



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### SB0222

Introduced 2/7/2007, by Sen. Kwame Raoul - Kirk W. Dillard

#### SYNOPSIS AS INTRODUCED:

New Act

- 10 ILCS 5/Art. 7B heading new
- 10 ILCS 5/7B-5 new
- 10 ILCS 5/7B-10 new
- 10 ILCS 5/7B-15 new
- 10 ILCS 5/7B-25 new
- 10 ILCS 5/7B-30 new
- 10 ILCS 5/7B-35 new
- 10 ILCS 5/9-1.5 from Ch. 46, par. 9-1.5
- 10 ILCS 5/9-10 from Ch. 46, par. 9-10
- 30 ILCS 105/5.675 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
- 705 ILCS 105/27.15 new

Creates the Judicial Campaign Reform Act and amends the Election Code, the State Finance Act, the Illinois Income Tax Act, and the Clerks of Courts Act. Creates a voluntary program of public financing of election campaigns for the offices of judges of the Illinois Supreme Court and Appellate Courts, administered by the State Board of Elections. Establishes funding mechanisms and provides penalties for violations. Sets mandatory contribution limits with respect to all judicial election campaigns. Makes other changes. Effective January 1, 2009.

LRB095 04669 JAM 24727 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 Judicial 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 "Board" or "State Board" means the State Board of  
11 Elections.

12 "Candidate" means any person seeking election to the office  
13 of Judge of the Illinois Supreme Court or Judge of the Illinois  
14 Appellate Court.

15 "Campaign" includes the primary election campaign period  
16 and the general election campaign period.

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

20 "Electioneering communication expenditure" means an  
21 expenditure for electioneering communications as that term is  
22 defined in Article 9 of the Election Code.

23 "Eligible candidate" means a candidate who qualifies for

1 public financing by collecting the required number of  
2 qualifying contributions, making all required reports and  
3 disclosures, and being certified by the State Board as being in  
4 compliance with this Act.

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

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

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

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

21 "Illinois Judicial Election Democracy Trust Fund" means a  
22 special fund created in the State treasury and to be used,  
23 subject to appropriation, by the State Board of Elections for  
24 the funding of campaigns for participating candidates.

25 "Immediate family", when used with reference to a  
26 candidate, includes the candidate's spouse, parents, and

1 children.

2 "Independent expenditure" means an expenditure by a person  
3 expressly advocating the election or defeat of a clearly  
4 identified candidate that is made without cooperation or  
5 consultation with a candidate, or any political committee or  
6 agent of a candidate, and that is not made in concert with, or  
7 at the request or suggestion of, any candidate or any political  
8 committee or agent of a candidate.

9 "Non-participating candidate" means a candidate who does  
10 not apply for a public financing benefit or who otherwise is  
11 ineligible or fails to qualify for a public financing benefit  
12 under this Act.

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

15 "Primary election campaign period" means the period  
16 beginning 30 days after the last day prescribed by law for  
17 filing nomination papers and ending on the day of the general  
18 primary election.

19 "Public financing qualifying period" means the period  
20 beginning on the first day of July of an odd-numbered year and  
21 ending on the day before the beginning of the primary election  
22 campaign period for the office of Judge of the Illinois Supreme  
23 Court or Judge of the Illinois Appellate Court.

24 "Qualifying contribution" means a contribution between \$5  
25 and \$25 to a candidate made by a resident, at least 18 years  
26 old, of the district in which the candidate seeks office and

1 made during the public financing qualifying period that is  
2 acknowledged by written receipt identifying the contributor.  
3 An individual may make only one qualifying contribution per  
4 candidate.

5 "Qualifying report" is a list of all individual qualifying  
6 contributions.

7 "Seed money contribution" means a contribution in an amount  
8 of not more than \$100 made to a candidate during the  
9 exploratory period or the public financing qualifying period or  
10 a contribution made to a candidate consisting of personal funds  
11 of that candidate in an amount not more than the amount  
12 authorized under Section 30 during the exploratory period or  
13 the public financing qualifying period.

14 Section 10. Qualification; certification.

15 (a) Before a candidate for nomination in the general  
16 primary election may be certified as an eligible candidate to  
17 receive a public financing benefit for the primary election  
18 campaign period, the candidate must apply to the State Board  
19 for a public financing benefit and file a sworn statement that  
20 the candidate has complied and will comply with all  
21 requirements of this Act throughout the applicable campaign,  
22 including the general primary election and the general  
23 election. A candidate must file the application and statement  
24 no later than the beginning of the primary election campaign.

25 (b) The Board shall certify a candidate as an eligible

1 candidate for receipt of public financing for a primary  
2 election if the candidate complies with subsection (a) and  
3 receives a number of qualifying contributions at least equal to  
4 0.15% of the number of ballots cast in the judicial district in  
5 the last gubernatorial election from individual qualifying  
6 contributors before the close of the public financing  
7 qualifying period. The State Board may require candidates to  
8 file lists of qualifying contributions in electronic format. If  
9 so required, the State Board shall either (i) provide, without  
10 charge, all software necessary to comply with this requirement  
11 or (ii) ensure that the necessary software is commonly  
12 available to the public at minimal cost.

13 (c) The State Board shall verify a candidate's compliance  
14 with the requirements of subsection (b) by any verification and  
15 sampling techniques that the State Board considers  
16 appropriate.

17 (d) Each candidate shall acknowledge each qualifying  
18 contribution by a receipt to the contributor that contains the  
19 contributor's name and home address. A candidate shall file a  
20 qualifying report with the State Board of Elections.

