



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2127

Introduced 2/10/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.990 new
35 ILCS 5/507MMM new

Creates the Illinois Clean Elections Act. Establishes a voluntary method of public financing of the campaigns of candidates for statewide constitutional offices and the General Assembly. Amends the State Finance Act to create the Illinois Clean Elections Fund as a special fund in the State treasury. Amends the Illinois Income Tax Act to create an individual tax return checkoff in support of the Fund. Effective immediately.

LRB103 28347 BMS 54726 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Clean Elections Act.

6 Section 5. Definitions. As used in this Act:

7 "Certified candidate" means a candidate running for
8 Governor, Secretary of State, Attorney General, State
9 Treasurer, State Comptroller, State Senator, or State
10 Representative, in a primary election, and Governor, Secretary
11 of State, Attorney General, State Treasurer, State
12 Comptroller, State Senator, or State Representative, in a
13 general election who chooses to participate in this Act and
14 who is certified as an Illinois Clean Elections Act candidate
15 under subsection (e) of Section 20 of this Act.

16 "Contribution" has the same meaning as in Article 9 of the
17 Election Code.

18 "Fund" means the Illinois Clean Elections Fund established
19 in Section 15 of this Act.

20 "Nonparticipating candidate" means a candidate running for
21 Governor, Secretary of State, Attorney General, State
22 Treasurer, State Comptroller, State Senator, or State
23 Representative, in a primary election, and Governor, Secretary

1 of State, Attorney General, State Treasurer, State
2 Comptroller, State Senator, or State Representative, in a
3 general election who does not choose to participate in this
4 Act and who is not seeking to be certified as an Illinois Clean
5 Elections Act candidate.

6 "Participating candidate" means a candidate who is running
7 for Governor, Secretary of State, Attorney General, State
8 Treasurer, State Comptroller, State Senator, or State
9 Representative, in a primary election, and Governor, Secretary
10 of State, Attorney General, State Treasurer, State
11 Comptroller, State Senator, or State Representative, in a
12 general election who is seeking to be certified as an Illinois
13 Clean Elections Act candidate.

14 "Qualifying contribution" means a donation:

15 (1) Of \$5 in the form of a check or a money order
16 payable to the Fund in support of a candidate;

17 (2) Made by a registered voter within the district for
18 the office a candidate is seeking;

19 (3) Made during the designated qualifying period and
20 obtained with the knowledge and approval of the candidate;
21 and

22 (4) That is acknowledged by a written receipt that
23 identifies the name and address of the donor on forms
24 provided by the State Board.

25 "Qualifying period" means the following:

26 (1) For a participating candidate for Governor,

1 Secretary of State, Attorney General, State Treasurer, or
2 State Comptroller, the qualifying period begins November 1
3 immediately preceding the election year and ends at 5:00
4 p.m. on April 15 of the election year unless the candidate
5 is unenrolled, in which case the period ends at 5:00 p.m.
6 on June 2 of the election year.

7 (2) For State Senate or State House of Representatives
8 participating candidates, the qualifying period begins
9 January 1 of the election year and ends at 5:00 p.m. on
10 April 15 of that election year unless the candidate is
11 unenrolled, in which case the period ends at 5:00 p.m. on
12 June 2 of the election year.

13 "Seed money contribution" means a contribution of no more
14 than \$100 per individual made to a contribution from the
15 candidate or the candidate's family. To be eligible for
16 certification, a candidate may collect and spend only seed
17 money contributions subsequent to becoming a candidate as
18 defined by Article 9 of the Election Code and throughout the
19 qualifying period. A participating candidate who has accepted
20 contributions or made expenditures that do not comply with the
21 seed money restrictions under this Act may petition the State
22 Board to remain eligible for certification as an Illinois
23 Clean Elections Act candidate in accordance with rules of the
24 State Board, if the failure to comply was unintentional and
25 does not constitute a significant infraction of these
26 restrictions. Prior to certification, a candidate may obligate

1 an amount greater than the seed money collected if the value of
2 the goods and services received from a vendor does not exceed
3 the amount paid to the vendor. A candidate may not collect or
4 spend seed money contributions after certification as an
5 Illinois Clean Elections Act candidate. A seed money
6 contribution must be reported according to procedures
7 developed by the State Board.

