



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5692

Introduced 2/9/2010, by Rep. William D. Burns

SYNOPSIS AS INTRODUCED:

New Act

10 ILCS 5/9-25.1

from Ch. 46, par. 9-25.1; formerly
Ch. 46, pars. 102, 103 and 104

10 ILCS 5/12A-5

30 ILCS 105/5.755 new

35 ILCS 5/507UU new

Creates the Lincoln Act. Provides for a voluntary program of public financing for candidates for the executive branch constitutional offices and General Assembly members beginning in 2011, to be administered by the State Board of Elections. Amends the State Finance Act and the Illinois Income Tax Act to create the necessary special fund and an income tax check-off to support the financing program. Amends the Election Code. Makes a conforming change concerning the use of public funds. Requires that the State Board of Elections publish its Internet voters' guide before every general election (now, general elections when statewide officers are elected) and include candidates for the General Assembly and a list of candidates participating in the public financing program. Effective immediately.

LRB096 18948 JAM 34336 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Lincoln Act.

6 Section 1.5. Definitions. As used in this Act:

7 (1) "Board" means the State Board of Elections.

8 (2) "Fund" means the Citizens' Election Fund established in
9 Section 2 of this Act.

10 (3) "Depository account" means the single checking account
11 at the depository institution designated as the depository for
12 permitted contributions from natural persons and funds
13 received from the Citizens' Election Fund.

14 (4) "Immediate family", when used with reference to a
15 candidate, includes the candidate's spouse, parents, and
16 dependent children.

17 (5) "Personal funds" means funds contributed by a candidate
18 or a member of a candidate's immediate family.

19 (6) "Natural person" means any one human being.

20 (7) "General election cycle" means that period beginning
21 with the day after the general primary and concluding the
22 December 31 after the general election.

23 (8) " General primary election cycle" means that period

1 beginning with January 1 of the year after the general election
2 and leading up to the first Tuesday in February.

3 (9) "Contested general primary election" and "contested
4 general election" mean a primary or a general election in which
5 2 or more candidates are certified to have their names printed
6 on the ballot by the Board.

7 (10) "Uncontested general primary election" and
8 "uncontested general election" means a primary or a general
9 election in which only one candidate has been certified to have
10 his or her name printed on the ballot by the Board. If a
11 candidate for nomination or election has an opponent who is
12 exempted from filing a disclosure with the Board, as specified
13 by the Illinois Campaign Disclosure Act, that race shall also
14 be considered uncontested.

15 (11) "Candidate" means a qualified candidate for any of the
16 following offices:

- 17 (i) Governor;
18 (ii) Lieutenant Governor;
19 (iii) Attorney General;
20 (iv) Secretary of State;
21 (v) Comptroller;
22 (vi) Treasurer;
23 (vii) State Senator; or
24 (viii) State Representative.

25 (12) "Qualified candidate" means any individual who seeks
26 nomination to public office through a political party or

1 election to a public office as a candidate of a political party
2 or as an independent candidate for public office. A person is
3 considered a candidate only if he or she takes the actions
4 necessary as required by the Election Code to qualify as a
5 candidate for public office and is certified by the State Board
6 of Elections to have his or her name placed on a ballot for
7 election.

8 (13) "Clean election candidate" means a "qualified
9 candidate" for public office who participates in the Citizens'
10 Election Program.

11 (14) "Non-participating candidate" means a "qualified
12 candidate" for public office who opts out or is disqualified
13 from the Citizens' Election Program.

14 (15) "Qualifying report" is a list of all qualifying
15 contributors and the dates and amounts of each of their
16 contributions. Candidates may list more contributions on their
17 qualifying report than are necessary to establish eligibility
18 for receipt of an initial public financing benefit. Any
19 contributors listed on a qualifying report over and above the
20 minimum number necessary to establish eligibility shall be
21 deemed for the purpose of matching funds.

22 (16) "Primary election campaign period" means the period
23 beginning 30 days after the last day prescribed by law for
24 filing nomination papers and ending on the day of the general
25 primary election.

26 (17) "Public financing qualifying period" means, for

1 candidates seeking the nomination of an established party in a
2 general primary election, the period beginning on the first day
3 of July of an odd-numbered year and ending on the day before
4 the beginning of the primary election campaign period. For all
5 other candidates, the period beginning on the first day of July
6 in an odd-numbered year and ending 7 days after the last date
7 for nomination of candidates as set forth in Section 10-6 of
8 the Election Code.

9 Section 2. Citizens' Election Fund. The Citizens' Election
10 Fund is created as a special fund. The fund may contain any
11 moneys required by law to be deposited into the fund. The State
12 Comptroller shall administer the fund. Any balance remaining in
13 the fund at the end of any fiscal year shall be carried forward
14 in the fund for the next fiscal year. All moneys deposited into
15 the fund shall be used for the purposes of this Act, including
16 but not limited to ensuring compliance with this Act and
17 promoting the income tax checkoff.