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

23 Section 15. Time of application; general election.

24 (a) Before a candidate may be certified as eligible for  
25 receipt of public financing for a general election, the

1 candidate must apply to the Board and file a sworn statement  
2 that the candidate has fulfilled all the requirements of this  
3 Act during the primary election campaign period, has won the  
4 nomination in the general primary, and will comply with the  
5 requirements of this Act during the general election campaign  
6 period. The application must be filed no later than the 7th day  
7 after the date of the general primary election.

8 (b) The Board shall certify a candidate as an eligible  
9 candidate for receipt of public financing for a general  
10 election campaign period if the candidate complies with  
11 subsection (a) and the candidate was an eligible candidate  
12 during the primary election campaign period.

13 (c) In the event that more than one candidate files an  
14 application for the general election, the Board shall accept  
15 applications from all candidates who comply with subsection (a)  
16 but shall postpone the declaration of eligibility for the  
17 general election until after the general primary results are  
18 certified. After the results have been certified, if the  
19 nominee filed an application under subsection (a), the Board  
20 shall declare that candidate eligible for the general election.

21 Section 20. Agreement by candidate. An eligible candidate  
22 who accepts a public financing benefit under this Act during  
23 the primary election campaign period must agree to comply with  
24 all requirements of this Act throughout the general election  
25 campaign period as a precondition to receipt of public

1 financing. An eligible candidate who accepts a public financing  
2 benefit during a primary election campaign period may not elect  
3 to accept private contributions in violation of this Act during  
4 the corresponding general election campaign period.

5 Section 25. Requirements placed upon eligible candidates.

6 (a) An eligible candidate may not accept private  
7 contributions other than seed money contributions and  
8 qualifying contributions.

9 (b) In addition to reports required to be filed under the  
10 Election Code, a candidate who receives a public financing  
11 benefit must furnish complete financial records, including  
12 records of seed money contributions, qualifying contributions,  
13 and expenditures on the last day of each month.

14 (c) In addition to adhering to requirements imposed under  
15 the Election Code, a candidate who receives a public financing  
16 benefit must maintain records of all contributions of at least  
17 \$5, including seed money contributions and qualifying  
18 contributions. These records shall contain the full name of the  
19 contributor and the contributor's full home address.

20 (d) The failure to record or provide the information  
21 specified in subsection (c) disqualifies a contribution from  
22 counting as a qualifying contribution.

23 (e) No eligible candidate and no person acting on a  
24 candidate's behalf may accept any contribution that is not  
25 recorded in accordance with subsection (c) in a candidate's



1 campaign account.

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

4 Section 30. Personal funds of candidates.

5 (a) The personal funds of an eligible candidate contributed  
6 as seed money contributions may not exceed an aggregate amount  
7 of \$10,000. For the purpose of this Section, "personal funds"  
8 includes funds from the candidate's immediate family.

9 (b) No eligible candidate may make any expenditure derived  
10 from personal funds after the close of the public financing  
11 qualifying period.

12 (c) Eligible candidates shall not loan personal funds to  
13 their campaign.

14 Section 35. Seed money contributions.

15 (a) An eligible candidate may accept seed money  
16 contributions from any individual or political committee  
17 before the end of the public financing qualifying period,  
18 provided the total contributions from one contributor, except  
19 personal funds and qualifying contributions otherwise  
20 permitted under this Act, do not exceed \$100 and the aggregate  
21 contributions, including personal funds but not including  
22 qualifying contributions, do not exceed \$30,000.

23 (b) An eligible candidate shall make expenditures from seed  
24 money contributions only during the exploratory period and the

1 public financing qualifying period.

2 Section 40. Excess contributions. An amount equivalent to  
3 the excess contributions shall be deducted by the Board from  
4 the candidate's public financing benefit. A candidate shall  
5 return to the Board all seed money and personal contributions,  
6 including in-kind contributions, that exceed the limits  
7 prescribed in Section 35 within 48 hours after the end of the  
8 exploratory period. The Board shall deposit all contributions  
9 returned under this Section into the Illinois Judicial Election  
10 Democracy Trust Fund.

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

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

21 (b) The Board shall distribute to each eligible candidate  
22 at the general primary election a line of credit for public  
23 financing promptly after the candidate demonstrates his or her  
24 eligibility and, in any event, not later than 5 days after the

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

5 (c) The Board must distribute to each eligible candidate in  
6 the general election a line of credit for public financing not  
7 later than the earlier of (i) 48 hours after the official  
8 canvass and proclamation under Section 22-7 of the Election  
9 Code or (ii) 21 days after the date of the general primary  
10 election. No candidate may receive a line of credit until all  
11 candidates for Judge of the Illinois Supreme Court who apply  
12 and qualify for a public financing benefit have been certified  
13 as eligible candidates.

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

20 Section 50. Public financing benefits.

21 (a) The State Board must provide to each eligible candidate  
22 who qualifies to receive a public financing benefit for the  
23 primary or general election campaign period separate lines of  
24 credit for the primary and general election campaign periods in  
25 the amounts specified in this Section subject to any required

1 adjustment under Section 40, 55, 60, or 80. An eligible  
2 candidate may use this credit to finance any lawful  
3 expenditures during the primary and general election campaign  
4 periods. An eligible candidate may not use this credit to repay  
5 any loan in violation of this Act or any other applicable law.

6 (b) (1) The total public financing benefit available to  
7 eligible candidates for the office of Judge of the Illinois  
8 Supreme Court for the primary and general elections shall  
9 be \$750,000, subject to adjustment by subsection (e) of  
10 this Section.

11 (2) The total public financing benefit available to  
12 eligible candidates for the office of Judge of the Illinois  
13 Appellate Court for the primary and general elections shall  
14 be \$250,000, subject to adjustment by subsection (e) of  
15 this Section.

