



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2631

Introduced 2/20/2009, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

New Act

10 ILCS 5/Art. 7B heading new

10 ILCS 5/7B-5 new

10 ILCS 5/7B-10 new

10 ILCS 5/7B-15 new

10 ILCS 5/7B-25 new

10 ILCS 5/7B-30 new

10 ILCS 5/7B-35 new

10 ILCS 5/9-1.5

from Ch. 46, par. 9-1.5

10 ILCS 5/9-25.1

30 ILCS 105/5.719 new

35 ILCS 5/506.7 new

705 ILCS 105/27.15 new

Creates the Judicial Campaign Reform Act and amends the Election Code, the State Finance Act, the Illinois Income Tax Act, and the Clerks of Courts Act. Creates a voluntary program of public financing of election campaigns for the offices of judges of the Illinois Supreme Court and Appellate Courts, administered by the State Board of Elections. Establishes funding mechanisms and provides penalties for violations. Sets mandatory contribution limits with respect to all judicial election campaigns. Makes other changes.

LRB096 09693 JAM 19854 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning judicial 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 Judicial Campaign Reform Act.

6 Section 5. Definitions. In this Act:

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

9 "Candidate" means any person seeking nomination or
10 election to the office of Judge of the Illinois Supreme Court
11 or Judge of the Illinois Appellate Court.

12 "General election campaign period" means the period
13 beginning on the day after the general primary election and
14 ending on the day of the general election.

15 "Eligible candidate" means a candidate who qualifies for
16 public financing under this Act.

17 "Fair election debit card" means a debit card issued by the
18 State Treasurer in accordance with Section 65 entitling a
19 candidate and agents of the candidate designated by the
20 candidate to draw money from an account maintained by the State
21 Treasurer to make expenditures authorized by law.

22 "Fund" or "Illinois Judicial Election Democracy Trust
23 Fund" means a special fund created in the State treasury.

1 "Immediate family", when used with reference to a
2 candidate, includes the candidate's spouse, parents, and
3 children.

4 "Personal funds" means funds contributed by a candidate or
5 a member of a candidate's immediate family.

6 "Primary election campaign period" means the period
7 beginning 30 days after the last day prescribed by law for
8 filing nomination papers and ending on the day of the general
9 primary election.

10 "Public financing qualifying period" means, for candidates
11 seeking the nomination of an established party in a general
12 primary election, the period beginning on the first day of July
13 of an odd-numbered year and ending on the day before the
14 beginning of the primary election campaign period for the
15 office of Judge of the Illinois Supreme Court or Judge of the
16 Illinois Appellate Court. For candidates nominated by
17 established parties by other means than the general primary,
18 the public financing qualifying period begin on the first day
19 of July in an odd-numbered year and ends 7 days after the
20 candidate is nominated. For all other candidates, the period
21 beginning on the first day of July in an odd-numbered year and
22 ending 7 days after last date for nomination of candidates as
23 set forth in Article 10, Section 10-6 of the Election Code.

24 "Qualifying contributor" means a resident, at least 18
25 years old as of the date of the next election, of the district
26 in which the candidate seeks office whom the candidate

1 designates among the minimum number needed to qualify for
2 eligibility for an initial public financing benefit.

3 "Qualifying report" is a list of all qualifying
4 contributors and the dates and amounts of each of their
5 contributions. Candidates may list more contributions on their
6 qualifying report than are necessary to establish eligibility
7 for receipt of an initial public financing benefit. Any
8 contributors listed on a qualifying report over and above the
9 minimum number necessary to establish eligibility shall not be
10 deemed qualifying contributors for the purpose of matching
11 funds.

12 Section 10. Qualification; certification.

13 (a) A candidate for nomination in the general primary
14 election shall be certified as an eligible candidate to receive
15 public financing benefits for the primary election campaign
16 period only upon fulfillment of the duties outlined in this
17 subsection. The candidate must apply to the State Board for a
18 public financing benefit and file a sworn statement that the
19 candidate has complied and will comply with all requirements of
20 this Act throughout the applicable campaign, including the
21 general primary election and the general election. A candidate
22 must file the application and statement and a qualifying report
23 no later than the beginning of the primary election campaign
24 period. The Board shall certify a candidate as an eligible
25 candidate for receipt of public financing for a primary

1 election if the candidate (1) applies to the State Board, (2)
2 files a sworn statement that the candidate has complied and
3 will comply with all requirements of this Act through the
4 campaign, including both the primary election and the general
5 election, and (3) receives contributions from a number of
6 qualifying contributors equal to 0.15% of the number of ballots
7 cast in the judicial district in the last gubernatorial
8 election from individual qualifying contributors before the
9 close of the public financing qualifying period.