8 "State Board" means the State Board of Elections.

9 Section 10. Alternative campaign financing option. This
10 Act establishes an alternative campaign financing option
11 available to candidates running for Governor, Secretary of
12 State, Attorney General, State Treasurer, State Comptroller,
13 State Senator, and State Representative. This alternative
14 campaign financing option is available to candidates for
15 elections to be held beginning in the year 2024. The State
16 Board shall administer this Act and the Fund. Candidates
17 participating in this Act must also comply with all other
18 applicable election and campaign laws and regulations.

19 Section 15. The Illinois Clean Elections Fund established;
20 sources of funding.

21 (a) The Illinois Clean Elections Fund is established as a
22 special fund in the State treasury to finance the election
23 campaigns of certified Illinois Clean Elections Act candidates
24 running for Governor, Attorney General, Secretary of State,

1 State Treasurer, State Comptroller, State Senator, and State
2 Representative and to pay administrative and enforcement costs
3 of the State Board related to this Act. Any interest generated
4 by the Fund is credited to the Fund. The State Board shall
5 administer the Fund.

6 (b) The following must be deposited into the Fund:

7 (1) The qualifying contributions required under
8 Section 20 of this Act when those contributions are
9 submitted to the State Board.

10 (2) \$40,000,000 of the revenues from the taxes imposed
11 by the Illinois Income Tax Act and credited to the General
12 Revenue Fund, transferred to the Fund by the State
13 Treasurer on or before January 1 of each year, beginning
14 January 1, 2024. These revenues must be offset in an
15 equitable manner by an equivalent reduction within the
16 administrative divisions of the legislative branch and
17 executive branch agencies. If the State Board determines
18 that the Fund will not have sufficient revenues to cover
19 the likely demand for funds from the Illinois Clean
20 Elections Fund in an upcoming calendar year, by January 1
21 the State Board shall provide a report of its projections
22 of the balances in the Illinois Clean Elections Fund to
23 the General Assembly and the Governor and may request that
24 the State Treasurer make the following transfers to the
25 Illinois Clean Elections Fund from the General Revenue
26 Fund:

1 (A) Up to \$20,000,000 no later than February 28,
2 2024, reflecting an advance of the transfer of the
3 amounts that would be received on or before January 1,
4 2025 pursuant to this paragraph.

5 (B) Up to \$15,000,000 no later than July 31, 2024,
6 pursuant to this paragraph reflecting an advance of
7 the transfer of the amounts that would be received on
8 or before January 1, 2025 pursuant to this paragraph.

9 (C) Up to \$5,000,000 no later than September 1,
10 2026, reflecting a partial advance of the transfer of
11 the amounts that would be received on or before
12 January 1, 2027 pursuant to this paragraph.

13 (3) Revenue from a tax checkoff program allowing a
14 resident of the State who files a tax return with the
15 Department of Revenue to designate that \$3 be paid into
16 the Fund. If a husband and wife file a joint return, each
17 spouse may designate that \$3 be paid. The Department of
18 Revenue shall report annually the amounts designated for
19 the Fund to the State Treasurer, who shall transfer that
20 amount to the Fund.

21 (4) Seed money contributions remaining unspent after a
22 candidate has been certified as an Illinois Clean
23 Elections Act candidate.

24 (5) Fund revenues that were distributed to an Illinois
25 Clean Elections Act candidate and that remain unspent
26 after the candidate has lost a primary election or after

1 all general elections.

2 (6) Other unspent Fund revenues distributed to any
3 Illinois Clean Elections Act candidate who does not remain
4 a candidate throughout a primary or general election
5 cycle.

6 (7) Voluntary donations made directly to the Fund.

7 (8) Fines collected under this Act.

8 (c) By September 1 preceding each election year, the State
9 Board shall publish an estimate of revenue in the Fund
10 available for distribution to certified candidates during the
11 upcoming year's elections and an estimate of the likely demand
12 for clean elections funding during that election. The State
13 Board may submit legislation to request additional funding.