18 Section 3. Program established.

19 (a) There is established a Citizens' Election Program under
20 which the candidate for nomination to the office of Governor,
21 Lieutenant Governor, Attorney General, State Comptroller,
22 Secretary of State, State Treasurer, State Senator, or State
23 Representative may receive a grant from the Citizens' Election
24 Fund for the candidate's primary campaign for that nomination.

1 (b) Any such candidate committee is eligible to receive
2 such grants for a general primary campaign, if applicable, and
3 a general election campaign if (1) the candidate certifies as a
4 clean election candidate under Section 4, (2) the candidate's
5 committee receives the required amount of qualifying
6 contributions under Section 5, (3) the candidate's committee
7 returns all contributions that do not meet the criteria for
8 qualifying contributions under Section 5 to the Citizens'
9 Election Fund, and (4) the candidate submits an application and
10 the Board approves the application in accordance with the
11 provisions of Sections 7 and 8.

12 Section 4. Participation.

13 (a) In order to participate in the Citizens' Election
14 Program, candidates for nomination or election to the office of
15 Governor, Lieutenant Governor, Attorney General, State
16 Comptroller, Secretary of State, State Treasurer, State
17 Senator, or State Representative shall file an affidavit with
18 the Board. The affidavit shall include written certifications
19 (1) that the candidate is determined to abide by contribution
20 restrictions under the Citizens' Election Program set forth in
21 this Act during both the general primary and general election;
22 (2) that the campaign treasurer of the candidate committee for
23 that candidate shall expend any moneys received from the
24 Citizens' Election Fund in accordance with rules adopted by the
25 Board; (3) that the candidate shall repay to the fund moneys up

1 to the amount of the grant plus matching funds received from
2 the Citizens' Election Fund remaining in the candidate's
3 depository account; and (4) stating if the candidate shall be
4 referred to as an established party or new party candidate and
5 the name of such party. A candidate for nomination or election
6 to any such office shall file such affidavit during the
7 specified public financing qualifying period.

8 (b) A candidate who so certifies his or her intent to abide
9 by the contribution restrictions under the Citizens' Election
10 Program set forth in this Act shall be referred to as a "clean
11 election candidate".

12 (c) In addition to reports required to be filed under the
13 Election Code, a candidate who receives a public financing
14 benefit must furnish complete financial records, including
15 receipts and expenditures, on the last day of each month.

16 (d) A clean election candidate may withdraw from
17 participation in the Citizens' Election Program before
18 applying for an initial grant under Section 7 of this Act, by
19 filing an affidavit with the Board, which includes a written
20 certification of such withdrawal. A candidate who files such an
21 affidavit shall be deemed to be a non-participating candidate
22 for the purposes of Sections 1 to 17, inclusive, of this Act
23 and shall not be penalized for such withdrawal. No clean
24 election candidate shall withdraw from participation in the
25 Citizens' Election Program after applying for an initial grant
26 under Section 7 of this Act.

1 (e) The campaign treasurer must submit reporting slips and
2 an amount equal to the sum of the contributions collected to
3 the Board throughout the general primary and general election
4 cycles. The 3-part reporting slip, as defined in this
5 subsection, shall include the printed name, registration
6 address, and signature of the contributor, the name of the
7 candidate for whom the contribution is made, the date, and the
8 printed name and signature of the solicitor. If a contribution
9 is received unsolicited, the candidate or contributor or
10 campaign treasurer may sign the contribution form as the
11 solicitor. Nothing in this Act shall prohibit the use of direct
12 mail or the Internet to obtain contributions. A copy of the
13 reporting slip shall be given as a receipt to the contributor,
14 and the candidate's campaign committee shall retain a copy. The
15 candidate must comply with this Act and ensure that the
16 original slip is tendered to the Board, a copy remains with the
17 candidate, and a copy is given to the contributor. Reporting
18 lists shall be received by the campaign treasurer not later
19 than 24 hours immediately preceding each required filing date.

20 (f) A clean election candidate shall only be permitted to
21 use money received from the Citizens' Election Fund for
22 purposes of nomination or election.

