

The Status of Illinois Home Rule, Part I:

Home Rule Cities And The Voters

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With the November 2002 election results compiled, and the addition of Bridgeview and Oakbrook Terrace to the roster of home rule cities and villages, the number of Illinois municipalities with such powers has now climbed to 153. Of these, 78 gained home rule by achieving or surpassing the 25,000 population mark; the remaining 75 gained it by referendum.

Table 1 lists the 153 home rule communities. Those that adopted home rule by referendum are shown with the date of the referendum; those listed without a date gained home rule powers by virtue of their population size. Municipalities with a population of 25,000 or more automatically have home rule powers unless voters rescind those powers through a referendum.

Home rule cities in Illinois are drawn from all classes of communities, from Chicago with its 2.9 million people to even the smallest communities, such as Muddy with a 2000 population of 78. They come from all parts of the state with the greatest concentration found in the Chicago metropolitan area.

Voter attitudes toward home rule

Voters' attitudes toward home rule appear to have become more positive in recent years. In home rule's early years, 1971-75, referenda approving home rule outnumbered those disapproving by a 3-1 margin. That margin slipped to less than 1.5 to 1 in the 1976-85 period, then fell further to 1-1.3 against in 1986-99 period. But since the turn of the century, voter approval has turned positive, if just barely. There were 13 referenda on home rule in the first three years of the 21st century; home rule was approved in seven of these elections. But this record combines two very different kinds of elections: adoption referenda and retention referenda.

Adoption referenda

There have been 158 referenda since 1971 in which municipal voters have had the opportunity to adopt home rule. They did so in 77 of these elections, or 49 per cent.

That means voters turned down home rule in 81 elections. In five communities, voters rejected home rule in more than one election. In five others, voters rejected home rule when it was first put on the ballot, then adopted home rule in a later election. In Lincolnwood and Oakbrook Terrace, voters rejected home rule twice before finally adopting it in a third election.

From another perspective, of the 153 communities which have had referenda to adopt home rule, 77, or 50 per cent, ultimately did so. Of these 77, 75 communities, or 97 per cent, still operate under home rule powers. The two who do not are National City, which was dissolved as a municipal corporation when its last residents moved away, and Lisle, which later abandoned home rule by referendum.

In addition to Lisle, three other communities which gained home rule by referendum also had a subsequent

referendum on the retention of home rule powers. In all of these cases, Berkeley, Lincolnshire and Rolling Meadows, voters opted to retain home rule.

Home rule retention elections

There have been 31 elections in which voters were asked whether or not they wished to keep the home rule powers already provided to their community. Voters chose in 27 of these elections, or 87 per cent, to retain their home rule powers.

Retention elections occur for either of two reasons: (1) voters dissatisfied with their community's use of home rule powers may petition the court for a retention election — this has happened 25 times; or (2) a community which gains home rule powers by population is required by law to hold a retention election if its population later falls under the 25,000 ceiling — this has happened six times.

Of the 25 retention elections held in response to voter petitions, home rule was retained in 21, or 84 per cent of the elections. Home rule was retained in all six of the retention elections held because a community's population had fallen under 25,000. In the aggregate, voters in retention elections chose, by a margin of greater than 2-1, to retain home rule powers.

Is home rule an issue with voters?

In a survey of all home rule communities undertaken jointly by the Illinois Municipal League and the Illinois City-County Management Association in 2001-02, communities were asked whether: (1) there had been a recent effort to submit a petition to call for a retention election to abandon home rule, and (2) there had been any periodic, significant criticism or attacks on home rule in the community. Of the 83 communities responding to the survey, 91 per cent answered "no" to both questions. These findings suggest that the use of home rule powers is not generating significant opposition among voters in communities which already have home rule.

This conclusion also finds support among the referenda record on home rule. Understandably, and appropriately, the mixed results of home rule adoption referenda indicate that voters considering the adoption of home rule are very skeptical about giving a broad grant of power, including tax power, to their municipal government. On the other hand, the support shown for home rule in retention elections indicates that a substantial majority of voters in home rule communities trust their local officials with home rule powers.

Indeed, in one of the most recent retention elections, held at the request of a voters' petition in Rolling Meadows in 1999, voters supported home rule by a margin of more than 9-1.

Further results of the survey on home rule will be reported in subsequent articles. ■