



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1424

Introduced 2/9/2017, by Sen. Daniel Biss - Jacqueline Y. Collins - Andy Manar and Heather A. Steans

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Small Donor Democracy Matching System for Fair Elections Act. Amends the Election Code. Creates a small donor campaign contribution matching system for candidates for the offices of Governor, Attorney General, State Comptroller, State Treasurer, Secretary of State, State Senator, and State Representative. Creates the Small Donor Democracy Matching Fund as a special Fund in the State Treasury. Sets forth requirements for accessing the small donor matching system. Sets forth provisions for the funding of the matching contributions. Imposes limits on the access to matching funds. Allows the General Assembly to increase various amounts, subject to public referendum. Provides for penalties for violations of the provisions. Sets forth disclosure requirements. Creates the Campaign Finance Board within the State Board of Elections to implement the campaign matching system. Amends the State Finance Act to make a conforming change. Includes severability provisions. Effective immediately.

LRB100 08388 MLM 18500 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 referred to as the  
5 Small Donor Democracy Matching System for Fair Elections Act.

6 Section 5. The Election Code is amended by adding Article  
7 9A as follows:

8 (10 ILCS 5/Art. 9A heading new)

9 ARTICLE 9A. CAMPAIGN CONTRIBUTION MATCHING

10 (10 ILCS 5/9A-5 new)

11 Sec. 9A-5. Legislative findings. The General Assembly find  
12 that the current campaign finance system:

13 (1) discourages many otherwise qualified candidates  
14 from running for office because of the need to raise  
15 substantial sums of money to be competitive and to enable  
16 them to adequately get their message out to voters;

17 (2) fuels the public perception of corruption and  
18 undermines public confidence in our democratic process and  
19 republican institutions by forcing candidates to rely  
20 unduly on wealthy individuals and special interests to fund  
21 their campaigns;

1           (3) creates a danger of actual corruption by  
2           encouraging elected officials to take money from private  
3           interests that are directly affected by governmental  
4           actions;

5           (4) forces candidates to raise larger and larger  
6           percentages of money from interest groups that have a  
7           specific financial stake in matters before state  
8           government to keep pace with rapidly increasing campaign  
9           costs;

10           (5) diminishes elected officials' accountability to  
11           their constituents by compelling them to be  
12           disproportionately accountable to the relatively small  
13           group of contributors who finance their election  
14           campaigns;

15           (6) diminishes the rights of all citizens to equal and  
16           meaningful participation in the democratic process;

17           (7) disadvantages challengers, because campaign  
18           contributors tend to give their money to incumbents, thus  
19           causing elections to be less competitive;

20           (8) burdens candidates with the incessant rigors of  
21           fundraising and thus decreases the time available to carry  
22           out their public responsibilities; and

23           (9) necessitates the creation of a Fair Elections Small  
24           Donor Matching System to address these concerns.

1       Sec. 9A-10. Scope. The program created under this Article  
2 applies to candidates for the offices of Governor, Attorney  
3 General, State Comptroller, State Treasurer, Secretary of  
4 State, State Senator, and State Representative. Candidates for  
5 these offices shall be eligible to participate in the matching  
6 funds program established by this Article.

7           (10 ILCS 5/9A-15 new)

8       Sec. 9A-15. Definitions. As used in this Article:

9       "Board" means the Campaign Finance Board of the State Board  
10 of Elections created under this Article.

11       "Candidate" means any person who seeks nomination for  
12 election, election to, or retention in public office as a  
13 Constitutional State Officer, a member of the Illinois Senate  
14 or General Assembly, or a judge for the appellate or supreme  
15 court. A person seeks nomination for election, election or  
16 retention if he or she (1) takes the action necessary under the  
17 laws of this State to attempt to qualify for nomination for  
18 election, election to, or retention in public office or (2)  
19 receives contributions or makes expenditures, or gives consent  
20 for any other person to receive contributions or make  
21 expenditures with a view to bringing about his or her  
22 nomination for election or election to or retention in public  
23 office.

