

1 AN ACT concerning judicial elections.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Supreme Court Campaign Reform Act.

6 Section 5. Definitions. In this Act:

7 "Allowable contribution" means a qualifying contribution,
8 a seed money contribution, or a personal contribution
9 authorized by this Act.

10 "Candidate" means any person seeking election to or
11 retention in the office of Judge of the Illinois Supreme
12 Court.

13 "Campaign" includes the primary election campaign period
14 and the general election campaign period.

15 "General election campaign period" means the period
16 beginning on the day after the general primary election and
17 ending on the day of the general election.

18 "Electioneering communication expenditure" means an
19 expenditure for any broadcast, cable, or satellite
20 communication, that refers to a clearly identified candidate
21 for Supreme Court, that is made within 60 days before a
22 general election or 30 days before a general primary
23 election, and that is broadcast to voters in the district
24 where the candidate is on the ballot. "Electioneering
25 communication" does not mean a communication appearing in a
26 news story, commentary, or editorial included in the course
27 of regularly scheduled news coverage or a communication that
28 constitutes a candidate debate or forum."

29 "Eligible candidate" means a candidate for the office of
30 Judge of the Supreme Court who qualifies for public
31 financing by collecting the required number of qualifying

1 contributions, making all required reports and disclosures,
2 and being certified by the State Board as being in compliance
3 with this Act.

4 "Excess expenditure amount" means the amount of
5 expenditures made by a non-participating candidate in excess
6 of the public financing benefit available to an eligible
7 candidate for the same office that the non-participating
8 candidate seeks.

9 "Excess qualifying contribution amount" means the amount
10 of qualifying contributions accepted by a candidate beyond
11 the number or dollar amount of contributions required to
12 qualify a candidate for a public financing benefit.

13 "Exploratory period" means the period that begins one
14 year prior to the general primary election date and ends on
15 the day before the beginning of the primary election campaign
16 period for Judges of the Supreme Court.

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

22 "Immediate family", when used with reference to a
23 candidate, includes the candidate's spouse, parents, and
24 children.

25 "Independent expenditure" means an expenditure by a
26 person expressly advocating the election or defeat of a
27 clearly identified candidate that is made without cooperation
28 or consultation with a candidate, or any political committee
29 or agent of a candidate, and that is not made in concert
30 with, or at the request or suggestion of, any candidate or
31 any political committee or agent of a candidate.

32 "Non-participating candidate" means a candidate for the
33 office of Judge of the Supreme Court who does not apply for a
34 public financing benefit or who otherwise is ineligible or

1 fails to qualify for a public financing benefit under this
2 Act.

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

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

9 "Public financing qualifying period" means the period
10 beginning on the first day of July of an odd-numbered year
11 and ending on the day before the beginning of the primary
12 election campaign period for the office of Judge of the
13 Supreme Court.

14 "Qualifying contribution" means a contribution between \$5
15 and \$25 to a candidate made by a resident, at least 18 years
16 old, of the district in which the candidate seeks office and
17 made during the public financing qualifying period that is
18 acknowledged by written receipt identifying the contributor.
19 An individual may make only one qualifying contribution per
20 candidate.

21 "Qualifying report" is a list of all individual
22 qualifying contributions.

23 "Seed money contribution" means a contribution in an
24 amount of not more than \$100 made to a candidate for the
25 office of Judge of the Supreme Court during the exploratory
26 period or the public financing qualifying period or a
27 contribution made to a candidate consisting of personal funds
28 of that candidate in an amount not more than the amount
29 authorized under Section 30 during the exploratory period or
30 the public financing qualifying period.

31 "State Board" means the State Board of Elections.

32 "Supreme Court Democracy Trust Fund" means a special fund
33 created in the State Treasury and to be used, subject to
34 appropriation, by the State Board of Elections for the

1 funding of campaigns for participating Supreme Court
2 candidates.

