

# Bond Case Briefs

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## **BALLOT INITIATIVE - ILLINOIS**

### **McHenry Township v. County of McHenry**

**Appellate Court of Illinois, Second District - April 15, 2021 - N.E.3d - 2021 IL App (2d)  
200478 - 2021 WL 1422748**

Township sued county and county clerk for writ of mandamus or mandatory injunctive relief, seeking to have clerk place on township's general election ballot a referendum proposition, initiated by township's board of trustees, to dissolve township. County filed motion to dismiss township's complaint, with prejudice.

The Circuit Court granted county's motion. Township appealed.

The Appellate Court held that:

- Question at issue on appeal involved substantial public interest, and
- Clerk impermissibly looked beyond four corners of township's filings in rejecting township's referendum proposition to dissolve township.

Question at issue in township's appeal—whether county clerk had authority to reject township's dissolution ballot proposal on basis that township filed proposal within 23 months of prior, identical proposition—involved substantial public interest, thus warranting appellate review that was otherwise rendered moot by passing of election in which township sought to have proposal placed on ballot; question on appeal was election-law issue that was inherently a matter of public concern, a ruling by the reviewing court would aid local election officials and lower courts in deciding nature of county clerk's duties under relatively new election-law statute, and question was likely to recur, given there had been two attempts to dissolve township within one year.

County clerk impermissibly looked beyond four corners of township's filings when clerk rejected township's referendum proposition to dissolve township, on grounds that identical proposition had been presented to voters within 23-month statutory period, and therefore trial court erred in dismissing township's complaint in which it sued county and clerk for writ of mandamus or mandatory injunctive relief; from face of township's filings, clerk could not have known that proposition with identical wording, except for dissolution date, had been presented to voters months earlier, and determining whether proposition had previously appeared on township ballot within statutorily prescribed timeframe was not ministerial task, as it constituted assessment of content of filings.