24       "Contribution" has the meaning ascribed to it in Section  
25 9-1.4 of this Code, but does not include anything deemed an

1 independent expenditure under this Article.

2 "Coordination" means an expenditure made in cooperation,  
3 consultation, or concert with or at the request or suggestion  
4 of a candidate, an authorized committee of a candidate, a  
5 political committee of a political party, or agents of the  
6 candidate or candidate political committee, or any payment for  
7 any communication which republishes, disseminates or  
8 distributes, in whole or in part, any broadcast or any written,  
9 graphic, or other form of campaign material prepared by the  
10 candidate or his or her candidate political committee or their  
11 agents.

12 "Election cycle" means either of the two separate periods  
13 under this Code (i) with one cycle beginning on January 1  
14 following a general election and ending on the day of the  
15 general primary and (ii) with a second cycle beginning the day  
16 after the general primary and ending on the December 31  
17 following a general election.

18 "Expenditure" means"

19 (1) a payment, distribution, purchase, loan, advance,  
20 deposit, gift of money, or anything of value, in connection  
21 with the nomination for election, election, or retention of  
22 any person to or in public office or in connection with any  
23 question of public policy; or

24 (2) a payment, distribution, purchase, loan, advance,  
25 deposit, gift of money, or anything of value that  
26 constitutes an electioneering communication made in

1 concert or cooperation with or at the request, suggestion,  
2 or knowledge of a Candidate, a political committee, or any  
3 of their agents; or a transfer of funds by a political  
4 committee to another political committee.

5 However, "expenditure" does not include:

6 (A) the use of real or personal property and the cost  
7 of invitations, food, and beverages, voluntarily provided  
8 by an individual in rendering voluntary personal services  
9 on the individual's residential premises for  
10 Candidate-related activities; provided the value of the  
11 service provided does not exceed an aggregate of \$150 in a  
12 reporting period as the Board may further define; or

13 (B) sale of any food or beverage by a vendor for use in  
14 a Candidate's campaign at a charge less than the normal  
15 comparable charge, if such charge for use in a Candidate's  
16 campaign is at least equal to the cost of such food or  
17 beverage to the vendor.

18 "Fund" means the Small Donor Democracy Matching Fund  
19 established under this Article.

20 "Immediate family" means a person's parents, siblings,  
21 spouse, and children.

22 "Independent expenditure" means an expenditure by anyone,  
23 including, but not limited to, any individual, corporation,  
24 partnership, political action committee, association, or  
25 party, that would otherwise constitute a contribution or  
26 expenditure under this Article, but that is made without any

1 cooperation, consultation, or agreement with any political  
2 candidate.

3 "Initial qualifying contribution" means a qualified  
4 contribution used for the purpose of determining whether a  
5 candidate has raised the minimum number of contributions to  
6 participate in the small donor matching funds program under  
7 this Article.

8 "Matching funds" means funds paid to a participating  
9 candidate under this Article.

10 "Matching funds program" means the campaign donation  
11 matching program created under this Article.

12 "Nomination period" means the period specified under this  
13 Code during which candidates must submit nomination papers for  
14 any of the State offices covered by this Article.

15 "Non-participating candidate" means any candidate who is  
16 not a participating candidate, including any candidate who has  
17 not qualified for matching funds or who has elected not to  
18 participate in the matching funds program.

19 "Participating candidate" means a candidate who qualifies  
20 for matching funds under this Article and opts to participate  
21 in the matching funds program created under this Article.

22 "Qualified contribution" shall mean a monetary  
23 contribution not less than \$25 and not greater than the initial  
24 \$150 of any contribution made by a qualified contributor.

25 "Qualified contributor" means a natural person resident in  
26 the State who will be eligible to vote within the current

1 election cycle other than the candidate, members of the  
2 candidate's immediate family, and any political action  
3 committee controlled by the candidate.