16 (c) Matching funds that become available due to Section 55  
17 or Section 60 are not counted toward the public financing  
18 benefit. Eligible candidates may decide the allocation of their  
19 benefit between the primary election campaign period and the  
20 general election campaign period, provided that no candidate  
21 may allocate less than 20% or more than 80% during the primary  
22 election campaign period, nor may a candidate allocate more  
23 than 80% during the general election campaign period. Any  
24 portion of the benefit allocated but unspent or uncommitted for  
25 expenses at the close of the primary election campaign period  
26 is forfeited and may not be spent during the general election

1 campaign period.

2 (d) (1) An eligible candidate who is unopposed, other  
3 than by write-in candidates, in a primary election shall  
4 receive a public financing allocation of \$50,000 for the  
5 primary election campaign period.

6 (2) Instead of the benefit in subsection (b), an  
7 eligible candidate who is unopposed, other than by write-in  
8 candidates, in a general election shall receive a public  
9 financing allocation of \$75,000 for the general election  
10 campaign period.

11 (e) Beginning on April 1, 2009 and every 2 years  
12 thereafter, the Board shall modify the public financing  
13 benefits provided for in subsection (b) to adjust for the  
14 change in the Consumer Price Index, All Items, U. S. City  
15 Average, published by the United States Department of Labor for  
16 the preceding 2-year period ending on December 31.

17 Section 55. Reports on financial activity.

18 (a) In addition to other reports required by law, all  
19 candidates in the general primary election or the general  
20 election who receive contributions or make or obligate to make  
21 expenditures in an amount more than 5% greater than the public  
22 financing benefit applicable to an eligible candidate for the  
23 same office shall file a report with the Board itemizing the  
24 total contributions received and expenditures made or  
25 obligated to be made by the candidate as of the date of the

1 report. The Board shall transmit copies of the report to all  
2 candidates for that office and make the report available to the  
3 public in the manner of semi-annual disclosure reports. After  
4 filing that initial report, the candidate shall file additional  
5 reports after the candidate makes or obligates to make each  
6 additional \$1,000 of expenditures. If the contributions are  
7 received or the expenditures are made or obligated to be made  
8 more than 6 weeks before the date of the general primary  
9 election or general election at which the name of the candidate  
10 appears on the ballot, the reports must be made by the date 6  
11 weeks prior to the next election. If the contributions are  
12 received or the expenditures are made or obligated to be made  
13 within 6 weeks before the date of the general primary election  
14 or general election at which the name of the candidate appears  
15 on the ballot, the reports must be made within 24 hours after  
16 each instance in which a contribution is received or an  
17 expenditure is made or obligated to be made.

18 (b) Upon receipt of the information, the Board shall  
19 immediately notify all opposing eligible candidates. If an  
20 opposing candidate makes expenditures or becomes obligated to  
21 make expenditures that exceed the public financing benefit, an  
22 eligible candidate may request matching funds up to the amount  
23 by which the expenditures or obligations of the opposing  
24 candidate exceed the public financing benefit. If an eligible  
25 candidate requests these matching funds, the Board shall  
26 immediately credit his or her account with an additional line

1 of credit equivalent to the request, provided that the sum  
2 total of matching funds credited to the candidate in the  
3 primary election campaign period and the general election  
4 campaign period for independent expenditures, electioneering  
5 communication expenses under Section 60, and non-participating  
6 expenses may not exceed the value of the public financing  
7 benefit. Any matching funds requested but not spent or  
8 committed at the conclusion of the primary election campaign  
9 period are forfeited and may not be spent during the general  
10 election campaign period.

11 Section 60. Independent expenditures and electioneering  
12 communications.

13 (a) If any person makes, or becomes obligated to make, by  
14 oral or written agreement an independent expenditure or  
15 electioneering communications in excess of \$3,000 with respect  
16 to a candidate in a general primary or general election, that  
17 person shall file with the Board a notice of such expenditure  
18 or obligation to make such an expenditure. Any such person must  
19 file reports of the expenditures or obligations to make the  
20 expenditures on the last day of the month that immediately  
21 follows the date of the expenditure or the obligation to make  
22 the expenditure, except that, within 6 weeks before the date of  
23 the general primary election or general election, the person  
24 must file the reports within 24 hours after each such  
25 expenditure or communication is made or obligated to be made.

1 Any such person must file additional reports after each  
2 additional \$1,000 of expenditures are made or obligated to be  
3 made.

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

22 Section 65. Illinois Judicial Election Democracy Trust  
23 Fund.

24 (a) All moneys collected under Sections 40, 45, and 70 of  
25 this Act shall be deposited into the Illinois Judicial Election



1 Democracy Trust Fund and may be used by the State Board of  
2 Elections for the purposes of this Act. The State Treasurer, in  
3 consultation with the Board, shall contract with a debit card  
4 issuer to permit eligible candidates and their agents to draw  
5 upon moneys appropriated from the Trust Fund through an account  
6 with the card issuer.

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

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

23 (d) The State Board of Elections may draw upon funds in the  
24 Illinois Judicial Election Democracy Trust Fund to support the  
25 administration of the program. These funds may be used only to  
26 pay costs to the State Board that are directly associated with

1 the administration of the program, including but not limited  
2 to, ensuring compliance with this Act and promoting the income  
3 tax checkoff. These administrative reimbursements shall be  
4 limited to 1% of the Trust Fund balance in fiscal years when  
5 there is no eligible seat on the ballot or 5% of the Trust Fund  
6 balance in fiscal years when there is an eligible seat on  
7 either a primary or general election ballot.

8 Section 70. Penalties; enforcement.

9 (a) If an eligible candidate makes expenditures that exceed  
10 the public financing benefit allocated to the candidate for any  
11 campaign, the Board shall require the candidate to forfeit to  
12 the Illinois Judicial Election Democracy Trust Fund an amount  
13 equal to not more than 10 times and not less than 2 times the  
14 amount by which the expenditures exceeded the allocation.

