



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1273

Introduced 02/08/11, 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 105/5.786 new

35 ILCS 5/507YY 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.

LRB097 06828 HLH 46919 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 5.786 as follows:

20           (30 ILCS 105/5.786 new)

21           Sec. 5.786. The Citizens' Election Fund.

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

1 (35 ILCS 5/507YY new)

2 Sec. 507YY. 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.