4 "Qualifying period" means the period beginning the day  
5 after the date of the most recent general election for the  
6 specific office or seat that a candidate is seeking and ending  
7 on the day prior to the election (whether primary or general  
8 election) for which the matching funds are sought.

9 (10 ILCS 5/9A-20 new)

10 Sec. 9A-20. Small Donor Democracy Matching Fund.

11 (a) There is created a Small Donor Democracy Matching Fund  
12 as a special fund in the State Treasury. The Fund is  
13 established for the purpose of:

14 (1) providing public financing for the election  
15 campaigns of participating candidates under this Article;  
16 and

17 (2) paying for the administrative and enforcement  
18 costs of the Board related to the matching funds program  
19 created by this Article.

20 (b) The General Assembly shall annually appropriate either  
21 \$1 per resident of this State or one-twentieth of 1% of the  
22 State's annual budget, whichever is greater, to the Fund. Any  
23 increase in the amount of funds appropriated for the Small  
24 Donor Democracy Matching Fund must be approved by three-fifths  
25 of the members of both houses of the General Assembly, and must



1 also be approved by a majority of those voting in the next  
2 consolidated or general election, before any such additional  
3 funds are paid out pursuant to the program established by this  
4 Article.

5 (c) Other revenue that shall be deposited into the Fund  
6 includes:

7 (1) any funds returned by any Participating Candidate  
8 that remain unspent by a Participating Candidate following  
9 the date of the election for which they were distributed,  
10 in accordance with subsection (c) of Section 9A-55 of this  
11 Code;

12 (2) fines levied by the Board or courts against  
13 candidates for violation of violations of this Code, except  
14 as otherwise provided by this Code; and

15 (3) voluntary donations made directly to the Fund.

16 (10 ILCS 5/9A-25 new)

17 Sec. 9A-25. Eligibility for matching funds.

18 (a) To be eligible to be certified as a participating  
19 candidate, a candidate must:

20 (1) during the qualifying period for the election  
21 involved, choose to participate in the matching funds  
22 program by filing with the Board a written application for  
23 certification as a participating candidate in such form as  
24 may be prescribed by the Board, containing the identity of  
25 the participating candidate, the office that the

1 participating candidate seeks, and the participating  
2 candidate's signature, under penalty of perjury,  
3 certifying that:

4 (A) the participating candidate has complied since  
5 the last election or the adoption of this amendatory  
6 Act of the 100th General Assembly, whichever is most  
7 recent, and will continue to comply, with the  
8 restrictions of this Article during the applicable  
9 election cycle; a candidate who has accepted  
10 impermissible contributions prior to filing to  
11 participate in this program shall return any such  
12 impermissible contributions prior to filing to  
13 participate in this matching funds program to the  
14 extent practical, as determined by the Board in adopted  
15 rules;

16 (B) the participating candidate's campaign  
17 committee has filed all campaign finance reports  
18 required by law during the applicable election cycle to  
19 date and that they are complete and accurate; and

20 (2) sign a participating candidate contract signifying  
21 the candidate's prior compliance and continuing commitment  
22 to comply with the requirements of this Article, to comply  
23 with the contribution limits set forth in this Article and  
24 in that contract, and to comply with any other requirements  
25 set forth in that contract;

26 (3) meet all requirements of applicable law to be

1 listed on the ballot; and

2 (4) before the close of the qualifying period, collect  
3 at least the following number of initial qualified  
4 contributions for the office in question:

5 (A) 1,000 qualified contributions for candidates  
6 for Governor;

7 (B) 500 qualified contributions for candidates for  
8 Attorney General, State Comptroller, State Treasurer,  
9 and Secretary of State;

10 (C) 200 qualified contributions for candidates for  
11 State Senator; and

12 (D) 100 qualified contributions for candidates for  
13 State Representative;

14 each initial qualified contribution shall:

15 (i) have the initial qualified contributor's  
16 signature, or an electronic equivalent for any  
17 donations received on-line, signifying that the  
18 initial qualified contributor understands that the  
19 purpose of the initial qualified contribution is  
20 to help the candidate qualify for the matching  
21 funds program and that the contribution is made  
22 without coercion or reimbursement; and

23 (ii) be acknowledged by a written receipt, or  
24 the electronic equivalent for any donation  
25 received on-line, to the initial qualified  
26 contributor, with a copy retained by the

1           candidate; the receipt shall include the initial  
2           qualified contributor's signature, printed name,  
3           home address, and telephone number, if any, and the  
4           name of the candidate on whose behalf the  
5           contribution is made.

