



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2728

Introduced 1/12/2024, by Sen. Sally J. Turner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-52 new
30 ILCS 105/5.1015 new

Amends the Election Code. Provides that, beginning January 1, 2025, the Board of Elections is responsible for the regulation and oversight of all private, nongovernmental funds from an organization or an individual that are given or distributed to an election authority for the election authority to use. Provides that an election authority may not apply for or request in some other manner any private, nongovernmental funding from any source, but, rather, the Board may seek and apply for private, nongovernmental grants and donations to secure funds that will be distributed to election authorities to assist the election authorities in carrying out duties related to official day-to-day operations and the administration of elections within the election authorities' respective jurisdictions. Provides that the Board shall deposit moneys received into the Election Authority Support Fund and shall publish notices of funds available to election authorities in the State. Provides that funds distributed to election authorities must be directly proportional to the total population residing within the jurisdiction of the selected election authority during the first round of applications, and, if any money is left over after the first round, funds may be distributed in a nonproportional manner to those applicants in the second round. Requires rules to be adopted by the Board, and contains other regulations and restrictions relating to funds granted to or received by the Board. Amends the State Finance Act to establish the Election Authority Support Fund. Effective immediately.

LRB103 36934 SPS 67048 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 5. The Election Code is amended by adding Section
5 1A-52 as follows:

6 (10 ILCS 5/1A-52 new)

7 Sec. 1A-52. Regulation and oversight of private,
8 nongovernmental funds.

9 (a) The State Board of Elections is responsible for the
10 regulation and oversight of all private, nongovernmental funds
11 from an organization or an individual that are given or
12 distributed to an election authority for the election
13 authority to use.

14 (b) An election authority may not apply for or request in
15 some other manner any private, nongovernmental funding from
16 any source.

17 (c) The Board may seek and apply for private,
18 nongovernmental grants and donations to secure funds that will
19 be distributed to election authorities to reimburse the
20 election authorities for carrying out its duties related to
21 official day-to-day operations and administering elections
22 within the election authorities' respective jurisdictions.

23 (d) All funds that are secured by the Board under

1 subsection (c) shall be deposited by the Board into the
2 Election Authority Support Fund, a special fund that is
3 created in the State treasury, and, as directed by the State
4 Board of Elections, may be disbursed and expended for the
5 purposes described in this Section.

6 (e) When funds are not designated for disbursement in the
7 Election Authority Support Fund, the Board shall publish a
8 notice of funds available to election authorities in the
9 State. The notice must list the source or sources of funds, the
10 total amount available, and how an election authority may
11 apply to be reimbursed for expenditures. The frequency of
12 notices shall be at the discretion of the Board, but shall not
13 be less than once per calendar year unless no funds are
14 available.

15 (f) Funds disbursed under this Section must be directly
16 proportional to the total population residing within the
17 jurisdiction of the selected election authority. The initial
18 amount of funds disbursed shall be calculated as if every
19 election authority will apply for reimbursement. Any funds
20 remaining due to an insufficient number of applications, or
21 another reason, shall be distributed through a second round of
22 applications in which first round applicants may apply for a
23 second time.

24 (g) The Board must disburse funds to selected election
25 authorities within 30 days of reimbursement application
26 approval by check mailed to the official business address of

1 the election authority or direct deposit into the election
2 authority's government account. The Board is required to
3 disburse all funds within 365 days of receiving the funds from
4 an outside source unless the reason for not disbursing the
5 funds is due to lack of applications from election
6 authorities. In that case, the Board shall keep the funds
7 until fully disbursed through the application process and the
8 funds shall not be used for any other purpose.

9 (h) Both the Board and all election authorities are
10 required to create and maintain records pertaining to the
11 requirements of this Section. These records include, at a
12 minimum, applications by the Board for grants and donations,
13 reimbursement applications by election authorities, and
14 records of financial transfers. Election authorities must keep
15 records on how any private, nongovernmental funds were spent.
16 Funds received through this process must only be used as noted
17 on the original reimbursement application to the Board. These
18 financial records that detail the spending of funds must be
19 made available to the Board upon request to the election
20 authority.

21 (i) The Board shall establish rules by January 1, 2025 to
22 implement this Section, including, at a minimum, procedures
23 for grant applications, the frequency of notice of available
24 funds, the reimbursement application process for election
25 authorities to secure funding, and the process through which
26 funds are distributed.

1 (j) Nothing in this Section shall be construed to
2 interfere with any funds or procedures relating to the Help
3 America Vote Act, the Help Illinois Vote Fund, or the ERIC
4 Operations Trust Fund, or any other type of funds and
5 financial procedures detailed in any other provision of law.

6 (k) If this Section conflicts with any other provision of
7 law that specifies types of private, nongovernmental funds
8 that may be used by election authorities, including, but not
9 limited to, Section 1A-50, then the other, more specific law
10 controls.

11 (l) Except for the adoption of rules under subsection (i),
12 election authorities and the Board must comply with the
13 requirements of this Section beginning January 1, 2025.
14 Nothing in this Section shall be construed to affect private,
15 nongovernmental funds granted or given to an election
16 authority or the Board prior to January 1, 2025.

17 Section 10. The State Finance Act is amended by adding
18 Section 5.1015 as follows:

19 (30 ILCS 105/5.1015 new)

20 Sec. 5.1015. The Election Authority Support Fund.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.