

Bond Case Briefs

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REFERENDA - ILLINOIS

McHenry Township v. County of McHenry

Supreme Court of Illinois - March 24, 2022 - N.E.3d - 2022 IL 127258 - 2022 WL 869540

Township sought writ of mandamus compelling county and county clerk to place on township's general election ballot a referendum proposition, initiated by township's board of trustees, to dissolve township.

The Circuit Court granted defendants' motion to dismiss. Township appealed. The Appellate Court reversed and remanded. Defendants filed petition for leave to appeal, which was allowed.

The Supreme Court held that:

- Issues raised on appeal regarding whether clerk could refuse to place referendum proposition on ballot were moot;
- Public-interest exception to mootness doctrine applied; and
- Clerk was not authorized to make legal determinations about whether referendum proposition was made in accordance with general election law or was prohibited by time limitation against same proposition appearing on ballots based on comparison of proposition to referendum that appeared on recent primary election ballot.