3 Section 10. Qualification; certification.

4 (a) Before a candidate for nomination for election to
5 the office of Judge of the Supreme Court in the general
6 primary election may be certified as an eligible candidate to
7 receive a public financing benefit for the primary election
8 campaign period, the candidate must apply to the State Board
9 for a public financing benefit and file a sworn statement
10 that the candidate has complied and will comply with all
11 requirements of this Act throughout the applicable campaign,
12 including the general primary election and the general
13 election. A candidate must file the application and statement
14 no later than the beginning of the primary election campaign
15 period for the office of Judge of the Supreme Court.

16 (b) A candidate shall be certified by the State Board as
17 an eligible candidate for receipt of public financing for a
18 primary election if the candidate complies with subsection
19 (a) and receives a number of qualifying contributions at
20 least equal to 0.15% of the number of ballots cast in the
21 district in last gubernatorial election from individual
22 qualifying contributors before the close of the public
23 financing qualifying period.

24 (c) The State Board must verify a candidate's compliance
25 with the requirements of subsection (b) by any verification
26 and sampling techniques that the State Board considers
27 appropriate.

28 (d) Each candidate must acknowledge each qualifying
29 contribution by a receipt to the contributor that contains
30 the contributor's name and home address. A candidate must
31 file a qualifying report with the State Board of Elections.

32 (e) A qualifying contribution may be used only for the
33 purpose of making an expenditure authorized by law.

1 Section 15. Time of application; general election.

2 (a) Before a candidate may be certified as eligible for
3 receipt of public financing for a general election, the
4 candidate must apply to the State Board and file a sworn
5 statement that the candidate has fulfilled all the
6 requirements of this Act during the primary election campaign
7 period and will comply with the requirements of this Act
8 during the general election campaign period. The application
9 must be filed no later than the 7th day after the date of the
10 general primary election.

11 (b) The State Board must certify a candidate as an
12 eligible candidate for receipt of public financing for a
13 general election campaign period if the candidate complies
14 with subsection (a) and the candidate was an eligible
15 candidate during the primary election campaign period.

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

25 Section 25. Requirements imposed upon eligible
26 candidates.

27 (a) An eligible candidate may not accept private
28 contributions other than seed money contributions and
29 qualifying contributions.

30 (b) In addition to reports required to be filed under
31 the Election Code, a candidate who receives a public
32 financing benefit must furnish complete financial records,

1 including records of seed money contributions, qualifying
2 contributions, and expenditures on the last day of the month.

3 (c) In addition to adhering to requirements imposed
4 under the Election Code, a candidate who receives a public
5 financing benefit must maintain records of all contributions
6 of at least \$5 and not more than \$100, including seed money
7 contributions and qualifying contributions, that contain the
8 full name of the contributor and the contributor's full home
9 address.

10 (d) The failure to record or provide the information
11 specified in subsection (c) disqualifies a contribution from
12 counting as a qualifying contribution.

13 (e) No eligible candidate and no person acting on a
14 candidate's behalf may deposit any contribution that is not
15 recorded in accordance with subsection (c) in a candidate's
16 campaign account.

17 (f) No eligible candidate may accept more than \$25 in
18 cash from any contributor.

19 Section 30. Personal funds of candidates.

20 (a) The personal funds of an eligible candidate
21 contributed as seed money contributions may not exceed an
22 aggregate amount of \$10,000. This includes funds from the
23 candidate's immediate family.

24 (b) No eligible candidate may make any expenditure
25 derived from personal funds after the close of the public
26 financing qualifying period.

27 (c) Eligible candidates may not loan personal funds to
28 their campaign.

29 Section 35. Seed money contributions.

30 (a) An eligible candidate may accept seed money
31 contributions from any individual or political committee
32 before the end of the public financing qualifying period,

1 provided the total contributions from one contributor, except
2 personal funds and qualifying contributions otherwise
3 permitted under this Act, do not exceed \$100 and the
4 aggregate contributions, including personal funds but not
5 including qualifying contributions, do not exceed \$30,000.

