



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4610

Introduced 1/12/2006, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

10 ILCS 5/Art. 9A heading new
10 ILCS 5/9A-5 new
10 ILCS 5/9A-10 new
10 ILCS 5/9A-15 new
10 ILCS 5/9A-20 new
10 ILCS 5/9A-25 new
10 ILCS 5/9A-30 new
10 ILCS 5/9A-35 new
10 ILCS 5/9A-40 new
10 ILCS 5/9A-45 new
10 ILCS 5/9A-50 new
10 ILCS 5/9A-55 new
30 ILCS 105/5.663 new
35 ILCS 5/506.7 new
35 ILCS 5/509 from Ch. 120, par. 5-509
35 ILCS 5/510 from Ch. 120, par. 5-510

Amends the Election Code, the State Finance Act, and the Illinois Income Tax Act. Establishes a voluntary system of public financing of campaigns for the offices of judges of the Illinois Supreme and Appellate Courts, administered by the State Board of Elections. Specifies limits on campaign contributions and expenditures with respect to all candidates for those offices. Creates the necessary fund in the State treasury and the income tax checkoff for the public financing system. Effective immediately.

LRB094 18687 JAM 54047 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by adding the
5 heading of Article 9A and Sections 9A-5, 9A-10, 9A-15, 9A-20,
6 9A-25, 9A-30, 9A-35, 9A-40, 9A-45, 9A-50, and 9A-55 as follows:

7 (10 ILCS 5/Art. 9A heading new)

8 ARTICLE 9A. PUBLIC CAMPAIGN FINANCING

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

10 Sec. 9A-5. Purpose of the Illinois Public Campaign
11 Financing Fund. The purpose of this Article is to ensure the
12 fairness of democratic elections in Illinois and to protect the
13 constitutional rights of voters and candidates from the
14 detrimental effects of increasingly large amounts of money
15 being raised and spent to influence the outcome of elections,
16 those effects being especially problematic in elections of the
17 judiciary, as impartiality is uniquely important to the
18 integrity and credibility of the courts. Accordingly, this
19 Article establishes the Illinois Public Campaign Financing
20 Fund as an alternative source of campaign financing for
21 candidates who demonstrate public support and voluntarily
22 accept strict fund-raising and spending limits. This Article is
23 available to candidates for Judge of the Illinois Supreme Court
24 and for Judge of the Illinois Appellate Court in elections to
25 be held in 2008 and thereafter.

26 (10 ILCS 5/9A-10 new)

27 Sec. 9A-10. Definitions. As used in this Article:

28 "Board" means the State Board of Elections.

29 "Candidate" means an individual who becomes a candidate as
30 described in Section 9-1.3 for the office of Judge of the

1 Illinois Supreme or Judge of the Illinois Appellate Court. The
2 term includes a political committee authorized by the candidate
3 for that candidate's election.

4 "Certified candidate" means a candidate running for office
5 who chooses to receive campaign funds from the Fund and who is
6 certified under Section 9A-20.

7 "Contested primary" and "contested general election" mean
8 an election in which there are more candidates than the number
9 to be elected.

10 "Contribution" means a contribution as defined in Section
11 9-1.4. A distribution from the Fund pursuant to this Article is
12 not a "contribution".

13 "Expenditure" means an expenditure as defined in Section
14 9-1.5.

15 "Fund" means the Illinois Public Campaign Financing Fund
16 established in this Article.

17 "Maximum qualifying contributions" means an amount of
18 qualifying contributions equal to 60% of the annual
19 compensation for the office.

20 "Minimum qualifying contributions" means an amount of
21 qualifying contributions equal to 20% of the annual
22 compensation for the office.

23 "Nonparticipating candidate" means a candidate running for
24 office who is not seeking to be certified under Section 9A-20).

25 "Office" means the office of Judge of the Illinois
26 Appellate Court or Judge of the Illinois Supreme Court.

27 "Participating candidate" means a candidate for office who
28 has filed a declaration of intent to participate under Section
29 9A-20.

30 "Political committee" means a political committee as
31 defined in Section 9-1..9.