23 Section 5. Qualifying contributors.

24 (a) The number of qualifying contributors that the
25 candidate committee of a candidate shall be required to receive

1 during the public financing qualifying period in order to be
2 eligible for grants from the Citizens' Election Fund shall be:

3 (1) In the case of a candidate for nomination or
4 election to the office of Governor, Lieutenant Governor,
5 Attorney General, State Comptroller, State Treasurer, or
6 Secretary of State, contributions from 3,500 natural
7 persons, of which 90% must reside in the State, must be
8 received by that candidate in order to qualify for the
9 Citizens' Election Program. The provisions of this
10 subsection shall be subject to the following: (A) the
11 candidate committee shall return the portion of any
12 contribution or contributions from any natural person,
13 including the candidate, that exceeds \$500 and such excess
14 portion shall not be considered in calculating the
15 aggregate contribution amount under this subsection, and
16 (B) all contributions received by an exploratory committee
17 established by the candidate that meet the criteria for
18 qualifying contributors under this Section shall be
19 considered in tallying contributors; and

20 (2) In the case of a candidate for nomination or
21 election to the office of State Senator for a district,
22 contributions from 1,000 natural persons, of which 90% must
23 reside in the State, must be received by the candidate in
24 order to qualify for the Citizens' Election Program. The
25 provisions of this subsection shall be subject to the
26 following: (A) the candidate committee shall return the

1 portion of any contribution or contributions from any
2 natural person that exceeds \$500, and such excess portion
3 shall not be considered in calculating the aggregate
4 contribution amount under this subsection, and (B) all
5 contributions received by an exploratory committee
6 established by the candidate that meet the criteria for
7 qualifying contributors to candidate committees under this
8 Section shall be considered in tallying contributors.

9 (3) In the case of a candidate for nomination or
10 election to the office of State Representative for a
11 district, contributions from 500 natural persons, of which
12 90% must reside in the State, must be received by the
13 candidate in order to qualify for the Citizens' Election
14 Program. The provisions of this subsection shall be subject
15 to the following: (A) the candidate committee shall return
16 the portion of any contribution or contributions from any
17 natural person that exceeds \$500, and such excess portion
18 shall not be considered in calculating the aggregate
19 contribution amount under this subsection, and (B) all
20 contributions received by an exploratory committee
21 established by the candidate that meet the criteria for
22 qualifying contributors to candidate committees under this
23 Section shall be considered in tallying contributors.

24 (4) The following shall not be deemed to be qualifying
25 contributions under subsection (a) of this Section and
26 shall be returned by the campaign treasurer of the

1 candidate committee to the Citizens' Election Fund: (A) a
2 contribution of \$5 or more from a natural person who does
3 not provide the full name and complete address of the
4 person; and (B) a contribution from a person who does not
5 reside in the State, in excess of the applicable limit on
6 contributions from out-of-state natural persons in
7 subsection (a) of this Section.

8 (b) Contributions received by clean election candidates
9 over the set qualifying number of contributors specified in
10 subsection (a) would count towards the match defined in Section
11 12 of this Act.

12 (c) A candidate or a person, who later becomes a candidate,
13 or an agent of that candidate, may not assist another person in
14 qualifying as a candidate for the same office if such a
15 candidacy would result in a greater distribution of funds from
16 the Citizens' Election Fund in a contested election, as
17 specified under Section 8 of this Act.

18 Section 6. Agreement by candidate. An eligible candidate
19 who accepts funds from the Citizens' Election Fund during the
20 primary election campaign period must agree to comply with all
21 requirements of this Act throughout the general election cycle
22 as a precondition to receipt of public funds. An eligible
23 candidate who accepts a public financing benefit during a
24 primary election campaign period may not elect to accept
25 private contributions in violation of this Act during the

1 corresponding general election cycle.

2 Section 7. Application for grants.

3 (a) The application shall include a qualifying report,
4 which demonstrates that the candidate committee has received
5 contributions from the required number of contributors, and a
6 written certification that;

7 (1) The candidate committee has repaid all moneys
8 borrowed on behalf of the campaign, as required by
9 subsection (b) of Section 11 of this Act;

10 (2) The candidate committee has returned any
11 contribution of \$5 or more from a natural person who does
12 not include the person's name and address with the
13 contribution;

14 (3) The candidate committee has returned all
15 contributions or portions of contributions that do not meet
16 the criteria for qualifying contributions under Section 5
17 of this Act and returned all excess qualifying
18 contributions to the Citizens' Election Fund. That
19 contribution shall not count toward the maximum amount that
20 a contributor may contribute.

21 (4) The campaign treasurer of the candidate committee
22 will comply with the provisions of Sections 1 to 17,
23 inclusive, of this Act;

24 (5) All moneys received from natural persons and the
25 Citizens' Election Fund will be deposited upon receipt into

1 the depository account of the candidate committee;

2 (6) The campaign treasurer of the candidate committee
3 will expend all moneys received from the fund in accordance
4 with the general statutes and rules adopted by the Board;
5 and

6 (7) If the candidate withdraws from the campaign,
7 becomes ineligible, or dies during the campaign, the
8 candidate committee of the candidate will return to the
9 Board, for deposit in the fund, all moneys received from
10 the fund, which that candidate committee has not spent or
11 encumbered as of the date of such occurrence.

12 (b) Conditions.

