procedures for submitting public questions to the voters of the state or a particular political subdivision.

First, any public question must be founded in specific statutory or Constitutional authority. Then, filing methods, deadlines, signature minimums, question content and other requirements and conditions are dictated by the type of public question and entity of origin. It is important to review the pertinent statutes and to consult an attorney before proceeding. Actions may also be affected by recent case law and Illinois Attorney Generals' Opinions.

The Lake County Clerk's Office cannot provide legal advice. Instead, this brochure is intended to be a general outline with guidelines on where to find the more specific, appropriate information.

AUTHORITY 10 ILCS 5/28-1; 28-6; 28-7

A question of public policy may be submitted to the voters by referendum when authorized by statute or provided by the Illinois Constitution.

The method for initiating the submission of a public question to the voters of a designated unit of government may be accomplished by:

- 1.) Ordinance or resolution of the governing board for the unit of government, or
- 2.) A petition containing the required number of signatures of registered voters in the district.

FILING PETITIONS

WHEN TO FILE 10 ILCS 5/28-2; 28-6; 28-7

A petition for a public question shall be filed not less than 92 days prior to a regular election to be eligible for submission on the ballot.

A resolution or ordinance initiating a public question must be adopted by the appropriate local governing board not less than 79 days before a regular election and must be certified to the County Clerk for ballot not later than 68 days before the election.

(Note exception: It is important to consult the Illinois Election Code as public questions pursuant to the Property Tax Code or those proposing formation of a political subdivision, for example, may have different deadlines.)

WHERE TO FILE

A petition to initiate a public question for submission to the voters within a district or local unit of government **must be filed with the local election official for the unit of government it is affecting.** For example, an advisory referendum regarding a village or municipality must be filed with the local village or municipal clerk. **(Note exception:** For example, a petition to annex contiguous municipalities must be filed with the circuit court clerk.)

For purposes of legal notice, a petition should include a certificate stating the name and address of one proponent of the public question or the attorney for the proponents.

TYPE OF PUBLIC QUESTION

LEGALLY BINDING QUESTIONS 10 ILCS 5/28-1

A legally binding question is one for which there is statutory authority for the action initiated by the political subdivision of government (i.e. bond issue, increase in a tax levy rate, etc.).

- Question is mandatory and is legally binding.
- Question can be placed on the ballot by an ordinance or resolution adopted by the governing body of a political subdivision, e.g., a village, school district or special district.

ADVISORY QUESTIONS 10 ILCS 5/28-1; 5/28-6

All other public questions are non-binding and are referred to as advisory questions.

- Method for gauging public opinion.
- Results are not binding on the unit of government.
- Subject to the general petition requirements found in the Illinois Election Code and the referendum petition requirements.
- Petition must be signed by registered voters in the district.
- Minimum number of required signatures is 8% of total votes cast for gubernatorial candidates in the preceding gubernatorial election within the impacted district.
- Authorizing statutes may limit a referendum to submission at a particular election.

INITIATED BY PETITION

REQUIREMENTS 10 ILCS 5/28-2; 28-3

The County Clerk's office can provide copies of the pertinent statutes, but cannot provide legal counsel on the content or creation of petitions.

By court opinion, petition sheets must:

- Contain a uniform heading stating the
 - Question to be submitted,
 - Political subdivision, district or precinct in which it is to be submitted, and
 - Election at which it is to be submitted.
- Be of uniform size.
- Be fastened together in a secure manner.
- Be numbered consecutively beginning with #1 on the top sheet.
- Include the signatures of registered voters in the political subdivision with their residence addresses printed.
- Include the circulator's signature at the bottom of each petition page.
- Have circulator's signature notarized by someone other than the circulator.

PETITION SIGNATURE REQUIREMENTS 10 ILCS 5/28-6

- Must be signed by registered voters in the district.
- Total signatures required is at least 8% of total votes cast for candidates for governor in the preceding gubernatorial election within the district impacted by the public question. **(Note exception:** For example, a municipal annexation petition must be signed by 10% of the electors of the area seeking annexation.)
- Any person signing a petition must be a registered voter within the district in question.
- The voter must sign his/her signature in the presence of the circulator and must indicate on the petition his/her residence address, including street address and city, town or village.

CIRCULATOR REQUIREMENTS 10 ILCS 5/3-6

The circulator must:

- Be 17 years of age or older (If 17 years old, 18th birthday must occur by the next immediately following general or consolidated election.),
- Be a United States citizen,
- **Personally witness** all the qualified signatures given on the petition, and
- Affirm and sign the required affidavit (found on the bottom of each petition sheet) in the presence of a notary public stating that all signatures were taken in his or her presence.