10 (b) A candidate who does not seek the nomination of an
11 established party in a general primary may participate in the
12 program and qualify for public financing benefits for the
13 general election campaign period only. The Board shall certify
14 a candidate as an eligible candidate for receipt of public
15 financing benefits during the general election campaign period
16 only if the candidate (1) applies to the State Board, (2) files
17 a sworn statement that the candidate has complied and will
18 comply with all requirements of this Act through the general
19 election, and (3) receives contributions from a number of
20 qualifying contributors equal to 0.25% of the number of ballots
21 cast in the judicial district in the last gubernatorial
22 election from individual qualifying contributors before the
23 close of the public financing qualifying period.

24 (c) The State Board may require candidates to file
25 qualifying reports in electronic format. If so required, the
26 State Board shall either (i) provide, without charge, all

1 software necessary to comply with this requirement or (ii)
2 ensure that the necessary software is commonly available to the
3 public at minimal cost.

4 (d) The State Board shall verify a candidate's compliance
5 with the requirements of subsections (a) and (b) by any
6 verification or sampling techniques that the State Board
7 considers appropriate.

8 (e) Each candidate shall acknowledge each contribution by a
9 receipt to the contributor that contains the contributor's name
10 and home address.

11 (f) A contribution may be used only for the purpose of
12 making an expenditure authorized by law.

13 Section 15. Time of application; general election.

14 (a) Before a candidate who sought a party nomination in the
15 general primary may be certified as eligible for receipt of
16 public financing for a general election, that candidate must
17 apply to the Board and file a sworn statement that the
18 candidate has fulfilled all the requirements of this Act during
19 the primary election campaign period, has won the nomination in
20 the general primary, and will comply with the requirements of
21 this Act during the general election campaign period. The
22 application must be filed no later than the 7th day after the
23 date of the general primary election.

24 (b) The Board shall certify a candidate as an eligible
25 candidate for receipt of public financing for a general

1 election campaign period if the candidate complies with
2 subsection (a), the candidate was an eligible candidate during
3 the primary election campaign period, and is declared the
4 winner of the party nomination for the office.

5 (c) In the event that more than one candidate in a general
6 primary election files an application for the general election,
7 the Board shall accept applications from all candidates who
8 comply with subsection (a) but shall postpone the declaration
9 of eligibility for the general election until after the general
10 primary results are certified. After the results have been
11 certified, if the nominee filed an application under subsection
12 (a), the Board shall declare that candidate eligible for the
13 general election.

14 Section 20. Agreement by candidate. An eligible candidate
15 who accepts public financing benefits under this Act during the
16 primary election campaign period must agree to comply with all
17 requirements of this Act throughout the general election
18 campaign period as a precondition to receipt of public
19 financing. An eligible candidate who accepts a public financing
20 benefit during a primary election campaign period may not elect
21 to accept private contributions in violation of this Act during
22 the corresponding general election campaign period.

23 Section 25. Qualifications for eligible candidates.

24 (a) An eligible candidate may not accept private

1 contributions from any donor other than an individual, nor in
2 aggregate amounts less than \$5 nor greater than \$250 in any
3 election period.

4 (b) In addition to reports required to be filed under the
5 Election Code, a candidate who receives a public financing
6 benefit must furnish complete financial records, including
7 receipts and expenditures, on the last day of each month.

8 (c) In addition to adhering to requirements imposed under
9 the Election Code, a candidate who receives a public financing
10 benefit must maintain records of all contributions of at least
11 \$5. These records shall contain the full name and home address
12 of the contributor.

13 (d) The candidate shall return any contributions not in
14 compliance with subsection (c). If the candidate is unable to
15 locate the contributor of any contribution not in compliance
16 with subsection (c) within 2 working days, they shall transfer
17 said contribution to the Judicial Election Democracy Trust
18 Fund. That contribution shall not count toward the maximum
19 amount that a contributor may contribute.

20 (e) No eligible candidate and no person acting on a
21 candidate's behalf may accept any contribution that is not
22 recorded in accordance with this Section in a candidate's
23 campaign account.

24 Section 30. Personal funds of candidates.

25 (a) The personal funds of an eligible candidate contributed

1 to his or her campaign committee may not exceed an aggregate
2 amount of \$10,000.

3 (b) Eligible candidates shall not loan personal funds to
4 their campaign.

5 Section 40. Certification by candidate; line of credit.

6 (a) To apply for a public financing benefit, a candidate
7 must certify to the State Board that the candidate has complied
8 and will comply, throughout the applicable campaign, with all
9 requirements of this Act and that all disclosures required at
10 the time of application have been made. The candidate must
11 present evidence of the requisite number of qualifying
12 contributions received by the candidate. The candidate's
13 request for certification must be signed by the candidate and
14 the treasurer of the candidate's political committee.

