

1 AN ACT concerning campaign finance.

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 Campaign Finance Limitation Act.

6 Section 5. Legislative findings.

7 (a) The General Assembly finds that the cost of running
8 for statewide offices and legislative seats has risen greatly
9 and that many qualified candidates are excluded from the
10 democratic system as a result of the rising cost. The
11 General Assembly further finds that the United States Supreme
12 Court has indicated that any limitation on campaign
13 expenditures must be entered into voluntarily and that the
14 use of public financing of campaigns is a constitutionally
15 permissible way in which to encourage candidates to adopt
16 voluntary campaign spending limitations. The General Assembly
17 further finds that using public funds to assist in the
18 financing of campaigns for certain statewide offices and
19 legislative seats, in conjunction with voluntary campaign
20 spending limitations, will increase the number of qualified
21 candidates able to run for office.

22 (b) The General Assembly finds that there is a
23 compelling State interest in preserving the integrity of the
24 electoral process in State elections by ensuring that these
25 elections are free from corruption and the appearance of
26 corruption and that this end can only be achieved if (i)
27 reasonable limits are placed on the amount of campaign
28 contributions from certain sources and (ii) the sources of
29 funding and the use of that funding in campaigns are fully
30 disclosed.

1 Section 10. Definitions. In this Act:

2 "Board" means the State Board of Elections.

3 "Candidate" means any person seeking nomination for
4 election to or election to the office of State Senator, State
5 Representative, Governor, Lieutenant Governor, Secretary of
6 State, Attorney General, State Treasurer, or State
7 Comptroller if that person meets the requirements of Section
8 9-1.3 of the Election Code.

9 "Covered elective office means:

10 (1) the office of State Senator or State
11 Representative during any election period; or

12 (2) the office of Governor, Lieutenant Governor,
13 State Treasurer, Secretary of State, Attorney General,
14 and State Comptroller if covered during a specific
15 election period under Section 65.

16 "Election period" means (i) the period beginning January
17 1 of the calendar year prior to the year of the election in
18 which the candidate is seeking election through the end of
19 the calendar year of the election for the office of State
20 Senator or State Representative and (ii) the period beginning
21 July 1 of the calendar year prior to the year of the election
22 in which the candidate is seeking election through the end of
23 the calendar year of the election for the offices of
24 Governor, Lieutenant Governor, Attorney General, Secretary of
25 State, State Treasurer, and State Comptroller.

26 "Expenditure" means the same as in Section 9-1.4 of the
27 Election Code.

28 "General election period" means the period beginning with
29 the day following the end of the primary election period
30 through the end of the election period.

31 "Primary election period" means the period beginning with
32 the first day of the election period through the 35th day
33 following the primary election.

34 "Unrestricted spending" means expenditures for the

1 following:

2 (1) The necessary and continued operation of the
3 campaign office or offices of a candidate or political
4 committee.

5 (2) Social events primarily for benefit of campaign
6 workers and volunteers or constituents.

7 (3) Obtaining public input and opinion.

8 (4) The repayment of campaign loans incurred before
9 election day.

10 (5) Newsletters and other communications of
11 information, thanks, acknowledgement, or greetings or for
12 the purpose of political organization and planning.

13 (6) Gifts of acknowledgement, including flowers and
14 charitable contributions, except that gifts to any one
15 natural person may not exceed \$50 in the aggregate in any
16 calendar year.

17 (7) Meals, lodging, and travel by a candidate
18 related to his or her candidacy and for members of his or
19 her immediate family.

20 (8) Conference fees, meals, lodging, and travel by
21 an officeholder and his or her staff when involved in
22 activities related to their official duties.

23 (9) Payment for the installation and use of
24 telephone and telefax machines located in an
25 officeholder's office and used by the officeholder.

26 Section 15. Candidates for covered elective office.

27 (a) If the office is designated as covered for a given
28 election period under Section 65, any candidate for Governor,
29 Lieutenant Governor, State Treasurer, Secretary of State,
30 Attorney General, or State Comptroller may qualify for public
31 funds to be used for the election period if he or she
32 limits his or her campaign spending for the election
33 period and meets the other requirements prescribed in

1 this Section.

2 (b) In any election period, any candidate for the the
3 office of State Senator or State Representative may qualify
4 for public funds to be used for the election period if he or
5 she limits his or her campaign spending for the election
6 period and meets the other requirements prescribed in this
7 Section.