15 (b) The Board shall require any eligible candidate who  
16 accepts contributions in excess of any limitation set by this  
17 Act to forfeit to the Illinois Judicial Election Democracy  
18 Trust Fund an amount equal to not more than 10 times and not  
19 less than 2 times the amount by which the contributions exceed  
20 the applicable limitation.

21 (c) If the Board finds that there is reasonable cause to  
22 believe that a candidate has made excess expenditures or has  
23 accepted excess contributions in violation of the Act, the  
24 Board must attempt for a period of not more than 14 days after  
25 its finding to correct the matter by informal methods of

1 conference and conciliation and to enter into a settlement and  
2 conciliation agreement with the candidate involved. A  
3 settlement and conciliation agreement made under this  
4 subsection is a public record. Unless violated, a settlement  
5 and conciliation agreement is a bar to any civil action under  
6 subsection (d).

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

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

25 (f) The Board and the circuit court must expedite all  
26 proceedings under this Section so that all complaints brought

1 prior to an election are resolved, to the extent possible,  
2 before the election is held.

3 (g) If a complaint brought under this Section is resolve  
4 against the complainant and is found to have been brought in  
5 bad faith and without reasonable basis therefor, the circuit  
6 court may assess costs, including reasonable attorney fees,  
7 against the complainant.

8 Section 75. Prohibited acts.

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

15 (b) If a candidate who receives a public financing benefit,  
16 or an agent of that candidate, knowingly makes an expenditure  
17 by means other than those allowed by this Act, the candidate or  
18 agent is guilty of a Class 3 felony.

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

24 Section 90. Deposits into Illinois Judicial Election

1 Democracy Trust Fund.

2 (a) The Department of Revenue shall transfer to the  
3 Illinois Judicial Election Democracy Trust Fund any amounts  
4 contributed to the Illinois Judicial Election Democracy Trust  
5 Fund collected pursuant to Section 506.7 of the Illinois Income  
6 Tax Act.

7 (b) The Treasurer shall deposit into the Illinois Judicial  
8 Election Democracy Trust Fund all amounts collected by the  
9 clerks of courts under Section 27.10 of the Clerks of Courts  
10 Acts and transferred to the Treasurer.

11 Section 105. Voluntary contributions. Individuals and  
12 other entities may make direct voluntary contributions to the  
13 Illinois Judicial Election Democracy Trust Fund. However,  
14 contributions may not exceed \$1,000 per calendar year.

15 Section 110. Fund operational. The Illinois Judicial  
16 Election Democracy Trust Fund shall become operational when the  
17 Fund has attained \$5,000,000.

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

1 Section 900. The Election Code is amended by adding the  
2 heading of Article 7B and Sections 7B-5, 7B-10, 7B-15, 7B-25,  
3 7B-30, and 7B-35 and by changing Sections 9-1.5 and 9-10 as  
4 follows:

5 (10 ILCS 5/Art. 7B heading new)

6 ARTICLE 7B.

7 JUDICIAL CAMPAIGN CONTRIBUTION LIMITS

8 (10 ILCS 5/7B-5 new)

9 Sec. 7B-5. Definitions. As used in this Article:

10 "Association" means any group, club, meeting, collective,  
11 membership organization, or collection of persons other than a  
12 corporation or labor organization, or any entity organized  
13 under Sections 501 or 527 of the Internal Revenue Code, except  
14 that an association does not include a political committee  
15 organized under Article 9 that qualifies as a judicial fund  
16 under this Article.

17 "Board" means the State Board of Elections.

18 "Candidate" or "judicial candidate" means any person who  
19 seeks nomination for election to, election to, or retention in  
20 judicial office, whether or not the person is nominated,  
21 elected, or retained. A person seeks nomination for election,  
22 election, or retention if he or she (i) takes the action  
23 necessary under the laws of this State to attempt to qualify  
24 for nomination for election to, election to, or retention in

1 judicial office or (ii) receives contributions or makes  
2 expenditures, or gives consent for any other person to receive  
3 contributions or make expenditures, with a view to bringing  
4 about his or her nomination for election to, election to, or  
5 retention in judicial office.

6 "Clearly identified" means that:

7 (A) The name, voice, image, or likeness of a candidate  
8 appears; or

9 (B) The identity of the candidate is apparent by  
10 unambiguous reference.

11 "Contribution" means:

12 (A) Any contribution as that term is defined in Article  
13 9, or

14 (B) A payment for any activity in support of or in  
15 opposition to any judicial candidate or for electioneering  
16 communications in relation to any judicial candidate if  
17 such activity or communications is conducted in concert or  
18 cooperation with the political committee of any judicial  
19 candidate.

20 (C) The term "contribution" shall not include:

21 (i) Communications on any subject by a corporation  
22 to its stockholders and executive or administrative  
23 personnel and their families, or by a labor  
24 organization to its members and their families, or by  
25 an association to its members and their families.

26 (ii) Nonpartisan registration and get-out-the-vote

1 campaigns by a corporation aimed at its stockholders  
2 and executive or administrative personnel and their  
3 families, or by a labor organization aimed at its  
4 members and their families, or by an association aimed  
5 at its members and their families.

6 (iii) The establishment, administration, and  
7 solicitation of contributions to a separate segregated  
8 fund to be used for political purposes by a  
9 corporation, labor organization, or association.

10 (iv) A secured loan of money by a national or State  
11 bank made in accordance with the applicable banking  
12 laws and regulations and in the ordinary course of  
13 business, provided that the security for the loan, if  
14 provided by a person other than the candidate or his or  
15 her committee, would qualify as a contribution or  
16 expenditure.