6 (b) An eligible candidate may make expenditures from
7 seed money contributions only during the exploratory period
8 and the public financing qualifying period.

9 Section 40. Excess contributions. An amount equivalent
10 to the excess contributions must be deducted by the State
11 Board from the candidate's public financing benefit. A
12 candidate must return to the State Board all seed money and
13 personal contributions, including in-kind contributions, that
14 exceed the limits prescribed in Section 35 within 48 hours
15 after the end of the exploratory period. The State Board must
16 deposit all contributions returned under this Section into
17 the Illinois Supreme Court Democracy Trust Fund.

18 Section 45. Certification by candidate; line of credit.

19 (a) To apply for a public financing benefit, a candidate
20 must certify to the State Board that the candidate has
21 complied and will comply, throughout the applicable campaign,
22 with all requirements of this Act and that all disclosures
23 required at the time of application have been made. The
24 candidate must present evidence of the requisite number of
25 qualifying contributions received by the candidate. The
26 candidate's request for certification must be signed by the
27 candidate and the treasurer of the candidate's political
28 committee.

29 (b) The State Board must distribute to each eligible
30 candidate at the general primary election a line of credit
31 for public financing promptly after the candidate
32 demonstrates his or her eligibility and, in any event, not

1 later than 5 days after the end of the public financing
2 qualifying period; provided, however, that no candidate may
3 use a line of credit distributed under this subsection until
4 the beginning of the primary election campaign period.

5 (c) The State Board must distribute to each eligible
6 candidate for Judge of the Supreme Court in the general
7 election a line of credit for public financing not later than
8 48 hours after the date of the general primary election for
9 the office of Judge of the Supreme Court. No candidate for
10 Judge of the Supreme Court may receive a line of credit until
11 all candidates for Judge of the Supreme Court who apply and
12 qualify for a public financing benefit have been certified as
13 eligible candidates.

14 (d) If any candidate who receives a public financing
15 benefit violates the requirements of this Act, the candidate
16 will be subject to the penalties and enforcement outlined in
17 Section 70. The State Board must deposit all repayments
18 received under this subsection into the Illinois Supreme
19 Court Democracy Trust Fund.

20 Section 50. Public financing benefits.

21 (a) The State Board must provide to each eligible
22 candidate who qualifies to receive a public financing benefit
23 for the primary or general election campaign period separate
24 lines of credit for the primary and general election campaign
25 periods in the amounts specified in this Section subject to
26 any required adjustment under Section 40, 55, 60, or 80. An
27 eligible candidate may use this credit to finance any lawful
28 expenditures during the primary and general election campaign
29 periods. An eligible candidate may not use this credit to
30 repay any loan in violation of this Act or any other
31 applicable law.

32 (b) The total public financing benefit available to
33 eligible candidates for the primary and general election

1 shall be \$750,000, subject to adjustment by subsection (e) of
2 this Section. Matching funds that become available due to
3 Section 55 or Section 60 are not counted toward the public
4 financing benefit. Eligible candidates may decide the
5 allocation of their benefit between the primary election
6 campaign period and the general election campaign period,
7 provided that no candidate may allocate less than 20% or more
8 than 80% during the primary election campaign period, nor may
9 a candidate allocate more than 80% during the general
10 election campaign period. Any portion of the benefit
11 allocated but unspent or uncommitted for expenses at the
12 close of the primary election campaign period is forfeited
13 and may not be spent during the general election campaign
14 period.

15 (c) Instead of the public financing benefit in
16 subsection (b), an eligible candidate who is unopposed, other
17 than by write-in candidates, in a primary election shall
18 receive a public financing allocation of \$50,000 for the
19 primary election campaign period.

20 (d) Instead of the benefit in subsection (b), an
21 eligible candidate who is unopposed, other than by write-in
22 candidates, in a general election shall receive a public
23 financing allocation of \$75,000 for the general election
24 campaign period.