14 Section 20. Terms of participation.

15 (a) A participating candidate must file a declaration of
16 intent to seek certification as an Illinois Clean Elections
17 Act candidate and to comply with the requirements of this Act.
18 The declaration of intent must be filed with the State Board
19 prior to or during the qualifying period, except as provided
20 in subsection (1) of this Section, according to forms and
21 procedures developed by the State Board. A participating
22 candidate must submit a declaration of intent within 5
23 business days after collecting qualifying contributions under
24 this Act or the qualifying contributions collected before the
25 declaration of intent has been filed will not be counted

1 toward the eligibility requirement in subsection (c) of this
2 Section.

3 (b) Subsequent to becoming a candidate defined by and
4 prior to certification, a participating candidate may not
5 accept contributions, except for seed money contributions. A
6 participating candidate must limit the candidate's seed money
7 contributions to the following amounts:

8 (1) \$50,000 for a gubernatorial candidate.

9 (2) \$25,000 for a candidate for Secretary of State,
10 Attorney General, State Treasurer, or State Comptroller.

11 (3) \$10,000 for a candidate for the State Senate.

12 (4) \$5,000 for a candidate for the State House of
13 Representatives.

14 The State Board may, by rule, revise these amounts to
15 ensure the effective implementation of this Act.

16 (c) Participating candidates must obtain qualifying
17 contributions during the qualifying period as follows:

18 (1) For a candidate for Governor, Secretary of State,
19 Attorney General, State Treasurer, or State Comptroller,
20 the minimum number of qualifying donations from verified
21 registered voters of this State is equal to the minimum
22 number of signatures required for a candidate petition for
23 a statewide office under subsection (a) of Section 7-10 of
24 this Code.

25 (2) For a candidate for the State Senate, the minimum
26 number of qualifying donations from verified registered

1 voters of this State is equal to the minimum number of
2 signatures required for a candidate petition for a State
3 Senator under Section 8-8 of this Code.

4 (3) For a candidate for the State House of
5 Representatives, the minimum number of qualifying
6 donations from verified registered voters of this State is
7 equal to the minimum number of signatures required for a
8 candidate petition for a Representative in the General
9 Assembly under Section 8-8 of this Code.

10 A payment, gift, or anything of value may not be given in
11 exchange for a qualifying contribution. A candidate may pay
12 the fee for a money order in the amount of \$5, which is a
13 qualifying contribution, as long as the donor making the
14 qualifying contribution pays the \$5 amount reflected on the
15 money order. Any money order fees paid by a participating
16 candidate must be paid for with seed money and reported in
17 accordance with State Board rules.

18 (d) A participating candidate must submit qualifying
19 contributions to the State Board during the qualifying period
20 according to procedures developed by the State Board, except
21 as provided under subsection (1) of this Section.

22 (e) Upon receipt of a final submittal of qualifying
23 contributions by a participating candidate, the State Board
24 shall determine whether or not the candidate has:

25 (1) Signed and filed a declaration of intent to
26 participate in this Act.

1 (2) Submitted the appropriate number of valid
2 qualifying contributions.

3 (3) Qualified as a candidate by petition or other
4 means.

5 (4) Not accepted contributions, except for seed money
6 contributions, and otherwise complied with seed money
7 restrictions.

8 (5) Not run for the same office as a nonparticipating
9 candidate in a primary election in the same election year.

10 (6) Otherwise met the requirements for participation
11 in this Act.

12 The State Board shall certify a candidate complying with
13 the requirements of this Section as an Illinois Clean
14 Elections Act candidate as soon as possible and no later than 3
15 business days after final submittal of qualifying
16 contributions. Upon certification, a candidate must transfer
17 to the Fund any unspent seed money contributions. A certified
18 candidate must comply with all requirements of this Act after
19 certification and throughout the primary and general election
20 periods. Failure to do so is a violation of this Act.

21 (f) After certification, a candidate must limit the
22 candidate's campaign expenditures and obligations, including
23 outstanding obligations, to the revenues distributed to the
24 candidate from the Fund and may not accept any contributions
25 unless specifically authorized by the State Board. Candidates
26 may also accept and spend interest earned on bank accounts.

