

1 AMENDMENT TO SENATE BILL 1963

2 AMENDMENT NO. _____. Amend Senate Bill 1963 by replacing
3 the title with the following:

4 "AN ACT concerning consumer advocacy."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 1. Short title. This Act may be cited as the
8 Consumer Advocate Act.

9 Section 5. Purpose. The purpose of this Act is to
10 promote the health, welfare, and prosperity of all citizens
11 of this State by (i) ensuring effective and democratic
12 representation of consumers before all regulatory agencies of
13 all units of State and local government, (ii) providing for
14 consumer education on regulatory agencies of units of State
15 and local government, and (iii) utilizing any legal means to
16 promote and protect the rights of consumers. Such purpose
17 shall be deemed a public interest and not a private or
18 special concern. The policy of the General Assembly is that
19 it is in the public interest to authorize the establishment,
20 through the exercise of powers provided in this Act, of an
21 orderly procedure for developing and financing, through the

1 use of statutory inserts and residual, unclaimed funds in
2 consumer class action suits pursuant to subsection (b) of
3 Section 2-807 of the Code of Civil Procedure, the creation of
4 the Illinois Consumer Advocate.

5 Section 10. Definitions. As used in this Act:

6 "Board" means the board of directors of the Illinois
7 Consumer Advocate.

8 "Campaign contribution" means a gift, subscription, loan,
9 advance, or deposit of money or anything of value made for
10 the purpose of electing a candidate to the board or a
11 contract, promise, or agreement, express or implied, whether
12 or not legally enforceable, to make any campaign
13 contribution. The term "campaign contribution" does not
14 include the value of services provided without compensation
15 by individuals who volunteer a portion or all of their time
16 on behalf of a candidate or political committee or the use of
17 real or personal property and the cost of invitations, food,
18 and beverages voluntarily provided by an individual to a
19 candidate in rendering voluntary personal services on the
20 individual's residential premises for candidate-related
21 activities if the cumulative value of the activities to the
22 individual on behalf of any candidate does not exceed \$100
23 for any election.

24 "Campaign expenditure" means a purchase, payment,
25 distribution, loan, advance, deposit, or gift of money or
26 anything of value made for the purpose of electing a
27 candidate to the board or a contract, promise, or agreement,
28 express or implied, whether or not legally enforceable, to
29 make any campaign expenditure. The term "campaign
30 expenditure" does not include the use of real or personal
31 property and the cost of invitations, food, and beverages
32 voluntarily provided by an individual to a candidate in
33 rendering voluntary personal services on the individual's

1 residential premises for candidate-related activities if the
2 cumulative value of the activities by the individual on
3 behalf of any candidate does not exceed \$100 for any
4 election.

5 "Consumer" means any person who uses, purchases, leases,
6 or acquires any real or personal property, tangible or
7 intangible goods, services, or credit.

8 "Consumer transaction" means a sale, offer for sale, or
9 attempt to sell goods or services for cash or credit and not
10 for resale in the ordinary course of business if a consumer
11 is a party.

12 "ICA" means the Illinois Consumer Advocate.

13 "ICA Director", "Board director", and "director" mean any
14 person duly elected or appointed to the Illinois Consumer
15 Advocate's board of directors pursuant to this Act, except
16 where the context otherwise requires.

17 "Local government" means any unit of local government in
18 this State, including but not limited to counties, townships,
19 and municipalities.

20 "Member" means any person who meets the requirements for
21 membership in the ICA, as set forth in Section 15.

22 "Person" means any natural person who is over 18 years of
23 age.

24 "Political committee" means any committee, club,
25 association, or other group of persons that makes campaign
26 expenditures or receives campaign contributions during the
27 year before an election of the board.

28 "Regulatory agency" means any governmental office,
29 agency, department, or commission of the State of Illinois or
30 any unit of local government that regulates, monitors,
31 directs, or governs corporations, financial services, or
32 consumer transactions.

33 "Regulatory proceeding" means any rulemaking,
34 adjudication, or ancillary proceeding conducted by any

1 regulatory agency at the State or local level.

2 "Statutory insert" means any digital or printed
3 statement, card, or envelope and statement combination or a
4 statement, application, and preaddressed business reply
5 envelope used by the ICA to solicit information and
6 contributions or membership fees from consumers that explains
7 the purpose, history, nature, activities, achievements, and
8 membership criteria of the ICA.

