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REFERENDA - ILLINOIS

[Jones v. Municipal Officers Electoral Board for City of Calumet City](#)

Supreme Court of Illinois - March 11, 2021 - N.E.3d - 2021 IL 126974 - 2021 WL 925921

Mayoral candidate, who was also a member of the General Assembly, sought judicial review of decision of city's electoral board that his name be removed from the primary election ballot due to recently passed city referendum providing that candidates could not seek the office of mayor while simultaneously holding an elected, paid state office.

The Circuit Court affirmed the board's decision, and candidate appealed. The Appellate Court summarily reversed, and review was granted.

The Supreme Court holds that:

- Referendum became legally effective on date the results of the referendum were certified and declared, rather than on election day, and
- Individuals who brought objection before city's electoral board forfeited their contention that even if candidate was qualified at time he filed nomination papers, the subsequently passed referendum barred his candidacy.

City referendum providing that candidates could not seek the office of mayor while simultaneously holding an elected, paid state office became legally effective on date the results of the referendum were certified and declared, rather than on election day when referendum was approved by a majority of voters, and thus, mayoral candidate, who was also a member of the General Assembly, was legally qualified to run for mayor when he filed his nomination papers after election day but before certification; counting and certification of ballots was not a purely ministerial task, and it would cause instability and confusion for election to be effective on election day, as it would create period of time where the results of the election were legally effective yet unknown to the public.

Individuals who brought objection before city's electoral board seeking to have mayoral candidate, who was also a member of the General Assembly, removed from primary election ballot due to recently passed city referendum providing that candidates could not seek the office of mayor while simultaneously holding an elected, paid state office forfeited before Supreme Court their contention that even if candidate was qualified to run for mayor at the time he filed his nomination papers, the subsequently passed referendum operated to bar him from running for mayor, where the individual objectors did not raise this contention before the board.