15 (b) The Board shall distribute to each eligible candidate
16 at the general primary election a line of credit for public
17 financing promptly after the candidate demonstrates his or her
18 eligibility and, in any event, not later than 5 days after the
19 end of the public financing qualifying period; provided,
20 however, that no candidate may use a line of credit distributed
21 under this subsection until the beginning of the primary
22 election campaign period.

23 (c) The Board must distribute to each eligible candidate in
24 the general election a line of credit for public financing not
25 later than the earlier of (i) 48 hours after the official

1 canvass and proclamation under Section 22-7 of the Election
2 Code or (ii) 21 days after the date of the general primary
3 election. No candidate who filed to run in the general primary
4 or who ran in the general primary may receive a line of credit
5 until all similarly situated candidates for that seat who apply
6 and qualify for a public financing benefit have been certified
7 as eligible candidates.

8 (d) If any candidate who receives a public financing
9 benefit violates the requirements of this Act, the candidate
10 shall be subject to the penalties and enforcement in Section
11 70. The Board shall deposit all repayments received under this
12 subsection into the Illinois Judicial Election Democracy Trust
13 Fund.

14 Section 50. Public financing benefits.

15 (a) The State Board must provide to each eligible candidate
16 who qualifies to receive public financing benefits a separate
17 line of credit in the amounts specified in this Section. An
18 eligible candidate may use this credit to finance any lawful
19 expenditures during the primary and general election campaign
20 periods. An eligible candidate may not use this credit to repay
21 any loan in violation of this Act or any other applicable law.

22 (b-1) The initial public financing benefit available to
23 eligible candidates for the office of Judge of the Illinois
24 Supreme Court for the primary and general elections shall be
25 \$750,000, except as provided in subsection (d).

1 (b-2) The initial public financing benefit available to
2 eligible candidates for the office of Judge of the Illinois
3 Appellate Court for the primary and general elections shall be
4 \$250,000, except as provided in subsection (d).

5 (c) Eligible candidates may decide the allocation of their
6 initial benefit between the primary election campaign period
7 and the general election campaign period, provided that no
8 candidate may allocate less than 20% or more than 80% during
9 the primary election campaign period, nor may a candidate
10 allocate more than 80% during the general election campaign
11 period. Any portion of the benefit allocated but unspent or
12 uncommitted for expenses at the close of the primary election
13 campaign period may be spent during the general election
14 campaign period. Funds unspent or uncommitted for expenses
15 incurred during a campaign shall be returned to the Fund after
16 the conclusion of the campaign.

17 (d) An eligible candidate in a race for which no other
18 candidates are certified to the ballot in a general primary
19 shall receive an initial public financing allocation of \$50,000
20 for the primary election campaign period, and may receive an
21 initial allocation for the general election not to exceed 80%
22 of the full initial public financing benefit. An eligible
23 candidate in a race for which no other candidates are certified
24 to the ballot in a general election shall receive an initial
25 public financing allocation of \$75,000 for the general election
26 campaign period inclusive of any funds unspent or uncommitted

1 during the primary election campaign period.

2 (e) Eligible candidates may apply for matching funds for
3 all donations made by individuals other than qualifying
4 contributors. Matching funds shall be made available in an
5 amount equal, in aggregate, to twice the amount donated by
6 individuals other than qualifying contributors, provided that
7 only the first \$100 from any donor during any election period
8 shall be eligible for matching funds and that aggregate
9 matching funds shall not exceed the initial public financing
10 benefit indicated in subsection (b). Candidates in a race for
11 which no other candidate is certified to the ballot are not
12 eligible for matching funds.

13 (f) Beginning on January 1, 2011 and every 2 years
14 thereafter, the Board shall modify the public financing
15 benefits provided for in subsection (b) to adjust for the
16 change in the Consumer Price Index, All Items, U. S. City
17 Average, published by the United States Department of Labor for
18 the preceding 2-year period ending on December 31.

19 Section 65. Illinois Judicial Election Democracy Trust
20 Fund.

21 (a) All moneys collected under Sections 40 and 70 of this
22 Act shall be deposited into the Illinois Judicial Election
23 Democracy Trust Fund and may be used by the State Board of
24 Elections in accordance with this Act. The State Treasurer, in
25 consultation with the Board, shall contract with a debit card

1 issuer to permit eligible candidates and their agents to draw
2 upon moneys appropriated from the Trust Fund through an account
3 with the card issuer.

4 (b) Upon a determination of a candidate's eligibility for a
5 public financing benefit, the State Treasurer must issue to the
6 eligible candidate a debit card, known as the fair election
7 debit card, entitling the candidate and agents designated by
8 the candidate to draw money from an account to make
9 expenditures on behalf of the candidate.

10 (c) No eligible candidate or agent of an eligible candidate
11 may make any expenditure by any means other than through the
12 use of the fair election debit card. No such candidate or agent
13 may use a fair election debit card for any expenditure not
14 directly related to the nomination or election of the eligible
15 candidate, and the campaign will account for each expenditure
16 by listing the vendor or recipient and purpose of each
17 expenditure, in addition to disclosure requirements of Article
18 9 of the Election Code. A candidate must maintain records of
19 all such expenditures and must report the expenditures to the
20 State Board in accordance with Section 25.