8 (c) To qualify for public funds for the election period,
9 a candidate for the office of Governor must limit his or her
10 spending, other than unrestricted spending, for the primary
11 election period to \$2,000,000 and for the general election
12 period to \$6,000,000. A candidate for the office of
13 Lieutenant Governor must limit his or her spending, other
14 than unrestricted spending, for the primary election period
15 to \$100,000. A candidate for the office of Secretary of
16 State or Attorney General must limit his or her spending,
17 other than unrestricted spending, for the primary election
18 period to \$500,000 and for the general election period to
19 \$1,500,000. A candidate for the office of State Treasurer or
20 State Comptroller must limit his or her spending, other
21 than unrestricted spending, for the primary election period
22 to \$300,000 and for the general election period to \$800,000.
23 A candidate for the office of State Senator must limit his
24 or her spending, other than unrestricted spending, for
25 the primary election period to \$250,000 and for the general
26 election period to \$250,000. A candidate for the office of
27 State Representative must limit his or her spending, other
28 than unrestricted spending, for the primary election period
29 to \$150,000 and for the general election period to \$150,000.

30 (d) Each candidate for a covered elective office
31 desiring to receive public funds pursuant to this Section
32 must (i) beginning on the first day of the election period,
33 raise an amount equal to at least 25% of the spending
34 limitation for the office that he or she is seeking from

1 persons who are residents of Illinois and (ii) file with the
2 State Board of Elections an affidavit under Section 20
3 indicating his or her intent to abide by the spending
4 limitations and his or her agreement to personally act as a
5 guarantor for the lawful use of those funds and to be held
6 personally liable to the State of Illinois for any such
7 funds not repaid to the State as required by law. Money
8 raised prior to filing the affidavit does not count toward
9 the qualifying amount established in this subsection. Money
10 raised prior to the first day of the election period does not
11 count toward the qualifying amount established in this
12 subsection. At least 65% of the qualifying amount
13 established in this subsection must be received from
14 individuals.

15 For purposes of this Section, a business, corporation,
16 partnership, limited liability company, or association is a
17 resident of this State if it has an office in this State and
18 transacts business in this State.

19 (e) Except as otherwise provided in Section 20, any
20 candidate for a covered elective office who does not file an
21 affidavit pursuant to subsection (d) of this Section must
22 file with the Board an affidavit indicating his or her intent
23 not to abide by the spending limitations of this Section and
24 shall include a reasonable estimate of his or her maximum
25 expenditures under the Election Code for the primary
26 election period. The estimate of expenditures for the
27 primary election period may be amended up to 30 days prior to
28 the primary election by filing a subsequent affidavit.
29 A candidate nominated for a covered elective office in the
30 primary election shall file an estimate of expenditures for
31 the general election period on or before the 40th day
32 following the primary election. The estimate of expenditures
33 for the general election period may be amended up to
34 60 days prior to the general election by filing a subsequent

1 affidavit.

2 A candidate for a covered elective office whose estimated
3 maximum expenditures exceed the spending limitations of this
4 Section as set forth in the affidavit must file an affidavit
5 with the Board when 40% of his or her estimated maximum
6 expenditures have been spent for the primary election period.
7 The candidate must file a second affidavit with the Board
8 when 40% of his or her estimated maximum expenditures has
9 been spent for the general election period. Each affidavit
10 shall be filed no later than 5 days after the 40% have been
11 expended. A candidate who intentionally fails to file the
12 required affidavit within either 5-day period is guilty of a
13 Class B misdemeanor.

14 (f) If an affidavit required under subsection (e) of
15 this Section is not filed, no public funds may be
16 distributed to the candidates for any office who have
17 qualified for public funds for the election period
18 unless statements or reports filed under Article 9 of the
19 Election Code or an audit under Section 45 of this Act reveal
20 that a candidate has made expenditures requiring the filing
21 of an affidavit under subsection (e) of this Section.

22 Section 20. Affidavit; late fee; violations.

23 (a) Except as otherwise provided in this Section, each
24 candidate for a covered elective office must file either an
25 affidavit to abide by subsection (a) of Section 15 or an
26 affidavit not to abide by subsection (d) of Section 15 with
27 the State Board of Elections within 10 days after forming a
28 political committee and on or before the first day of each
29 election period. If the candidate does not form a political
30 committee, he or she is not required to file an affidavit
31 under Section 13. The affidavit must be filed on forms
32 prescribed by the Board.

