

Bond Case Briefs

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REFERENDA - ILLINOIS

Burns v. Municipal Officers Electoral Board of Village of Elk Grove Village

Supreme Court of Illinois - February 26, 2020 - N.E.3d - 2020 IL 125714 - 2020 WL 934396

Proponent of referendum that would have imposed term limits on certain village offices sought judicial review of a decision of the village electoral board excluding the referendum from general primary ballot on the ground that it violated the Municipal Code.

The Circuit Court reversed. Voter who opposed the referendum appealed directly to the Supreme Court.

The Supreme Court held that Municipal Code provision requiring any term limits imposed by a home rule unit to operate prospectively only did not violate state constitutional provisions governing home rule units, either facially or as applied.

Municipal Code provision requiring any term limits imposed by a home rule unit to operate prospectively only, by allowing only terms served after passage of the term limit referendum to be considered in determining eligibility, did not violate state constitutional provisions governing home rule units, either facially or as applied to proposed referendum limiting village officers to two consecutive terms; constitution allowed General Assembly to limit the power of home rule units so long as it did so expressly, Municipal Code provision expressly demonstrated General Assembly's intent that any term limit referendum operate prospectively, and provision specifically stated that it was an exercise of General Assembly's authority under the constitutional framework