25 (e) An eligible candidate in a general election in which
26 there are no other candidates whose names appear on the
27 ballot must receive a line of credit of \$75,000 for the
28 election campaign period, beginning the day after the primary
29 election and ending 90 days after the general election.

30 (f) Notwithstanding subsection (b), beginning on April
31 1, 2007 and every 2 years thereafter, the State Board must
32 modify the public financing benefits provided for in
33 subsection (b) to adjust for the change in the Consumer Price
34 Index, All Items, U. S. City Average, published by the United

1 States Department of Labor for the preceding 2-year period
2 ending on December 31.

3 Section 55. Financial activity by non-participating
4 candidates.

5 (a) In addition to other reports required by law, a
6 non-participating candidate for the office of Judge of the
7 Supreme Court at the general primary election or the general
8 election who receives contributions or makes or obligates to
9 make expenditures in an amount more than 5% greater than the
10 public financing benefit applicable to an eligible candidate
11 for the same office at the same general primary election or
12 general election must file a report with the State Board
13 itemizing the total contributions received and expenditures
14 made or obligated to be made by the candidate as of the date
15 of the report. The State Board must transmit copies of the
16 report to all candidates for the office of Judge of the
17 Supreme Court at the same election. A non-participating
18 candidate must file additional reports after the candidate
19 makes or obligates to make each additional \$1,000 of
20 expenditures. If the contributions are received or the
21 expenditures are made or obligated to be made more than 6
22 weeks before the date of the general primary election or
23 general election at which the name of the candidate appears
24 on the ballot, the reports must be made at the next regular
25 reporting interval under Section 25. If the contributions
26 are received or the expenditures are made or obligated to be
27 made within 6 weeks before the date of the general primary
28 election or general election at which the name of the
29 candidate appears on the ballot, the reports must be made
30 within 24 hours after each instance in which the
31 contributions are received or the expenditures are made or
32 obligated to be made.

33 (b) Upon receipt of the information, the State Board

1 shall immediately notify all opposing eligible candidates. If
2 a non-participating candidate makes expenditures or becomes
3 obligated to make expenditures that exceed the public
4 financing benefit, an eligible candidate may request matching
5 funds up to the amount by which the expenditures or
6 obligations of the non-participating candidate exceed the
7 public financing benefit. If an eligible candidate requests
8 these matching funds, the State Board shall immediately
9 credit his or her account with an additional line of credit
10 equivalent to the request, provided that the sum total of
11 matching funds credited to the candidate in the primary
12 election campaign period and the general election campaign
13 period for independent expenditures, electioneering
14 communication expenses under Section 60, and
15 non-participating expenses may not exceed the value of the
16 public financing benefit. Any matching funds requested but
17 not spent or committed at the conclusion of the primary
18 election campaign period are forfeited and may not be spent
19 during the general election campaign period.

20 Section 60. Independent expenditures and electioneering
21 communications.

22 (a) If any person makes, or becomes obligated to make,
23 by oral or written agreement an independent expenditure and
24 electioneering communications in excess of \$1,000 with
25 respect to a candidate for the office of Judge of the Supreme
26 Court at a general primary or general election, that person
27 must file with the State Board a notice of such expenditure
28 or obligation to make such an expenditure. Any such person
29 must file reports of the expenditures or obligations to make
30 the expenditures on the 15th or last day of the month that
31 immediately follows the date of the expenditure or the
32 obligation to make the expenditure, whichever comes first,
33 except that, within 6 weeks before the date of the general

1 primary election or general election, the person must file
2 the reports within 24 hours after each independent
3 expenditure is made or obligated to be made. Any such person
4 must file additional reports after each additional \$1,000 of
5 expenditures are made or obligated to be made.