1 All revenues distributed to a certified candidate from the
2 Fund must be used for campaign-related purposes. The
3 candidate, the treasurer, the candidate's political committee,
4 or any agent of the candidate and committee may not use these
5 revenues for any but campaign-related purposes. The State
6 Board shall publish guidelines outlining permissible
7 campaign-related expenditures.

8 (g) The State Board shall distribute to certified
9 candidates revenues from the Fund in amounts determined under
10 subsection (h) in the following manner.

11 (1) Within 3 days after certification, for candidates
12 certified prior to March 15 of the election year, revenues
13 from the Fund must be distributed as if the candidates are
14 in an uncontested primary election.

15 (2) Within 3 days after certification, for all
16 candidates certified between March 15 and April 15 of the
17 election year, revenues from the Fund must be distributed
18 according to whether the candidate is in a contested or
19 uncontested primary election.

20 (3) For candidates in contested primary elections
21 receiving a distribution under paragraph (1) of this
22 subsection, additional revenues from the fund must be
23 distributed within 3 days of March 15 after the election
24 year.

25 (4) Within 3 days after the primary election results
26 are certified, for general election certified candidates,

1 revenues from the Fund must be distributed according to
2 whether the candidate is in a contested or uncontested
3 general election.

4 Funds may be distributed to certified candidates under
5 this Section by any mechanism that is expeditious, ensures
6 accountability, and safeguards the integrity of the Fund.

7 (h) The candidate or committee shall deposit all revenues
8 from the Fund in a campaign account with a bank or other
9 financial institution. The campaign funds must be segregated
10 from, and may not be commingled with, any other funds.

11 (i) By July 1, 2024 and at least every 4 years after that
12 date, the State Board shall determine the amount of funds to be
13 distributed to participating candidates based on the type of
14 election and office as follows:

15 (1) For contested legislative primary elections, the
16 amount of revenues to be distributed is the average amount
17 of campaign expenditures made by each candidate during all
18 contested primary election races for the immediately
19 preceding 2 primary elections, as reported in the initial
20 filing period subsequent to the primary election, for the
21 respective offices of State Senate and State House of
22 Representatives.

23 (2) For uncontested legislative primary elections, the
24 amount of revenues distributed is the average amount of
25 campaign expenditures made by each candidate during all
26 uncontested primary election races for the immediately

1 preceding 2 primary elections, as reported in the initial
2 filing period subsequent to the primary election, for the
3 respective offices of State Senate and State House of
4 Representatives.

5 (3) For contested legislative general elections, the
6 amount of revenues distributed is the average amount of
7 campaign expenditures made by each candidate during all
8 contested general election races for the immediately
9 preceding 2 general elections, as reported in the initial
10 filing period subsequent to the general election, for the
11 respective offices of State Senate and State House of
12 Representatives.

13 (4) For uncontested legislative general elections, the
14 amount of revenues to be distributed from the Fund is 40%
15 of the amount distributed to a participating candidate in
16 a contested general election.

17 (5) For gubernatorial primary elections, the amount of
18 revenues distributed is \$2,000,000 per candidate in the
19 primary election.

20 (6) For gubernatorial general elections, the amount of
21 revenues distributed is \$4,000,000 per candidate in the
22 general election.

23 (7) For contested primary elections for Attorney
24 General the amount of revenues distributed per candidate
25 is \$500,000 per candidate.

26 (8) For the general election for Attorney General, the

1 amount of funds distributed per candidate is \$2,000,000.

2 (9) For primary elections for Secretary of State the
3 amount of revenues distributed per candidate is \$500,000
4 per candidate.

5 (10) For the general election for Secretary of State,
6 the amount of funds distributed per candidate is
7 \$2,000,000.

8 (11) For contested primary elections for State
9 Treasurer, the amount of revenues distributed per
10 candidate is \$200,000.

11 (12) For the general election for State Treasurer, the
12 amount of funds distributed per candidate is \$800,000.

13 (13) For contested primary elections for State
14 Comptroller, the amount of revenues distributed per
15 candidate is \$200,000.

16 (14) For the general election for State Comptroller,
17 the amount of funds distributed per candidate is \$800,000.

18 (15) For any uncontested primary or general election
19 for the office of Governor, Attorney General, Secretary of
20 State, State Treasurer, or Comptroller, the amount of
21 funds distributed shall be 40% of those otherwise
22 distributed in a contested primary or general election.