9 Section 15. Illinois Consumer Advocate; formation and
10 membership.

11 (a) There is created a public body corporate and politic
12 to be known as the Illinois Consumer Advocate. The ICA shall
13 be a nonprofit corporation, and shall not issue any shares of
14 stock or other securities or pay any dividends. The ICA shall
15 be subject to the provisions of this Act. The main office of
16 the ICA shall be located in Chicago, Illinois.

17 (b) The ICA shall be a private corporation and shall
18 not, for any purpose, be considered to be a department,
19 agency, or instrumentality of the State of Illinois. An
20 officer or employee of the ICA shall not, for any purposes,
21 be considered to be an officer or employee of the State of
22 Illinois.

23 (c) The ICA may establish local offices, as needed, in
24 any of the several counties of the State of Illinois.

25 (d) Except as provided in this Act, the affairs of the
26 ICA shall be regulated as determined in the bylaws of the
27 ICA.

28 (e) Any consumer who has submitted a membership form and
29 has contributed membership dues to the ICA in the preceding
30 12 months shall be member of the ICA. A member may resign
31 from membership at any time.

32 (f) The ICA shall, at the request of any member, provide
33 a current list of members residing in the requesting member's

1 district. Such list shall include the names and current
2 addresses of members within such district and may be used by
3 the requesting member only for the purpose of gathering the
4 information required to secure a nomination to the ICA board
5 of directors as set out in Section 70.

6 (g) Notwithstanding any other provision of this Act or
7 any other provisions of law, if the ICA does not receive
8 contributions from at least 10,000 consumers located in this
9 State within 3 years of the effective date of this Act, the
10 ICA shall be dissolved.

11 (h) The membership of the ICA shall consist solely of
12 individuals who:

13 (1) are 18 years of age or older; and

14 (2) have contributed the required annual membership
15 fee to the ICA.

16 (i) Until the end of the 180-day period beginning on the
17 date of the first election of directors, the annual
18 membership fee of the ICA shall be \$5. After the end of that
19 180-day period, the ICA may, by vote of the board of
20 directors, alter the annual membership fee. The board of
21 directors shall adopt a reduced fee structure, offering
22 reduced-cost membership fees for low-income populations and
23 senior citizens.

24 (j) The ICA shall not make any contributions to any
25 political candidate or party or to any national or State
26 political committee, as defined in Sections 9-1.7 through
27 9-1.9 of the Election Code, or participate in or intervene in
28 any political campaign on behalf of or in opposition to any
29 candidate for public office.

30 Section 20. Board.

31 (a) The ICA shall be managed by, and its powers,
32 functions, and duties shall be exercised through a board to
33 be composed as provided in this Section.

1 (b) The Illinois Consumer Advocate districts shall be
2 divided into 2 groups for the purpose of establishing terms
3 for which the Directors shall be elected in each group. One
4 group shall be comprised of the even numbered Congressional
5 Districts. The odd numbered Congressional Districts shall
6 comprise the other group.

7 (1) The Interim Board, within 60 days after the
8 appointment of all of its members, shall meet and
9 publicly by lot determine which group shall be the first
10 group and which group shall be the second. The board
11 members or their successors from the first group shall be
12 elected for successive terms of 2 years, 2 years, and 4
13 years; and members or their successors from the second
14 group shall be elected for successive terms of 4 years, 2
15 years, and 2 years.

16 (2) The first election of directors of the board
17 shall be held no later than April 30, 2004. Subsequent
18 elections of directors of the board shall be held on
19 March 31 of each election year. If March 31 falls on a
20 weekend or holiday, the election shall occur on the next
21 business day following March 31.

22 (3) Interim and elected board members shall serve
23 until their successors are elected and have qualified.

24 (4) In the year following each decennial census and
25 within 45 days after the redistricted Congressional
26 Districts are enacted, the board shall allocate terms
27 between the 2 groups of districts publicly by lot as
28 provided in paragraph (1). Board members or their
29 successors from the first group shall be elected for
30 successive terms of 2 years, 4 years, and 4 years; and
31 members or their successors from the second group shall
32 be elected for successive terms of 4 years, 4 years, and
33 2 years.