33 (b) Any candidate who fails to file the required

1 affidavit must pay the Board a late filing fee of \$25 for
2 each day that affidavit remains not filed not to exceed \$750.

3 (c) It is a violation of this Act for a candidate for a
4 covered elective office who has filed an affidavit to abide
5 by subsection (d) of Section 15 to exceed the spending limits
6 in Section 15 of this Act.

7 Section 25. Additional filing. Any candidate for a
8 covered elective office must file a copy of the affidavit
9 that was required to be filed with the Board, as
10 provided in Section 20, at the same time and with the same
11 election official with whom the individual files his or her
12 petitions for nomination. A candidate for a covered elective
13 office who qualifies other than by a petition for nomination
14 must file a copy of an affidavit under Section 20 with the
15 Board within 5 days after qualifying to appear on the ballot.
16 The petitions for nomination for a covered elective office
17 may not be accepted by an election official unless a copy of
18 the candidate's affidavit as filed with the Board, if
19 required, is properly filed with the elections official.

20 Section 30. Request for public funds; disbursement;
21 limitations on use; report.

22 (a) Any candidate for a covered elective office who
23 has satisfied the requirements of subsection (d) of Section
24 15 may, upon spending 25% of the spending limitation for
25 the election period prescribed in that Section, file an
26 affidavit with the Board setting forth these facts and
27 requesting public funds. If the highest estimated maximum
28 expenditure filed by any of the candidate's opponents for
29 that same office in effect as of the last date to amend an
30 affidavit pursuant to subsection (e) of Section 15 is greater
31 than the spending limitations as provided in subsection (c)
32 of Section 15 for the office, the candidate is entitled to

1 receive the difference between the spending limitation and
2 the highest estimated maximum expenditure filed by any of the
3 candidate's opponents. The Board must compute the amount
4 of the payment to be made to a candidate. For purposes
5 of this Section, a candidate's opponent in a general primary
6 election includes only those other candidates of the same
7 political party running for the same office.

8 (b) Except as otherwise provided by subsection (f) of
9 Section 15, public funds to which a candidate is entitled
10 under this Section must be disbursed to that candidate not
11 later than 2 weeks after the last date to amend an affidavit
12 pursuant to subsection (e) of Section 15.

13 (c) Public funds received pursuant to this Section
14 must be kept in a separate account in a financial institution
15 in this State, must be used only to make expenditures, and
16 may not be counted against the spending limitations
17 prescribed in Section 15. Any unexpended public funds must
18 be repaid to the State on or before December 31 of the
19 final year of the election period.

20 (d) Expenditures from public funds received pursuant to
21 this Section must be reported to the Board on forms
22 prescribed by the Board and in accordance with rules
23 adopted by the Board.

24 Section 35. Prohibited acts; violations; criminal
25 penalties.

26 (a) Any candidate who receives public funds pursuant to
27 Section 30 and fails to comply with the spending limitations
28 prescribed in Section 15 must repay the amount expended in
29 excess of the spending limitations to the State within 6
30 months after the receipt of the public funds by the
31 candidate.

32 (b) Any candidate who receives public funds pursuant to
33 Section 30 and exceeds the spending limitations prescribed in

1 Section 15 by 5% or more must, within 6 months, repay the
2 entire amount of public funds received with interest at the
3 rate specified in Section 4 of the Interest Act from the
4 date the limitation was exceeded by 5% or more.

5 (c) Any candidate described in subsection (a) of this
6 Section or the treasurer of a political committee who exceeds
7 the spending limitation by 5% or more is in willful and
8 knowing violation of Section 15. Any person willfully and
9 knowingly violating that Section is guilty of a Class B
10 misdemeanor.

11 (d) Any candidate who files, or causes to be filed,
12 pursuant to subsection (e) of Section 15, an affidavit
13 executed by him or her that he or she knows contains any
14 material element that is false is guilty of a Class 3 felony.

15 (e) Any candidate who willfully, knowingly, or
16 intentionally underestimates his or her maximum expenditures
17 by 5% or more in an affidavit filed pursuant to subsection
18 (e) of Section 15 is guilty of a Class B misdemeanor.

