

Do Illinois Municipalities Have Their Heads in the “Cloud?”: Home Rule as Applied to Online Platforms

Monica Pechous
510 W. Erie St., Apt. 1503
Chicago, IL 60654
mpechous@kentlaw.iit.edu
(702) 501-0031

Chicago-Kent College of Law
Anticipated Graduation Date December 2020

INTRODUCTION.....	1
I. OVERVIEW OF HOME RULE.....	3
II. HOME RULE IN THE ERA OF ADVANCING TECHNOLOGY.....	5
<i>A. Anticipation of Technological Change.....</i>	<i>5</i>
<i>B. Extraterritoriality.....</i>	<i>6</i>
<i>C. Home Rule for Cloud-Based Online Platforms.....</i>	<i>8</i>
III. THE FUTURE OF HOME RULE.....	11
<i>A. The Argument for a Broad Application of Home Rule Power in Technology.....</i>	<i>11</i>
<i>B. Public Policy Implications.....</i>	<i>13</i>
CONCLUSION.....	15

Biography: Monica Pechous is a 2L at Chicago-Kent College of Law and a member of both the Chicago-Kent Law Review and Moot Court Honor Society. She developed in interest in local government law after working as an intern at the Chicago Park District law department in summer 2019.

I, Monica Pechous, certify that the paper submitted is original and has not been previously published in any form.

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INTRODUCTION

Illinois has almost 7,000 units of local government—more than any other state in America.¹ Of those units, 1,299 are incorporated municipalities.² Municipalities assume a unique role in the hierarchy of government, because the issues they face and decisions they make directly affect the day-to-day lives of Illinois citizens.

With such a high number of municipalities across Illinois, it is both effective and efficient for such municipalities to exercise independent self-governance. Home rule allows those municipalities to make vital decisions which affect their citizens without having to defer first to the state legislature.³ Currently, 217 Illinois municipalities operate under home rule,⁴ as prescribed by the operative 1970 Illinois Constitution.⁵

However, as technology advances, the limits of home rule are called into question. Online service platforms have no concrete physical location in which transactions occur; instead, these platforms exist in the “cloud.”⁶ Similarly, streaming services, which are accessible almost everywhere, transcend the physical bounds of a municipality and its traditional area of

¹ Brian Costin, *Illinois Has Nearly 7,000 Units of Local Governments*, ILLINOIS POLICY (last visited Dec. 28, 2019), <https://www.illinoispolicy.org/reports/too-much-government-illinois-thousands-of-local-governments/>.

² Jesse White, *Illinois Counties and Incorporated Municipalities* (July 2012), https://www.cyberdriveillinois.com/publications/pdf_publications/ipub11.pdf.

³ IL. CONST. art. VII, § 6.

⁴ Illinois Municipal League, *Purpose of Home Rule* (last visited Dec. 28, 2019), <http://iml.org/homerule>.

⁵ IL. CONST. art. VII, §§ 6-7.

⁶ Constance Brinkley-Badgett, *What is the Cloud?*, INC. (July 27, 2018), <https://www.inc.com/technology/what-is-the-cloud.html>.

governance.⁷ The elusive nature of the location of cloud-based technology challenges the conventional notion that home rule authority only exists within the physical bounds of a municipality. If a municipality cannot “reach” an online service platform because such a platform does not technically “exist” within the boundaries of that municipality, home rule power is significantly diminished and no longer serves its intended constitutional purpose.

This Comment argues that home rule is essential for successful governance of Illinois municipalities, and that home rule necessarily maintains balance between the interests of state and local governments. While Illinois courts have previously been hesitant to recognize home rule power in regard to online platforms and streaming services, such recognition would benefit Illinois municipalities with regard to economic and regulatory power as new technology develops. As such, home rule should be interpreted broadly to allow maximum self-governance power to municipalities in light of emerging technologies. Such broad interpretation will improve the economic wellbeing and autonomy of Illinois municipalities as well as free up the time and resources of the state government.