34 (c) A director shall be a resident of the district he or

1 she represents and member of the ICA. No person who is an
2 employee in any managerial or supervisory capacity, director,
3 officer, or agent or who is a member of the immediate family
4 of any such employee or director is eligible to be a
5 director. No director may hold any elected public office in
6 Illinois, be a candidate for any Illinois elected public
7 office, be a State public official, or be employed in a
8 governmental position exempt from the Personnel Code.

9 (d) No director or member of his or her immediate family
10 shall, either directly or indirectly, be employed for
11 compensation as a staff member or consultant of the ICA.

12 (e) The board shall hold regular meetings at least once
13 every 3 months on such dates and at such places as it may
14 determine. Special meetings may be called by the president or
15 by a majority of the directors upon at least 7 days advance
16 written notice. Unless otherwise provided in the bylaws, a
17 majority of the board of directors shall constitute a quorum;
18 provided, that in no event shall a quorum consist of less
19 than one-third of the board of directors. An act of the
20 majority of the directors present at a meeting at which a
21 quorum is present shall be an act of the board of directors,
22 unless the act of a greater number is required by this Act or
23 bylaws. A summary of the minutes of every board meeting shall
24 be made available to each public library in the State upon
25 request and to individuals upon request.

26 (f) A director may not receive any compensation for his
27 or her services but shall be reimbursed for necessary
28 expenses, including travel expenses, incurred in the
29 discharge of duties. The board shall establish standard
30 allowances for mileage, room, and meals and the purposes for
31 which such allowances may be made and shall determine the
32 reasonableness and necessity for such reimbursements. The
33 board shall include the schedule of such standard allowances
34 in its annual report.

1 (g) Directors and employees eligible to disburse funds
2 shall be bonded. The ICA shall pay the costs of such bonds.

3 Section 25. Duties of directors. The board shall have
4 the following duties:

5 (1) To establish the policy of the ICA regarding
6 appearances before regulatory agencies, legislative
7 bodies, and other public authorities and regarding other
8 activities that the ICA has the authority to perform
9 under this Act.

10 (2) To employ an executive director who shall have
11 the following powers and duties, subject at all times to
12 the direction and supervision of the board:

13 (A) To implement the policy established by the
14 board under item (1).

15 (B) To employ and discharge employees of the
16 ICA.

17 (C) To supervise the offices, facilities, and
18 work of the employees of the ICA.

19 (D) To have custody of and maintain the books,
20 records, and membership rolls of the ICA under this
21 Act.

22 (E) To prepare and submit to the board annual
23 and quarterly statements of the financial and
24 substantive operations of the ICA and financial
25 estimates for the future operations of the ICA.

26 (F) To attend and participate in meetings of
27 the board, but without a vote.

28 (G) To file annually with the board a current
29 financial statement that includes the information
30 required under Section 70.

31 (H) To exercise such other powers and to
32 perform such other duties as the board delegates.

33 (3) To hold an annual meeting of the membership on

1 a date and at a place within the State to be determined
2 by the board under Section 45.

3 (4) To assure preparation of:

4 (A) Up-to-date membership rolls.

5 (B) Quarterly statements of the financial and
6 substantive operations of the ICA.

7 (C) An audit of the ICA's books at least once
8 each fiscal year. The audit shall be by a certified
9 public accountant.

10 (D) An annual report of the ICA's financial
11 and substantive operations. The ICA shall prepare
12 the report at the close of the fiscal year and shall
13 make the report available to each of its members and
14 to members of the news media who request it. It
15 shall also make the report available to each library
16 in the State that requests it and to individuals
17 upon request.

18 (5) To establish and make available to the public a
19 written policy on the availability and distribution of
20 all records required to be kept by the ICA under this
21 Act.

22 (6) To prepare membership applications and
23 distribute such applications in sufficient amounts or in
24 machine copyable form to every library system, as defined
25 in Section 2 of The Illinois Library System Act, so as to
26 allow such library systems to distribute the applications
27 to all of the public libraries throughout the State,
28 wherefrom consumers may obtain the applications to submit
29 to the ICA, with annual dues, for membership.

30 (7) To carry out all other duties and
31 responsibilities imposed upon the ICA and the board under
32 this Act.