6           A contribution for which a candidate has not obtained a  
7           signed and fully completed receipt, or its electronic  
8           equivalent, shall not be counted as an initial qualified  
9           contribution for the purpose of satisfying this  
10          qualification requirement.

11          (b) To remain eligible to continue to receive matching  
12          funds under this Article, a candidate must:

13           (1) maintain records of all contributions, receipts,  
14           and expenditures as required by the Board;

15           (2) obtain and furnish to the Board any information it  
16           may request relating to his or her campaign expenditures,  
17           contributions, and qualified contributions and furnish any  
18           documentation and other proof of compliance with this  
19           Article as may be requested by the Board; and

20           (3) remain in compliance with the requirements set  
21           forth in this Article.

22          (c) At the earliest practicable time after a candidate  
23          files a written application for certification as a  
24          participating candidate with the Board, in no event exceeding  
25          10 business days, the Board shall certify in writing that the  
26          candidate is or is not eligible. Eligibility may be revoked if

1 the Board determines, after appropriate due process, that a  
2 candidate has committed a substantial violation of the  
3 requirements of this Article, in which case all matching funds  
4 granted to the candidate shall be repaid to the Fund. A  
5 determination shall be made by the Board after an appropriate  
6 hearing, affording due process to the aggrieved party, under  
7 rules to be adopted by the Board that further define what  
8 constitutes a "substantial violation" and that set forth the  
9 procedures to be followed in connection with any such hearing.

10 (10 ILCS 5/9A-30 new)

11 Sec. 9A-30. Matching funds payments.

12 (a) A candidate who is certified as a participating  
13 candidate shall receive payment of matching funds equal to 6  
14 times the amount of qualified contributions received by the  
15 participating candidate during the election cycle with respect  
16 to a single election subject to the aggregate limit on the  
17 total amount of matching funds payments to a participating  
18 candidate specified in subsection (b) of this Section, unless  
19 the candidate has no opposition on the ballot. Unopposed  
20 candidates shall not be eligible to receive matching funds  
21 unless and until they cease to be unopposed.

22 (b) Subject to the requirements of subsection (a) of  
23 Section 9A-40 of this Code, the aggregate amount of matching  
24 funds payments that may be made to a participating candidate  
25 during an election cycle may not exceed the following:

1           (1) \$5,000,000 for candidates for Governor;

2           (2) \$1,000,000 for candidates for Attorney General,  
3           State Comptroller, State Treasurer, and Secretary of  
4           State;

5           (3) \$300,000 for candidates for State Senator; and

6           (4) \$150,000 for candidates for State Representative.

7           (c) A participating candidate's application for matching  
8           funds, including an initial request submitted with an  
9           application for certification as a participating candidate,  
10           shall be made using a form prescribed by the Board and shall be  
11           accompanied as necessary by initial qualified contribution  
12           receipts and any other information the Board requires by rule.  
13           This application shall be accompanied by a signed statement  
14           from the participating candidate indicating that all  
15           information on the initial qualified contribution receipts is  
16           complete and accurate to the best of the participating  
17           candidate's knowledge. The Board shall verify that a  
18           participating candidate's qualified contributions meet all of  
19           the requirements and limitations of this Article prior to the  
20           disbursement of matching funds to the participating candidate.

21           (d) The Board shall make an initial payment of the matching  
22           funds within 10 business days of the Board's certification of a  
23           participating candidate's eligibility in accordance with the  
24           provisions of this Article, or as soon thereafter as is  
25           practicable.