21 (d) The State Board of Elections may draw upon funds in the
22 Illinois Judicial Election Democracy Trust Fund to support the
23 administration of the program. These funds may be used only to
24 pay costs to the State Board that are directly associated with
25 the administration of the program, including but not limited
26 to, ensuring compliance with this Act and promoting the income

1 tax checkoff. These administrative reimbursements shall not
2 exceed 1% of the Trust Fund balance in fiscal years when there
3 is no eligible seat on the ballot or 5% of the Trust Fund
4 balance in fiscal years when there is an eligible seat on
5 either a primary or general election ballot.

6 Section 70. Penalties; enforcement.

7 (a) If an eligible candidate makes expenditures that exceed
8 the funds raised in accordance with this Act, the Board shall
9 require the candidate to forfeit to the Illinois Judicial
10 Election Democracy Trust Fund an amount equal to not more than
11 10 times and not less than 2 times the amount by which the
12 expenditures exceeded the allocation.

13 (b) The Board shall require any eligible candidate who
14 accepts contributions in excess of any limitation set by this
15 Act to forfeit to the Illinois Judicial Election Democracy
16 Trust Fund an amount equal to not more than 10 times and not
17 less than 2 times the amount by which the contributions exceed
18 the applicable limitation.

19 (c) If the Board finds that there is reasonable cause to
20 believe that a candidate has made excess expenditures or has
21 accepted excess contributions in violation of the Act, the
22 Board must attempt for a period of not more than 14 days after
23 its finding to correct the matter by informal methods of
24 conference and conciliation and to enter into a settlement and
25 conciliation agreement with the candidate involved. A

1 settlement and conciliation agreement made under this
2 subsection is a public record. Unless violated, a settlement
3 and conciliation agreement is a bar to any civil action under
4 subsection (d).

5 (d) If the Board has reasonable cause to believe that a
6 candidate has made excess expenditures or has accepted excess
7 contributions and the Board is unable to correct the matter by
8 informal methods within the time prescribed in subsection (c),
9 the Board must make a public finding of reasonable cause in the
10 matter. After making a public finding, the Board may bring an
11 action in the circuit court to impose a forfeiture under
12 subsection (a) or (b).

13 (e) If an elector believes that a candidate has violated
14 this Act and the elector is entitled to vote for or against the
15 candidate in the election in connection with which the
16 violation is alleged to have occurred, the elector may file a
17 complaint with the Board requesting it to take remedial action.
18 If the Board refuses to take remedial action or, within 30 days
19 after the filing of a complaint, fails to take remedial action,
20 the elector may commence a civil action in an appropriate
21 circuit court requesting the court to impose a forfeiture under
22 subsection (a) or (b).

23 (f) The Board and the circuit court must expedite all
24 proceedings under this Section so that all complaints brought
25 prior to an election are resolved, to the extent possible,
26 before the election is held.

1 (g) If a complaint brought under this Section is resolved
2 against the complainant and is found to have been brought in
3 bad faith and without reasonable basis therefor, the circuit
4 court shall assess costs, including reasonable attorney fees,
5 against the complainant.

6 Section 75. Prohibited acts.

7 (a) If an eligible candidate or agent of an eligible
8 candidate knowingly accepts more contributions than the
9 candidate is entitled to receive or makes expenditures
10 exceeding the amount of the public financing benefit received
11 by the candidate, the candidate or agent is guilty of a Class 3
12 felony.

13 (b) If a candidate who receives a public financing benefit,
14 or an agent of that candidate, knowingly makes an expenditure
15 by means other than those allowed by this Act, the candidate or
16 agent is guilty of a Class 3 felony.

17 (c) If, in connection with the receipt or expenditure of a
18 public financing benefit for an election campaign, any person
19 knowingly provides false information to the Board, or knowingly
20 conceals or withholds information from the Board, that person
21 is guilty of a Class 3 felony.

22 Section 90. Deposits into Illinois Judicial Election
23 Democracy Trust Fund.

24 (a) The Department of Revenue shall transfer to the

1 Illinois Judicial Election Democracy Trust Fund any amounts
2 contributed to the Illinois Judicial Election Democracy Trust
3 Fund collected pursuant to Section 506.7 of the Illinois Income
4 Tax Act.

5 (b) The Treasurer shall deposit into the Illinois Judicial
6 Election Democracy Trust Fund all amounts collected by the
7 clerks of courts under Section 27.10 of the Clerks of Courts
8 Act and transferred to the Treasurer.

