

# **Bond Case Briefs**

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## **REFERENDA - ILLINOIS**

### **Jones v. Markiewicz-Qualkinbush**

**United States Court of Appeals, Seventh Circuit - June 14, 2018 - 892 F.3d 935**

Prospective city mayoral candidate, voters, and citizens' group brought action against city officials and county clerk, challenging the constitutionality of an Illinois statute that limited the number of referenda on any election ballot to three and city's refusal to place on a ballot a referendum proposition for term limits on city mayor's office.

The United States District Court for the Northern District of Illinois entered judgment in favor of defendants. Plaintiffs appealed.

The Court of Appeals held that:

- Illinois statute did not violate First Amendment right of political expression, and
- City referendum which prevented candidate from running for mayor did not violate equal protection.

Illinois statute that limited the number of referenda that could be placed on any election ballot to three, and which, as a practical matter, effectively excluded private referenda from ballot, in favor of referenda proposed by municipality or state, did not violate First Amendment right of political expression; statute was viewpoint and content-neutral, ballot was non-public forum, and the limit on referenda was rationally related to state's strong interest in simplifying the ballot to promote a well-considered election outcome.

City referendum providing for a term limit for the office of mayor and which prevented candidate from running for mayor based on his prior five consecutive four-year terms as alderman did not violate candidate's equal protection rights; even if aimed at particular candidate, referendum was rationally related to city's legitimate governmental interest in imposing term limits.