26           (e) The Board shall establish a schedule for the submission

1 of matching funds payment requests, permitting a participating  
2 candidate submit a matching funds payment request at least once  
3 per month, in accordance with a schedule established by the  
4 Board.

5 (f) In the event that 90% of the existing Fund has been  
6 distributed, the Board shall give notice within 24 hours to all  
7 candidates that only 10% of the Fund remains. Thereafter, the  
8 Board shall make no further Matching Fund payments until after  
9 election day and it shall only pay any requests submitted after  
10 notice has been distributed under this subsection (f)  
11 proportionally, spread over all candidates and requests  
12 equally, in a manner to be determined in greater detail  
13 pursuant to rules adopted by the Board.

14 (10 ILCS 5/9A-35 new)

15 Sec. 9A-35. Limits on contributions.

16 (a) Subject to the requirements of subsection (a) of  
17 Section 9A-40 of this Code, no candidate shall accept, directly  
18 or indirectly, any contribution (or combination of  
19 contributions) from the same person, corporation, partnership,  
20 political party, political action committee or other legal  
21 entity in excess of \$500. However, if a candidate in the  
22 participating candidate's race exceeds the self-funding  
23 thresholds established in subsection (h) of Section 9-8.5 of  
24 this Code for that race, the limitation under this subsection  
25 (a) is increased \$2,500.

1       (b) No participating candidate shall accept any  
2 contribution (or combination of contributions) from any  
3 person, corporation, partnership or other legal entity who  
4 lobbies members of the State executive or legislative branches,  
5 within the meaning of the Lobbyist Registration Act, or does  
6 business with the State. No participating candidate shall  
7 encourage, support, cooperate, or coordinate with any  
8 independent expenditure committee or any individual engaging  
9 in independent expenditures, whether in support of the  
10 candidate or in opposition to the candidate's opponent. The  
11 Board may adopt additional rules defining who constitutes a  
12 "lobbyist" and who is deemed to be "doing business" with the  
13 State within the meaning of this Article.

14       (c) No participating candidate shall make expenditures  
15 from or use his or her own personal funds or the personal funds  
16 or property held jointly with members of his or her immediate  
17 family in connection with his or her nomination for election or  
18 election, except as a contribution to his or her political  
19 committee in an amount that does not exceed 6 times the maximum  
20 contribution applicable under subsection (a) of this Section.  
21 No participating candidate shall make expenditures from or use  
22 other personal funds or property of his or her immediate family  
23 in furtherance of his or her own campaign.

24       (10 ILCS 5/9A-40 new)

25       Sec. 9A-40. Adjustment.



1       (a) The Board shall revise the limits on contributions and  
2 on overall contributions at least one year prior to the next  
3 general primary election. The Board shall adjust them by an  
4 amount equal to the change in the Consumer Price Index for all  
5 Urban Consumers for all items published by the United States  
6 Department of Labor for the 12-month calendar year preceding  
7 readjustment. Amounts shall be rounded to the nearest \$10. The  
8 revised overall limits shall be published no later than one  
9 year prior to the date of the next general primary election.

10       (b) The General Assembly shall review the amounts and  
11 numbers of required initial qualifying contributions, the  
12 ratio of matching funds, the additional limits on  
13 contributions, and the limits on overall contributions in the  
14 6-month period following each general election to determine if  
15 they shall stay the same, after any adjustment for inflation  
16 under subsection (a) of this Section, or be increased for the  
17 next general primary election and general election.

18       (c) If the General Assembly determines that any of the  
19 figures specified in subsection (b) of this Section should  
20 change, then any proposed change, other than an adjustment for  
21 inflation under subsection (a) of this Section, shall be  
22 adopted for the next general election by a majority vote of  
23 each chamber of the General Assembly and shall also be  
24 submitted to the voters via a binding referendum for  
25 ratification at the next consolidated election for approval or  
26 rejection with respect to any future general elections.