6 (b) When the aggregate of independent expenditures and
7 electioneering communication expenditures against an eligible
8 candidate for an office or for the opponents of that
9 candidate exceed 10% of the public financing benefit for that
10 office in any campaign an eligible candidate may request
11 matching funds of up to the amount of the independent
12 expenditure or electioneering communication expense. If a
13 candidate requests matching funds, the State Board must
14 immediately credit that candidate's account with an
15 additional line of credit equivalent to the amount requested,
16 provided that the sum total of matching funds credited to the
17 candidate in the primary election campaign period and the
18 general election campaign period for independent
19 expenditures, electioneering communication expenses, and
20 non-participating expenses under Section 55 may not exceed
21 the value of the public financing benefit. Any matching funds
22 requested but not spent or committed at the conclusion of the
23 primary election campaign period are forfeited and may not be
24 spent during the general election campaign period.

25 Section 65. Illinois Supreme Court Democracy Trust Fund.

26 (a) All moneys collected under Sections 40, 45, and 70
27 of this Act shall be deposited into the Illinois Supreme
28 Court Democracy Trust Fund, a special fund created in the
29 State treasury, and, subject to appropriation, may be used by
30 the State Board of Elections for the purposes of this Act.
31 The State Treasurer, in consultation with the State Board,
32 must contract with a debit card issuer to permit eligible
33 candidates and their agents to draw upon moneys appropriated

1 from the Fund through an account with the card issuer.

2 (b) Upon a determination of a candidate's eligibility
3 for a public financing benefit as provided for in subsection
4 (a) of Section 45, the State Treasurer must issue to the
5 eligible candidate a debit card, known as the fair election
6 debit card, entitling the candidate and agents of the
7 candidate designated by the candidate to draw money from an
8 account to make expenditures on behalf of the candidate.

9 (c) No eligible candidate or agent of an eligible
10 candidate may make any expenditure by any other means other
11 than through the use of the fair election debit card. No such
12 candidate or agent may use a fair election debit card to
13 obtain cash, except that cash amounts of \$100 or less may be
14 drawn on the fair election debit card and used to make
15 expenditures of no more than \$25 each. A candidate must
16 maintain records of all such expenditures and must report the
17 expenditures to the State Board in accordance with Section
18 25.

19 Section 70. Penalties; enforcement.

20 (a) If an eligible candidate makes expenditures that
21 exceed the public financing benefit allocated to the
22 candidate for any campaign, the candidate may be required to
23 forfeit to the Illinois Supreme Court Democracy Trust Fund an
24 amount equal to not more than 10 times and not less than 2
25 times the amount by which the expenditures exceeded the
26 allocation.

27 (b) Any eligible candidate who accepts contributions in
28 excess of any limitation imposed under this Act may be
29 required to forfeit to the Illinois Supreme Court Democracy
30 Trust Fund an amount equal to not more than 10 times and not
31 less than 2 times the amount by which the contributions
32 exceed the applicable limitation.

33 (c) If the State Board finds that there is reasonable

1 cause to believe that a candidate has made excess
2 expenditures or has accepted excess contributions in
3 violation of the Act, the State Board must attempt for a
4 period of not more than 14 days after its finding to correct
5 the matter by informal methods of conference and conciliation
6 and to enter into a settlement and conciliation agreement
7 with the candidate involved. A settlement and conciliation
8 agreement made under this subsection is a public record.
9 Unless violated, a settlement and conciliation agreement is a
10 bar to any civil action under subsection (d).

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

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

30 (f) The State Board and the circuit court must expedite
31 all proceedings under this Section so that all complaints
32 brought prior to an election are resolved, to the extent
33 possible, before the election is held.

34 (g) If a complaint brought under this Section is

1 resolved against the complainant and is found to have been
2 brought in bad faith and without reasonable basis therefor,
3 the circuit court may assess costs, including reasonable
4 attorney fees, against the complainant.

5 Section 75. Prohibited acts.

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

12 (b) If a candidate who receives a public financing
13 benefit, or an agent of that a candidate, knowingly makes a
14 expenditure by means other than through use of the fair
15 election debit card, except as permitted under subsection (c)
16 of Section 65, the candidate or agent is guilty of a Class 3
17 felony.

