



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 1424

2 AMENDMENT NO. _____. Amend Senate Bill 1424 by replacing
3 everything after the enacting clause with the following:

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 changing Section
7 9-25.1 and by adding Article 9A as follows:

8 (10 ILCS 5/9-25.1) (from Ch. 46, par. 9-25.1; formerly Ch.
9 46, pars. 102, 103 and 104)

10 Sec. 9-25.1. Election interference.

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

14 (b) No public funds shall be used to urge any elector to
15 vote for or against any candidate or proposition, or be

1 appropriated for political or campaign purposes to any
2 candidate or political organization. This Section shall not
3 prohibit the use of public funds for dissemination of factual
4 information relative to any proposition appearing on an
5 election ballot, or for dissemination of information and
6 arguments published and distributed under law in connection
7 with a proposition to amend the Constitution of the State of
8 Illinois. However, this Section does not apply to funds
9 expended in connection with the campaign contribution matching
10 program established in Article 9A of this Code or similar
11 systems of public financing for elections established by a home
12 rule unit of government.

13 (c) The first time any person violates any provision of
14 this Section, that person shall be guilty of a Class B
15 misdemeanor. Upon the second or any subsequent violation of any
16 provision of this Section, the person violating any provision
17 of this Section shall be guilty of a Class A misdemeanor.

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

19 (10 ILCS 5/Art. 9A heading new)

20 ARTICLE 9A. CAMPAIGN CONTRIBUTION MATCHING

21 (10 ILCS 5/9A-5 new)

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

24 (1) discourages many otherwise qualified candidates

1 from running for office because of the need to raise
2 substantial sums of money to be competitive and to enable
3 them to adequately get their message out to voters;

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

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

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

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

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

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

24 (10 ILCS 5/9A-10 new)

25 Sec. 9A-10. Scope. The program created under this Article

1 applies to candidates for the offices of Governor, Attorney
2 General, State Comptroller, State Treasurer, Secretary of
3 State, State Senator, and State Representative. Candidates for
4 these offices are eligible to participate in the matching funds
5 program established by this Article.

6 (10 ILCS 5/9A-15 new)

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

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

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

22 "Contribution" has the meaning ascribed to it in Section
23 9-1.4 of this Code, but does not include anything deemed an
24 independent expenditure under this Article.

25 "Coordination" means an expenditure made in cooperation,

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

10 "Election cycle" means the time beginning the January 1
11 following a general election and ending on the December 31
12 following the next general election.

13 "Expenditure" means"

14 (1) a payment, distribution, purchase, loan, advance,
15 deposit, gift of money, or anything of value, in connection
16 with the nomination for election, election, or retention of
17 any person to or in public office or in connection with any
18 question of public policy; or

19 (2) a payment, distribution, purchase, loan, advance,
20 deposit, gift of money, or anything of value that
21 constitutes an electioneering communication made in
22 concert or cooperation with or at the request, suggestion,
23 or knowledge of a Candidate, a political committee, or any
24 of their agents; or a transfer of funds by a political
25 committee to another political committee.

26 However, "expenditure" does not include:

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

8 (B) sale of any food or beverage by a vendor for use in
9 a Candidate's campaign at a charge less than the normal
10 comparable charge, if such charge for use in a Candidate's
11 campaign is at least equal to the cost of such food or
12 beverage to the vendor.

13 "Fund" means the Small Donor Democracy Matching Fund
14 established under this Article.

15 "Immediate family" means a person's parents, siblings,
16 spouse, and children.

17 "Independent expenditure" means an expenditure by anyone,
18 including, but not limited to, any individual, corporation,
19 partnership, political action committee, association, or
20 party, that would otherwise constitute a contribution or
21 expenditure under this Article, but that is made without any
22 cooperation, consultation, or agreement with any political
23 candidate.

24 "Initial qualifying contribution" means a qualified
25 contribution used for the purpose of determining whether a
26 candidate has raised the minimum number of contributions to

1 participate in the small donor matching funds program under
2 this Article.

3 "Matching funds" means funds paid to a participating
4 candidate under this Article.

5 "Matching funds program" means the campaign donation
6 matching program created under this Article.

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

10 "Non-participating candidate" means any candidate who is
11 not a participating candidate, including any candidate who has
12 not qualified for matching funds or who has elected not to
13 participate in the matching funds program.

14 "Participating candidate" means a candidate who qualifies
15 for matching funds under this Article and opts to participate
16 in the matching funds program created under this Article.

17 "Qualified contribution" shall mean a monetary
18 contribution not less than \$25 and not greater than the initial
19 \$150 of any contribution made by a qualified contributor.

20 "Qualified contributor" means a natural person resident in
21 the State who will be eligible to vote within the current
22 election cycle other than the candidate, members of the
23 candidate's immediate family, and any political action
24 committee controlled by the candidate.

25 "Qualifying period" means the period beginning the day
26 after the date of the most recent general election for the

1 specific office or seat that a candidate is seeking and ending
2 on the day prior to the election (whether primary or general
3 election) for which the matching funds are sought.