17 (v) A distribution of funds from the Illinois  
18 Judicial Election Democracy Trust Fund.

19 "Corporation" includes a limited liability company,  
20 partnership, professional practice, cooperative, or sole  
21 proprietorship, whether organized on a for-profit or  
22 non-profit basis.

23 "Election" means:

24 (A) A general primary election or general election, or

25 (B) A retention election as that term is used in

26 Article 7A.



1 "Election period" means any of:

2 (A) The period beginning one year prior to the date of  
3 any general primary election for a judicial office and  
4 ending the day of the general primary election;

5 (B) The period beginning on the day after the general  
6 primary election for a judicial office and ending 90 days  
7 after the general election for that judicial office; or

8 (C) The period beginning on the date on which a sitting  
9 judge declares for retention and ending 90 days after the  
10 retention election.

11 "Expenditure" means:

12 (A) Any expenditure as that term is defined in Article  
13 9, or

14 (B) Any contract, promise, or agreement, whether  
15 written or oral, to make an expenditure in concert or  
16 cooperation with the political committee of a judicial  
17 candidate, regardless of when the funds are actually  
18 disbursed.

19 "Independent expenditure" means an expenditure by a  
20 person:

21 (A) Expressly advocating the election or defeat of a  
22 clearly identified candidate or engaging in electioneering  
23 communications in relation to a candidate; and

24 (B) That is not made in concert or cooperation with or  
25 at the request or suggestion of the candidate, the  
26 candidate's designated political committee, or agents of

1 the candidate or committee.

2 "Judicial fund" means any political committee, organized  
3 under Article 9, that receives contributions only from donors  
4 aggregating not more than the amount designated in Section  
5 7B-15.

6 "Labor organization" means any organization of any kind or  
7 any agency or employee representation committee or plan in  
8 which employees participate and that exists for the purpose, in  
9 whole or in part, of dealing with employers concerning  
10 grievances, labor disputes, wages, rates of pay, hours of  
11 employment, or conditions of work.

12 "Natural person" means any one human being.

13 "Person" includes an individual, trust, partnership,  
14 committee, association, corporation, labor organization, or  
15 any other organization or group of persons, including a  
16 political committee organized under Article 9.

17 (10 ILCS 5/7B-10 new)

18 Sec. 7B-10. Designated political committee.

19 (a) Each candidate shall designate in writing one and only  
20 one judicial fund to serve as the political committee of the  
21 candidate. The designation is irrevocable for the duration of  
22 the candidacy and shall be filed with the State Board of  
23 Election.

24 (b) The name of the designated committee shall include the  
25 name of the candidate who designated the committee under

1 subsection (a). No political committee that is not a designated  
2 committee may include the name of that candidate in its name.

3 (c) All designations required to be filed under this  
4 Article shall be filed with the Board. The Board shall retain  
5 these designations and make them available for public  
6 inspection and copying in the same manner as statements of  
7 organization required under Article 9.

8 (10 ILCS 5/7B-15 new)

9 Sec. 7B-15. Limitation on contributions.

10 (a) No person shall make contributions to a  
11 candidate-designated political committee, except that:

12 (1) Natural persons may contribute no more than \$2,000  
13 per election period.

14 (2) Judicial funds established by a State political  
15 party may contribute not more than \$20,000 during the  
16 election period that includes the general election,  
17 provided that all committees established by a State  
18 political party, under State or federal law, shall be  
19 considered as one committee for the purpose of this  
20 Section.

21 (3) Any other judicial fund may contribute no more than  
22 \$5,000 during an election period.

23 (4) A corporation, labor organization, or association  
24 may contribute from its own treasuries no more than \$2,000  
25 during each election period. All contributions from

1 associated entities, including political committees for  
2 which the corporation, labor organization, or association  
3 is the sponsoring entity, shall be aggregated for the  
4 purposes of this Section.

5 (b) No contributor may contribute in aggregate more than  
6 \$20,000 to judicial funds during any election period.

7 (c) On January 1 of every odd-numbered year, the State  
8 Board of Election shall adjust the limits established in  
9 subsection (a) for inflation as determined by the Consumer  
10 Price Index for All Urban Consumers as determined by the United  
11 States Department of Labor and rounded to the nearest \$100.

12 (d) In any instance where (i) a corporation and any of its  
13 subsidiaries, branches, divisions, departments, or local  
14 units; (ii) a labor organization and any of its subsidiaries,  
15 branches, divisions, departments, or local units; or (iii) an  
16 association or any of its affiliates, subsidiaries, branches,  
17 divisions, departments, or local units contribute to a  
18 candidate's political committee, all such contributions shall  
19 be treated as from a single donor for the purposes of  
20 subsection (a).

21 (e) For the purposes of the limitations provided by  
22 subsection (a), a candidate's designated political committee  
23 and any other committee directly or indirectly established,  
24 financed, maintained, or controlled by that candidate, or  
25 working in concert or cooperation with the candidate's  
26 designated committee, shall be considered to be a single

1 political committee.

2 (f) With respect to expenditures:

3 (1) Expenditures made by any person in concert or  
4 cooperation with, or at the request or suggestion of, a  
5 candidate, his or her designated committee, or their agents  
6 shall be considered a contribution to the candidate's  
7 designated committee and, together with all other  
8 contributions from that same source, are subject to the  
9 limits of this Section.

10 (2) The financing by any person of the dissemination,  
11 distribution, or republication, in whole or in part, of any  
12 broadcast or any written, graphic, or other form of  
13 campaign materials prepared by the candidate, his or her  
14 campaign committee, or their designated agents shall be  
15 considered to be a contribution to the candidate's  
16 designated committee for the purposes of this subsection  
17 and, together with all other contributions from that same  
18 source, are subject to the limits of this Section.