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

23 Section 85. Contributions into non-participating
24 candidates; attributions. A non-participating candidate may
25 accept contributions from private sources in amounts no
26 greater than \$1,000 in the aggregate, during the prescribed
27 campaign periods.

28 Section 90. Deposits into Illinois Supreme Court
29 Democracy Trust Fund. The Department of Revenue shall
30 transfer to the Illinois Supreme Court Democracy Trust Fund
31 any amounts contributed to the Illinois Supreme Court

1 Democracy Trust Fund collected pursuant to Section 506.7 of
2 the Illinois Income Tax Act.

3 Section 95. Attorneys-at-law contribution. The Supreme
4 Court may, in its discretion, require attorneys, licensed to
5 practice in Illinois, to make monetary contributions to the
6 Illinois Supreme Court Democracy Trust Fund not to exceed \$25
7 annually.

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

12 Section 110. Fund operational. The Illinois Supreme
13 Court Democracy Fund shall become operational when the Fund
14 has attained \$5,000,000.

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

20 Section 900. The Election Code is amended by changing
21 Sections 9-1.5, 9-1.7, 9-1.8, and 9-10 and by adding Section
22 9-1.5a as follows:

23 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

24 Sec. 9-1.5. "Expenditure" means-

25 (1) a payment, distribution, purchase, loan, advance,
26 deposit, or gift of money or anything of value, in connection
27 with the nomination for election, or election, of any person
28 to public office, in connection with the election of any

1 person as ward or township committeeman in counties of
2 3,000,000 or more population, or in connection with any
3 question of public policy. However, expenditure does not
4 include -

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

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

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

18 (3) a payment for electioneering communications.

19 (Source: P.A. 89-405, eff. 11-8-95.)

20 (10 ILCS 5/9-1.5 new)

21 Sec 9-1.5. "Electioneering Communications" means any
22 broadcast, cable, or satellite communication that refers to a
23 clearly identified candidate for public office, that is made
24 within 60 days before a general election for the office
25 sought by the candidate or 30 days before a general primary
26 election for the office sought by the candidate, and that is
27 broadcast to voters in the district where the candidate is on
28 the ballot. "Electioneering communications" does not mean a
29 communication appearing in a news story, commentary, or
30 editorial included in the course of regularly scheduled news
31 coverage or a communication which constitutes a candidate
32 debate or forum.

1 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

2 Sec. 9-1.7. "Local political committee" means the
3 candidate himself or any individual, trust, partnership,
4 committee, association, corporation, or other organization or
5 group of persons that which:

6 (a) accepts contributions or grants or makes
7 expenditures during any 12-month period in an aggregate
8 amount exceeding \$3,000 on behalf of or in opposition to
9 a candidate or candidates for public office who are
10 required by the Illinois Governmental Ethics Act to file
11 statements of economic interests with the county clerk,
12 or on behalf of or in opposition to a candidate or
13 candidates for election to the office of ward or township
14 committeeman in counties of 3,000,000 or more population;

15 (b) accepts contributions or makes expenditures
16 during any 12-month period in an aggregate amount
17 exceeding \$3,000 in support of or in opposition to any
18 question of public policy to be submitted to the electors
19 of an area encompassing no more than one county; ~~or~~

20 (c) accepts contributions or makes expenditures
21 during any 12-month period in an aggregate amount
22 exceeding \$3,000 and has as its primary purpose the
23 furtherance of governmental, political or social values,
24 is organized on a not-for-profit basis, and which
25 publicly endorses or publicly opposes a candidate or
26 candidates for public office who are required by the
27 Illinois Governmental Ethics Act to file statements of
28 economic interest with the County Clerk or a candidate or
29 candidates for the office of ward or township
30 committeeman in counties of 3,000,000 or more population;
31 or

32 (d) accepts contributions or makes expenditures during
33 any 12-month period in an aggregate amount exceeding \$3,000
34 for the purpose of electioneering communications.