Part I of this Comment explains the historical standards by which municipal governments have operated previously, and details the standards of the current home rule framework through the 1970 Illinois Constitution.⁸ Part II describes the legal climate for home rule in Illinois municipalities in the face of technological advancements, with emphasis on extraterritoriality concerns for online service platforms like StubHub and Netflix.⁹ Part III explores the future of home rule power as new technologies emerge, and asserts that home rule should be applied broadly

⁷ *Id.*

⁸ *See infra* Part I.

⁹ *See infra* Part II.

with respect to technological gray areas.¹⁰ Part III ultimately argues that eligible, non-home rule municipalities should move toward a home rule framework for the economic success and wellbeing of the municipality and its citizens.¹¹

I. Overview of Home Rule

Prior to 1970, Illinois operated under “Dillon’s Rule.”¹² Dillon’s Rule was initially developed by the Iowa Supreme Court in 1868,¹³ and later adopted by the U.S. Supreme Court as applicable to all states in *Hunter v. Pittsburgh*.¹⁴ Under Dillon’s Rule, local governments only possessed powers that were expressly granted to them or those essential to the function of the municipality.¹⁵ Otherwise, all other powers of governance remained with state government.¹⁶

While many states still operate under the framework of Dillon’s Rule, home rule overtook Dillon’s Rule in Illinois after the ratification of the 1970 Illinois Constitution.¹⁷ When a unit of local government in Illinois operates under home rule status, it has the power to control local affairs directly without first seeking approval from a higher level of government.¹⁸ Article VII of the Illinois Constitution, which focuses specifically on local government, introduces home rule provisions in Section 6.¹⁹ Section 6 provides that a home rule municipality reserves the right to “exercise any power and perform any function” relating to its government and affairs.²⁰ These

¹⁰ *See infra* Part III.

¹¹ *Id.*

¹² Roger Huebner & Jerry Zarley, *Legal Q & A: Home Rule*, ILLINOIS MUNICIPAL LEAGUE (Mar. 2007), <http://www.iml.org/file.cfm?key=337>.

¹³ *Id.*

¹⁴ *Hunter v. Pittsburgh*, 207 U.S. 161, 178 (1907).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ ILL. CONST. art. VII, § 6.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at § 6(a).

powers include, but are not limited to, the ability to tax, issue licenses, incur debt, and regulate for the purpose of public health and welfare.²¹ Under home rule, the ordinance of a municipality shall take precedence over a county ordinance, in the jurisdiction of the municipality, if the two ordinances conflict.²² Municipalities with a population above 25,000 are automatically home rule units, though such municipalities can choose not to adopt home rule status via referendum.²³ Conversely, municipalities with a population of 25,000 or less may elect to adopt home rule status through referendum as well.²⁴

Municipalities which do not meet home rule criteria, and municipalities which meet home rule criteria yet choose not to adopt home rule, both still function under Dillon’s Rule provisions, whereby they can only exercise powers expressly granted by the state government.²⁵ However, Article VII, Section 7 of the Illinois Constitution offers some additional authority to these non-home rule municipalities.²⁶ Along with the powers granted by the state government under Dillon’s Rule, non-home rule municipalities in Illinois may also “make local improvements by special assessment,”²⁷ adopt, change, or repeal their form of government through referendum,²⁸ determine the “manner of selection and terms of office” for officers through referendum,²⁹ incur debt,³⁰ and levy additional taxes within the boundaries of the municipality.³¹

²¹ *Id.*

²² *Id.* at § 6(c).

²³ *Id.* at § 6(a).

²⁴ *Id.* at § 6(b).

²⁵ Hueber & Zarley, *supra* note 12.

