

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
_____ Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: March 13, 2019 (B of T) Date: March 21, 2019
TITLE: An Ordinance Providing for an Advisory Public Question Concerning Video Gaming

BACKGROUND/POLICY IMPLICATIONS:

Attached please find information regarding an ordinance to provide for an advisory public question concerning video gaming. The proposed ordinance would provide for a Village initiated non-binding advisory question on video gaming to be placed on the ballot of the general primary election to be held on March 17, 2020. The ballot language would read – “Shall video gaming be permitted in the Village of Lombard? Yes/No”

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X SN _____ Date 3/14/19

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

**MEMORANDUM**

TO: Keith Giagnorio, Village President
Village Board of Trustees

FROM: Scott Niehaus, Village Manager

DATE: March 13, 2019

SUBJECT: **ORDINANCE PROVIDING FOR AN ADVISORY PUBLIC QUESTION CONCERNING VIDEO GAMING**

Pursuant to direction from the Village Board of Trustees from the January 24th and March 7th Village Board workshops on video gaming, a draft ordinance providing for an advisory referendum on Video Gaming has been prepared for your review and consideration. Attached please find the proposed Ordinance, which includes sample ballot language.

NON-BINDING REFERENDUM

The proposed ordinance provides for a Village initiated *non-binding advisory* question on video gaming to be placed on the ballot of the general primary election to be held on March 17, 2020. An advisory referendum question provides voters with the opportunity to make their views known on issues of local importance without associated binding legislation. As a matter of information, the Illinois Election Code does provide for citizen initiated advisory referenda on questions of public policy by petition of at least 8% of the number of votes cast for governor in the preceding gubernatorial election (10 ILCS 5/28). In contrast, the Illinois Video Gaming Act provides for binding referenda on the prohibition of video gaming only upon initiation by petition of at least 25% of registered voters (230 ILCS 40/70).

BALLOT LANGUAGE

The language of the non-binding advisory referendum question in the proposed ordinance is based upon the language provided for under the Illinois Gaming Act for a binding referendum with the exception of a word change recommended at the March 7th Village Board workshop on video gaming. Such language, as provided for the in the statute and modified by the Village Board:

Shall video gaming be permitted in the Village of Lombard? Yes/No

DATE RESTRICTIONS

The proposed ordinance provides for referendum at the general primary election of March 17, 2020. The Village of Board of Trustees may not pass an ordinance providing for the advisory referendum question more than one year before the general primary election date or March 17, 2019.

CERTIFICATION DATE

Additionally, the ordinance provides that if approved, the Village Clerk shall not certify the advisory referendum question to the DuPage County Clerk's Election Division before July 1, 2019 or after January 9, 2020. The restriction on the certification of the question to the Election Division to a date after July 1, 2019, would permit amendments, modifications or even a rescission of the advisory question by formal Village Board action at some point before the Clerk has made formal certification to the County.

Should you have any questions or concerns regarding the draft ordinance or this issue, please do not hesitate to contact me.

cc: Nicole P. Aranas, Assistant Village Manager
Janet Downer, Business Administrator
Tom Bayer, Village Attorney

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR AND REQUIRING
THE SUBMISSION OF AN ADVISORY PUBLIC QUESTION
CONCERNING WHETHER TO PERMIT VIDEO GAMING IN
THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, TO APPEAR
ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LOMBARD
AT THE GENERAL PRIMARY ELECTION TO BE HELD ON MARCH 17, 2020**

WHEREAS, the Village of Lombard is a municipal corporation duly organized and existing under the laws of the State of Illinois, and is a non-home rule unit of local government; and

WHEREAS, 65 ILCS 5/3.1-40-60 provides that municipalities may authorize advisory public questions for placement on the ballot at the next regularly scheduled election in the municipality; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interests of the Village of Lombard that there shall be submitted to the qualified electors of the Village of Lombard an advisory public question concerning whether to permit video gaming in the Village of Lombard;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

Section 1. That the proposition hereinafter set forth be submitted to the voters of the Village of Lombard (the "Village") at the General Primary Election to be held on Tuesday, the 17th day of March, 2020, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election").

Section 2. That the Election shall be held in the voting precincts and at the polling places established by the DuPage County Clerk's Election Division (the "Election Division") for voters of the Village at the Election.

Section 3. That the Election Division shall give notice of the Election (the "Notice") by: (i) publishing the Notice once, not more than sixty (60) nor less than ten (10) days prior to the date of the Election, in a local, community newspaper having general circulation in the Village; and (ii) posting a copy of the Notice at least ten (10) days before the date of the Election at its principal office, as required by Section 12-5 of the Election Code of the State of Illinois, as amended (10 ILCS 5/1 *et seq.* – the "Election Code").

Section 4. That the Village Clerk shall post a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the Village.

Section 5. That the Notice published by the Election Division, in a community newspaper having general circulation in the Village of Lombard, shall be in substantially the following form:

“NOTICE IS HEREBY GIVEN that, at the General Primary Election to be held on Tuesday, the 17th day of March, 2020, the following proposition shall be submitted to the voters of the Village of Lombard, DuPage County, Illinois:

Shall video gaming be permitted in the Village of Lombard?

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

Dated this _____ day of _____, 2020.

Facsimile Signature
DuPage County Clerk’s Election Division,
County of DuPage, Illinois”

Section 6. That the ballot to be used at the Election shall be in substantially the same form as is below, and shall meet the requirements of Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election:

(Face of Ballot)

OFFICIAL BALLOT

**ADVISORY PROPOSITION
AS TO WHETHER VIDEO GAMING
SHOULD BE PERMITTED IN THE VILLAGE OF LOMBARD**

(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space
opposite the word indicating the way you desire to vote.

Shall video gaming be permitted in the Village of Lombard?	YES	
	NO	

(Back of Ballot)

OFFICIAL BALLOT

Official ballot for voting on the advisory proposition as to whether
video gaming should be permitted in the Village of Lombard, at the
general primary election held on March 17, 2020.

Precinct Number: _____

Polling Place: _____

Facsimile Signature
DuPage County Clerk's Election Division,
County of DuPage, Illinois

Section 7. That the Election shall be conducted by the election judges appointed by the Election Division to act in the voting precincts at which said proposition shall be submitted to the voters of the Village.

Section 8. That after the adoption hereof and not earlier than July 1, 2019, nor less than sixty-eight (68) days prior to the date of the Election (January 9, 2020), the Village Clerk shall certify a copy hereof to the Election Division in order that the advisory proposition set forth herein may be submitted to the voters of the Village.

Section 9. The Election shall be held and conducted and the returns thereof canvassed, all in the manner and time as provided by the Election Code.

Section 10. That all ordinances, orders and Ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

Section 11. That this Ordinance shall be posted in one or more public areas of the Village of Lombard.

Section 12. This Ordinance shall be in full force and effect after its adoption and approval as provided by law.

Passed on first reading this 21st day of March, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this 4th day of April, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 4th day of April, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk