

LWVIL GOVERNMENT POSITION: COUNTY GOVERNMENT STRUCTURE

Support for expanded citizen initiative powers to address county government structure and support for changes in the Illinois County Executive Act.

Position in Brief: The League supports expanded citizen initiative powers to change the structure of county government. Petition requirements for citizen-initiated change should be a percentage of actual voters in a recent jurisdiction-wide election. The League supports changes in the Illinois County Executive Act to provide a clear separation of powers between the legislative and the executive branches and easily understood referendum language.

COUNTY GOVERNMENT STRUCTURE (1991): Citizens in each county should have the power to initiate change in the structure of county government. Structure refers to form of government; number of county board members; single member, at-large or multimember districts or a combination thereof; county board chairman elected at-large or by peers; or elected county executive.

Signature requirements for the petition process for citizen-initiated change in the structure of county government must be reasonable. The number of signatures needed should be a percentage of the actual voters in a recent jurisdiction-wide election rather than a percentage of the registered voters in the jurisdiction. Citizens who have successfully completed the initiative process should be assured of ballot access.

The Illinois County Executive Act should provide a clear separation of powers between the legislative and executive branches. The Act should provide easily understood referendum language for non-home rule counties voting to adopt the county executive form of government.

County legislative bodies should have the right to require independently elected county officials to adhere to the same personnel and procurement systems as appointed county department heads.

Background Delegates to the 1989 LWVIL Convention adopted a county government structure study. The experiences of four Leagues spurred the study and formed the basis for concurrence.

Although Peoria citizens, by League-initiated referendum, voted three to one in favor of reducing their county board from 27 to 9 members, the board refused to accede to the voters' wishes. Subsequently, the Illinois Supreme Court ruled that, under present law, a citizen-initiated referendum on the size of a county board is not binding.

The DuPage County ILO studied the county executive form of government and decided that it might be suited to their county's needs. After examining the Illinois County Executive Act, the League found many problems. In particular, under the current Act,

the county executive serves as the head of both the legislative and executive branches, which does not provide the traditional system of checks and balances valued in the United States. Because of this and other flaws, the DuPage ILO was unable to recommend that their county adopt this form of government.

The Lake County ILO agreed with the DuPage County ILO that the Illinois County Executive Act was flawed but preferred a different form of county leadership for Lake County: a county board president elected-at-large. Because the Peoria decision denies citizens the legal power to institute an at-large chair, the Lake County ILO also recognized the need to empower Illinois citizens with the authority to enact binding referenda on the structure of county government.

The Cook County ILO was successful in working to increase safeguards against patronage and procurement favoritism in county government. The League worked for the enactment of a county requirement that independently elected department heads (e.g., sheriff, clerk, recorder of deeds) must abide by the same personnel and procurement procedures as appointed department heads. Leagues participating in the LWVIL study wanted to be able to support state legislation that would give their counties the right to enact similar requirements.

A grant from the Illinois State Bar Association enabled the League to fund research by a law student on state court decisions on citizen initiative. The study included petition requirements for various citizen referenda in Illinois and a comparison with citizen initiative requirements across the country.

LWVIL action No action has ever been taken by the LWVIL under this position. Local and County Leagues take action under this position.