4 (10 ILCS 5/9A-20 new)

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

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

9 (1) providing public financing for the election
10 campaigns of participating candidates under this Article;
11 and

12 (2) paying for the administrative and enforcement
13 costs of the Board related to the matching funds program
14 created by this Article.

15 (b) The General Assembly shall annually appropriate either
16 \$1 per resident of this State or one-twentieth of 1% of the
17 State's annual budget, whichever is greater, to the Fund. The
18 General Assembly shall appropriate no more than \$50,000,000 to
19 the Fund in any election cycle.

20 (c) Other revenue that shall be deposited into the Fund
21 includes:

22 (1) any funds returned by any Participating Candidate
23 that remain unspent by a Participating Candidate following
24 the date of the election for which they were distributed,
25 in accordance with subsection (c) of Section 9A-55 of this

1 Code;

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

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

6 (10 ILCS 5/9A-25 new)

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

8 (a) To be eligible to be certified as a participating
9 candidate, a candidate must:

10 (1) during the qualifying period for the election
11 involved, choose to participate in the matching funds
12 program by filing with the Board a written application for
13 certification as a participating candidate in such form as
14 may be prescribed by the Board, containing the identity of
15 the participating candidate, the office that the
16 participating candidate seeks, and the participating
17 candidate's signature, under penalty of perjury,
18 certifying that:

19 (A) the participating candidate has complied since
20 the last election or the adoption of this amendatory
21 Act of the 100th General Assembly, whichever is most
22 recent, and will continue to comply, with the
23 restrictions of this Article during the applicable
24 election cycle; a candidate who has accepted
25 impermissible contributions prior to filing to

1 participate in this program shall return any such
2 impermissible contributions prior to filing to
3 participate in this matching funds program to the
4 extent practical, as determined by the Board in adopted
5 rules;

6 (B) the participating candidate's campaign
7 committee has filed all campaign finance reports
8 required by law during the applicable election cycle to
9 date and that they are complete and accurate; and

10 (2) sign a participating candidate contract signifying
11 the candidate's prior compliance and continuing commitment
12 to comply with the requirements of this Article, to comply
13 with the contribution limits set forth in this Article and
14 in that contract, and to comply with any other requirements
15 set forth in that contract;

16 (3) meet all requirements of applicable law to be
17 listed on the ballot; and

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

21 (A) 1,000 qualified contributions for candidates
22 for Governor;

23 (B) 500 qualified contributions for candidates for
24 Lieutenant Governor, Attorney General, State
25 Comptroller, State Treasurer, and Secretary of State;

26 (C) 200 qualified contributions for candidates for

1 State Senator; and

2 (D) 100 qualified contributions for candidates for
3 State Representative;

4 each initial qualified contribution shall:

5 (i) have the initial qualified contributor's
6 signature, or an electronic equivalent for any
7 donations received on-line, signifying that the
8 initial qualified contributor understands that the
9 purpose of the initial qualified contribution is
10 to help the candidate qualify for the matching
11 funds program and that the contribution is made
12 without coercion or reimbursement; and

13 (ii) be acknowledged by a written receipt, or
14 the electronic equivalent for any donation
15 received on-line, to the initial qualified
16 contributor, with a copy retained by the
17 candidate; the receipt shall include the initial
18 qualified contributor's signature, printed name,
19 home address, and telephone number, if any, and the
20 name of the candidate on whose behalf the
21 contribution is made.

22 A contribution for which a candidate has not obtained a
23 signed and fully completed receipt, or its electronic
24 equivalent, shall not be counted as an initial qualified
25 contribution for the purpose of satisfying this
26 qualification requirement.

1 (b) In addition to the requirements of subsection (a) of
2 this Section, in order for a candidate for Governor or
3 Lieutenant Governor to be eligible to be certified as a
4 participating candidate, the other member of the team of
5 candidates for the offices of Governor and Lieutenant Governor
6 must also be a participating candidate.

7 (c) To remain eligible to continue to receive matching
8 funds under this Article, a candidate must:

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

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

16 (3) remain in compliance with the requirements set
17 forth in this Article.

18 (d) At the earliest practicable time after a candidate
19 files a written application for certification as a
20 participating candidate with the Board, in no event exceeding
21 10 business days, the Board shall certify in writing that the
22 candidate is or is not eligible. Eligibility may be revoked if
23 the Board determines, after appropriate due process, that a
24 candidate has committed a substantial violation of the
25 requirements of this Article, in which case all matching funds
26 granted to the candidate shall be repaid to the Fund. A

1 determination shall be made by the Board after an appropriate
2 hearing, affording due process to the aggrieved party, under
3 rules to be adopted by the Board that further define what
4 constitutes a "substantial violation" and that set forth the
5 procedures to be followed in connection with any such hearing.

6 (10 ILCS 5/9A-30 new)

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

8 (a) A candidate who is certified as a participating
9 candidate shall receive payment of matching funds equal to 6
10 times the amount of qualified contributions received by the
11 participating candidate during the election cycle with respect
12 to a single election subject to the aggregate limit on the
13 total amount of matching funds payments to a participating
14 candidate specified in subsection (b) of this Section, unless
15 the candidate has no opposition on the ballot. Unopposed
16 candidates shall not be eligible to receive matching funds
17 unless and until they cease to be unopposed; however, any
18 candidate that had already received matching funds under this
19 Article prior to becoming unopposed shall be entitled to retain
20 those funds and spend those funds in accordance with Section
21 9A-50 of this Code.