23 If the immediately preceding election cycles do not
24 contain sufficient electoral data, the State Board shall use
25 information from the most recent applicable elections.

26 (j) When any campaign, finance, or election report shows

1 that the sum of a candidate's expenditures or obligations, or
2 funds raised or borrowed, whichever is greater, alone or in
3 conjunction with independent reported expenditures, exceeds
4 the distribution amount under subsection (h) of this Section,
5 the State Board shall issue immediately to any opposing
6 Illinois Clean Elections Act candidate an additional amount
7 equivalent to the reported excess. Matching funds are limited
8 to 2 times the amount originally distributed under paragraph
9 (1), (3), (5), or (6) of subsection (h) of this Section,
10 whichever is applicable.

11 (k) An unenrolled candidate certified by January 15
12 preceding the primary election is eligible for revenues from
13 the Fund in the same amounts and at the same time as an
14 uncontested primary election candidate and a general election
15 candidate as specified in subsections (g) and (h) of this
16 Section. For an unenrolled candidate not certified by January
17 15 at 5:00 p.m. the deadline for filing qualifying
18 contributions is 5:00 p.m. on June 2 preceding the general
19 election. An unenrolled candidate certified after January 15
20 at 5:00 p.m. is eligible for revenues from the Fund in the same
21 amounts as a general election candidate, as specified in
22 subsections (g) and (h) of this Section.

23 (l) The State Board shall establish by rule procedures for
24 qualification, certification, disbursement of Fund revenues,
25 and return of unspent Fund revenues for races involving
26 special elections, recounts, vacancies, withdrawals, or

1 replacement candidates.

2 (m) Notwithstanding any other provision of law,
3 participating and certified candidates shall report any money
4 collected, all campaign expenditures, obligations, and related
5 activities to the State Board according to procedures
6 developed by the State Board. Upon the filing of a final report
7 for any primary election in which the candidate was defeated
8 and for all general elections that candidate shall return all
9 unspent Fund revenues to the State Board. In developing these
10 procedures, the State Board shall utilize existing campaign
11 reporting procedures whenever practicable. The State Board
12 shall ensure timely public access to campaign finance data and
13 may utilize electronic means of reporting and storing
14 information.

15 (n) The treasurer shall obtain and keep:

16 (1) Bank or other account statements for the campaign
17 account covering the duration of the campaign.

18 (2) A vendor invoice stating the particular goods or
19 services purchased for every expenditure of \$50 or more.

20 (3) A record proving that a vendor received payment
21 for every expenditure of \$50 or more in the form of a
22 cancelled check, receipt from the vendor, or bank or
23 credit card statement identifying the vendor as the payee.

24 The treasurer shall preserve the records for 2 years
25 following the candidate's final campaign finance report for
26 the election cycle. The candidate and treasurer shall submit

1 photocopies of the records to the State Board upon its
2 request.

3 (o) The State Board may not distribute revenues to
4 certified candidates in excess of the total amount of money
5 deposited into the Fund as set forth in Section 15.
6 Notwithstanding any other provisions of this Act, if the State
7 Board determines that the revenues in the Fund are
8 insufficient to meet distributions under subsections (h) or
9 (i) of this Section, the State Board may permit certified
10 candidates to accept and spend contributions, reduced by any
11 seed money contributions, aggregating no more than \$500 per
12 donor per election for gubernatorial candidates and \$250 per
13 donor per election for State Senate and State House
14 candidates, up to the applicable amounts set forth in
15 subsections (h) and (i) of this Section according to rules
16 adopted by the State Board.

17 (p) A candidate who has been denied certification as an
18 Illinois Clean Elections Act candidate, the opponent of a
19 candidate who has been granted certification as an Illinois
20 Clean Elections Act candidate, or other interested persons may
21 challenge a certification decision by the State Board as
22 follows:

23 (1) A challenger may appeal to the full State Board
24 within 7 days after the certification decision. The appeal
25 must be in writing and must set forth the reasons for the
26 appeal.