19 (g) For the purposes of the limitations designated by this  
20 Section, all contributions made by a person, either directly or  
21 indirectly, to a particular candidate's designated committee,  
22 including contributions that are in any way earmarked or  
23 otherwise directed through an intermediary or conduit to the  
24 candidate, shall be treated as contributions from the person to  
25 the candidate-designated committee. The intermediary or  
26 conduit shall report the original source and the intended

1 recipient of the contribution to the Board and to the intended  
2 recipient.

3 (h) No candidate or political committee shall knowingly  
4 accept any contribution or make any expenditure in violation of  
5 the provisions of this Section. No officer or employee of a  
6 political committee shall knowingly accept a contribution made  
7 for the benefit or use of a candidate or knowingly make any  
8 expenditure in support of or opposition to a candidate or for  
9 electioneering communications in relation to a candidate in  
10 violation of any limitation designated for contributions and  
11 expenditures under this Section.

12 (10 ILCS 5/7B-25 new)

13 Sec. 7B-25. Prohibition of anonymous contributions and  
14 contributions in the name of another.

15 (a) No person shall make a contribution in the name of  
16 another person or knowingly permit his or her name to be used  
17 to effect such a contribution.

18 (b) No person shall knowingly accept a contribution made by  
19 one person in the name of another person.

20 (c) No person shall knowingly accept reimbursement from  
21 another person for a contribution made in his or her own name.

22 (d) No person shall make an anonymous contribution.

23 (e) No person shall knowingly accept any anonymous  
24 contribution.

25 (f) No person shall predicate (i) any benefit, including

1 but not limited to employment decisions including hiring,  
2 promotions, bonus compensation, and transfers, or (ii) any  
3 other gift, transfer, or emolument upon (1) the decision by the  
4 recipient of that benefit to donate or not to donate to a  
5 candidate or (2) the amount of any such donation.

6 (g) Anonymous contributions shall escheat to the State of  
7 Illinois. Any political committee that receives such a  
8 contribution shall forward it immediately to the State  
9 Treasurer.

10 (h) Immediately upon discovery that it has received  
11 contributions given in the name of another, the recipient shall  
12 redesignate the contributions according to their true origin. A  
13 committee may retain such contributions only once the true  
14 origin of the donation has been reported, subject to any other  
15 provisions of this Article, unless the committee knew that the  
16 true donor was disguising his or her identify at the time of  
17 the original receipt. If the committee knew at the time of  
18 original receipt that the true donor was disguising his or her  
19 identify, the funds shall escheat to the State and the Board  
20 shall assess an additional penalty of at least \$1,000 and not  
21 more than \$5,000 for a first violations and of at least \$3,000  
22 and not more than \$10,000 for second and subsequent violations.

23 (10 ILCS 5/7B-30 new)

24 Sec. 7B-30. Complaints.

25 (a) The Board may receive complaints alleging that a

1 violation of this Article has occurred. The Board may bring  
2 complaints and investigations on its own initiative when the  
3 Board has reason to believe that a violation of this Article  
4 has occurred.

5 (b) Upon receipt of a complaint, the Board shall hold a  
6 closed preliminary hearing to determine whether or not the  
7 complaint appears to have been filed on justifiable grounds.  
8 The closed preliminary hearing shall be conducted as soon as  
9 practicable after affording reasonable notice, a copy of the  
10 complaint, and an opportunity to testify at the hearing to both  
11 the person making the complaint and the person against whom the  
12 complaint is directed. If the Board determines that the  
13 complaint has not been filed on justifiable grounds, it shall  
14 dismiss the complaint without further hearing.

15 (c) The Board shall have the authority to promulgate  
16 procedural rules governing the filing and hearing of complaints  
17 under this Section that are not inconsistent with this Article.

18 (d) In addition to any other penalties authorized by this  
19 Section, the State Board of Elections, any political committee,  
20 or any person may apply to the circuit court for a temporary  
21 restraining order or a preliminary or permanent injunction  
22 against a political committee, judicial fund, or entity,  
23 whether registered with the Board under this Article or not, to  
24 cease the expenditure of funds and to cease operations until  
25 the committee, judicial fund, or entity is in compliance with  
26 this Article.



1 (10 ILCS 5/7B-35 new)

2 Sec. 7B-35. Penalties. In addition to any other penalties  
3 established by this Article or other law:

4 (1) All contributions in violation of this Article  
5 escheat to the State;

6 (2) Any person who knowingly violates any of the  
7 provisions of this Article shall be fined the greater of  
8 \$10,000 or three times the value of the illegal  
9 contribution or expenditure; and

10 (3) The Board shall provide a written basis for any  
11 decision issued under this Article. In the event that the  
12 Board fails to make a final determination, or if a majority  
13 of the Board is unable to agree on a final determination,  
14 within 90 days after the filing of the complaint, then the  
15 complainant, within 180 days after the filing of the  
16 complaint, may bring a cause of action in any circuit court  
17 of the State for de novo review.

18 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

19 Sec. 9-1.5. Expenditure defined.

20 "Expenditure" means-

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

1 ward or township committeeman in counties of 3,000,000 or more  
2 population, or in connection with any question of public  
3 policy. "Expenditure" also includes a payment, distribution,  
4 purchase, loan, advance, deposit, or gift of money or anything  
5 of value that constitutes an electioneering communication  
6 regardless of whether the communication is made in concert or  
7 cooperation with or at the request, suggestion, or knowledge of  
8 a candidate, a candidate's authorized local political  
9 committee, a State political committee, a political committee  
10 in support of or opposition to a question of public policy, or  
11 any of their agents. However, expenditure does not include -

12 (a) the use of real or personal property and the cost  
13 of invitations, food, and beverages, voluntarily provided  
14 by an individual in rendering voluntary personal services  
15 on the individual's residential premises for  
16 candidate-related activities; provided the value of the  
17 service provided does not exceed an aggregate of \$150 in a  
18 reporting period;

19 (b) the sale of any food or beverage by a vendor for  
20 use in a candidate's campaign at a charge less than the  
21 normal comparable charge, if such charge for use in a  
22 candidate's campaign is at least equal to the cost of such  
23 food or beverage to the vendor.