1 (10 ILCS 5/9A-45 new)

2 Sec. 9A-45. Campaign accounts for participating  
3 candidates. During an election cycle, each participating  
4 candidate shall conduct all campaign financial activities  
5 through a single political action committee, consistent  
6 subsection (b) of Section 9-2 of this Code, and shall comply  
7 with any additional record keeping requirements imposed under  
8 this Article by the Board.

9 (10 ILCS 5/9A-50 new)

10 Sec. 9A-50. Expenditures of matching funds.

11 (a) A participating candidate shall use matching funds only  
12 for direct campaign purposes. The Board may further define the  
13 phrase "direct campaign purposes" by rule.

14 (b) Neither a participating candidate nor anyone acting on  
15 his or her behalf shall use matching funds for:

16 (1) costs of legal defense in any campaign law  
17 enforcement proceeding;

18 (2) indirect campaign purposes, including, but not  
19 limited to:

20 (A) the participating candidate's personal support  
21 or compensation to the participating candidate or the  
22 participating candidate's immediate family;

23 (B) clothing, haircuts, and other items related to  
24 the participating candidate's personal appearance;

1           (C) a contribution or loan to the campaign  
2           committee of another candidate, a party committee, or  
3           other political committee;

4           (D) an independent expenditure;

5           (E) automobile purchases, tuition payments, or  
6           childcare costs;

7           (F) dues, fees, or gratuities at a country club,  
8           health club, recreational facility, or other  
9           nonpolitical organization unless part of a specific  
10           fundraising event that takes place on the  
11           organization's premises;

12           (G) admission to a sporting event, theater,  
13           concert, or other entertainment event not part of a  
14           specific campaign activity; or

15           (H) gifts, except for brochures, buttons, signs,  
16           and other campaign materials and token gifts valued at  
17           not more than \$50 that are for the purpose of  
18           expressing gratitude, condolences, or congratulations.

19           (10 ILCS 5/9A-55 new)

20           Sec. 9A-55. Disclosure requirements and procedures; return  
21           of funds.

22           (a) Each participating candidate shall file reports of  
23           contribution receipts and of expenditures of matching funds and  
24           other campaign funds at such times and in such manners as the  
25           Board may prescribe by rule, including, but not limited to,

1 reports containing information necessary to verify that the  
2 qualified contributions received by participating candidates  
3 and that the matching funds spent by participating candidates  
4 comply with the restrictions and requirements of this Article.

5 (b) The Board by rule shall adopt procedures for auditing  
6 any reports filed with it as well as related reports filed with  
7 the State Board of Elections and issuing a public report  
8 summarizing the election results, the campaign expenditures  
9 made in connection with offices covered by this Article, and  
10 the level and amount of matching funds provided to each  
11 campaign.

12 (c) Within 90 days after the consolidated or general  
13 election, every participating candidate who received matching  
14 funds under this Article shall repay the Fund any unused  
15 matching funds, calculated as follows: any unused campaign  
16 funds shall be multiplied by a ratio consisting of the total  
17 amount of matching funds received by the campaign in the  
18 numerator and the total amount of campaign funds raised by the  
19 campaign in the denominator. The amount of any repayment under  
20 this subsection (c) shall not exceed the total amount of  
21 matching funds paid to the campaign.

22 (10 ILCS 5/9A-60 new)

23 Sec. 9A-60. Joint campaign contributions and expenditures.  
24 Where multiple candidates are otherwise permitted under State  
25 law to engage in joint efforts to raise campaign contributions

1 or in joint campaign expenditures, any contribution received at  
2 a joint fundraising event and any joint campaign expenditures  
3 shall be appropriately allocated among the participating  
4 candidates in a reasonable manner to be agreed upon by those  
5 candidates participating in the activity. The Board may review  
6 the reasonableness of any allocation under this Section.