32 "Qualifying contribution" means a contribution of not less
33 than \$10 and not more than \$500 in the form of a check or money
34 order to the candidate or the candidate's committee that is (i)
35 made by any registered voter in this State and (ii) made during
36 the qualifying period and obtained with the approval of the

1 candidate or candidate's committee.

2 "Qualifying period" means the period beginning September 1
3 in the year before the relevant election and ending on the day
4 of the primary before the relevant election.

5 "Trigger for rescue funds" means the dollar amount at which
6 rescue funds are released for certified candidates. In the case
7 of a primary, the trigger equals the maximum qualifying
8 contributions for participating candidates. In the case of a
9 contested general election, the trigger equals the base level
10 of funding available under subsection (b) (4) of Section 9A-25.

11 (10 ILCS 5/9A-15 new)

12 Sec. 9A-15. Illinois Public Campaign Financing Fund
13 established; sources of funding.

14 (a) The Illinois Public Campaign Financing Fund is
15 established as a special fund in the State treasury to finance
16 the election campaigns of certified candidates for office and
17 to pay administrative and enforcement costs of the Board
18 related to this Article. All expenses of administering this
19 Article and personnel and other costs incurred by the Board
20 shall be paid from the Fund and not from the General Revenue
21 Fund. Any interest generated by the Fund is credited to the
22 Fund. The Board shall administer the Fund.

23 (b) Money received from all the following sources must be
24 deposited into the Fund:

25 (1) Designations made to the Illinois Public Campaign
26 Financing Fund by individual taxpayers pursuant to the
27 Illinois Income Tax Act.

28 (2) Any contributions made by attorneys in accordance
29 with Section 9A-55.

30 (3) Illinois Public Campaign Financing Fund revenues
31 distributed for an election that remain unspent or
32 uncommitted at the time the recipient is no longer a
33 certified candidate in the election.

34 (4) Money ordered returned to the Illinois Public
35 Campaign Financing Fund in accordance with Section 9A-45.

1 (5) Voluntary donations made directly to the Illinois
2 Public Campaign Financing Fund. Corporations, other
3 business entities, labor unions, and professional
4 associations may make donations to the Fund.

5 (c) By October 1, 2007, and every 2 years thereafter, the
6 Board, in conjunction with the Advisory Council for the
7 Illinois Public Campaign Financing Fund, shall prepare and
8 provide to the General Assembly a report documenting,
9 evaluating, and making recommendations relating to the
10 administration, implementation, and enforcement of this
11 Article. In its report, the Board shall set out the funds
12 received to date and the expected needs of the Fund for the
13 next election.

14 (10 ILCS 5/9A-20 new)

15 Sec. 9A-20. Requirements for participation; certification
16 of candidates.

17 (a) Any individual choosing to receive campaign funds from
18 the Fund shall first file with the Board a declaration of
19 intent to participate in this Article as a candidate for a
20 stated office. The declaration of intent shall be filed before
21 or during the qualifying period and before collecting any
22 qualifying contributions. In the declaration, the candidate
23 shall swear or affirm that only one political committee,
24 identified with its treasurer, shall handle all contributions,
25 expenditures, and obligations for the participating candidate
26 and that the candidate will comply with the contribution and
27 expenditure limits set forth in subsection (d) of this Section
28 and all other requirements set forth in this Article or adopted
29 by the Board. Failure to comply is a violation of this Article.

30 (b) Participating candidates who seek certification to
31 receive campaign funds from the Fund shall first, during the
32 qualifying period, obtain qualifying contributions from at
33 least 175 registered voters in an aggregate sum that at least
34 equals the amount of minimum qualifying contributions
35 described in Section 9A-10 but that does not exceed the amount

1 of maximum qualifying contributions described in Section
2 9A-10.

3 No payment, gift, or anything of value shall be given in
4 exchange for a qualifying contribution.

5 (c) Upon receipt of a submittal of the record of
6 demonstrated support by a participating candidate, the Board
7 shall determine whether or not the candidate has complied with
8 all the following requirements, if they apply to that
9 candidate:

10 (1) Signed and filed a declaration of intent to
11 participate in this Article.