19 (f) The expenditure of public funds received pursuant to
20 Section 30 is not a violation of the spending limitation.

21 Section 40. Contribution limitations. During the
22 election period, no candidate for a covered elective office
23 may accept contributions from political committees;
24 businesses, including, but not limited to, corporations,
25 unions, industry, trade, or professional associations; and
26 political parties that, when aggregated, are in excess of
27 \$750,000 for a candidate for the office of Governor; \$75,000
28 for a candidate for the office of Lieutenant Governor,
29 State Treasurer, Secretary of State, Attorney General, or
30 State Comptroller; and \$36,500 for a candidate for the office
31 of State Senator or State Representative.

32 Section 45. Audits. The Board must conduct an audit of

1 the accounts and records of any candidate filing an affidavit
2 under subsection (d) of Section 15.

3 Section 60. Independant expenditures.

4 (a) If any person, including any political committee,
5 determines more than 45 days before a primary election or
6 general election that he or she intends to make independent
7 expenditures of \$2,000 or more during the primary election
8 period or the general election period for or against a
9 candidate seeking nomination or election to a covered
10 elective office, the person must file a statement of intent
11 to expend with the Board. The statement of intent to expend
12 shall be filed no later than 45 days before the date of the
13 election at which the candidate is seeking nomination or
14 election.

15 (b) The statement of intent to expend must include the
16 following information:

17 (1) The name, address, and telephone number of the
18 person or political committee filing the statement.

19 (2) The name address, and telephone number of the
20 treasurer if the person filing the statement is a
21 political committee.

22 (3) The name of the candidate for which the
23 independent expenditure is intended to be made, the date
24 of the election for which the independent expenditure is
25 intended to be made, and whether the independent
26 expenditure will be made in support of or in opposition
27 to the candidate.

28 (4) The office sought by the candidate for which
29 the independent expenditure is intended to be made.

30 (5) The maximum amount of independent expenditures
31 the person intends to spend in support of or in
32 opposition to the candidate for the primary election
33 period and the general election period.

1 (c) No person who has filed a statement of intent to
2 expend may make independent expenditures exceeding an amount
3 equal to more than 20% of the amount stated in paragraph (5)
4 of subsection (b) of this Section or an amount equal to less
5 than 20% of that amount. No person may make independent
6 expenditures for a covered elective office without filing a
7 statement of intent to expend under this Section.

8 (d) The Board must give notice of the filing of a
9 statement of intent to expend to all candidates seeking the
10 same office as a candidate named in a statement of intent to
11 expend. The notice must be given by mail within 10 days after
12 the receipt of the statement of intent to expend.

13 (e) If a statement of intent to expend is filed pursuant
14 to this Section, (1) the candidate named in the statement if
15 the expenditures are to be made in opposition to the
16 candidate or (2) a candidate for the same office as the
17 candidate named in the statement and on whose behalf the
18 expenditures are to be made must be allowed to withdraw an
19 affidavit of intent to abide by the spending limitations of
20 Section 15 if the candidate has not received public funds
21 under this Act. The withdrawal must be accomplished by filing
22 a written statement withdrawing his or her affidavit to abide
23 and simultaneously filing an affidavit not to abide under
24 paragraph (1) of subsection (a) of this Section at least 30
25 days before the election.

26 (f) Notwithstanding any other provision of this Section,
27 if independent expenditures of \$2,000 or more are made (i) in
28 opposition to a candidate seeking nomination or election to a
29 covered elective office or (ii) in support of another
30 candidate seeking nomination or election to the same covered
31 elective office during a primary election period or a general
32 election period, a candidate against whom independent
33 expenditures are made or a candidate for the same office as a
34 candidate in support of whom independent expenditures are

1 made must be allowed to withdraw an affidavit of intent to
2 abide by the spending limitations of Section 15 if the
3 candidate has not received public funds under this Act. The
4 withdrawal must be made by filing a written statement
5 withdrawing his or her affidavit to abide and simultaneously
6 filing an affidavit not to abide as provided in subsection
7 (e). The withdrawal must be made at least 30 days before the
8 election.