33 Section 30. Director statement of financial interest.

1 Every director shall file annually with the board a current
2 financial statement, which includes the information required
3 under Section 70.

4 Section 35. Executive director: qualifications;
5 appointment.

6 (a) The executive director hired by the board under
7 Section 25 shall have the same qualifications as a director
8 under Section 70, except that the executive director need not
9 be a resident of this State or a member of the ICA. The
10 executive director may not be a candidate for director while
11 serving as executive director.

12 (b) To hire the executive director under Section 25, the
13 board shall adhere to any applicable State and federal laws
14 prohibiting discrimination in employment.

15 (c) The board shall require all applicants for the
16 position of executive director of the ICA to file a financial
17 statement, which includes the information required under
18 Section 70. The board shall require the executive director to
19 file a current statement annually.

20 Section 40. Annual membership meeting. All members shall
21 be eligible to attend, participate in, and vote in the annual
22 membership meeting called by the board under item (3) of
23 Section 25. The meeting shall be open to the public and shall
24 be held in different districts on a rotating basis. Each year
25 a meeting shall be held in each board district for the
26 members of that district. Such members shall receive notice
27 of that meeting at least 14 days in advance.

28 Section 45. Authorization of appropriations. There is to
29 be appropriated, for the purpose of establishing the ICA,
30 \$500,000 for the fiscal year ending one year after the date
31 of enactment of this Act.

1 Section 50. Contributions and funding; prohibited
2 practices.

3 (a) Notwithstanding anything to the contrary in this
4 Act, the ICA has the authority to solicit and accept
5 contributions. Furthermore, the ICA is authorized to accept
6 funds pursuant to subsection (b) of Section 2-807 of the Code
7 of Civil Procedure.

8 (b) Notwithstanding subsection (a), no person may offer
9 or give anything of monetary value to any director, employee,
10 or agent of the ICA if the gift or offer influences, or is
11 intended to influence, the action or judgment of the
12 director, employee, or agent of the ICA in his or her
13 capacity as director, employee, or agent of the ICA.

14 (c) No director, employee, or agent of the ICA may
15 solicit or accept anything of monetary value from any person
16 if the solicitation or acceptance influences, or is intended
17 to influence, the official action or judgment of the
18 director, employee, or agent in his or her capacity as
19 director, employee, or agent of the ICA.

20 (d) Any person who knowingly and willfully violates this
21 Section may be fined not more than \$1,000, imprisoned not
22 more than 6 months, or both.

23 (e) The board shall remove from office any director
24 convicted under this Section and shall fill such office.

25 Section 55. Duties and powers of the ICA.

26 (a) In addition to other duties imposed under this Act,
27 the ICA has the duty:

28 (1) to inform, educate, and advise consumers about
29 the actions of entities subject to this Act;

30 (2) to represent and promote the interests of
31 consumers collectively, and when necessary, to negotiate
32 on behalf of consumers with entities subject to this
33 Act;

1 (3) to establish the policy of the ICA regarding
2 appearances before regulatory agencies, legislative
3 bodies, and other public authorities and regarding other
4 activities that the ICA has the authority to do under
5 this Act;

6 (4) to take affirmative actions to encourage
7 membership by low-income and moderate-income and minority
8 consumers and to disseminate information and advice to
9 consumers;

10 (5) to inform, insofar as possible, consumers about
11 the mission and purpose of the ICA including the
12 procedures necessary to become a member of the ICA;

13 (6) to monitor the availability and quality of
14 financial or shareholder services to low-income and
15 moderate-income constituencies and the elderly; and

16 (7) to develop data to assist consumers in making
17 informed decisions in the marketplace.

18 (b) In addition to the rights, duties, and powers
19 provided by other provisions of this Act, the ICA shall have
20 all the powers necessary or convenient for the effective
21 representation and protection of the interests of consumers
22 and to implement this Act, including the following powers in
23 addition to all other powers granted by this Act.

24 (1) To make, amend, and repeal bylaws and rules for
25 the regulation of its affairs and the conduct of its
26 business; to adopt an official seal and alter it at its
27 pleasure; to maintain an office; to sue and be sued in
28 its own name; plead and be impleaded; and to make and
29 execute contracts and other instruments necessary or
30 convenient to the exercise of the powers of the ICA.