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

25 (3) a payment for electioneering communications.

26 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;

1 93-847, eff. 7-30-04.)

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

3 Sec. 9-10. Financial reports.

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

17 (b) Reports of campaign contributions shall be filed no  
18 later than the 15th day next preceding each election including  
19 a primary election in connection with which the political  
20 committee has accepted or is accepting contributions or has  
21 made or is making expenditures. Such reports shall be complete  
22 as of the 30th day next preceding each election including a  
23 primary election. The Board shall assess a civil penalty not to  
24 exceed \$5,000 for a violation of this subsection, except that  
25 for State officers and candidates and political committees

1 formed for statewide office, the civil penalty may not exceed  
2 \$10,000. The fine, however, shall not exceed \$500 for a first  
3 filing violation for filing less than 10 days after the  
4 deadline. There shall be no fine if the report is mailed and  
5 postmarked at least 72 hours prior to the filing deadline. For  
6 the purpose of this subsection, "statewide office" and "State  
7 officer" means the Governor, Lieutenant Governor, Attorney  
8 General, Secretary of State, Comptroller, and Treasurer.  
9 However, a continuing political committee that does not make  
10 expenditures in excess of \$500 on behalf of or in opposition to  
11 any candidate or public question on the ballot at an election  
12 shall not be required to file the reports heretofore prescribed  
13 but may file in lieu thereof a Statement of Nonparticipation in  
14 the Election with the Board or the Board and the county clerk;  
15 except that if the political committee, by the terms of its  
16 statement of organization filed in accordance with this  
17 Article, is organized to support or oppose a candidate or  
18 public question on the ballot at the next election or primary,  
19 that committee must file reports required by this subsection  
20 (b) and by subsection (b-5).

21 (b-5) Notwithstanding the provisions of subsection (b) and  
22 Section 1.25 of the Statute on Statutes, any contribution of  
23 more than \$500 received in the interim between the last date of  
24 the period covered by the last report filed under subsection  
25 (b) prior to the election and the date of the election shall be  
26 filed with and must actually be received by the State Board of

1 Elections within 2 business days after receipt of such  
2 contribution. The State Board shall allow filings of reports of  
3 contributions of more than \$500 under this subsection (b-5) by  
4 political committees that are not required to file  
5 electronically to be made by facsimile transmission. For the  
6 purpose of this subsection, a contribution is considered  
7 received on the date the public official, candidate, or  
8 political committee (or equivalent person in the case of a  
9 reporting entity other than a political committee) actually  
10 receives it or, in the case of goods or services, 2 business  
11 days after the date the public official, candidate, committee,  
12 or other reporting entity receives the certification required  
13 under subsection (b) of Section 9-6. Failure to report each  
14 contribution is a separate violation of this subsection. In the  
15 final disposition of any matter by the Board on or after the  
16 effective date of this amendatory Act of the 93rd General  
17 Assembly, the Board may impose fines for violations of this  
18 subsection not to exceed 100% of the total amount of the  
19 contributions that were untimely reported, but in no case when  
20 a fine is imposed shall it be less than 10% of the total amount  
21 of the contributions that were untimely reported. When  
22 considering the amount of the fine to be imposed, the Board  
23 shall consider, but is not limited to, the following factors:

24 (1) whether in the Board's opinion the violation was  
25 committed inadvertently, negligently, knowingly, or  
26 intentionally;

1           (2) the number of days the contribution was reported  
2           late; and

3           (3) past violations of Sections 9-3 and 9-10 of this  
4           Article by the committee.

5           Notwithstanding paragraphs (1), (2), and (3), if the  
6           committee failed to report expenditures that could trigger  
7           matching funds under the Judicial Campaign Reform Act, then the  
8           State Board may assess a fine for each violation not to exceed  
9           \$10,000 plus the value of the unreported expense.

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

1 the purpose of this subsection, "statewide office" and "State  
2 officer" means the Governor, Lieutenant Governor, Attorney  
3 General, Secretary of State, Comptroller, and Treasurer.

4 (c-5) A political committee that acts as either (i) a State  
5 and local political committee or (ii) a local political  
6 committee and that files reports electronically under Section  
7 9-28 is not required to file copies of the reports with the  
8 appropriate county clerk if the county clerk has a system that  
9 permits access to, and duplication of, reports that are filed  
10 with the State Board of Elections. A State and local political  
11 committee or a local political committee shall file with the  
12 county clerk a copy of its statement of organization pursuant  
13 to Section 9-3.

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

17 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
18 94-645, eff. 8-22-05.)

19 Section 905. The State Finance Act is amended by adding  
20 Section 5.675 as follows:

21 (30 ILCS 105/5.675 new)

22 Sec. 5.675. The Illinois Judicial Election Democracy Trust  
23 Fund.

1 Section 910. The Illinois Income Tax Act is amended by  
2 changing Sections 509 and 510 and by adding Section 506.7 as  
3 follows:

4 (35 ILCS 5/506.7 new)

5 Sec. 506.7. Designation of tax to the Illinois Judicial  
6 Election Democracy Trust Fund. The Department shall print on  
7 its standard individual income tax form a provision indicating  
8 that if the taxpayer wishes to contribute to the Illinois  
9 Judicial Election Democracy Trust Fund, as authorized by this  
10 amendatory Act of the 95th General Assembly, he or she may do  
11 so by stating the amount of the contribution (not less than \$1)  
12 on the return and that the contribution will reduce the  
13 taxpayer's refund or increase the amount of payment to  
14 accompany the return. Failure to remit any amount of the  
15 increased payment shall reduce the contribution accordingly.  
16 This Section does not apply to any amended return. This tax  
17 checkoff applies to income tax forms for taxable years 2009 and  
18 thereafter.