12 (2) Submitted a report itemizing the appropriate
13 number of qualifying contributions received from
14 registered voters, which the Board shall verify through a
15 random sample or other means it adopts. The report shall
16 include the county of residence of each registered voter
17 listed.

18 (3) Qualified to receive votes on the ballot as a
19 candidate for the office.

20 (4) Otherwise met the requirements for participation
21 in this Article.

22 The Board shall certify candidates complying with the
23 requirements of this Section as soon as possible and no later
24 than 5 business days after receipt of a satisfactory record of
25 demonstrated support.

26 (d) The following restrictions shall apply to
27 contributions and expenditures with respect to participating
28 and certified candidates:

29 (1) Beginning January 1 of the year before the election
30 and before the filing of a declaration of intent, a
31 candidate for office may accept in contributions up to
32 \$10,000 from sources and in amounts permitted by this Code
33 and may expend up to \$10,000 for any campaign purpose. A
34 candidate who exceeds either of these limits shall be
35 ineligible to file a declaration of intent or receive funds
36 from the Illinois Public Campaign Financing Fund.

1 (2) From the filing of a declaration of intent through
2 the end of the qualifying period, a candidate shall expend
3 no more than an amount equal to the maximum qualifying
4 contributions for that candidate, not including possible
5 rescue funds or the remaining money raised pursuant to
6 paragraph (1) of this subsection. Contributions a
7 candidate may use to expend to that limit shall be limited
8 to qualifying contributions and personal and family
9 contributions permitted by paragraph (4) of this
10 subsection.

11 (3) After the qualifying period and through the date of
12 the general election, the candidate shall expend only the
13 funds the candidate receives from the Fund pursuant to
14 subsection (b) (4) of Section 9A-25 plus any funds remaining
15 from the qualifying period and possible rescue funds.

16 (4) During the qualifying period, the candidate may
17 contribute up to \$2,500 of that candidate's own money to
18 the campaign and may accept in contributions \$1,000 from
19 each member of that candidate's family consisting of
20 spouse, parent, child, brother, and sister.

21 (5) A candidate and the candidate's committee shall
22 limit the use of all revenues permitted by this subsection
23 to expenditures for campaign-related purposes only. The
24 Board shall publish guidelines outlining permissible
25 campaign- related expenditures.

26 (6) Any contribution received by a participating or
27 certified candidate that falls outside that permitted by
28 this subsection shall be returned to the donor as soon as
29 practical. Contributions intentionally made, solicited, or
30 accepted in violation of this Article are subject to civil
31 penalties as specified in Section 9A-45. The funds involved
32 shall be forfeited to the Fund.

33 (7) A candidate shall return to the Fund any amount
34 distributed for an election that is unspent and uncommitted
35 at the date of the election, or at the time the individual
36 ceases to be a certified candidate, whichever occurs first.

1 For accounting purposes, all qualifying, personal, and
2 family contributions shall be considered spent before
3 revenue from the Fund is spent or committed.

4 (e) A candidate may revoke, in writing to the Board, a
5 decision to participate in the Illinois Public Campaign
6 Financing Fund at any time before the deadline for the
7 candidate's submission of information for the Voter's Guide
8 under Article 12A. After a timely revocation, that candidate
9 may accept and expend outside the limits of this Article, other
10 than Section 9A-50, without violating this Article. Within 10
11 days after revocation, a candidate shall return to the Board
12 all money received from the Fund.

13 (10 ILCS 5/9A-25 new)

14 Sec. 9A-25. Distribution from the Fund.

15 (a) The Board shall distribute to a certified candidate
16 revenue from the Fund in an amount determined under subsection
17 (b)(4) of this Section within 5 business days after the
18 certified candidate's name is approved to appear on the ballot
19 in a contested general election, but no earlier than 5 business
20 days after the primary.