13 (1) A clean election candidate for nomination to the
14 office of Governor, Attorney General, State Comptroller,
15 Secretary of State, State Treasurer, State Senator, or
16 State Representative may apply to the Board for a grant
17 from the Citizens' Election Fund for a general election
18 campaign:

19 (A) After any primary held by such party for
20 nomination for that office, if the Board certifies that
21 the candidate is the party nominee;

22 (B) In the case of an independent candidate, after
23 approval by the Board of such candidate's nominating
24 petition.

25 (2) Notwithstanding the provisions of paragraph (1) of
26 this subsection, no clean election candidate for

1 nomination or election who changes the candidate's status
2 as an established party or independent candidate or becomes
3 a candidate of a different party, after filing the
4 affidavit required under Section 4 of this Act, shall be
5 eligible to apply for a grant under the Citizens' Election
6 Program for such candidate's general primary campaign for
7 such nomination or general election campaign for such
8 election.

9 (c) The application shall be accompanied by a report of
10 expenditures made and expenses incurred but not yet paid by the
11 candidate committee as of 3 days before the date that the
12 application is signed. The candidate and the campaign treasurer
13 of the candidate committee shall swear to such accounting under
14 penalty of perjury. The Board shall prescribe the form of the
15 application and the cumulative itemized accounting. Both the
16 candidate and the campaign treasurer of the candidate committee
17 shall sign the application.

18 (d) Not later than 3 business days following receipt of any
19 such application, the Board shall review the application,
20 determine whether (1) the candidate committee for the applicant
21 has received contributions from the required number of
22 contributors, (2) in the case of an application for a grant
23 from the fund for a general election campaign, the applicant
24 has met the applicable condition under subsection (b) of this
25 Section for applying for such grant and complied with the
26 provisions of subsections (a) and (c) of this Section, (3) in

1 the case of an application for a grant from the fund for a
2 general election campaign, the applicant has met the applicable
3 condition under subsection (a) of this Section for applying for
4 such moneys and complied with the provisions of subsection (c)
5 of this Section, and (4) in the case of an application by an
6 independent candidate for a grant from the fund for a general
7 election campaign, the applicant qualifies as an eligible
8 independent candidate. If the Board approves an application,
9 the Board shall determine the amount of the grant payable to
10 the candidate committee for the applicant pursuant to Section 8
11 of this Act from the fund, and notify the State Comptroller and
12 the candidate of such candidate committee, of such amount. As
13 soon as practical, but in no event longer than 7 business days
14 following notification by the Board, the State Comptroller
15 shall draw an order for payment of such amount to the qualified
16 candidate committee from the fund.

17 (e) If a nominated clean election candidate dies, withdraws
18 the candidate's candidacy, or becomes disqualified to hold the
19 office for which the candidate has been nominated after the
20 Board approves the candidate's application for a grant under
21 this Section, the candidate committee of the candidate who is
22 nominated to replace that candidate shall be eligible to
23 receive grants from the fund without complying with the
24 provisions of Section 5 of this Act, if that replacement
25 candidate files an affidavit under Section 4 of this Act
26 certifying the candidate's intent to abide by the contribution

1 limits set forth in this Act and notifies the Board on a form
2 prescribed by the Board.

3 Section 8. Grants.

4 (a) Governor.

5 (1) The clean election candidate committee of a
6 candidate for the office of Governor who has a general
7 primary for nomination to that office shall be eligible to
8 receive a grant from the Citizens' Election Fund for the
9 primary campaign in the amount of \$1,250,000, that amount
10 to be adjusted under subsection (e) of this Section.

11 (2) If the clean election candidate for the office of
12 Governor has an uncontested general primary election, the
13 amount of the general primary election grant for which the
14 clean election candidate committee for that candidate
15 shall be eligible to receive is \$375,000; that amount shall
16 be adjusted under subsection (e) of this Section.

17 (3) The clean election candidate committee for the
18 office of Governor who has been nominated shall be eligible
19 to receive a grant from the fund for the general election
20 campaign in the amount of \$3,000,000, that amount to be
21 adjusted under subsection (e) of this Section.

22 (b) Other statewide offices.

23 (1) The clean election candidate committee for the
24 office of Lieutenant Governor, Attorney General, State
25 Comptroller, Secretary of State or State Treasurer who has

1 a general primary election for nomination to that office
2 shall be eligible to receive a grant from the Citizens'
3 Election Fund for the primary campaign in the amount of
4 \$425,000; that amount shall be adjusted under subsection
5 (e) of this Section.

6 (2) If the clean election candidate for the office of
7 Lieutenant Governor, Attorney General, State Comptroller,
8 Secretary of State, or State Treasurer has an uncontested
9 general primary election the amount of the general primary
10 election grant for which the clean election candidate
11 committee for that candidate shall be eligible to receive
12 \$375,000; that amount shall be adjusted under subsection
13 (e) of this Section.