31 (2) To employ such agents, employees, and special
32 advisors as it finds necessary and to fix their
33 compensation.

34 (3) To initiate or intervene as a party or

1 otherwise participate on behalf of consumers in any
2 proceeding that the ICA reasonably determines affects the
3 interests of consumers.

4 (4) To represent the interests of consumers before
5 regulatory agencies, legislative bodies, courts of law,
6 and other public forums.

7 (5) To sue on behalf of any member, group of
8 members, or all members for judicial relief, including
9 damages, in any court of competent jurisdiction in regard
10 to any matter that the ICA reasonably determines affects
11 the interests of consumers.

12 (6) To represent the interests of corporations,
13 unincorporated businesses, and associations before
14 regulatory agencies, legislative bodies, courts of law,
15 and other public forums where such representation is in
16 the interests of consumers.

17 (7) To conduct, support, and assist research,
18 surveys, and investigations in matters the ICA reasonably
19 determines affect the interests of consumers.

20 (8) To contract for services that cannot be
21 reasonably performed by the ICA's own employees.

22 (9) To establish annual dues, which shall be set at
23 a level that provides sufficient funding for the
24 corporation to effectively perform its powers and duties
25 and is affordable for as many consumers as is possible.

26 (10) To implement solicitation for ICA funding and
27 membership.

28 (11) To seek tax-exempt status under State and
29 federal law, including 501(c)(3) status under the United
30 States Internal Revenue Code.

31 (c) The ICA shall, to the extent consistent with this
32 Act, have all the rights and powers generally accorded to and
33 be subject to duties generally imposed upon nonprofit
34 corporations by the laws of this State.

1 (d) The ICA shall be deemed to have an interest
2 sufficient to obtain judicial review or enforcement in any
3 court of competent jurisdiction of any regulatory decision or
4 other regulatory action that the ICA reasonably determines
5 may affect the interests of consumers.

6 (e) The ICA shall make available to the public any of
7 the following documents prepared or filed by the ICA within
8 the preceding 7 years: minutes of the board of directors
9 meetings; directors' or executive directors' financial
10 statements; candidates statements; quarterly statements; and
11 annual reports of the ICA.

12 Section 60. Statutory Inserts.

13 (a) To accomplish its powers and duties under Section
14 40, the ICA, subject to the following limitations, may
15 prepare and furnish to any unit of State or local government
16 or subdivision thereof ("governmental units"), an enclosure
17 to be included with a mailing by that unit.

18 (1) A governmental unit, furnished with an
19 enclosure, shall include the enclosure within the mailing
20 designated by the ICA.

21 (2) An enclosure furnished by the ICA under this
22 Section shall be provided to the governmental unit a
23 reasonable period of time in advance of the mailing.

24 (3) An enclosure furnished by the ICA under this
25 Section shall be limited to informing the reader of the
26 purpose, nature, and activities of the ICA as set forth
27 in this Act and informing the reader that he or she may
28 become a member in the ICA, maintain membership in the
29 ICA, and contribute money to the ICA directly.

30 (b) The ICA shall reimburse each governmental unit for
31 all reasonable incremental costs incurred by the governmental
32 unit in complying with this Section in addition to the
33 governmental unit's normal mailing and handling costs,

1 provided that:

2 (1) the governmental unit furnishes the ICA in
3 advance with an itemized accounting of such additional
4 cost; and

5 (2) the ICA is not required to reimburse the
6 governmental unit for postage costs if the weight of the
7 ICA's enclosure does not exceed 0.35 ounces. If the ICA's
8 enclosure exceeds that weight, then it shall only be
9 required to reimburse the governmental unit for postage
10 cost over and above what the governmental unit's postage
11 cost would have been had the enclosure weighed only 0.35
12 ounces.

13 Section 65. Appointment of interim board of directors.

14 (a) Within 90 days after the effective date of this Act,
15 an interim board of directors shall be appointed. The Board
16 shall consist of 11 members. The Governor shall appoint 3
17 members. The President of the Senate, the Speaker of the
18 House, the Minority Leader of the Senate, and the Minority
19 Leader of the House shall each appoint 2 members. The
20 appointees shall reflect the geographical diversity of this
21 State and shall include representation from minority groups,
22 low-income persons, labor organizations, business, women, and
23 senior citizens. No interim director appointed under this
24 Section may hold an elective position, be a candidate for any
25 elective position, or be a State public official.