21 (b) By August 1, 2007, and no less frequently than every 2
22 years thereafter, the Board shall determine the amount of
23 funds, rounded to the nearest \$100, to be distributed to
24 certified candidates as follows:

25 (1) Uncontested primaries. No funds shall be
26 distributed.

27 (2) Contested primaries. No funds shall be distributed
28 except as provided in Section 9A-35.

29 (3) Uncontested general elections. No funds shall be
30 distributed.

31 (4) Contested general elections. Funds shall be
32 distributed to a certified candidate for a position on the
33 Illinois Appellate Court in an amount equal to 125% of the
34 annual compensation for the office of Judge of the Illinois
35 Appellate Court. Funds shall be distributed to a certified

1 candidate for a position on the Illinois Supreme Court in
2 an amount equal to 175% of the annual compensation for the
3 office of Judge of the Illinois Supreme Court.

4 (c) The Board, in consultation with the State Treasurer and
5 the State Comptroller, shall develop a rapid, reliable method
6 of conveying funds to certified candidates. In all cases, the
7 Board shall distribute funds to certified candidates in a
8 manner that is expeditious, ensures accountability, and
9 safeguards the integrity of the Fund. If the money in the Fund
10 is insufficient to fully fund all certified candidates, then
11 the available money shall be distributed proportionally,
12 according to each candidate's eligible funding.

13 (10 ILCS 5/9A-30 new)

14 Sec. 9A-30. Reporting requirements.

15 (a) Any noncertified candidate with a certified opponent
16 shall report total income, expenses, and obligations to the
17 Board by facsimile machine or electronically within 24 hours
18 after the total amount of campaign expenditures or obligations
19 made, or funds raised or borrowed, exceeds 80% of the trigger
20 for rescue funds as described in Section 9A-10. Any entity
21 other than a candidate making expenditures in excess of \$3,000
22 in support of or opposition to a certified candidate shall
23 report the total funds received, spent, or obligated for those
24 expenditures to the Board by facsimile machine or
25 electronically within 24 hours after the total amount of
26 expenditures or obligations made, or funds raised or borrowed,
27 for the purpose of making the expenditures, exceeds 50% of the
28 trigger for rescue funds. After this 24-hour filing, the
29 noncertified candidate or the entity other than the candidate
30 shall comply with an expedited reporting schedule by filing
31 additional reports after receiving each additional amount in
32 excess of \$1,000 or after making or obligating to make each
33 additional expenditure or expenditures in excess of \$1,000. The
34 schedule and forms for reports required by this subsection
35 shall be made according to procedures developed by the Board.

1 (b) Notwithstanding other provisions of law, participating
2 and certified candidates shall report any money received,
3 including all previously unreported qualifying contributions,
4 all campaign expenditures, all obligations, and all related
5 activities to the Board according to procedures developed by
6 the Board. A certified candidate who ceases to be certified or
7 ceases to be a candidate or who loses an election shall file a
8 final report with the Board and return any unspent revenues
9 received from the Fund. In developing these procedures, the
10 Board shall use existing campaign reporting procedures
11 whenever practical.

12 (c) The Board shall ensure prompt public access to the
13 reports received in accordance with this Article. The Board may
14 use electronic means of reporting and storing information.

15 (10 ILCS 5/9A-35 new)

16 Sec. 9A-35. Rescue funds.

17 (a) When any report or group of reports shows that funds in
18 opposition to a certified candidate or in support of an
19 opponent to that candidate, as described in this Section,
20 exceed the trigger for rescue funds as described in Section
21 9A-10, the Board shall issue immediately to that certified
22 candidate an additional amount equal to the reported excess
23 within the limits set forth in this Section. "Funds in
24 opposition to a certified candidate or in support of an
25 opponent to that candidate" shall be equal to the sum of the
26 following:

27 (1) Campaign expenditures or obligations made, or
28 funds raised or borrowed, whichever is greater, reported by
29 any one uncertified opponent of a certified candidate. If a
30 certified candidate has more than one uncertified
31 opponent, the measure shall be taken from the uncertified
32 candidate showing the highest relevant dollar amount.