14 (3) The clean election candidate committee for the
15 office of Attorney General, State Comptroller, Secretary
16 of State, or State Treasurer who has been nominated shall
17 be eligible to receive a grant from the fund for the
18 general election campaign in the amount of \$1,000,000; that
19 amount shall be adjusted under subsection (e) of this
20 Section.

21 (c) State Senator.

22 (1) The clean election candidate committee of a
23 candidate for the office of State Senator who has a general
24 primary election for nomination to that office shall be
25 eligible to receive a grant from the Citizens' Election
26 Fund for the primary campaign in the amount of \$300,000,

1 provided if the vote totals of one established party
2 candidate for Governor from the previous gubernatorial
3 general election in the district served by that office
4 exceeds any other established party's vote totals by at
5 least 20%, the candidate from such party shall receive a
6 grant of \$400,000; these amounts shall be adjusted under
7 subsection (e) of this Section.

8 (2) If the clean election candidate for the office of
9 State Senator has an uncontested general primary election,
10 the amount of the general primary grant for which the
11 qualified candidate committee for that candidate shall be
12 eligible to receive is \$50,000; that amount shall be
13 adjusted under subsection (e) of this Section.

14 (3) The clean election candidate committee for the
15 office of State Senator who has been nominated shall be
16 eligible to receive a grant from the fund for a contested
17 general election campaign in the amount of \$300,000; that
18 amount shall be adjusted under subsection (e) of this
19 Section.

20 (d) State Representative.

21 (1) The clean election candidate committee of a
22 candidate for the office of State Representative who has a
23 general primary election for nomination to that office
24 shall be eligible to receive a grant from the Citizens'
25 Election Fund for the primary campaign in the amount of
26 \$150,000, provided if the vote totals of one established

1 party candidate for Governor from the previous general
2 gubernatorial election in the district served by that
3 office exceeds any other established party's vote totals by
4 at least 20%, the candidate from such party shall receive a
5 grant of \$200,000; these amounts shall be adjusted under
6 subsection (e) of this Section.

7 (2) If the clean election candidate for the office of
8 State Representative has an uncontested general primary
9 election, the amount of the general primary grant for which
10 the clean election candidate committee for that candidate
11 shall be eligible to receive is \$25,000; that amount shall
12 be adjusted under subsection (e) of this Section.

13 (3) The clean election candidate committee for the
14 office of State Representative who has been nominated shall
15 be eligible to receive a grant from the fund for a
16 contested general election campaign in the amount of
17 \$150,000; that amount shall be adjusted under subsection
18 (e) of this Section.

19 (e) Beginning on January 1, 2013 and every 2 years
20 thereafter, the Board shall modify the public financing
21 benefits provided for in Section 8 to adjust for the change in
22 the Consumer Price Index, All Items, U. S. City Average,
23 published by the United States Department of Labor for the
24 preceding 2-year period ending on December 31.

25 (f) An independent candidate for the office of Governor,
26 Lieutenant Governor, Attorney General, Secretary of State,

1 Comptroller, Treasurer, State Senator, or State Representative
2 who is not seeking the nomination of an established party,
3 after having received approval by the Board of such candidate's
4 nominating petition and qualifying contributors, shall be
5 eligible to receive a grant from the fund in the amount of
6 three-quarters of the grant allocated to candidates for that
7 office in an uncontested general primary election during the
8 primary election campaign period.

9 (g) Increase in the grants under special circumstances.

10 (1) If the opposing, non-participating candidate's
11 excess expenditures with respect to a clean election
12 candidate for nomination or election exceeds the threshold
13 amount, the initial grant for both the general primary and
14 general election under this Section shall be increased in
15 accordance with the formula in paragraph (3). As used in
16 this subsection, "excess expenditure" means an expenditure
17 made, or obligated to be made, by a nonparticipating
18 candidate who is opposed by one or more clean election
19 candidates in a primary campaign or a general election
20 campaign, which is in excess of the amount of the
21 applicable grant for the clean election candidates for the
22 campaign authorized under Section 8 of this Act.

23 (2) Threshold amount.

24 (A) In this subsection, the threshold amount with
25 respect to an election period of a candidate described
26 in paragraph (3) is an amount equal to the sum of:

1 (i) \$100,000; and
2 (ii) \$0.04 multiplied by the voting age
3 population of the district in which the candidates
4 are seeking office.

5 (B) For the purpose of subparagraph (g) (2) (A),
6 the term "voting age population" means the number of
7 adults over the age of 18 found residing in every
8 county in the district or circuit by the U.S. Census
9 Bureau at the last preceding decennial census.

10 (3) If the opposing candidate's personal funds amount
11 is over:

12 (A) 2 times the threshold amount, but not over 4
13 times the amount, then the match, as specified under
14 subsection (d) of Section 12 of this Act, shall be
15 increased to a 4-to-1 match and the maximum amount of
16 matching funds allocated, as specified under
17 subsection (e) of Section 12 of this Act, shall be
18 multiplied by 1.25.

