

MEMORANDUM

PUBLIC QUESTION DEADLINES FOR GENERAL ELECTION TUESDAY, NOVEMBER 6, 2018*

1. Not later than Monday, August 6, 2018 (92 days before the election (10 ILCS 5/28-2)):

(a) Petition to submit a public question to referendum must be filed with the appropriate officer or board.

(b) “Back door” petition filing limit.

(c) If either of the petitions in (a) or (b) above is filed by August 6, 2018, and fails to specify an election, the question will be placed on the ballot at the general election (10 ILCS 5/28-2(e)).

(d) Note: Sunday, August 5, 2018, is actually the 92nd day before the election, but 10 ILCS 5/1-6 permits the filing of petitions to extend through the first business day next following a State holiday, Saturday or Sunday.

2. Not later than Monday, August 20, 2018 (79 days before the election (10 ILCS 5/28-2)):

(a) Adoption of resolution or ordinance by the governing board of a political subdivision initiating a public question.

(b) If a resolution or ordinance initiating a public question is adopted on or before Monday, August 20, 2018, and fails to specify an election, the question will be placed on the ballot at the general election (10 ILCS 5/28-2(e)).

(c) NOTE: Saturday, August 18, 2018, is actually the 79th day before the election, but 10 ILCS 5/1-6 permits the adoption of the resolution or ordinance to extend through the first business day next following a State holiday, Saturday or Sunday.

3. Not later than Wednesday, August 29, 2018 (68 days before the election (10 ILCS 5/28-5)):

(a) Local election official certifies public questions initiated by petition or by action of the governing board of a political subdivision.

* Pursuant to 205 ILCS 630/17(a), the days upon which general elections are held for members of the House of Representatives are legal holidays. Therefore, the filing and notice periods end on Monday, November 5, 2018.

(b) Clerk of circuit court certifies public questions ordered by such circuit court.

4. Not before Saturday, October 6, 2018, and not after Friday, October 26, 2018 (not more than 30 nor less than 10 days before the election (10 ILCS 5/12-5)):

(a) Election authority publishes election notice once in a local, community newspaper having general circulation in the political or governmental subdivision.

5. Not after Friday, October 26, 2018 (not less than 10 days before the election (10 ILCS 5/12-5)):

(a) Election authority posts copy of election notice at the principal office of the election authority.

(b) Local election official posts copy of election notice at

(i) the principal office of the political or governmental subdivision, or

(ii) if there is no principal office, at the building in which the governing body of the political or governmental subdivision held its first meeting in calendar year 2018.

In addition, in preparing publications for proceedings that are subject to back door referendum petitions, please bear in mind that unless the petition period ends on or before August 6, 2018, it may be possible for petitioners to delay a referendum until at least the March 17, 2020 general primary election. In accordance with the provisions of Section 28-1 of the Election Code, no public questions may be submitted to the voters of a political subdivision at any regularly scheduled election unless at least a portion of such voters are scheduled to cast votes for any candidates for nomination for, election to or retention in public office. It is likely that few political subdivisions will be able to submit public questions to their voters at the February 26, 2019 consolidated primary election under this rule. Because the voters of virtually all political subdivisions will be electing members of school boards at the April 2, 2019 consolidated election, public questions will be eligible for submission to the voters of virtually all political subdivisions at the consolidated election. However, it is conceivable that some political subdivisions could miss the April 2, 2019 consolidated election under this rule and would, therefore, have to wait until the March 17, 2020 general primary election to submit a public question. Because the voters of each political subdivision will be nominating candidates for election to the United States Congress and the Illinois General Assembly at the general primary election, public questions will be eligible for submission to the voters of all political subdivisions at the general primary election on March 17, 2020.

These are the dates by which back door referendum proceedings must be published in order to assure that the petition period will end on or before August 6, 2018:

(a) 30-day period: Saturday, July 7, 2018

(b) 21-day period: Monday, July 16, 2018

(c) 10-day period: Friday, July 27, 2018

Please note that the minority language assistance provisions of the federal Voting Rights Act require certain Illinois counties to provide election materials in languages other than English. As of October 13, 2011, in addition to English language election materials, The County of Cook must provide election materials in Spanish, Chinese and Asian Indian. The Counties of Kane, Lake and DuPage must provide election materials in Spanish. 76 Fed. Reg. 63602 (October 13, 2011).