33 (2) The sum of all expenditures reported in accordance
34 with Section 9A-30 of entities other than candidates making
35 expenditures in opposition to the certified candidate or in

1 support of any opponent of that certified candidate.

2 (b) Total rescue funds to a certified candidate in a
3 contested primary shall be limited to an amount equal to 2
4 times the maximum qualifying contributions for the office
5 sought.

6 (c) Total rescue funds to a certified candidate in a
7 contested general election shall be limited to an amount equal
8 to 2 times the amount described in subsection (b) (4) of Section
9 9A-25.

10 (10 ILCS 5/9A-40 new)

11 Sec. 9A-40. Enforcement and administration.

12 (a) The Board, with the advice of the Advisory Council for
13 the Illinois Public Campaign Financing Fund, shall administer
14 the provisions of this Article.

15 (b) There is established under the Board the Advisory
16 Council for the Illinois Public Campaign Financing Fund to
17 advise the Board on the rules, procedures, and opinions it
18 adopts for the enforcement and administration of this Article
19 and on the funding needs and operation of the Illinois Public
20 Campaign Financing Fund. The Advisory Council shall consist of
21 5 members to be appointed as follows:

22 (1) The Governor and Lieutenant Governor shall each
23 name one member from a list of 5 nominees submitted by the
24 State Chair of the political party with which the greatest
25 number of registered voters in Illinois is affiliated.

26 (2) The Governor and Lieutenant Governor shall each
27 name one member from a list of 5 nominees submitted by the
28 State Chair of the political party with which the second
29 greatest number of registered voters in Illinois is
30 affiliated.

31 (3) The Board shall name one member by unanimous vote
32 of all members of the Board. If the Board cannot reach
33 unanimity on the appointment of that member, the Advisory
34 Council shall consist of the remaining members.

35 No individual shall be eligible to be a member of the

1 Advisory Council who would be ineligible to serve on a board of
2 election commissioners in accordance with Article 6 or Article
3 6A. The initial members shall be appointed by December 1, 2006.
4 Of the initial appointees, one by the Governor and one by the
5 Lieutenant Governor, as determined by those appointing
6 authorities, are appointed for one-year terms, one by the
7 Governor and one by the Lieutenant Governor, as determined by
8 those appointing authorities, are appointed for 2-year terms,
9 and the member appointed by the Board is appointed for a 3-year
10 term. Thereafter, appointees are appointed to serve 4-year
11 terms. An individual may not serve more than 2 full terms. The
12 appointed members shall receive no compensation but shall be
13 reimbursed for reasonable expenses incurred in the performance
14 of their duties. One of the Advisory Council members shall be
15 elected by the members as Chair. A vacancy during an unexpired
16 term shall be filled by the original appointing authority in
17 the same manner as the regular appointment for that term, but a
18 vacancy appointment is only for the unexpired portion of the
19 term.

20 (c) The initial decision on an issue concerning
21 qualification, certification, or distribution of funds under
22 this Article shall be made by the Executive Director of the
23 Board. The procedure for challenging that decision is as
24 follows:

25 (1) An individual or entity aggrieved by a decision by
26 the Executive Director of the Board may appeal to the full
27 Board within 3 business days of the decision. The appeal
28 shall be in writing and shall set forth the reasons for the
29 appeal.

30 (2) Within 5 business days after an appeal is properly
31 made, and after due notice is given to the parties, the
32 Board shall hold a hearing. The appellant has the burden of
33 providing evidence to demonstrate that the decision of the
34 Executive Director was improper. The Board shall rule on
35 the appeal within 3 business days after the completion of
36 the hearing.

1 (d) The Board shall adopt rules and issue opinions to
2 ensure effective administration of this Article. Those rules
3 and opinions shall include, but not be limited to, procedures
4 for obtaining qualifying contributions, certification of
5 candidates, vacancies, recounts, withdrawals, replacements,
6 collection of revenues for the Fund, distribution of Fund
7 revenue to certified candidates, return of unspent Fund
8 disbursements, and compliance with this Article. The Board
9 shall adopt procedures for the distribution of rescue money
10 that further the purpose and avoid the subversion of Section
11 9A-35. For races involving recounts, vacancies, withdrawals,
12 or replacement candidates, the Board shall establish
13 procedures for qualification, certification, disbursement of
14 Fund revenues, and return of unspent Fund revenues. The Board
15 shall fulfill each of these duties in consultation with the
16 Advisory Council on the Illinois Public Campaign Financing
17 Fund.