9 Section 105. Voluntary contributions. Individuals and
10 other entities may make direct voluntary contributions to the
11 Illinois Judicial Election Democracy Trust Fund. However,
12 contributions may not exceed \$1,000 per calendar year.

13 Section 110. Fund operational. The Illinois Judicial
14 Election Democracy Trust Fund shall become operational when the
15 Fund has attained \$5,000,000.

16 Section 115. Severability. The provisions of this Act are
17 severable. If any provision of this Act is held invalid by a
18 court of competent jurisdiction, the invalidity does not affect
19 other provisions of the Act that can be given effect without
20 the invalid provision.

21 Section 900. The Election Code is amended by changing
22 Sections 9-1.5 and 9-25.1 and by adding the heading of Article

1 7B and Sections 7B-5, 7B-10, 7B-15, 7B-25, 7B-30, and 7B-35 as
2 follows:

3 (10 ILCS 5/Art. 7B heading new)

4 ARTICLE 7B. JUDICIAL CAMPAIGN CONTRIBUTION LIMITS

5 (10 ILCS 5/7B-5 new)

6 Sec. 7B-5. Definitions. As used in this Article:

7 "Association" means any group, club, meeting, collective,
8 membership organization, or collection of persons other than a
9 corporation or labor organization, or any entity organized
10 under Sections 501 or 527 of the Internal Revenue Code, except
11 that an association does not include a political committee
12 organized under Article 9 that qualifies as a judicial fund
13 under this Article.

14 "Board" means the State Board of Elections.

15 "Candidate" or "judicial candidate" means any person who
16 seeks nomination to, election to, or retention in judicial
17 office, whether or not the person is nominated, elected, or
18 retained. A person seeks nomination for election, election, or
19 retention if he or she (i) takes the action necessary under the
20 laws of this State to attempt to qualify for nomination for
21 election to, election to, or retention in judicial office or
22 (ii) receives contributions or makes expenditures, or gives
23 consent for any other person to receive contributions or make
24 expenditures, with a view to bringing about his or her

1 nomination for election to, election to, or retention in
2 judicial office.

3 "Clearly identified" means that:

4 (A) The name, voice, image, or likeness of a candidate
5 appears; or

6 (B) The identity of the candidate is apparent by
7 unambiguous reference.

8 "Contribution" means:

9 (A) Any contribution as that term is defined in Article
10 9, or

11 (B) A payment for any activity in support of or in
12 opposition to any judicial candidate or for electioneering
13 communications in relation to any judicial candidate if
14 such activity or communications is conducted in concert or
15 cooperation with the political committee of any judicial
16 candidate.

17 (C) The term "contribution" shall not include:

18 (i) Communications on any subject by a corporation
19 to its stockholders and executive or administrative
20 personnel and their families, or by a labor
21 organization to its members and their families, or by
22 an association to its members and their families.

23 (ii) Nonpartisan registration and get-out-the-vote
24 by a corporation aimed at its stockholders and
25 executive or administrative personnel and their
26 families, or by a labor organization aimed at its

1 members and their families, or by an association aimed
2 at its members and their families.

3 (iii) The establishment, administration, and
4 solicitation of contributions to a separate segregated
5 fund to be used for political purposes by a
6 corporation, labor organization, or association.

7 (iv) A secured loan of money by a national or State
8 bank made in accordance with the applicable banking
9 laws and regulations and in the ordinary course of
10 business, provided that the security for the loan, if
11 provided by a person other than the candidate or his or
12 her committee, would qualify as a contribution or
13 expenditure.

14 (v) A distribution of funds from the Illinois
15 Judicial Election Democracy Trust Fund.

16 "Corporation" includes a limited liability company,
17 partnership, professional practice, cooperative, or sole
18 proprietorship, whether organized on a for-profit or
19 non-profit basis.

20 "Election" means:

21 (A) A general primary election or general election, or

22 (B) A retention election as that term is used in
23 Article 7A.

24 "Election period" means any of:

25 (A) The period beginning one year prior to the date of
26 any general primary election for a judicial office and

1 ending the day of the general primary election;

2 (B) The period beginning on the day after the general
3 primary election for a judicial office and ending 90 days
4 after the general election for that judicial office; or

5 (C) The period beginning on the date on which a sitting
6 judge declares for retention and ending 90 days after the
7 retention election.

8 "Expenditure" means:

9 (A) Any expenditure as that term is defined in Article
10 9, or

11 (B) Any contract, promise, or agreement, whether
12 written or oral, to make an expenditure in concert or
13 cooperation with the political committee of a judicial
14 candidate, regardless of when the funds are actually
15 disbursed.

16 "Independent expenditure" means an expenditure by a
17 person:

18 (A) Expressly advocating the election or defeat of a
19 clearly identified candidate or engaging in electioneering
20 communications in relation to a candidate; and

21 (B) That is not made in concert or cooperation with or
22 at the request or suggestion of the candidate, the
23 candidate's designated political committee, or agents of
24 the candidate or committee.