²⁶ *Id.*

²⁷ IL. CONST. art. VII, § 7.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

Compared to the limited approach of Dillon’s Rule, home rule is far more expansive in nature, thus giving considerable freedom and independence to municipalities to self-govern.³² In Illinois, home rule gives local government units constitutional authority to take control of their own economic, regulatory, and political matters.³³ However, home rule is not limitless in nature.³⁴ Article VII, Section 6 of the Illinois Constitution also articulates exceptions to the broad home rule power.³⁵ For example, the Illinois General Assembly may restrict home rule power by voting for exclusive state control on an issue,³⁶ and may block home rule actions on any subject by a three-fifths vote, even if the subject is not typically one of state control.³⁷

II. Home Rule in the Era of Advancing Technology

A. Anticipation of Technological Change

When delegates to the 1970 Illinois Constitutional Convention first convened in Springfield, Illinois on December 8, 1969, they knew there would be technological developments in the coming decades that they could not yet fathom nor understand.³⁸ Indeed, at the time, there were no iPhones, laptops, or streaming services, all of which are commonplace today.³⁹ Nevertheless, the delegates’ anticipation of future technological developments led them to draft a

³² *Id.* at § 6.

³³ Joseph A. Kearney, *StubHub’s Tug at the Municipal Purse String: Why the Home Rule Taxing Powers Enumerated in the Illinois Constitution Must Remain Broad and Strong*, 48 J. MARSHALL L. REV. 37, 40 (2014).

³⁴ IL. CONST. art. VII, § 6.

³⁵ *Id.*

³⁶ *Id.* at § 6(h).

³⁷ *Id.* at § 6(g).

³⁸ Ann Lousin, *The Miracle in Springfield*, CHICAGO DAILY LAW BULLETIN, Dec. 8, 2009 (“The members of the Sixth Illinois Constitutional Convention knew they didn’t have all the answers.”).

³⁹ Conner Forrest, *Tech Nostalgia: The Top 10 Innovations of the 1970s*, TECHREPUBLIC (May 21, 2015), <https://www.techrepublic.com/pictures/tech-nostalgia-the-top-10-innovations-of-the-1970s/8/> (detailing the key technological advancements of the 1970s; iPhones, laptops, or streaming services were not yet invented).

constitution that would still adequately function in the face of emerging technological advancements for years to come.

In drafting Article VII, Section 6, the delegates to the Illinois Constitutional Convention purposely left the scope of home rule power broad and imprecise.⁴⁰ This was not an accident.⁴¹ Without rigid limits on home rule power, local governments would have more freedom to take control of their governmental affairs and adapt as need arose.⁴² However, this freedom has been called into question in relation to the issue of extraterritoriality—whether home rule powers can extend beyond the physical limits of a municipality. The advent of online platforms and streaming services has further complicated the issue of extraterritoriality, especially when such online platforms and streaming services do not have a concrete physical location.⁴³

B. Extraterritoriality

Since home rule was enacted in Illinois, many municipalities have exercised their self-governance powers broadly. However, Illinois courts have typically restricted home rule power in cases of extraterritoriality in which a municipality attempts to exercise control on an area outside the physical boundaries of the municipality.

The Illinois Supreme Court assessed the extraterritorial limits of taxation in detail within *Commercial National Bank of Chicago v. City of Chicago*.⁴⁴ In *Commercial National Bank*, the court held that a Chicago ordinance imposing a service tax on nonresident service sellers overstepped the city's home rule power.⁴⁵ Because the ordinance imposed a tax on services

⁴⁰ Scadron v. Des Plaines, 153 Ill. 2d 164, 174 (1992).

⁴¹ *Id.*

⁴² *Id.* at 175.

⁴³ See Brinkley-Badgett, *supra* note 6.

⁴⁴ Commercial Nat'l Bank of Chi. v. City of Chi., 89 Ill. 2d 45, 45 (1982).

⁴⁵ *Id.* at 73.

performed outside of the municipal jurisdiction of Chicago, the court held that the city had no power to levy such a tax.⁴⁶ As such, only taxation within the bounds of the city was considered a valid exercise of home rule taxation power.⁴⁷

Developing land outside city limits was also ruled extraterritorial—in other words, exceeding the city’s home rule powers—in *City of Peoria v. Keehner*.⁴⁸ In *Keehner*, the City of Peoria and the Peoria Park District attempted to develop and operate a large plot of land which was outside the bounds of Peoria’s municipal limits.⁴⁹ Because the City and the Park District did not hold a referendum on this issue, the Illinois Appellate Court held that they were acting outside the bounds of their home rule authority.⁵⁰ Further, the court held that the land was off limits for development because there was no municipal statute giving Peoria the power to do so—only a state statute, which required a referendum.⁵¹ Without a competing municipal statute, the state statute won the day.⁵²

