



Village of River Forest
Village Administrator's Office
400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: October 13, 2025
To: Village President Cathy Adduci
Village Board of Trustees
From: Matt Walsh, Village Administrator
Subj: Discussion of Term Limit Referendum & Synopsis of Legal Analysis

Background: At the September 8th Village Board meeting, the Village Board directed staff to prepare a synopsis of the legal analysis performed by Village Attorney Lance Malina. This synopsis summarizes both the initial legal analysis provided to the Village Board on September 5, 2025 and the supplemental analysis provided to the Board on October 6, 2025 addressing outstanding questions from the September board meeting.

The purpose of the legal analysis is to provide guidance to the Village Board on how to resolve the ambiguity created by the April 1, 2025 referendum petition. Staff is seeking direction from the Village Board on how to proceed, and formal, final action will be placed on a future agenda for consideration.

Attorney Malina's analysis explains the types of referendum questions, provides background on the legal method for imposing term limits, reviews the referendum petitions in question and provides options for how to resolve the ambiguity.

➤ **Types of Referenda**

The root of the term limit issue is whether the April 1, 2025 referendum is binding or advisory. Each type of question has a different legal effect. A binding referendum implements a proposed rule change if approved by a majority of voters. An advisory referendum does not have an automatic legal impact, and may be used to simply gather opinions of the voters on a given topic. A municipality may choose to ignore the results of an advisory referendum.

Advisory and binding referenda may be placed on the ballot by resident petition or by resolution of the Village Board.

➤ **Method for Imposing Term Limits**

The only process that can alter a municipality's form of government, including the imposition of term limits on local officials, is by the passage of a binding referendum by voters. The

Illinois Constitution states that non-home rule municipalities have the authority “to provide by *referendum* for their officers, manner of selection and terms of office” Illinois Constitution art. VII, §7(3). The Constitution does not provide for any other method to enact term limits other than by binding referendum.

At the September 8 meeting, Trustee Bachner asked whether the language in Section 3.1-10-17 of the Illinois Municipal Code allows for municipalities to enact term limits by ordinance. The language in Section 3.1-10-17 reads “The imposition of term limits by referendum, ordinance, or otherwise must be prospective.” The language is meant to address the question of whether municipalities can impose term limits retroactively or proactively. Attorney Malina’s analysis determines that the language does not enable municipalities to impose term limits by simply passing an ordinance, as the Illinois Constitution states that such a change must be made by binding referendum.

During the September 8th discussion, Trustee Keskitalo noted that the Village of Tinley Park may have imposed term limits by ordinance alone. Attorney Malina found that the 2014 ordinance adopted by the Village of Tinley Park merely confirmed the results of a binding referendum that passed on November 4, 2014. The language in the Tinley Park ordinance specifically references the binding referendum. That binding referendum was originally placed on the ballot by resolution of the Tinley Park Village Board.

➤ **April 1, 2025 River Forest Term Limit Referendum**

In December 2024, a resident submitted a resident petition to place a referendum imposing term limits for Village President, Trustees and Clerk on the April 1, 2025 ballot.

The language of any referendum petition determines whether the question will be treated as binding or advisory. The petition sheets submitted each include contradictory references to both “binding” and “advisory” questions. When there is confusion caused by petitions, the petition could be challenged and a determination could be made to not certify (not place on the ballot) the referendum. There were no challenges filed objecting to the petition in question.

The Village Clerk is responsible for certifying (placing on the ballot) referendum questions to the Cook County Clerk. Upon reviewing the contradictory language of petition documents, the Village Attorney advised the Clerk that the referendum could be denied certification due to the unclear language. The Village Clerk submitted the petitions to the Cook County Clerk without any direction as to whether the referendum is advisory or binding. The question appeared on the April 1 ballot and received a majority of favorable votes.

➤ **Legal Status & Next Steps**

Given the contradictory language on the petition sheets, the legal status of the referendum remains unclear. The language of the referendum petition determines how the question

should be treated. The status will remain unclear until a future candidate seeks a term that exceeds the proposed term limit. At that time, a resident could challenge the candidate's qualification for office alleging the candidate is in violation of a binding referendum limit by serving beyond the maximum number of terms. Upon reviewing the challenge, the Local Election Board would need to determine whether the 2025 referendum was binding or advisory.

Attorney Malina's opinion is that the Village Board cannot resolve what type of referendum the April 1, 2025 question was by legislative action. If the Village Board were to pass an ordinance adding term limits to the Village Code that reflect the April question, the action would not have a legal effect. An ordinance would not resolve the confusion created by the petitions. A potential ordinance could be subject to legal challenge, as someone can reasonably object in the future stating the 2025 question was merely advisory due to the contradictory petition language.

For the Village Board to resolve the ambiguity, the Malina suggests the Board can place a clearly binding term limits referendum on a future ballot. A binding referendum could be placed on the March 17, 2026 primary ballot, the November 3, 2026 general election ballot or the April 6, 2027 ballot. Placement on any of these ballots would still apply to official terms beginning in 2027, as proposed by the April 1, 2025 question.