18 (e) The Advisory Council for the Illinois Public Campaign
19 Financing Fund shall issue a report by March 1, 2009, and every
20 2 years thereafter that evaluates and makes recommendations
21 about the implementation of this Article and the feasibility of
22 expanding its provisions to include other candidates for State
23 office based on the experience of the Fund and the experience
24 of similar programs in other states. The Advisory Council shall
25 also evaluate and make recommendations regarding how to address
26 activities that could undermine the purpose of this Article,
27 including spending that appears to target candidates receiving
28 money from the Fund but that does not fall within this
29 Article's reporting requirements.

30 (10 ILCS 5/9A-45 new)

31 Sec. 9A-45. Civil penalty. In addition to any other
32 penalties that may be applicable, any individual, political
33 committee, or other entity that violates any provision of this
34 Article is subject to a civil penalty of up to \$10,000 per
35 violation or 3 times the amount of any financial transactions

1 involved in the violation, whichever is greater. In addition to
2 any fine, for good cause shown, a candidate found in violation
3 of this Article may be required to return to the Fund all
4 amounts distributed to the candidate from the Fund. If the
5 Board makes a determination that a violation of this Article
6 has occurred, the Board shall calculate and assess the amount
7 of the civil penalty and shall notify the entity that is
8 assessed the civil penalty of the amount that has been
9 assessed. The Board shall then proceed as in the imposition of
10 any civil penalty. In determining whether or not a candidate is
11 in violation of this Article, the Board may consider as a
12 mitigating factor any circumstances out of the candidate's
13 control.

14 (10 ILCS 5/9A-50 new)

15 Sec. 9A-50. Contribution limits.

16 (a) No candidate shall accept, and no contributor shall
17 make to that candidate, a contribution in any election
18 exceeding \$1,000 except as otherwise provided in this Section.

19 (b) A candidate may accept, and a family contributor may
20 make to that candidate, a contribution not exceeding \$2,000 in
21 an election if the contributor is that candidate's parent,
22 child, brother, or sister.

23 (c) No candidate shall accept, and no contributor shall
24 make to that candidate, a contribution during the period
25 beginning 21 days before the day of the general election and
26 ending the day after the general election. This subsection
27 applies with respect to a candidate opposed in the general
28 election by a certified candidate who has not received the
29 maximum rescue funds available under Section 9A-35. The
30 recipient of a contribution that apparently violates this
31 subsection has 3 days to return the contribution or file a
32 detailed statement with the Board explaining why the
33 contribution does not violate this subsection.

34 (d) Nothing in this Section shall prohibit a candidate or
35 the spouse of that candidate from making a contribution or loan

1 secured entirely by that individual's assets to that
2 candidate's own campaign.

3 (e) Any individual, candidate, political committee, or
4 other entity that violates the provisions of this Section is
5 guilty of a Class 2 misdemeanor.

6 (10 ILCS 5/9A-55 new)

7 Sec. 9A-55. Attorneys-at-law contribution. The Supreme
8 Court may, in its discretion, require attorneys, licensed to
9 practice in Illinois, to make monetary contributions to the
10 Illinois Public Campaign Financing Fund not to exceed \$50
11 annually.