19 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

20 Sec. 509. Tax checkoff explanations. All individual income  
21 tax return forms shall contain appropriate explanations and  
22 spaces to enable the taxpayers to designate contributions to  
23 the following funds: the Child Abuse Prevention Fund, the  
24 Illinois Wildlife Preservation Fund (as required by the



1 Illinois Non-Game Wildlife Protection Act), the Alzheimer's  
2 Disease Research Fund (as required by the Alzheimer's Disease  
3 Research Act), the Assistance to the Homeless Fund (as required  
4 by this Act), the Penny Severns Breast and Cervical Cancer  
5 Research Fund, the National World War II Memorial Fund, the  
6 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)  
7 Research Fund, the Multiple Sclerosis Assistance Fund, the  
8 Sarcoidosis Research Fund, the Leukemia Treatment and  
9 Education Fund, the World War II Illinois Veterans Memorial  
10 Fund, the Korean War Veterans National Museum and Library Fund,  
11 the Illinois Military Family Relief Fund, the Blindness  
12 Prevention Fund, the Illinois Veterans' Homes Fund, the  
13 Epilepsy Treatment and Education Grants-in-Aid Fund, the  
14 Diabetes Research Checkoff Fund, the Vince Demuzio Memorial  
15 Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED  
16 Fund, the Asthma and Lung Research Fund, the Illinois Judicial  
17 Election Democracy Trust Fund, and the Illinois Brain Tumor  
18 Research Fund.

19 Each form shall contain a statement that the contributions  
20 will reduce the taxpayer's refund or increase the amount of  
21 payment to accompany the return. Failure to remit any amount of  
22 increased payment shall reduce the contribution accordingly.

23 If, on October 1 of any year, the total contributions to  
24 any one of the funds made under this Section, except the  
25 Illinois Judicial Election Democracy Trust Fund, do not equal  
26 \$100,000 or more, the explanations and spaces for designating

1 contributions to the fund shall be removed from the individual  
2 income tax return forms for the following and all subsequent  
3 years and all subsequent contributions to the fund shall be  
4 refunded to the taxpayer.

5 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;  
6 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.  
7 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.  
8 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.  
9 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised  
10 8-3-06.)

11 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

12 Sec. 510. Determination of amounts contributed. The  
13 Department shall determine the total amount contributed to each  
14 of the following: the Child Abuse Prevention Fund, the Illinois  
15 Wildlife Preservation Fund, the Assistance to the Homeless  
16 Fund, the Alzheimer's Disease Research Fund, the Penny Severns  
17 Breast and Cervical Cancer Research Fund, the National World  
18 War II Memorial Fund, the Prostate Cancer Research Fund, the  
19 Illinois Military Family Relief Fund, the Lou Gehrig's Disease  
20 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,  
21 the Sarcoidosis Research Fund, the Leukemia Treatment and  
22 Education Fund, the World War II Illinois Veterans Memorial  
23 Fund, the Korean War Veterans National Museum and Library Fund,  
24 the Illinois Veterans' Homes Fund, the Illinois Judicial  
25 Election Democracy Trust Fund, the Epilepsy Treatment and

1 Education Grants-in-Aid Fund, the Diabetes Research Checkoff  
2 Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism  
3 Research Fund, the Blindness Prevention Fund, the Heartsaver  
4 AED Fund, the Asthma and Lung Research Fund, and the Illinois  
5 Brain Tumor Research Fund; and shall notify the State  
6 Comptroller and the State Treasurer of the amounts to be  
7 transferred from the General Revenue Fund to each fund, and  
8 upon receipt of such notification the State Treasurer and  
9 Comptroller shall transfer the amounts.

10 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;  
11 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.  
12 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.  
13 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.  
14 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised  
15 8-3-06.)

16 Section 915. The Clerks of Courts Act is amended by adding  
17 Section 27.15 as follows:

18 (705 ILCS 105/27.15 new)

19 Sec. 27.15. Illinois Judicial Election Democracy Trust  
20 Fund. The clerk shall transfer \$1 from each filing or  
21 appearance fee paid in accordance with Section 27.1, 27.1a,  
22 27.2, or 27.2a to the State Treasurer for deposit into the  
23 Illinois Judicial Election Democracy Trust Fund. To defray that  
24 expense, the county board may, by resolution, require the clerk

1 of the circuit court in the county to charge and collect an  
2 Illinois Judicial Election Democracy Trust Fund fee of not more  
3 than \$1, which shall be paid at the time that any filing or  
4 appearance fee is paid. The fee shall be collected in the  
5 manner in which all other fees or costs are collected. Each  
6 clerk shall commence the charges and collection upon receipt of  
7 written notice from the chairman of the county board together  
8 with a certified copy of the board's resolution. The clerk  
9 shall file the resolution of record in his or her office. The  
10 fee shall be in addition to all other fees and charges of the  
11 clerks shall be assessable as costs, and may be waived only if  
12 the judge specifically provides for the waiver of the Illinois  
13 Judicial Election Democracy Trust Fund fee. The fees shall be  
14 remitted monthly by the clerk for deposit into the Illinois  
15 Judicial Election Democracy Trust Fund.

16 Section 999. Effective date. This Act takes effect January  
17 1, 2009.