1 (Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

2 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

3 Sec. 9-1.8. "State political committee" means the
4 candidate himself or any individual, trust, partnership,
5 committee, association, corporation, or any other
6 organization or group of persons that which--

7 (a) accepts contributions or grants or makes
8 expenditures during any 12-month period in an aggregate
9 amount exceeding \$3,000 on behalf of or in opposition to a
10 candidate or candidates for public office who are required by
11 the Illinois Governmental Ethics Act to file statements of
12 economic interests with the Secretary of State,

13 (b) accepts contributions or makes expenditures during
14 any 12-month period in an aggregate amount exceeding \$3,000
15 in support of or in opposition to any question of public
16 policy to be submitted to the electors of an area
17 encompassing more than one county, or

18 (c) accepts contributions or makes expenditures during
19 any 12-month period in an aggregate amount exceeding \$3,000
20 and has as its primary purpose the furtherance of
21 governmental, political or social values, is organized on a
22 not-for-profit basis, and which publicly endorses or publicly
23 opposes a candidate or candidates for public office who are
24 required by the Illinois Governmental Ethics Act to file
25 statements of economic interest with the Secretary of State,
26 or

27 (d) accepts contributions or makes expenditures during
28 any 12-month period in an aggregate amount exceeding \$3,000
29 for the purpose of electioneering communications.

30 (Source: P.A. 90-737, eff. 1-1-99.)

31 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

32 Sec. 9-10. Financial reports.

1 (a) The treasurer of every state political committee and
2 the treasurer of every local political committee shall file
3 with the Board, and the treasurer of every local political
4 committee shall file with the county clerk, reports of
5 campaign contributions, and semi-annual reports of campaign
6 contributions and expenditures on forms to be prescribed or
7 approved by the Board. The treasurer of every political
8 committee that acts as both a state political committee and a
9 local political committee shall file a copy of each report
10 with the State Board of Elections and the county clerk.
11 Entities subject to Section 9-7.5 shall file reports required
12 by that Section at times provided in this Section and are
13 subject to the penalties provided in this Section.

14 (b) Reports of campaign contributions shall be filed no
15 later than the 15th day next preceding each election
16 including a primary election in connection with which the
17 political committee has accepted or is accepting
18 contributions or has made or is making expenditures. Such
19 reports shall be complete as of the 30th day next preceding
20 each election including a primary election. The Board shall
21 assess a civil penalty not to exceed \$5,000 for a violation
22 of this subsection, except that for State officers and
23 candidates and political committees formed for statewide
24 office, the civil penalty may not exceed \$10,000. The fine,
25 however, shall not exceed \$500 for a first filing violation
26 for filing less than 10 days after the deadline. There shall
27 be no fine if the report is mailed and postmarked at least 72
28 hours prior to the filing deadline. For the purpose of this
29 subsection, "statewide office" and "State officer" means the
30 Governor, Lieutenant Governor, Attorney General, Secretary of
31 State, Comptroller, and Treasurer. However, a continuing
32 political committee that neither accepts contributions nor
33 makes expenditures on behalf of or in opposition to any
34 candidate or public question on the ballot at an election

1 shall not be required to file the reports heretofore
2 prescribed but may file in lieu thereof a Statement of
3 Nonparticipation in the Election with the Board or the Board
4 and the county clerk.