12 Section 10. The State Finance Act is amended by adding
13 Section 5.663 as follows:

14 (30 ILCS 105/5.663 new)

15 Sec. 5.663. Illinois Public Campaign Financing Fund.

16 Section 15. The Illinois Income Tax Act is amended by
17 changing Sections 509 and 510 and by adding Section 506.7 as
18 follows:

19 (35 ILCS 5/506.7 new)

20 Sec. 506.7. Designation of tax to the Illinois Public
21 Campaign Financing Fund. The Department shall print on its
22 standard individual income tax form a provision indicating that
23 if the taxpayer wishes to contribute to the Illinois Public
24 Campaign Financing Fund, as authorized by this amendatory Act
25 of the 94th General Assembly, he or she may do so by stating
26 the amount of the contribution (not less than \$3) on the return
27 and that the contribution will reduce the taxpayer's refund or
28 increase the amount of payment to accompany the return. Failure
29 to remit any amount of the increased payment shall reduce the
30 contribution accordingly. This Section does not apply to any
31 amended return. This tax checkoff applies to income tax forms

1 for taxable years 2006 and thereafter.

2 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

3 Sec. 509. Tax checkoff explanations. All individual income
4 tax return forms shall contain appropriate explanations and
5 spaces to enable the taxpayers to designate contributions to
6 the following funds: the Child Abuse Prevention Fund, the
7 Illinois Wildlife Preservation Fund (as required by the
8 Illinois Non-Game Wildlife Protection Act), the Alzheimer's
9 Disease Research Fund (as required by the Alzheimer's Disease
10 Research Act), the Assistance to the Homeless Fund (as required
11 by this Act), the Penny Severns Breast and Cervical Cancer
12 Research Fund, the National World War II Memorial Fund, the
13 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)
14 Research Fund, the Multiple Sclerosis Assistance Fund, the
15 Sarcoidosis Research Fund, the Leukemia Treatment and
16 Education Fund, the World War II Illinois Veterans Memorial
17 Fund, the Korean War Veterans National Museum and Library Fund,
18 the Illinois Military Family Relief Fund, the Blindness
19 Prevention Fund, the Illinois Veterans' Homes Fund, the
20 Illinois Public Campaign Financing Fund, the Epilepsy
21 Treatment and Education Grants-in-Aid Fund, the Diabetes
22 Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer
23 Fund, the Autism Research Fund, the Asthma and Lung Research
24 Fund, and the Illinois Brain Tumor Research Fund.

25 Each form shall contain a statement that the contributions
26 will reduce the taxpayer's refund or increase the amount of
27 payment to accompany the return. Failure to remit any amount of
28 increased payment shall reduce the contribution accordingly.

29 If, on October 1 of any year, the total contributions to
30 any one of the funds made under this Section, except the
31 Illinois Public Campaign Financing Fund, do not equal \$100,000
32 or more, the explanations and spaces for designating
33 contributions to the fund shall be removed from the individual
34 income tax return forms for the following and all subsequent
35 years and all subsequent contributions to the fund shall be

1 refunded to the taxpayer.

2 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
3 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
4 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
5 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
6 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

7 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

8 Sec. 510. Determination of amounts contributed. The
9 Department shall determine the total amount contributed to each
10 of the following: the Child Abuse Prevention Fund, the Illinois
11 Wildlife Preservation Fund, the Assistance to the Homeless
12 Fund, the Alzheimer's Disease Research Fund, the Penny Severns
13 Breast and Cervical Cancer Research Fund, the National World
14 War II Memorial Fund, the Prostate Cancer Research Fund, the
15 Illinois Military Family Relief Fund, the Lou Gehrig's Disease
16 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,
17 the Sarcoidosis Research Fund, the Leukemia Treatment and
18 Education Fund, the World War II Illinois Veterans Memorial
19 Fund, the Korean War Veterans National Museum and Library Fund,
20 the Illinois Veterans' Homes Fund, the Illinois Public Campaign
21 Financing Fund, the Epilepsy Treatment and Education
22 Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the
23 Vince Demuzio Memorial Colon Cancer Fund, the Autism Research
24 Fund, the Blindness Prevention Fund, the Asthma and Lung
25 Research Fund, and the Illinois Brain Tumor Research Fund; and
26 shall notify the State Comptroller and the State Treasurer of
27 the amounts to be transferred from the General Revenue Fund to
28 each fund, and upon receipt of such notification the State
29 Treasurer and Comptroller shall transfer the amounts.

30 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
31 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
32 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
33 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
34 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.