26 (b) The interim board appointed under this Section
27 shall:

28 (1) As soon as possible after appointment, organize
29 for the transaction of business.

30 (2) Inform the consumers of this State of the
31 existence, nature, and purposes of the ICA, and encourage
32 consumers to join the ICA, to participate in the ICA's
33 activities, and to contribute to the ICA.

1 (3) Establish annual dues to be in effect until
2 such time as an elected board assumes the duty as
3 provided in Section 55.

4 (4) Elect officers as provided under Section 70.

5 (5) Employ such staff as the interim directors deem
6 necessary to carry out the purposes of this Section. The
7 interim board appointed under this Section shall follow
8 the procedures required under this Act if it hires an
9 executive director of the ICA.

10 (6) Make all necessary preparations for the first
11 election of directors, oversee the election campaign, and
12 tally the votes under Section 70.

13 (7) Solicit funds for the ICA.

14 (8) Carry out all other duties and exercise all
15 other powers accorded to the board under this Act
16 including the powers given to the ICA under Section 60.

17 Section 70. Board membership; eligibility.

18 (a) To be eligible for election to the board, a
19 candidate must:

20 (1) Meet the qualifications for directors under
21 Section 20.

22 (2) Submit to the board a statement of financial
23 interests and a statement of personal background and
24 positions.

25 (3) Make the affirmation under item (5) of
26 subsection (b).

27 (4) File a statement of candidacy with the Board.

28 (b) A candidate for election to the board shall submit
29 to the board, not later than 60 days prior to the election, a
30 statement of financial interests upon a form provided by the
31 board. The statement of financial interests shall include the
32 following information:

33 (1) The occupation, employer, and position at the

1 place of employment of the candidate and of his or her
2 immediate family members.

3 (2) A list of all corporate directorships or other
4 offices and of all fiduciary relationships held in the
5 past 3 years by the candidate and by his or her immediate
6 family members.

7 (3) The name of any creditor to whom the candidate
8 or a member of the candidate's immediate family owes
9 \$10,000 or more.

10 (4) The name of any corporation in which the
11 candidate holds a security, the current market value of
12 which is \$5,000 or more.

13 (5) An affirmation, subject to penalty of perjury,
14 that the information contained in the statement of
15 financial interests, is true and complete.

16 (c) A candidate for election to the board shall submit
17 to the board, not later than 60 days prior to the election,
18 on a form to be provided by the board, a statement concerning
19 his or her personal background and positions on issues
20 relating to the operations of the ICA. The statement shall
21 contain an affirmation, subject to penalty of perjury, that
22 the candidate meets the qualifications prescribed for
23 directors in Section 20.

24 (d) Candidates shall be subject to the following
25 restrictions:

26 (1) No candidate may accept more than \$200 in
27 campaign contributions from any person or political
28 committee from one year before the date of an election
29 through the date of the election.

30 (2) Each candidate for election to the board shall
31 keep complete records of all contributions to his or her
32 campaign of \$25 or more from one year before the date of
33 an election through the date of the election and, at the
34 board's request, shall make such records available for

1 inspection by the board.

2 (3) As a condition of receiving the benefits of the
3 board's mailing under subsection (e), a candidate for
4 election to the board shall agree in writing to incur no
5 more than \$2,500 in campaign expenditures from the time
6 he or she commences circulation of petitions for
7 nomination or from 4 months prior to the election,
8 whichever is earlier, through the date of the election.

9 (4) Each candidate for election to the board shall
10 keep complete records of his or her campaign expenditures
11 and, at the board's request, shall make such records
12 available for inspection by the board.

13 (5) No earlier than 14 days and no later than 8
14 days preceding the election and no earlier than 21 days
15 and no later than 30 days after the election, each
16 candidate for election to the board shall submit to the
17 board, on a form provided by the board, an accurate
18 statement of his or her campaign contributions, swearing
19 that he or she has fully complied with the requirements
20 of this subsection.

21 (6) No candidate for election to the board may use
22 any campaign contribution for any purpose except for
23 campaign expenditures. Any campaign contribution not
24 expended shall be donated, no later than 90 days after
25 the election, to the ICA or to any charitable
26 organization at the option of the candidate.