1 (2) Within 5 days after an appeal is properly made and
2 after notice is given to the challenger and any opponent,
3 the State Board shall hold a hearing. The appellant has
4 the burden of providing evidence to demonstrate that the
5 State Board decision was improper. The State Board must
6 rule on the appeal within 3 days after the completion of
7 the hearing.

8 (3) A challenger may appeal the decision of the State
9 Board in paragraph (2) of this subsection by commencing an
10 action in circuit court.

11 (4) A candidate whose certification by the State Board
12 as an Illinois Clean Elections Act candidate is revoked on
13 appeal must return to the State Board any unspent revenues
14 distributed from the Fund.

15 If the State Board or court finds that an appeal was made
16 frivolously or to cause delay or hardship, the State Board or
17 court may require the moving party to pay costs of the State
18 Board, court, and opposing parties, if any.

19 Section 25. Rules. The State Board shall adopt rules to
20 ensure effective administration of this Act. These rules must
21 include but must not be limited to procedures for obtaining
22 qualifying contributions, certification as an Illinois Clean
23 Elections Act candidate, circumstances involving special
24 elections, vacancies, recounts, withdrawals or replacements,
25 collection of revenues for the Fund, distribution of Fund

1 revenue to certified candidates, return of unspent Fund
2 disbursements, disposition of equipment purchased with Clean
3 Elections Funds, and compliance with this Act.

4 Section 30. Violations.

5 (a) In addition to any other penalties that may be
6 applicable, a person who violates any provision of this Act or
7 rules of the State Board adopted pursuant to Section 25 of this
8 Act is subject to a fine not to exceed \$10,000 per violation
9 payable to the Fund. The State Board may assess a fine of up to
10 \$10,000 for a violation of reporting requirements if it
11 determines that the failure to file a timely and accurate
12 report resulted in the late payment of matching funds. This
13 fine is recoverable in a civil action. In addition to any fine,
14 for good cause shown, a candidate, treasurer, consultant, or
15 other agent of the candidate or the committee authorized by
16 the candidate found in violation of this Act or rules of the
17 State Board may be required to return to the Fund all amounts
18 distributed to the candidate from the Fund or any funds not
19 used for campaign-related purposes. If the State Board makes a
20 determination that a violation of this Act or rules of the
21 State Board has occurred, the State Board shall assess a fine
22 or transmit the finding to the Attorney General for
23 prosecution. Fines paid under this Section must be deposited
24 into the Fund. In determining whether or not a candidate is in
25 violation of the expenditure limits of this Act, the State

1 Board may consider as a mitigating factor any circumstances
2 out of the candidate's control.

3 (b) A person who willfully or knowingly violates this Act
4 or rules of the State Board or who willfully or knowingly makes
5 a false statement in any report required by this Act commits a
6 business offense punishable by a fine of at least \$1,001 and
7 not more than \$5,000 and, if certified as an Illinois Clean
8 Elections Act candidate, must return to the Fund all amounts
9 distributed to the candidate.

10 Section 35. Study report. By January 30, 2025 and every 4
11 years after that date, the State Board shall prepare for the
12 General Assembly a report documenting, evaluating, and making
13 recommendations relating to the administration,
14 implementation, and enforcement of this Act and the Illinois
15 Clean Elections Fund.

16 Section 90. The State Finance Act is amended by adding
17 Section 5.990 as follows:

18 (30 ILCS 105/5.990 new)

19 Sec. 5.990. The Illinois Clean Elections Fund.

20 Section 95. The Illinois Income Tax Act is amended by
21 adding Section 507MMM as follows:

1 (35 ILCS 5/507MMM new)

2 Sec. 507MMM. The Illinois Clean Elections Fund checkoff.
3 For taxable years ending on or after December 31, 2023, the
4 Department must print on its standard individual income tax
5 form a provision indicating that if the taxpayer wishes to
6 contribute to the Illinois Clean Elections Fund, as authorized
7 by the Illinois Clean Elections Act, he or she may do so by
8 stating the amount of the contribution (not less than \$3) on
9 the return and that the contribution will reduce the
10 taxpayer's refund or increase the amount of payment to
11 accompany the return. Failure to remit any amount of increased
12 payment shall reduce the contribution accordingly. This
13 Section does not apply to any amended return.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.