19 (B) 4 times the threshold amount, but not over 10
20 times the amount, then the match, as specified under
21 subsection (d) of Section 12 of this Act, shall be
22 increased to a 5-to-1 match and the maximum amount of
23 matching funds allocated, as specified under
24 subsection (e) of Section 12 of this Act, shall be
25 multiplied by 1.5.

26 (C) 10 times the threshold amount, then the match,

1 as specified under subsection (d) of Section 12 of this
2 Act, shall be increased to a 6-to-1 match and the
3 maximum amount of matching funds allocated, as
4 specified under subsection (e) of Section 12 of this
5 Act, shall be multiplied by 2.

6 (4) If a court of competent jurisdiction prohibits or
7 limits any provision of subsection (g) as
8 unconstitutional, the provision within subsection (g)
9 shall be inoperative.

10 (h) Notwithstanding the provisions of subsections (a) to
11 (g), inclusive, of this Section:

12 (1) The initial grant that a clean election candidate
13 committee for a candidate is eligible to receive under
14 subsections (a) to (g), inclusive, of this Section shall be
15 reduced by the amount of any personal funds that the
16 candidate provides for the candidate's campaign for
17 nomination or election pursuant to subsection (c) of
18 Section 11 of this Act.

19 (2) If a clean election candidate is nominated at a
20 general primary election and does not expend the entire
21 grant for the primary campaign authorized under subsection
22 (a), (b), (c), or (d) of this Section or all moneys that
23 may be received for the general primary campaign under
24 Section 12 of this Act, the amount of the grant for the
25 general election campaign shall be reduced by the total
26 amount of any such unexpended primary campaign grant and

1 moneys.

2 (3) If a clean election candidate has an uncontested
3 general election campaign, the candidate shall be eligible
4 to receive 30% of the applicable general election grant set
5 forth in subsections (a) to (d), inclusive.

6 Section 9. Depository accounts. The deposit of moneys from
7 the Citizens' Election Fund shall be transferred into the
8 depository account of a qualified candidate committee, no
9 contribution, loan, amount of the candidate's own moneys, or
10 any other moneys received by the candidate or the campaign
11 treasurer on behalf of the committee shall be deposited into
12 that depository account, except (1) grants from the fund, (2)
13 any additional moneys from the fund as provided in Section 12
14 of this Act, and (3) contributions from natural persons under
15 \$500.

16 Section 10. General election campaign grants. A qualified
17 candidate committee that received moneys from the Citizens'
18 Election Fund for a general primary campaign and whose
19 candidate is the party nominee shall receive a grant from the
20 fund for a general election campaign. Upon receiving
21 verification from the Board of the results of the votes cast at
22 the primary, the Board shall notify the State Comptroller of
23 the amount payable to such qualified candidate committee
24 pursuant to Section 7 of this Act. As soon as is practical, but

1 in no event longer than 7 business days following notification
2 by the Board, the State Comptroller shall draw an order for
3 payment of the general election campaign grant to that
4 committee from that fund.

5 Section 11. Loans; personal funds; debt.

6 (a) The candidate committee for a candidate who intends to
7 participate in the Citizens' Election Program may borrow moneys
8 on behalf of a campaign for a general primary or a general
9 election from one or more financial institutions. The amount
10 borrowed shall not constitute a qualifying contribution under
11 Section 5 of this Act.

12 (b) All such loans shall be repaid in full prior to the
13 date such candidate committee applies for a grant from the
14 Citizens' Election Fund pursuant to Section 7 of this Act. A
15 candidate who fails to repay such loans or fails to certify
16 such repayment to the Board shall not be eligible to receive
17 and shall not receive grants from the fund.

18 (c) A candidate who intends to participate in the Citizens'
19 Election Program may provide personal funds for such
20 candidate's campaign for nomination or election in an amount
21 not exceeding the following: (1) for a candidate for the office
22 of Governor, \$20,000; (2) for a candidate for the office of
23 Lieutenant Governor, Attorney General, State Comptroller,
24 State Treasurer, Secretary of the State, \$10,000; (3) for a
25 candidate for the office of State Senator, \$2,000; or (4) for a

1 candidate for the office of State Representative, \$1,000:

2 (1) Such personal funds shall not constitute a
3 qualifying contribution under Section 5 of this Act.

4 (2) The initial grant that a qualified candidate
5 committee for a candidate is eligible to receive under
6 Section 8 of this Act shall be reduced by the amount of any
7 personal funds that the candidate provides for the
8 candidate's campaign for nomination or election.

9 (d) A candidate shall not incur obligations beyond funds
10 raised or received in accordance with this Act.