25 "Judicial fund" means any political committee, organized
26 under Article 9, that receives contributions only from donors

1 aggregating not more than the amount designated in Section
2 7B-15.

3 "Labor organization" means any organization of any kind or
4 any agency or employee representation committee or plan in
5 which employees participate and that exists for the purpose, in
6 whole or in part, of dealing with employers concerning
7 grievances, labor disputes, wages, rates of pay, hours of
8 employment, or conditions of work.

9 "Natural person" means any one human being.

10 "Person" includes an individual, trust, partnership,
11 committee, association, corporation, labor organization, or
12 any other organization or group of persons, including a
13 political committee organized under Article 9.

14 (10 ILCS 5/7B-10 new)

15 Sec. 7B-10. Designated political committee.

16 (a) Each candidate shall designate in writing one and only
17 one judicial fund to serve as the political committee of the
18 candidate. The designation is irrevocable for the duration of
19 the candidacy and shall be filed with the State Board of
20 Elections.

21 (b) The name of the designated committee shall include the
22 name of the candidate who designated the committee under
23 subsection (a). No political committee that is not a designated
24 committee may include the name of that candidate in its name.

25 (c) All designations required to be filed under this

1 Article shall be filed with the Board. The Board shall retain
2 these designations and make them available for public
3 inspection and copying in the same manner as statements of
4 organization required under Article 9.

5 (10 ILCS 5/7B-15 new)

6 Sec. 7B-15. Limitation on contributions.

7 (a) No person shall make contributions to a
8 candidate-designated political committee, except that:

9 (1) Natural persons may contribute no more than \$2,300
10 per election period.

11 (2) Judicial funds established by a State political
12 party may contribute not more than \$20,000 during the
13 election period that includes the general election,
14 provided that all committees established by a State
15 political party, under State or federal law, shall be
16 considered as one committee for the purpose of this
17 Section.

18 (3) Any other judicial fund may contribute no more than
19 \$5,000 during an election period.

20 (4) A corporation, labor organization, or association
21 may contribute from its own treasuries no more than \$2,000
22 during each election period. All contributions from
23 associated entities shall be aggregated for the purposes of
24 this Section. If any corporation, labor organization, or
25 association or any of its affiliates is the sponsoring

1 entity for a political committee, then the corporation,
2 labor organization, or association, together with its
3 affiliates, may contribute no more than an aggregate of
4 \$2,000, and the corporation, labor organization or
5 association, together with its affiliates and any related
6 political committees, may contribute no more than \$5,000.

7 (b) No contributor other than a judicial fund may
8 contribute in aggregate more than \$20,000 to judicial funds
9 during any election period.

10 (c) On January 1 of every odd-numbered year, the State
11 Board of Elections shall adjust the limits established in
12 subsection (a) for inflation as determined by the Consumer
13 Price Index for All Urban Consumers as determined by the United
14 States Department of Labor and rounded to the nearest \$100.

15 (d) In any instance where (i) a corporation and any of its
16 subsidiaries, branches, divisions, departments, or local
17 units; (ii) a labor organization and any of its subsidiaries,
18 branches, divisions, departments, or local units; or (iii) an
19 association or any of its affiliates, subsidiaries, branches,
20 divisions, departments, or local units contribute to a
21 candidate's political committee, all such contributions shall
22 be treated as from a single donor for the purposes of
23 subsection (a).

24 (e) For the purposes of the limitations provided by
25 subsection (a), a candidate's designated political committee
26 and any other committee directly or indirectly established,

1 financed, maintained, or controlled by that candidate, or
2 working in concert or cooperation with the candidate's
3 designated committee, shall be considered to be a single
4 political committee.

5 (f) With respect to expenditures:

6 (1) Expenditures made by any person in concert or
7 cooperation with, or at the request or suggestion of, a
8 candidate, his or her designated committee, or their agents
9 shall be considered a contribution to the candidate's
10 designated committee and, together with all other
11 contributions from that same source, are subject to the
12 limits of this Section.

13 (2) The financing by any person of the dissemination,
14 distribution, or republication, in whole or in part, of any
15 broadcast or any written, graphic, or other form of
16 campaign materials prepared by the candidate, his or her
17 campaign committee, or their designated agents shall be
18 considered to be a contribution to the candidate's
19 designated committee for the purposes of this subsection
20 and, together with all other contributions from that same
21 source, are subject to the limits of this Section.

22 (g) For the purposes of the limitations designated by this
23 Section, all contributions made by a person, either directly or
24 indirectly, to a particular candidate's designated committee,
25 including contributions that are in any way earmarked or
26 otherwise directed through an intermediary or conduit to the

1 candidate, shall be treated as contributions from the person to
2 the candidate-designated committee. The intermediary or
3 conduit shall report the original source and the intended
4 recipient of the contribution to the Board and to the intended
5 recipient.