5 (b-5) Notwithstanding the provisions of subsection (b),
6 any contribution of \$500 or more received in the interim
7 between the last date of the period covered by the last
8 report filed under subsection (b) prior to the election and
9 the date of the election shall be reported within 2 business
10 days after its receipt. The State Board shall allow filings
11 under this subsection (b-5) to be made by facsimile
12 transmission. For the purpose of this subsection, a
13 contribution is considered received on the date the public
14 official, candidate, or political committee (or equivalent
15 person in the case of a reporting entity other than a
16 political committee) actually receives it or, in the case of
17 goods or services, 2 days after the date the public official,
18 candidate, committee, or other reporting entity receives the
19 certification required under subsection (b) of Section 9-6.
20 Failure to report each contribution is a separate violation
21 of this subsection. The Board shall impose fines for
22 violations of this subsection as follows:

23 (1) if the political committee's or other reporting
24 entity's total receipts, total expenditures, and balance
25 remaining at the end of the last reporting period were
26 each \$5,000 or less, then \$100 per business day for the
27 first violation, \$200 per business day for the second
28 violation, and \$300 per business day for the third and
29 subsequent violations.

30 (2) if the political committee's or other reporting
31 entity's total receipts, total expenditures, and balance
32 remaining at the end of the last reporting period were
33 each more than \$5,000, then \$200 per business day for the
34 first violation, \$400 per business day for the second

1 violation, and \$600 per business day for the third and
2 subsequent violations.

3 Notwithstanding paragraphs (1) and (2), if the committee
4 failed to report expenditures that could trigger matching
5 funds under the Supreme Court Campaign Reform Act, then the
6 Board may assess a fine for each violation not to exceed
7 \$10,000 plus the value of the unreported expense.

8 (c) In addition to such reports the treasurer of every
9 political committee shall file semi-annual reports of
10 campaign contributions and expenditures no later than July
11 31st, covering the period from January 1st through June 30th
12 immediately preceding, and no later than January 31st,
13 covering the period from July 1st through December 31st of
14 the preceding calendar year. Reports of contributions and
15 expenditures must be filed to cover the prescribed time
16 periods even though no contributions or expenditures may have
17 been received or made during the period. The Board shall
18 assess a civil penalty not to exceed \$5,000 for a violation
19 of this subsection, except that for State officers and
20 candidates and political committees formed for statewide
21 office, the civil penalty may not exceed \$10,000. The fine,
22 however, shall not exceed \$500 for a first filing violation
23 for filing less than 10 days after the deadline. There shall
24 be no fine if the report is mailed and postmarked at least 72
25 hours prior to the filing deadline. For the purpose of this
26 subsection, "statewide office" and "State officer" means the
27 Governor, Lieutenant Governor, Attorney General, Secretary of
28 State, Comptroller, and Treasurer.

29 (d) A copy of each report or statement filed under this
30 Article shall be preserved by the person filing it for a
31 period of two years from the date of filing.

32 (Source: P.A. 90-737, eff. 1-1-99.)

33 Section 905. The State Finance Act is amended by adding

1 Section 5.595 as follows:

2 (30 ILCS 105/5.595 new)

3 Sec. 5.595. The Illinois Supreme Court Democracy Trust
4 Fund.

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

7 (35 ILCS 5/506.7 new)

8 Sec. 506.7. Designation of tax to Illinois Supreme Court
9 Democracy Trust Fund. The Department shall print on its
10 standard individual income tax form a provision indicating
11 that if the taxpayer wishes to contribute to the Illinois
12 Supreme Court Democracy Trust Fund, as authorized by this
13 amendatory Act of the 93rd General Assembly, he or she may do
14 so by stating the amount of the contribution (not less than
15 \$1) on the return and that the contribution will reduce the
16 taxpayers' refund or increase the amount of payment to
17 accompany the return. Failure to remit any amount of the
18 increased payment shall reduce the contribution accordingly.
19 This Section does not apply to any amended return. This tax
20 checkoff applies to income tax forms for taxable years 2003
21 and thereafter.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 10 ILCS 5/9-1.5 from Ch. 46, par. 9-1.5

5 10 ILCS 5/9-1.5 new

6 10 ILCS 5/9-1.7 from Ch. 46, par. 9-1.7

7 10 ILCS 5/9-1.8 from Ch. 46, par. 9-1.8

8 10 ILCS 5/9-10 from Ch. 46, par. 9-10

9 30 ILCS 105/5.595 new

10 35 ILCS 5/506.7 new