There have been instances, however, where Illinois courts have found that a municipality’s broad exercise of home rule power was not extraterritorial.⁵³ The same year as the *Keehner* decision, the Illinois Appellate Court ruled that an Oak Park ordinance was within the scope of the municipality’s home rule power despite its arguable impact beyond the limits of the municipality.⁵⁴ In *Clayton v. Village of Oak Park*, the ordinance at issue was concerned with “protect[ing] homeowners against deterioration in property values as a result of projected racial changes in the

⁴⁶ *Id.* at 77.

⁴⁷ *Id.*

⁴⁸ *City of Peoria v. Keehner*, 115 Ill. App. 3d 130, 130 (3rd Dist. 1983).

⁴⁹ *Id.* at 131.

⁵⁰ *Id.* at 135.

⁵¹ *Id.* at 136.

⁵² *Id.*

⁵³ *Clayton v. Village of Oak Park*, 117 Ill. App. 3d 560, 560 (1st Dist. 1983).

⁵⁴ *Id.* at 562.

community.”⁵⁵ The ordinance promised to reimburse certain home owners if their property values decreased over a five-year period.⁵⁶ The Plaintiff, whose property did not qualify for such reimbursement, argued that “white flight” and other issues of race in property ownership extended beyond the limits of the municipality—he thus argued that the ordinance exceeded Oak Park’s home rule powers.⁵⁷ The Illinois Appellate Court upheld the Oak Park ordinance, stating that it only affected property within the limits of Oak Park, and had no regulatory impact on other municipalities.⁵⁸ While the Oak Park ordinance exposed the convoluted nature of race relations in property ownership, the Illinois Appellate Court’s decision proved that in certain instances, home rule can still apply, even when the impact of an ordinance reaches beyond the physical bounds of a municipality.⁵⁹

C. Home Rule for Cloud-Based Online Platforms

In 2011, the Illinois Supreme Court again examined the extraterritorial limits of home rule power in *City of Chicago v. StubHub, Inc.* While prior cases had assessed the issue of extraterritoriality with regard to taxation, the *StubHub* case presented the novel question of whether the limits of extraterritoriality applied to an online platform without a clear physical location.⁶⁰ Specifically, *StubHub* asked, on certification from the United States Court of Appeals for the Seventh Circuit, “whether municipalities may require electronic intermediaries to collect and remit amusement taxes on resold tickets.”⁶¹

⁵⁵ TIMOTHY JOEL JOHNSON & MICHAEL J. LUKE, ARTICLE VII OF THE ILLINOIS CONSTITUTION (LOCAL GOVERNMENT) ANNOTATED, 54 (1995).

⁵⁶ Clayton, 117 Ill. App. at 562.

⁵⁷ *Id.* at 563-64.

⁵⁸ *Id.* at 562.

⁵⁹ *Id.*

⁶⁰ *City of Chi. v. StubHub, Inc.*, 2011 IL 111127.

⁶¹ *Id.* at ¶ 1.

Illinois previously regulated resale of tickets for public entertainment through the Ticket Scalping Act, which the Illinois General Assembly passed in 1923.⁶² The Act initially prohibited any sale of tickets outside a venue’s box office, but was repeatedly broadened over the years, until it was replaced by the Ticket Sale and Resale Act in 2005.⁶³ The Ticket Sale and Resale Act provided that ticketholders could resell tickets on platforms like StubHub without being penalized as they would have been under the Ticket Scalping Act.⁶⁴

As anti-scalping restrictions were lifted, Chicago turned its focus to its municipal amusement tax.⁶⁵ In 1995, Chicago amended its existing amusement tax ordinance to extend tax liability to all ticket resellers.⁶⁶ Under the 1995 ordinance, StubHub was not directly responsible for remitting an amusement tax to the City of Chicago.⁶⁷ StubHub instead notified resellers of their tax obligations to the municipality.⁶⁸ However, in 2006, Chicago further expanded its amusement tax ordinance to apply to “reseller’s agents” in addition to resellers.⁶⁹ As a platform which facilitated ticket resale, StubHub was considered a reseller’s agent.⁷⁰ By identifying both resellers and reseller’s agents, Chicago’s ordinance established a joint and several liability for both sellers and StubHub itself to remit the amusement tax to the municipality.⁷¹

Ultimately, the Illinois Supreme Court ruled that Chicago’s attempt to regulate an amusement tax for both resellers and reseller’s agents exceeded the city’s home rule powers.⁷² The

⁶² *Id.* at ¶ 3.