11 Section 12. Matching funds.

12 (a) Clean election candidates shall qualify to receive
13 matching funds from the Citizens' Election Fund for
14 contributions received from natural persons, following receipt
15 of initial Citizens' Election Fund grants during both the
16 primary and general election cycles.

17 (b) Clean election candidates shall receive a match from
18 the Citizens' Election Fund on the portion of any given
19 contribution up to \$100 from a natural person, 90% of whom must
20 reside in Illinois.

21 (c) Clean election candidates shall disclose to the Board
22 individual contributions received following receipt of
23 Citizens' Election Fund grants during both the primary and
24 general elections, on a schedule to be adopted by rule.

25 (d) The Board shall direct the State Comptroller to

1 allocate moneys from the Citizens' Election Fund to clean
2 election candidates who have continued to receive
3 contributions following the receipt of initial Citizens'
4 Election Fund grants. The matching funds from the Citizens'
5 Election Fund shall be allocated based upon a 3-to-1 match.

6 (e) Candidates may receive up to 2 times the grant received
7 from the Citizens' Election Fund during both the general
8 primary and general election cycle.

9 (f) Clean election candidates may continue to collect
10 contributions of \$500 or less from natural persons, 90% of whom
11 must reside in Illinois, after receiving the maximum amount of
12 matching funds from the Citizens' Election Fund;
13 notwithstanding the aforementioned, no natural person may
14 contribute more than \$500 in any given general primary or
15 general election to one clean election candidate.

16 Section 13. Creating rules regarding coordination with
17 candidates.

18 (a) A contribution includes anything of value provided in
19 coordination with a candidate for the purpose of influencing
20 the outcome of an election.

21 (b) A coordinated activity is anything of value provided in
22 coordination with a candidate (or party or agent) to influence
23 an election, regardless of whether it contains express
24 advocacy, including payments: in consultation with, or at
25 request or suggestion of, a candidate, party, or agent; using

1 candidate-prepared materials; based on information provided by
2 candidate's campaign for purposes of expenditure; by a spender
3 who during that election cycle has raised funds or acted in an
4 official position for a candidate; for communications about
5 campaign plans, directly or through a party; for in-kind
6 professional services, directly or through a party, other than
7 for voter guide mailings; and in coordination with a candidate
8 to influence election regardless of whether the communication
9 contains express advocacy.

10 Section 14. Contributions in excess of limit. If a
11 contribution is found to be in excess of \$500 during the course
12 of either the primary or general election cycle, the candidate
13 shall notify the Board and turn over the excess contribution
14 within 3 business days to the Citizens' Election Fund,
15 otherwise: (1) the committee shall not receive any additional
16 grants or moneys from the fund for the remainder of the
17 election cycle if the Board determines that the candidate or
18 campaign treasurer of that committee had knowledge of the
19 excess contribution, (2) the campaign treasurer shall be
20 subject to penalties under Article 29 of the Election Code, and
21 (3) the candidate of that candidate committee shall be deemed
22 to be a non participating candidate for the purposes of
23 Sections 1 to 17, inclusive, of this Act if the Board
24 determines that the candidate or campaign treasurer of that
25 committee had knowledge of the excess expenditure. The Board

1 may waive the provisions of this subsection upon determining
2 that an excess contribution is of minor consequence. The Board
3 shall adopt rules establishing standards for making such
4 determinations.

5 Section 15. Exploratory committee. If a candidate has
6 established an exploratory committee, the campaign treasurer
7 of the committee may distribute to the clean election candidate
8 committee only that portion of such surplus that is
9 attributable to contributions that meet the criteria for
10 permissible contributions defined as \$5 to \$500 and shall
11 distribute the remainder of such surplus to the Citizens'
12 Election Fund.

13 Section 16. Board duties. The Board has the following
14 duties:

15 (a) Annually, to issue a report on the status of the
16 Citizens' Election Fund during the previous calendar year. Such
17 report shall include the amount of moneys deposited in the
18 fund, the sources of moneys received by category, the number of
19 contributions, the number of contributors, the amount of moneys
20 expended by category, the recipients of moneys distributed from
21 the fund, and an accounting of the costs incurred by the Board
22 in administering the provisions of Sections 1 to 17, inclusive,
23 of this Act.

24 (b) To establish and administer a program of voluntary

1 trainings on the Citizens' Election Program for candidates and
2 campaign treasurers.