7 (10 ILCS 5/9A-65 new)

8 Sec. 9A-65. Application of contribution and expenditure  
9 limitations to certain political activities. Nothing in this  
10 Article shall be construed to restrict candidates or their  
11 agents from making appearances at events sponsored or paid for  
12 by persons, political committees, or other entities that are  
13 not in any way affiliated with the candidate or any agent of  
14 the candidate. The costs of these events shall not be  
15 considered contributions to or expenditures by the candidate  
16 for purpose of this Article simply because the candidate or  
17 agent appears at such an event. However, this provision does  
18 not apply to events at which contributions are solicited on  
19 behalf of the participating candidate.

20 (10 ILCS 5/9A-70 new)

21 Sec. 9A-70. Campaign Finance Board; general powers and  
22 duties.

23 (a) A Campaign Finance Board is created within the State  
24 Board of Elections, consisting of 5 members. Two members of the

1 Board shall be appointed by the Governor, provided that not  
2 more than one member appointed by the Governor shall be a  
3 member of any one political party or caucus, if two or more  
4 parties or caucuses are represented in the General Assembly;  
5 one member of the Board shall be appointed by majority vote of  
6 the Senate and one member of the Board shall be appointed by a  
7 majority of vote of the House of Representatives; and a  
8 non-partisan chairperson shall be appointed by the Governor,  
9 subject to the approval of a majority of the Senate. The  
10 initial appointments required under this subsection (a) shall  
11 be made within 6 months of the effective date of this  
12 amendatory Act of 100th General Assembly, and their terms shall  
13 commence on the January 1 following appointment. The terms of  
14 office for the initial appointees shall be as follows:

15 (1) the initial member selected by the House of  
16 Representatives shall serve a term of one year;

17 (2) one initial member selected by the Governor shall  
18 serve a term of 2 years;

19 (3) the initial member selected by the Senate shall  
20 serve a term of 3 years;

21 (4) one initial member selected by the Governor shall  
22 serve a term of 4 years; and

23 (5) the initial chairperson shall serve a term of 5  
24 years.

25 Thereafter, each member shall be appointed for a term of  
26 five years, according to the original manner of appointment. In

1 the case of a vacancy in the office of a member, a member shall  
2 be selected to serve the remainder of the unexpired term in the  
3 same manner the vacating member was selected. Members shall  
4 serve no more than 3 consecutive terms. No member of the Board  
5 may be removed from office except for cause, after notice and a  
6 hearing by the Senate.

7 (b) To be eligible to serve as a member of the Board, an  
8 individual must meet all of the following qualifications  
9 throughout the period of his or her service:

10 (1) the member must be a resident of Illinois, eligible  
11 and registered to vote;

12 (2) the member must agree that he or she and any  
13 members of his or her immediate family will not make any  
14 contributions to any candidate for any of the offices  
15 eligible to receive matching funds during his or her term  
16 of service;

17 (3) the member must agree not to (i) serve as an  
18 officer of a political party or (ii) be a candidate or  
19 participate in any capacity in a campaign by a candidate  
20 for any of the offices eligible to receive public matching  
21 funds under this Article during his or her term of service;

22 (4) the member may not otherwise be an officer or  
23 employee of the State, nor a lobbyist engaged in lobbying  
24 any elected officials of the State; and

25 (5) the member must agree to undergo training under the  
26 supervision of the chairperson of the Board.

1       (c) Subject to appropriations, the members of the Board  
2 shall be compensated at a rate specified by law while  
3 performing the work of the Board.

4       (d) The Board may employ necessary staff, including  
5 attorneys and accountants, and may utilize the services of  
6 employees of the State Board of Elections to assist the Board  
7 in carrying out its duties. Subject to appropriations, the  
8 total budget for the Board's operations shall not be less than  
9 .01% of the overall State budget.

10       (e) The Board shall have the authority to adopt rules and  
11 provide forms as it deems necessary to administer the matching  
12 funds system created by this Article. The Board shall adopt  
13 rules concerning the form in which contributions and  
14 expenditures are to be reported, the periods during which such  
15 reports must be filed, the measures for auditing and reporting  
16 on campaign contributions and expenditures and the  
17 verification required.