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 Lieutenant Governor,
3 Attorney General, State Comptroller, State Treasurer, and
4 Secretary of 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 to \$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 10 times the
20 maximum contribution applicable under subsection (a) of this
21 Section. No participating candidate shall make expenditures
22 from or use other personal funds or property of his or her
23 immediate family 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 appointed by the

1 Governor with the approval of a majority of both the House of
2 Representatives and the Senate. Each party or caucus
3 represented in the General Assembly shall have at least one
4 member on the Board. However, the Chairperson of the Board
5 shall not be affiliated any political party. The initial
6 appointments required under this subsection (a) shall be made
7 within 6 months of the effective date of this amendatory Act of
8 100th General Assembly, and their terms shall commence on the
9 January 1 following appointment. The terms of office for the
10 initial appointees shall be, except for the Chairperson,
11 determined by lot as follows:

12 (1) one member shall serve a term of one year;

13 (2) one member shall serve a term of 2 years;

14 (3) one member shall serve a term of 3 years;

15 (4) one member shall serve a term of 4 years; and

16 (5) the initial Chairperson shall serve a term of 5
17 years.

18 Thereafter, each member shall be appointed for a term of
19 five years, according to the original manner of appointment. In
20 the case of a vacancy in the office of a member, a member shall
21 be selected to serve the remainder of the unexpired term in the
22 same manner the vacating member was selected. Members shall
23 serve no more than 3 consecutive terms. No member of the Board
24 may be removed from office except for cause, after notice and a
25 hearing by the Senate.

26 (b) To be eligible to serve as a member of the Board, an

1 individual must meet all of the following qualifications
2 throughout the period of his or her service:

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

5 (2) the member must agree that he or she and any
6 members of his or her immediate family will not make any
7 contributions to any candidate for any of the offices
8 eligible to receive matching funds during his or her term
9 of service;

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

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

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

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

23 (d) The Board may employ necessary staff, including
24 attorneys and accountants, and may utilize the services of
25 employees of the State Board of Elections to assist the Board
26 in carrying out its duties. Subject to appropriations, the

1 total budget for the Board's operations shall not be less than
2 .01% of the overall State budget.

3 (e) The Board shall have the authority to adopt rules and
4 provide forms as it deems necessary to administer the matching
5 funds system created by this Article. The Board shall adopt
6 rules concerning the form in which contributions and
7 expenditures are to be reported, the periods during which such
8 reports must be filed, the measures for auditing and reporting
9 on campaign contributions and expenditures and the
10 verification required.

11 (f) The Board shall have the power to investigate all
12 matters relating to the performance of its functions and any
13 other matter relating to the proper administration of this
14 Article. It shall have the power to require the attendance of
15 witnesses, to examine and take testimony under oath of any
16 persons as it shall deem necessary, and to require the
17 production of books, accounts, papers, and any other relevant
18 evidence relative to such investigation.

19 (g) The Board shall develop a program for informing
20 candidates and the public about the small donor matching funds
21 system created by this Article. The Board may prepare and make
22 available educational materials, including compliance manuals
23 and summaries of the relevant provisions of this program. The
24 Board shall prepare and make available materials including, to
25 the extent feasible, computer software, to facilitate the task
26 of compliance with the disclosure and record-keeping

1 requirements under this Article.

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

12 (i) The Board shall have the authority to implement any
13 system established for the regulation of inauguration and
14 transition donations and expenditures, including any related
15 penalties. It shall also have the authority to adopt and
16 implement a system for handling the transition from the
17 existing campaign finance system and any pre-existing
18 political committees and contributions to the small donor
19 matching funds system implemented by this Article.

20 (j) The Board may take such other actions as are necessary
21 and proper to carry out its functions and the purposes of
22 adoption of a small donor matching funds system. The specific
23 grants of power under this Section do not constitute and shall
24 not be construed as limitations on the other proper and
25 necessary powers of the Board.

26 (k) All final administrative decisions under this Article

1 are subject to judicial review under the Administrative Review
2 Law and its rules.

3 (10 ILCS 5/9A-75 new)

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

5 (a) If a participating candidate knowingly accepts or
6 spends matching funds in violation of this Article, then the
7 candidate shall repay to the Fund a civil fine in an amount
8 equal to twice the value of the funding unlawfully accepted or
9 spent.

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

16 (c) Any member of the public, as well as the Board on its
17 own initiative, shall have standing to file a complaint with
18 the Board alleging a violation of this Article. In the event a
19 complaint is filed by an opposing Candidate, or in coordination
20 with an opposing Candidate's campaign, the Board shall have the
21 option of awarding costs and attorneys' fees in the event the
22 complaint is found to have been lacking a reasonable basis.

23 (d) The Board shall adopt appropriate rules guaranteeing
24 notice and due process to anyone accused of violating this
25 Article and setting forth the process the Board will follow in

1 investigating and adjudicating any such complaint.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".