

Bill in Brief: HB 5282

House Bill 5282, also known as the Municipal Home Rule Charter Act, creates a process by which the City of Chicago may adopt a City Charter, or what can be thought of as a city constitution. This briefing will explain what the bill would do if passed into law.

What is a municipal charter?

A Charter acts as a constitution for a municipality. A charter would define the structure and powers of Chicago's government. This includes things like:

- The organization of city departments
- Which officials are elected, their term lengths, and the manner of their election
- Municipal redistricting practices
- Budget processes and financial controls
- Ethics and oversight requirements

A charter may broadly address the structure of City government and the processes whereby policy is made and implemented. While a charter is not limited to these examples, a charter *may not* create public policy or regulations—it may only define the processes by which such policies are made by local government.

Chicago is not currently authorized to create a municipal charter under existing state law and therefore requires state legislation to make a charter possible.

How Would Chicago Establish its Charter?

HB5282 does not automatically create a city charter for Chicago. Instead, it creates a process for the City to draft its own constitution by establishing an elected charter commission, which would be charged with drafting a charter. The commission would be empowered to hire staff and required to hold regular public meetings. The commission would have until the general election two years after its formation to draft a proposed city charter, which would then be presented to Chicago voters as a referendum question in that year's November election. If approved by a simple majority vote, the charter would be adopted.

Makeup of the Charter Commission

Ten commissioners would be elected by Chicago voters from the City's ten school board districts at the next general election (currently November 2028). Candidates must meet the following requirements to be eligible to run for the commission:

- At least 18 years old
- Registered to vote in Chicago
- Have lived in Chicago for at least five years
- Must live in the district they are seeking to represent
- Not hold elected office, and are not immediately related to any officeholder
- Not hold ownership or interest in any business entity that contracts with or seeks approval from Chicago
- Not personally under contract with Chicago

In addition, to be placed on the ballot, any candidate must file a ballot petition with signatures from 500 voters from within their district.

Once elected, the ten commissioners would select an eleventh appointed commissioner to act as chairperson, who would only vote to break ties. The chairperson must also meet all of the criteria needed for candidacy and submit an application via the process designated in HB5282.

The commission would be dissolved after the referendum question about adoption of the commission's proposed charter is put to voters, whether the ballot question passes or fails.

Future Charter Commissions

As with any constitution, it ought to be possible to amend or even rewrite a charter. Although the charter commission will be empowered to include avenues for amendment within the charter itself, this bill also lays out two ways in which a new commission could be convened to write a new charter. These paths are:

- Every ten years, a referendum shall be placed on the general election ballot on whether or not to convene a new commission.
- Upon the submission of a petition with signatures totaling 8% of votes cast in Chicago during the last Governor's election, a referendum to convene a commission shall be placed on the ballot.

In either case, if voters approve the referendum, charter commissioners will be elected by a method laid out within the charter itself. If there is no such method, then they will be elected in the same fashion laid out in HB5282.

If the first charter commission's drafted charter fails, and Chicago therefore has not adopted a City Charter, the same methods for convening a new commission are still valid and can be used to produce a charter at a future date.