18       (f) The Board shall have the power to investigate all  
19 matters relating to the performance of its functions and any  
20 other matter relating to the proper administration of this  
21 Article. It shall have the power to require the attendance of  
22 witnesses, to examine and take testimony under oath of any  
23 persons as it shall deem necessary, and to require the  
24 production of books, accounts, papers, and any other relevant  
25 evidence relative to such investigation.

26       (g) The Board shall develop a program for informing



1 candidates and the public about the small donor matching funds  
2 system created by this Article. The Board may prepare and make  
3 available educational materials, including compliance manuals  
4 and summaries of the relevant provisions of this program. The  
5 Board shall prepare and make available materials including, to  
6 the extent feasible, computer software, to facilitate the task  
7 of compliance with the disclosure and record-keeping  
8 requirements under this Article.

9 (h) The Board shall have the power to render advisory  
10 opinions with respect to questions arising under this Article.  
11 These opinions may be requested in writing by any candidate,  
12 political committee, member of the general public, or member of  
13 the Board. The Board shall adopt rules regarding submissions  
14 and responses to such requests, including response times. The  
15 Board shall make public its response to any such requests, as  
16 well as to any other formal rulings or interpretations it  
17 makes, including by posting them on its website, if  
18 practicable.

19 (i) The Board shall have the authority to implement any  
20 system established for the regulation of inauguration and  
21 transition donations and expenditures, including any related  
22 penalties. It shall also have the authority to adopt and  
23 implement a system for handling the transition from the  
24 existing campaign finance system and any pre-existing  
25 political committees and contributions to the small donor  
26 matching funds system implemented by this Article.

1       (j) The Board may take such other actions as are necessary  
2 and proper to carry out its functions and the purposes of  
3 adoption of a small donor matching funds system. The specific  
4 grants of power under this Section do not constitute and shall  
5 not be construed as limitations on the other proper and  
6 necessary powers of the Board.

7       (k) All final administrative decisions under this Article  
8 are subject to judicial review under the Administrative Review  
9 Law and its rules.

10       (10 ILCS 5/9A-75 new)

11       Sec. 9A-75. Public campaign financing program penalties.

12       (a) If a participating candidate knowingly accepts or  
13 spends matching funds in violation of this Article, then the  
14 candidate shall repay to the Fund a civil fine in an amount  
15 equal to twice the value of the funding unlawfully accepted or  
16 spent.

17       (b) The Board shall, after a hearing affording the  
18 aggrieved party due process, have the authority to impose the  
19 fine created by this Section, to order repayment of  
20 overpayments that were not knowingly received, and to take any  
21 other appropriate action, pursuant to any additional rules  
22 concerning such hearings as the Board shall adopt.

23       (c) Any member of the public, as well as the Board on its  
24 own initiative, shall have standing to file a complaint with  
25 the Board alleging a violation of this Article. In the event a

1 complaint is filed by an opposing Candidate, or in coordination  
2 with an opposing Candidate's campaign, the Board shall have the  
3 option of awarding costs and attorneys' fees in the event the  
4 complaint is found to have been lacking a reasonable basis.

5 (d) The Board shall adopt appropriate rules guaranteeing  
6 notice and due process to anyone accused of violating this  
7 Article and setting forth the process the Board will follow in  
8 investigating and adjudicating any such complaint.

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

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/Art. 9A heading

4 new

5 10 ILCS 5/9A-5 new

6 10 ILCS 5/9A-10 new

7 10 ILCS 5/9A-15 new

8 10 ILCS 5/9A-20 new

9 10 ILCS 5/9A-25 new

10 10 ILCS 5/9A-30 new

11 10 ILCS 5/9A-35 new

12 10 ILCS 5/9A-40 new

13 10 ILCS 5/9A-45 new

14 10 ILCS 5/9A-50 new

15 10 ILCS 5/9A-55 new

16 10 ILCS 5/9A-60 new

17 10 ILCS 5/9A-65 new

18 10 ILCS 5/9A-70 new

19 10 ILCS 5/9A-75 new