9 Section 65. Allocation of funds.

10 (a) Before June 30 of each odd-numbered year, the Board
11 must:

12 (1) allocate the available moneys in the Campaign
13 Finance Limitation Cash Fund to fund requests for public
14 funding for each candidate for the office of State
15 Senator or State Representative;

16 (2) calculate its best estimate of the amount of
17 funds available in the Campaign Finance Limitation Cash
18 Fund to fund requests for public funds during the
19 following election year; and

20 (3) if the estimated available funds exceed the
21 amount necessary to fund the allocations under paragraph
22 (1) of this subsection (a), designate additional covered
23 elective offices in the following order:

- 24 (A) State Comptroller.
- 25 (B) Attorney General.
- 26 (C) Secretary of State.
- 27 (D) State Treasurer.
- 28 (E) Lieutenant Governor.
- 29 (F) Governor.

30 (b) All elective offices not designated in subsection
31 (a) to be covered elective offices for the election period
32 ending on December 31 of the following year are not to be
33 covered elective offices for the election period.

1 Section 70. Limiting receipt of public funds. Any
2 candidate who has qualified to receive public funds under
3 this Act may, by written request, limit his or her receipt of
4 public funds to an amount that is less than the total amount
5 he or she is entitled to receive.

6 Section 75. Record-keeping. Any candidate desiring to
7 receive public funds must keep detailed accounts, records,
8 bills, and receipts necessary to substantiate the information
9 contained in any affidavit or statement requesting public
10 funds and all expenditures of public funds distributed to the
11 candidate under this Act.

12 Section 80. Campaign Finance Limitation Cash Fund. The
13 Campaign Finance Limitation Cash Fund is created as a special
14 fund in the State treasury. Moneys appropriated by the
15 General Assembly to the Fund, amounts repaid by candidates
16 under Sections 30 and 35 of this Act, and amounts paid by
17 candidates under Sections 110 and 113 of this Act must be
18 deposited into the Fund. Moneys in the Fund, subject to
19 appropriation, may be used by the State Board of Elections to
20 provide public financing of campaigns pursuant to this Act.

21 Section 85. Rules. The Board must adopt any rules
22 necessary to provide for the reporting of the expenditure of
23 public funds received by the candidate under this Act and for
24 the keeping of records concerning those expenditures.

25 Section 90. Suspension or modification of reporting
26 requirements. The Board, by order, may suspend or modify any
27 of the reporting requirements of this Act, in a particular
28 case, for good cause shown or if it finds that literal
29 application of this Act works a manifestly unreasonable
30 hardship and if it also finds that the suspension or

1 modification will not frustrate the purposes of this Act. Any
2 suspension or modification must be only to the extent
3 necessary to substantially relieve the hardship. The Board
4 must suspend or modify any reporting requirements only if it
5 determines that facts exist that are clear and convincing
6 proof of the findings required by this Section.

7 Section 95. Field investigations and audits. The Board
8 must make random field investigations and audits with respect
9 to statements and activity reports filed with the Board under
10 this Act and the Election Code. Except for audits conducted
11 under this Act, any audit or investigation conducted of a
12 candidate's statements or reports must include an audit or
13 investigation of the statements of his or her opponent or
14 opponents as well. The Board may also carry out field
15 investigations or audits with respect to any statement,
16 registration, report, or other statement filed under the
17 Election Code if the Board or the executive director of the
18 Board deems the investigations or audits necessary to carry
19 out the purposes of that Code.

20 Section 100. Preliminary investigations of alleged
21 violations. Upon a complaint signed under oath by any person
22 that contains sufficient information to indicate that there
23 is at least a reasonable belief that a violation of this Act
24 has occurred, upon the recommendation of the executive
25 director or upon its own motion, the Board must conduct a
26 preliminary investigation of any alleged violation of the
27 this Act or any rule adopted under this Act. Each
28 governmental body must cooperate with the Board in the
29 conduct of its investigations. All Board proceedings and
30 records relating to preliminary investigations are
31 confidential until a final determination is made by the Board
32 unless the person alleged to be in violation of this Act

1 requests that the proceedings be public. The executive
2 director shall notify any person under investigation by the
3 Board of the investigation and of the nature of the alleged
4 violation within 5 days after the commencement of the
5 investigation. Within 15 days after the filing of a sworn
6 complaint by a person alleging a violation and every 30 days
7 thereafter until the matter is terminated, the executive
8 director must notify the complainant and the alleged violator
9 of the actions by the Board taken to date together with the
10 reasons for the action or for non-action.