3 (c) Not later than July 1 of the year preceding a general
4 election, to determine whether the amount of moneys in the fund
5 is sufficient to carry out the purposes of Sections 1 to 17,
6 inclusive, of this Act. If the Board determines that such
7 amount is not sufficient to carry out such purposes, the Board
8 shall, not later than 3 days after such later determination,
9 (1) determine the percentage of the fund's obligations that can
10 be met for such election, (2) recalculate the amount of each
11 payment that each qualified candidate committee is entitled to
12 receive under Section 8 of this Act by multiplying such
13 percentage by the amount that such committee would have been
14 entitled to receive under Sections 1 to 17, inclusive, of this
15 Act if there were a sufficient amount of moneys in the fund,
16 and (3) notify each such committee of such insufficiency,
17 percentage, and applicable recalculation. After a qualified
18 candidate committee under Section 8 of this Act first receives
19 any such recalculated payment, the committee may resume
20 accepting contributions. The Board shall also issue a report on
21 that determination.

22 Section 17. Application of Act. Candidates may begin
23 participating under this Act on July 1, 2011 for the 2012
24 general primary and general election cycles, unless the Board
25 declares that the Citizens' Election Fund has insufficient

1 funds.

2 Section 85. The Election Code is amended by changing
3 Sections 9-25.1 and 12A-5 as follows:

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 statute, 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

1 of this Section shall be guilty of a Class A misdemeanor.

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

3 (10 ILCS 5/12A-5)

4 Sec. 12A-5. Internet Guide. The Board shall publish, no
5 later than the 45th day before each ~~a~~ general election ~~in which~~
6 ~~a statewide candidate appears on the ballot~~, an Internet
7 website with the following information:

8 (1) The date and time of the general election.

9 (2) Requirements for a citizen to qualify as an
10 elector.

11 (3) The deadline for registering as an elector in the
12 State of Illinois for the next election.

13 (4) Contact information for local election
14 authorities.

15 (5) A description of the following offices, when they
16 appear on the ballot, including their term of office, basic
17 duties, and base salary: United States President, United
18 States Senator, United States Representative, Governor,
19 Lieutenant Governor, Attorney General, Secretary of State,
20 Treasurer, Comptroller, Illinois Supreme Court Judge, ~~and~~
21 Illinois Appellate Court Judge, State Senator, and State
22 Representative. The Board shall not include information on
23 any office other than the offices listed in this item (5).

24 (6) The names and party affiliations of qualified
25 candidates for the following offices, when these offices

1 appear on the ballot: United States President, United
2 States Senator, United States Representative, Governor,
3 Lieutenant Governor, Attorney General, Secretary of State,
4 Treasurer, Comptroller, Illinois Supreme Court Judge, ~~and~~
5 Illinois Appellate Court Judge, State Senator, and State
6 Representative. The Board shall not include information on
7 candidates for any office other than the offices listed in
8 this item (6).

9 (7) Challenged candidates. Where a candidate's right
10 to appear on the general election ballot has been
11 challenged, and any appeal remains pending regarding those
12 challenges, the challenged candidate may appear on the
13 Internet Guide, subject to the other provisions of Section
14 12A-10. In this instance, the Board may note that the
15 candidate's candidacy has been challenged and that he or
16 she may be removed from the ballot prior to election day.
17 If the candidate is removed from the ballot prior to
18 election day, the Board shall remove the candidate's name
19 and other information from the Internet Guide.

20 (8) Any personal statement and photograph submitted by
21 a candidate named in the Internet Guide, subject to
22 Sections 12A-10 and 12A-35.

23 (9) A means by which an elector may determine what type
24 of balloting equipment is used by his or her local election
25 authority, and the instructions for properly using that
26 equipment.

1 (10) The text of any public question that may appear on
2 the ballot.

3 (11) A mechanism by which electors may determine in
4 which congressional and judicial districts they reside.
5 The Internet Guide shall allow visitors to search for
6 candidates by office (e.g., Governor or United States
7 Senator) and candidate's name.

8 (12) Information concerning how to become an election
9 judge.

10 (13) A list of the clean election candidates in that
11 general election.

12 The Board shall archive the contents of the Internet Guide
13 for a period of at least 5 years.

14 In addition, the Board has the discretion to publish a
15 voters' guide before a general primary election in the manner
16 provided in this Article.

17 (Source: P.A. 94-645, eff. 8-22-05.)

18 Section 90. The State Finance Act is amended by adding
19 Section 5.755 as follows:

20 (30 ILCS 105/5.755 new)

21 Sec. 5.755. The Citizens' Election Fund.

22 Section 95. The Illinois Income Tax Act is amended by
23 adding Section 507UU as follows:

1 (35 ILCS 5/507UU new)

2 Sec. 507UU. Citizens' Election Fund. The Department shall
3 print on its standard individual income tax form a provision
4 indicating that if the taxpayer wishes to contribute to the
5 Citizens' Election Fund, he or she may do so by stating the
6 amount of the contribution (not less than \$1) on the return and
7 that the contribution will reduce the taxpayer's refund or
8 increase the amount of payment to accompany the return. Failure
9 to remit any amount of increased payment shall reduce the
10 contribution accordingly. This Section shall not apply to any
11 amended return.

12 Section 97. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

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