27 (e) The board shall mail or distribute to each member's
28 address on file with the ICA, not sooner than 30 and not
29 later than 10 days before the date fixed for the election:

30 (1) An official ballot listing all candidates for
31 director from the member's district who satisfy the
32 requirements of subsection (a). The board shall include
33 with the ballot each candidate's statement of financial
34 interests submitted under subsection (b).

1 (2) The statement by each candidate for election to
2 the board of personal background and positions as
3 required under subsection (c), if the candidate has
4 agreed in writing to limit his or her campaign
5 expenditures under item (3) of subsection (d).

6 (f) Each member may vote in the election by returning
7 his or her official ballot in person or by first class mail,
8 properly marked, to the ballot return location designated by
9 the ICA. Ballots returned to the location designated by the
10 ICA must be postmarked on or before the date fixed for the
11 election or must be received at the ballot return location
12 designated by the ICA on or before the date fixed for the
13 election. Voting shall be by secret ballot.

14 (g) The board shall tally votes with all reasonable
15 speed and shall inform the membership promptly of the names
16 of the candidates elected.

17 (h) For each district the board shall certify, within 30
18 days of the election, the candidate elected to the board if
19 the candidate has the most votes in the district and if he or
20 she has complied with this Section.

21 (i) If a vacancy in nomination occurs because no
22 candidate has filed a statement of candidacy, the board, by a
23 majority of those voting, shall appoint a member of the ICA
24 who resides in the district where the vacancy exists to be
25 the candidate.

26 (j) If the candidate with the most votes dies, declines
27 to serve, or resigns from candidacy prior to being certified
28 under subsection (h), or for any other reason is not
29 certified under subsection (h), the office for which the
30 candidate ran shall be vacant and shall be filled by the
31 board as provided in this Act.

32 (k) If a vacancy on the Board occurs with more than 12
33 months remaining in the term, the Board shall set a date for
34 a special election for the district for the purpose of

1 electing a director to serve out the term of the vacant
2 office and shall so notify every member in the district. The
3 election may not be less than 2 months nor more than 4 months
4 after such notification. An election under this Section shall
5 be conducted in the same manner as other elections of
6 directors are conducted. The seat shall remain vacant if 12
7 months or less remain in the term.

8 (1) The board may prescribe rules for the conduct of
9 elections and election campaigns not inconsistent with this
10 Act.

11 Section 75. Expenses. All expenses of the ICA incurred
12 in carrying out this Act shall be payable solely from the
13 funding as provided under this Act and no liability may be
14 incurred by the ICA beyond the extent to which moneys have
15 been provided under this Act except that, for the purposes of
16 meeting the necessary expenses of postage, preparing and
17 printing the enclosure, initial organization and operation of
18 the ICA for the period commencing on the effective date of
19 this Act and continuing until the first election of the board
20 of directors under Section 70, the ICA or any individual may
21 borrow such moneys as it requires, including moneys that may
22 be loaned by the Department of Commerce and Community Affairs
23 or its successor agency from funds appropriated for that
24 purpose by law. Such moneys borrowed by the ICA or any
25 individual shall subsequently be repaid with appropriate
26 interest over a reasonable period of time. Loans made by the
27 Department of Commerce and Community Affairs shall be repaid
28 within 24 months from the date the loan is made.

29 Section 80. Dissolution. The ICA may dissolve or be
30 dissolved under the General Not for Profit Corporation Act of
31 1986.

1 Section 85. No conflict with the Citizens Utility Board.
2 This Act does not authorize the ICA to represent consumers in
3 matters that properly fall under the jurisdiction of the
4 Citizens Utility Board, as set out in the Citizens Utility
5 Board Act.

6 Section 90. Construction.

7 (a) This Act, being necessary for the welfare of the
8 State and its inhabitants, shall be liberally construed to
9 give effect to its purposes.

10 (b) Nothing in this Act shall be construed to limit the
11 right of any person to initiate, intervene in, or otherwise
12 participate in any regulatory agency proceeding or court
13 action, nor to require any petition or notification to the
14 ICA as a condition precedent to the exercise of such right,
15 nor to relieve any regulatory agency or court of any
16 obligation, nor to affect its discretion to permit
17 intervention or participation by any person in any proceeding
18 or action."