11 Section 105. Proceedings after the preliminary
12 investigation.

13 (a) If, after a preliminary investigation, it is
14 determined by a majority vote of the Board that there is no
15 reasonable cause for belief that a person has violated this
16 Act or any rule adopted under this Act or if the Board
17 determines that there is insufficient evidence to reasonably
18 believe that the person could be found to have violated this
19 Act, the Board must terminate the investigation and so notify
20 the complainant and the person who had been under
21 investigation.

22 (b) If, after a preliminary investigation, it is
23 determined by a majority vote of the Board that there is
24 reasonable cause for belief that this Act or a rule adopted
25 under this Act has been violated and if the Board determines
26 that there is sufficient evidence to reasonably believe that
27 the person could be found to have violated this Act, the
28 Board must initiate appropriate proceedings to determine
29 whether there has in fact been a violation. All proceedings
30 of the Board under this subsection shall be by closed session
31 attended only by those persons necessary to the investigation
32 of the alleged violation, unless the person alleged to be in
33 violation of this Act or any rule adopted under this Act

1 requests an open session. The Board has the powers possessed
2 by the courts of this State to issue subpoenas and cause them
3 to be served and enforced. All testimony must be under oath,
4 which shall be administered by a member of the Board. Any
5 person who appears before the Board has all of the due
6 process rights, privileges, and responsibilities of a witness
7 appearing before the courts of this State.

8 Any person whose name is mentioned during a proceeding of
9 the Board and who may be adversely affected thereby must be
10 notified and may appear personally before the Board on that
11 person's own behalf or file a written statement for
12 incorporation into the record of the proceeding.

13 The Board must cause a record to be made of all
14 proceedings under this subsection.

15 At the conclusion of proceedings concerning an alleged
16 violation, the Board must immediately begin deliberations on
17 the evidence and then proceed to determine by majority vote
18 of the members present whether there has been a violation of
19 this Act. If the Board determines that there was no violation
20 of this Act or any rule, the records and actions relative to
21 the investigation and determination shall remain confidential
22 unless the alleged violator requests that the records and
23 actions be made public. If the Board determines that there
24 was a violation, the records and actions must be made public
25 as soon as possible after the determination is made.

26 Section 110. Penalties imposed by Board.

27 (a) The Board, upon finding that there has been a
28 violation of this Act or any rule adopted under this Act, may
29 begin proceedings to impose the criminal penalties provided
30 for in this Act.

31 (b) If the Board finds a violation of this Act or any
32 rule adopted under this Act, it may require the violator to:

33 (1) Cease the violation.

1 (2) File any report, statement, or other
2 information required by the Board.

3 (3) Pay a civil penalty of not more than \$2,000 for
4 each violation of this Act or a rule adopted under this
5 Act.

6 Section 113. Civil Penalties.

7 (a) A person who violates subsection (c) or (e) of
8 Section 15 of this Act shall be fined \$10,000 or an amount
9 equal to 10% of the amount by which the limitation was
10 exceeded, whichever is greater, for each violation.

11 (d) Unless a specific penalty is otherwise imposed by
12 this Act, any person who violates any other provision of this
13 Act shall be fined an amount of not more the \$1,000 for each
14 violation.

15 Section 115. Statute of limitations. The Board must
16 commence a civil proceeding for a violation of this Act
17 within 3 years after the date on which the violation
18 occurred.

19 Section 800. The Open Meetings Act is amended by
20 changing Section 1.02 as follows:

21 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

22 Sec. 1.02. For the purposes of this Act:

23 "Meeting" means any gathering of a majority of a quorum
24 of the members of a public body held for the purpose of
25 discussing public business.