⁶³ 720 ILCS 375/0.01 *et seq.* (West 2010).

⁶⁴ Kearney, *supra* note 33, at 42.

⁶⁵ StubHub, 2011 IL 111127 at ¶ 3.

⁶⁶ *Id.* at ¶ 4.

⁶⁷ *Id.* at ¶ 7.

⁶⁸ *Id.*

⁶⁹ *Id.* at ¶ 8.

⁷⁰ *Id.* at ¶ 17.

⁷¹ *Id.* at ¶ 8.

⁷² *Id.* at ¶ 1.

court held that attempting to regulate taxation from “electronic intermediaries” reached beyond Chicago’s municipal limits and was therefore not covered by home rule authority.⁷³ Although StubHub was considered an Illinois business under the Auction License Act—just as any brick-and-mortar store would be—the Illinois Supreme Court still found that Chicago could not attempt to exercise home rule power over an internet site.⁷⁴ The court held that because StubHub was a reseller’s agent, rather than a neutral sales venue under the Auction License Act, home rule could not apply.⁷⁵

Recently, extraterritoriality issues emerged again with regard to Netflix and other popular streaming services in *Labell v. City of Chicago*.⁷⁶ In 2015, the City of Chicago again amended its amusement tax ordinance, requiring that an amusement tax be imposed for any “electronically delivered” television shows, movies, or videos.⁷⁷ The amended ordinance focused directly on online media streaming platforms.⁷⁸ However, in contrast to *StubHub*, the Illinois Appellate Court held that such an amusement tax on Netflix users did not violate home rule authority, even though citizens of Chicago could access and watch Netflix from outside the limits of the municipality.⁷⁹ While the *Labell* court still recognized a territorial limit on home rule power, it mitigated the extraterritorial reach of streaming platforms by only taxing individuals with a billing address within the city limits of Chicago.⁸⁰ The court held that an individual’s residence was likely the

⁷³ *Id.*

⁷⁴ *Id.* at ¶ 5.

⁷⁵ *Id.*

⁷⁶ *Labell v. City of Chi.*, 2019 IL App (1st) 181379.

⁷⁷ *Id.* at ¶ 10.

⁷⁸ *Id.* at ¶ 11.

⁷⁹ *Id.* at ¶ 38.

⁸⁰ *Id.*

primary place of streaming, so the Chicago tax did not unfairly encroach on another local government's exercise of power.⁸¹

In addition to the limits of home rule power, many Illinois cases in recent years have considered the “actual location” of certain online platforms. In *Rivera v. Google, Inc.*, Google argued that even if it violated Illinois's Biometric Information Privacy Act, it did not commit such violative actions in Illinois, because the Google platform exists in the cloud.⁸² Cloud-based platforms continue to present new issues for assessing jurisdiction and legal liability because of their abstract, and sometimes intangible, locations. As the legal landscape regarding online platforms develops, Illinois courts should be cognizant of the impact their decisions have on the citizens of municipalities. In the six years between *StubHub* and *Labell*, Illinois courts have adopted a more lenient approach to home rule application regarding online platforms.⁸³ Looking forward, a lenient approach by Illinois courts will be the most effective method for assessing home rule power in the face of emerging technology.