6 (h) No candidate or political committee shall knowingly
7 accept any contribution or make any expenditure in violation of
8 the provisions of this Section. No officer or employee of a
9 political committee shall knowingly accept a contribution made
10 for the benefit or use of a candidate or knowingly make any
11 expenditure in support of or opposition to a candidate or for
12 electioneering communications in relation to a candidate in
13 violation of any limitation designated for contributions and
14 expenditures under this Section.

15 (10 ILCS 5/7B-25 new)

16 Sec. 7B-25. Prohibition of anonymous contributions and
17 contributions in the name of another.

18 (a) No person shall make a contribution in the name of
19 another person or knowingly permit his or her name to be used
20 to effect such a contribution.

21 (b) No person shall knowingly accept a contribution made by
22 one person in the name of another person.

23 (c) No person shall knowingly accept reimbursement from
24 another person for a contribution made in his or her own name.

25 (d) No person shall make an anonymous contribution.

1 (e) No person shall knowingly accept any anonymous
2 contribution.

3 (f) No person shall predicate (i) any benefit, including
4 but not limited to employment decisions including hiring,
5 promotions, bonus compensation, and transfers, or (ii) any
6 other gift, transfer, or emolument upon (1) the decision by the
7 recipient of that benefit to donate or not to donate to a
8 candidate or (2) the amount of any such donation.

9 (g) Anonymous contributions shall escheat to the State of
10 Illinois. Any political committee that receives such a
11 contribution shall forward it immediately to the State
12 Treasurer.

13 (h) Immediately upon discovery that it has received
14 contributions given in the name of another, the recipient shall
15 redesignate the contributions according to their true origin. A
16 committee may retain such contributions only once the true
17 origin of the donation has been reported, subject to any other
18 provisions of this Article, unless the committee knew that the
19 true donor was disguising his or her identify at the time of
20 the original receipt. If the committee knew at the time of
21 original receipt that the true donor was disguising his or her
22 identity, the funds shall escheat to the State and the Board
23 shall assess an additional penalty of at least \$1,000 and not
24 more than \$5,000 for a first violation and of at least \$3,000
25 and not more than \$10,000 for second and subsequent violations.

1 (10 ILCS 5/7B-30 new)

2 Sec. 7B-30. Complaints.

3 (a) The Board may receive complaints alleging that a
4 violation of this Article has occurred. The Board may bring
5 complaints and investigations on its own initiative when the
6 Board has reason to believe that a violation of this Article
7 has occurred.

8 (b) Upon receipt of a complaint, the Board shall hold a
9 closed preliminary hearing to determine whether or not the
10 complaint appears to have been filed on justifiable grounds.
11 The closed preliminary hearing shall be conducted as soon as
12 practicable after affording reasonable notice, a copy of the
13 complaint, and an opportunity to testify at the hearing to both
14 the person making the complaint and the person against whom the
15 complaint is directed. If the Board determines that the
16 complaint has not been filed on justifiable grounds, it shall
17 dismiss the complaint without further hearing.

18 (c) The Board shall have the authority to promulgate
19 procedural rules governing the filing and hearing of complaints
20 under this Section that are not inconsistent with this Article.

21 (d) In addition to any other penalties authorized by this
22 Section, the State Board of Elections, any political committee,
23 or any person may apply to the circuit court for a temporary
24 restraining order or a preliminary or permanent injunction
25 against a political committee, judicial fund, or entity,
26 whether registered with the Board under this Article or not, to

1 cease the expenditure of funds and to cease operations until
2 the committee, judicial fund, or entity is in compliance with
3 this Article.

4 (10 ILCS 5/7B-35 new)

5 Sec. 7B-35. Penalties. In addition to any other penalties
6 established by this Article or other law:

7 (1) All contributions in violation of this Article escheat
8 to the State;

9 (2) Any person who knowingly violates any of the provisions
10 of this Article shall be fined the greater of \$10,000 or three
11 times the value of the illegal contribution or expenditure; and

12 (3) The Board shall provide a written basis for any
13 decision issued under this Article. In the event that the Board
14 fails to make a final determination, or if a majority of the
15 Board is unable to agree on a final determination, within 90
16 days after the filing of the complaint, then the complainant,
17 within 180 days after the filing of the complaint, may bring a
18 cause of action in any circuit court of the State for de novo
19 review.