26 "Public body" includes all legislative, executive,
27 administrative or advisory bodies of the State, counties,
28 townships, cities, villages, incorporated towns, school
29 districts and all other municipal corporations, boards,
30 bureaus, committees or commissions of this State, and any

1 subsidiary bodies of any of the foregoing including but not
 2 limited to committees and subcommittees which are supported
 3 in whole or in part by tax revenue, or which expend tax
 4 revenue, except the General Assembly and committees or
 5 commissions thereof. "Public body" includes tourism boards
 6 and convention or civic center boards located in counties
 7 that are contiguous to the Mississippi River with populations
 8 of more than 250,000 but less than 300,000. "Public body"
 9 includes the Health Facilities Planning Board. "Public body"
 10 does not include a child death review team established under
 11 the Child Death Review Team Act or an ethics commission,
 12 ethics officer, or ultimate jurisdictional authority acting
 13 under the State Gift Ban Act as provided by Section 80 of
 14 that Act. "Public body" does not include the State Board of
 15 Elections for the purpose of proceedings under subsection (b)
 16 of Section 105 of the Campaign Finance Limitation Act.

17 (Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99;
 18 91-782, eff. 6-9-00.)

19 Section 805. The Freedom of Information Act is amended
 20 by changing Section 7 as follows:

21 (5 ILCS 140/7) (from Ch. 116, par. 207)

22 Sec. 7. Exemptions.

23 (1) The following shall be exempt from inspection and
 24 copying:

25 (a) Information specifically prohibited from
 26 disclosure by federal or State law or rules and
 27 regulations adopted under federal or State law.

28 (b) Information that, if disclosed, would
 29 constitute a clearly unwarranted invasion of personal
 30 privacy, unless the disclosure is consented to in writing
 31 by the individual subjects of the information. The
 32 disclosure of information that bears on the public duties

1 of public employees and officials shall not be considered
2 an invasion of personal privacy. Information exempted
3 under this subsection (b) shall include but is not
4 limited to:

5 (i) files and personal information maintained
6 with respect to clients, patients, residents,
7 students or other individuals receiving social,
8 medical, educational, vocational, financial,
9 supervisory or custodial care or services directly
10 or indirectly from federal agencies or public
11 bodies;

12 (ii) personnel files and personal information
13 maintained with respect to employees, appointees or
14 elected officials of any public body or applicants
15 for those positions;

16 (iii) files and personal information
17 maintained with respect to any applicant, registrant
18 or licensee by any public body cooperating with or
19 engaged in professional or occupational
20 registration, licensure or discipline;

21 (iv) information required of any taxpayer in
22 connection with the assessment or collection of any
23 tax unless disclosure is otherwise required by State
24 statute; and

25 (v) information revealing the identity of
26 persons who file complaints with or provide
27 information to administrative, investigative, law
28 enforcement or penal agencies; provided, however,
29 that identification of witnesses to traffic
30 accidents, traffic accident reports, and rescue
31 reports may be provided by agencies of local
32 government, except in a case for which a criminal
33 investigation is ongoing, without constituting a
34 clearly unwarranted per se invasion of personal

1 privacy under this subsection.

2 (c) Records compiled by any public body for
3 administrative enforcement proceedings and any law
4 enforcement or correctional agency for law enforcement
5 purposes or for internal matters of a public body, but
6 only to the extent that disclosure would:

7 (i) interfere with pending or actually and
8 reasonably contemplated law enforcement proceedings
9 conducted by any law enforcement or correctional
10 agency;

11 (ii) interfere with pending administrative
12 enforcement proceedings conducted by any public
13 body;

14 (iii) deprive a person of a fair trial or an
15 impartial hearing;

16 (iv) unavoidably disclose the identity of a
17 confidential source or confidential information
18 furnished only by the confidential source;

19 (v) disclose unique or specialized
20 investigative techniques other than those generally
21 used and known or disclose internal documents of
22 correctional agencies related to detection,
23 observation or investigation of incidents of crime
24 or misconduct;

25 (vi) constitute an invasion of personal
26 privacy under subsection (b) of this Section;

27 (vii) endanger the life or physical safety of
28 law enforcement personnel or any other person; or

29 (viii) obstruct an ongoing criminal
30 investigation.

31 (d) Criminal history record information maintained
32 by State or local criminal justice agencies, except the
33 following which shall be open for public inspection and
34 copying:

1 (i) chronologically maintained arrest
2 information, such as traditional arrest logs or
3 blotters;

4 (ii) the name of a person in the custody of a
5 law enforcement agency and the charges for which
6 that person is being held;

7 (iii) court records that are public;

8 (iv) records that are otherwise available
9 under State or local law; or

10 (v) records in which the requesting party is
11 the individual identified, except as provided under
12 part (vii) of paragraph (c) of subsection (1) of
13 this Section.