III. The Future of Home Rule

A. The Argument for a Broad Application of Home Rule Power in Technology

In recent years, home rule limits have been expanded significantly. In 2013, just two years after the *StubHub* decision, the Illinois Supreme Court upheld a Chicago ordinance which prescribed lenient standards for requesting financial records from condominium associations in *Palm v. 2800 Lake Shore Drive Condominium Ass'n*.⁸⁴ The court held that the City of Chicago's home rule power reigned supreme, even when a conflicting law—which prescribed more stringent

⁸¹ *Id.*

⁸² *Rivera v. Google, Inc.*, 238 F. Supp. 3d 1088, 1092 (2017).

⁸³ *Labell*, 2019 IL App (1st) 181379 at ¶ 38.

⁸⁴ *Palm v. 2800 Lake Shore Drive Condo. Ass'n.*, 2013 IL 110505.

requirements for financial record requests and fulfillment—existed at the state level.⁸⁵ Therefore, when the Illinois Supreme Court expanded the limits of home rule in *Palm* and in subsequent cases,⁸⁶ it paved the way for extended home rule coverage in situations implicating emerging technology-based issues, as in *Labell*.⁸⁷

Typically, courts assess home rule cases concerned with extraterritoriality through the *Kalodimos* factors: first, the nature and extent of the problem addressed; second, which units of local government had the most vital interest in the solution of the problem; and third, the traditional roles played by state and municipal governments in solving such problems.⁸⁸ Such factors are still effective for analyzing extraterritoriality cases today; however, additional, future-based analysis is required to ensure that technology-based cases are accurately decided. Because online platforms and streaming services often present uncharted legal territory, courts should look beyond the “traditional roles” factor prescribed by *Kalodimos* and consider the goals of a municipality in regulating online service platforms, even if such platforms are technically extraterritorial to a municipality.

As technology advances, courts cannot always rely on tradition because tradition does not provide guidance on novel legal issues presented by technological innovations. Instead, Illinois courts should focus on the future effects of regulating online platforms through home rule power.⁸⁹

While it may be impossible to predict future technological developments, the world is undoubtedly

⁸⁵ *Id.*

⁸⁶ Adam W. Lasker, *Home Rule Rules, Says the Illinois Supreme Court*, ILLINOIS BAR JOURNAL (June 2013), <https://www.isba.org/ibj/2013/06/lawpulse/homerulerulesessaytheillinoisupreme>.

⁸⁷ *Labell*, 2019 IL App (1st) 181379 at ¶ 38.

⁸⁸ *Kalodimos v. Village of Morton Grove*, 103 Ill. 2d 483, 501 (1984).

⁸⁹ *See generally* *Labell*, 2019 IL App (1st) 181379.

changing because of technology.⁹⁰ Home rule municipalities in Illinois should be able to regulate freely as novel technologies arise in order to keep up with such change. Understandably, not every decision will be in favor of home rule authority when it comes to technology.⁹¹ However, a broader approach to the application of home rule in technology will best equip municipalities to effectively govern as society continues to advance.

B. Public Policy Implications

The grant of independent governance through home rule is an asset to Illinois's local government system. Such an asset should not be diminished or limited in the face of existing technology. In fact, as technology continues to advance, it is even more necessary for municipalities to possess strong and broad home rule power.

Illinois municipalities have experienced significant benefits because of home rule power. A municipality's ability to regulate and tax as it sees fit promotes the economic wellbeing of both the municipality and its citizens.⁹² Additionally, a municipality's financial situation is often stabilized and improved through home rule, because local governments can control and regulate taxation broadly.⁹³ As such, municipalities do not have to rely solely on property taxes to fund government expenditures.⁹⁴ Home rule status is lucrative because it allows a municipality more

⁹⁰ Jonathan Long, *10 Technologies That are Changing the World*, ENTREPRENEUR (Mar. 12, 2018), <https://www.entrepreneur.com/article/310204>.

⁹¹ *Compare* StubHub, 2011 IL 111127 (holding that a tax on the StubHub platform did exceed home rule authority) *with* Labell, 2019 IL App (1st) 181379 (holding that a tax on streaming services did not exceed home rule authority).

⁹² Eric Crump, *NIU Professor: Home Rule Decision Hinges on Benefits, Trust*, HOMEWOOD-FLOSSMOOR CHRONICLE (Mar. 4, 2018), <https://hfchronicle.com/article/2018/mar/04/niu-professor-home-rule-decision-hinges-benefits-trust>.