20 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

21 Sec. 9-1.5. Expenditure defined.

22 "Expenditure" means-

23 (1) a payment, distribution, purchase, loan, advance,
24 deposit, or gift of money or anything of value, in connection

1 with the nomination for election, or election, of any person to
2 public office, in connection with the election of any person as
3 ward or township committeeman in counties of 3,000,000 or more
4 population, or in connection with any question of public
5 policy. "Expenditure" also includes a payment, distribution,
6 purchase, loan, advance, deposit, or gift of money or anything
7 of value that constitutes an electioneering communication
8 regardless of whether the communication is made in concert or
9 cooperation with or at the request, suggestion, or knowledge of
10 a candidate, a candidate's authorized local political
11 committee, a State political committee, a political committee
12 in support of or opposition to a question of public policy, or
13 any of their agents. However, expenditure does not include -

14 (a) the use of real or personal property and the cost
15 of invitations, food, and beverages, voluntarily provided
16 by an individual in rendering voluntary personal services
17 on the individual's residential premises for
18 candidate-related activities; provided the value of the
19 service provided does not exceed an aggregate of \$150 in a
20 reporting period;

21 (b) the sale of any food or beverage by a vendor for
22 use in a candidate's campaign at a charge less than the
23 normal comparable charge, if such charge for use in a
24 candidate's campaign is at least equal to the cost of such
25 food or beverage to the vendor.

26 (2) a transfer of funds between political committees.

1 (3) a payment for electioneering communications.

2 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
3 93-847, eff. 7-30-04.)

4 (10 ILCS 5/9-25.1) (from Ch. 46, par. 9-25.1; formerly Ch.
5 46, pars. 102, 103 and 104)
6 Sec. 9-25.1. Election interference.

7 (a) As used in this Section, "public funds" means any funds
8 appropriated by the Illinois General Assembly or by any
9 political subdivision of the State of Illinois.

10 (b) Except as otherwise provided by law, rule, or
11 ordinance, no ~~No~~ public funds shall be used to urge any elector
12 to vote for or against any candidate or proposition, or be
13 appropriated for political or campaign purposes to any
14 candidate or political organization. ~~This Section shall not~~
15 ~~prohibit the use of public funds for dissemination of factual~~
16 ~~information relative to any proposition appearing on an~~
17 ~~election ballot, or for dissemination of information and~~
18 ~~arguments published and distributed under law in connection~~
19 ~~with a proposition to amend the Constitution of the State of~~
20 ~~Illinois.~~

21 (c) The first time any person violates any provision of
22 this Section, that person shall be guilty of a Class B
23 misdemeanor. Upon the second or any subsequent violation of any
24 provision of this Section, the person violating any provision
25 of this Section shall be guilty of a Class A misdemeanor.

1 (Source: P.A. 87-1052.)

2 Section 905. The State Finance Act is amended by adding
3 Section 5.719 as follows:

4 (30 ILCS 105/5.719 new)

5 Sec. 5.719. The Illinois Judicial Election Democracy Trust
6 Fund.

7 Section 910. The Illinois Income Tax Act is amended by
8 adding Section 506.7 as follows:

9 (35 ILCS 5/506.7 new)

10 Sec. 506.7. Designation of tax to the Illinois Judicial
11 Election Democracy Trust Fund. The Department shall print on
12 its standard individual income tax form a provision indicating
13 that if the taxpayer wishes to contribute to the Illinois
14 Judicial Election Democracy Trust Fund, as authorized by this
15 amendatory Act of the 96th General Assembly, he or she may do
16 so by stating the amount of the contribution (not less than \$1)
17 on the return and that the contribution will reduce the
18 taxpayer's refund or increase the amount of payment to
19 accompany the return. Failure to remit any amount of the
20 increased payment shall reduce the contribution accordingly.
21 This Section does not apply to any amended return. This tax
22 checkoff applies to income tax forms for taxable years 2010 and

1 thereafter.

2 Section 915. The Clerks of Courts Act is amended by adding
3 Section 27.15 as follows:

4 (705 ILCS 105/27.15 new)

5 Sec. 27.15. Illinois Judicial Election Democracy Trust
6 Fund. The clerk shall transfer \$1 from each filing or
7 appearance fee paid in accordance with Section 27.1, 27.1a,
8 27.2, or 27.2a to the State Treasurer for deposit into the
9 Illinois Judicial Election Democracy Trust Fund. To defray that
10 expense, the county board may, by resolution, require the clerk
11 of the circuit court in the county to charge and collect an
12 Illinois Judicial Election Democracy Trust Fund fee of not more
13 than \$1, which shall be paid at the time that any filing or
14 appearance fee is paid. The fee shall be collected in the
15 manner in which all other fees or costs are collected. Each
16 clerk shall commence the charges and collection upon receipt of
17 written notice from the chairman of the county board together
18 with a certified copy of the board's resolution. The clerk
19 shall file the resolution of record in his or her office. The
20 fee shall be in addition to all other fees and charges of the
21 clerks, shall be assessable as costs, and may be waived only if
22 the judge specifically provides for the waiver of the Illinois
23 Judicial Election Democracy Trust Fund fee. The fees shall be
24 remitted monthly by the clerk for deposit into the Illinois

1 Judicial Election Democracy Trust Fund.