⁹³ Crump, *supra* note 93.

⁹⁴ *Id.*

control over its economic development and zoning needs;⁹⁵ local control over zoning can incentivize new businesses to open within a municipality.⁹⁶

A major advantage of home rule is the ability to better regulate zoning, which benefits businesses and citizens within a municipality.⁹⁷ For example, under home rule, the City of Chicago was able to grant a zone variance approving the construction and development of hospital campuses as a benefit to public welfare.⁹⁸ Home rule also improves local government autonomy, which benefits citizens and the municipality as a whole.⁹⁹ Under home rule, municipalities have more control over governmental affairs, and citizens have more control over government accountability.¹⁰⁰ Relatedly, home rule decreases the burden on the state government to manage the affairs of municipalities.

For some municipalities, however, home rule is not the most effective means of government. Home rule is not one-size-fits-all; some municipalities prefer to operate under Dillon's Rule and do not plan to adopt home rule in the foreseeable future.¹⁰¹ For example, Rockford, Illinois does not operate under home rule, and recently rejected a home rule proposal in

⁹⁵ The Editorial Board of the Rockford Register Star, *Our View: The Time is Now to Bring Back Home Rule to Rockford*, RRSTAR.COM (Nov. 15, 2017), <https://www.rrstar.com/opinion/20171115/our-view-time-is-now-to-bring-back-home-rule-to-rockford>.

⁹⁶ *Id.*

⁹⁷ Andrea Guthmann, *New Report Finds Illinois Municipalities Pushing for 'Home Rule'*, WTTW (Apr. 11, 2016), <https://news.wttw.com/2016/04/11/new-report-finds-illinois-municipalities-pushing-home-rule>.

⁹⁸ *Condo. Ass'n of Commonwealth Plaza v. City of Chi.*, 399 Ill. App. 3d 32, 38 (2010).

⁹⁹ Crump, *supra* note 93.

¹⁰⁰ *Id.*

¹⁰¹ Jeff Kolkey, *Rockford Home Rule Referendum Defeated*, RRSTAR.COM (Mar. 21, 2018), <https://www.rrstar.com/news/20180320/rockford-home-rule-referendum-defeated> (Rockford is one of the few municipalities which has repeatedly voted against home rule status).

early 2018.¹⁰² Opponents to home rule in Rockford believe that adopting home rule status will lead to burdensome new taxes that will hurt citizens without substantially improving the municipality as a whole.¹⁰³ Home rule is not a panacea for all the issues a municipality may face, but rather, it is one tool that local governments can use to control their affairs.¹⁰⁴ In large part, however, home rule can improve municipal governments and should be applied broadly. Home rule has been received with overwhelming positivity in a majority of Illinois municipalities, and its role in the local government system will become even more important as technology continues to develop.

CONCLUSION

As new technology emerges, Illinois courts must grapple with never-before-seen issues as they relate to municipal government. Municipalities often act as the backbone of the hierarchy of government, as their decisions directly and personally affect citizens within their bounds. Illinois courts have broadened home rule power in recent years in relation to a variety of issues; the courts should adopt the same broadening approach when analyzing cases concerning technology. While Illinois courts have previously been reluctant to recognize home rule power in regard to online platforms and streaming services, they have since interpreted home rule more broadly in technology-based cases. Such an extension of home rule power will greatly benefit Illinois municipalities as technology continues to advance. An expanded approach to home rule power is economically and politically advantageous to municipalities and their citizens, with the residual benefit of improved efficiency in state government. The future is uncertain as to upcoming

¹⁰² Chase Cavanaugh, *Rockford Home Rule: What Now?*, NORTHERN PUBLIC RADIO (Mar. 23, 2018), <https://www.northernpublicradio.org/post/rockford-home-rule-what-now>.

¹⁰³ *Id.*

¹⁰⁴ Gutthman, *supra* note 98.

technological developments—but to the extent possible, Illinois should prepare for its future by recognizing home rule power in regard to online platforms and streaming services.