14 "Criminal history record information" means data
15 identifiable to an individual and consisting of
16 descriptions or notations of arrests, detentions,
17 indictments, informations, pre-trial proceedings, trials,
18 or other formal events in the criminal justice system or
19 descriptions or notations of criminal charges (including
20 criminal violations of local municipal ordinances) and
21 the nature of any disposition arising therefrom,
22 including sentencing, court or correctional supervision,
23 rehabilitation and release. The term does not apply to
24 statistical records and reports in which individuals are
25 not identified and from which their identities are not
26 ascertainable, or to information that is for criminal
27 investigative or intelligence purposes.

28 (e) Records that relate to or affect the security
29 of correctional institutions and detention facilities.

30 (f) Preliminary drafts, notes, recommendations,
31 memoranda and other records in which opinions are
32 expressed, or policies or actions are formulated, except
33 that a specific record or relevant portion of a record
34 shall not be exempt when the record is publicly cited and

1 identified by the head of the public body. The exemption
2 provided in this paragraph (f) extends to all those
3 records of officers and agencies of the General Assembly
4 that pertain to the preparation of legislative documents.

5 (g) Trade secrets and commercial or financial
6 information obtained from a person or business where the
7 trade secrets or information are proprietary, privileged
8 or confidential, or where disclosure of the trade secrets
9 or information may cause competitive harm, including all
10 information determined to be confidential under Section
11 4002 of the Technology Advancement and Development Act.
12 Nothing contained in this paragraph (g) shall be
13 construed to prevent a person or business from consenting
14 to disclosure.

15 (h) Proposals and bids for any contract, grant, or
16 agreement, including information which if it were
17 disclosed would frustrate procurement or give an
18 advantage to any person proposing to enter into a
19 contractor agreement with the body, until an award or
20 final selection is made. Information prepared by or for
21 the body in preparation of a bid solicitation shall be
22 exempt until an award or final selection is made.

23 (i) Valuable formulae, designs, drawings and
24 research data obtained or produced by any public body
25 when disclosure could reasonably be expected to produce
26 private gain or public loss.

27 (j) Test questions, scoring keys and other
28 examination data used to administer an academic
29 examination or determined the qualifications of an
30 applicant for a license or employment.

31 (k) Architects' plans and engineers' technical
32 submissions for projects not constructed or developed in
33 whole or in part with public funds and for projects
34 constructed or developed with public funds, to the extent

1 that disclosure would compromise security.

2 (l) Library circulation and order records
3 identifying library users with specific materials.

4 (m) Minutes of meetings of public bodies closed to
5 the public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public
7 under Section 2.06 of the Open Meetings Act.

8 (n) Communications between a public body and an
9 attorney or auditor representing the public body that
10 would not be subject to discovery in litigation, and
11 materials prepared or compiled by or for a public body in
12 anticipation of a criminal, civil or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

16 (o) Information received by a primary or secondary
17 school, college or university under its procedures for
18 the evaluation of faculty members by their academic
19 peers.

20 (p) Administrative or technical information
21 associated with automated data processing operations,
22 including but not limited to software, operating
23 protocols, computer program abstracts, file layouts,
24 source listings, object modules, load modules, user
25 guides, documentation pertaining to all logical and
26 physical design of computerized systems, employee
27 manuals, and any other information that, if disclosed,
28 would jeopardize the security of the system or its data
29 or the security of materials exempt under this Section.

30 (q) Documents or materials relating to collective
31 negotiating matters between public bodies and their
32 employees or representatives, except that any final
33 contract or agreement shall be subject to inspection and
34 copying.

1 (r) Drafts, notes, recommendations and memoranda
2 pertaining to the financing and marketing transactions of
3 the public body. The records of ownership, registration,
4 transfer, and exchange of municipal debt obligations, and
5 of persons to whom payment with respect to these
6 obligations is made.

7 (s) The records, documents and information relating
8 to real estate purchase negotiations until those
9 negotiations have been completed or otherwise terminated.
10 With regard to a parcel involved in a pending or actually
11 and reasonably contemplated eminent domain proceeding
12 under Article VII of the Code of Civil Procedure,
13 records, documents and information relating to that
14 parcel shall be exempt except as may be allowed under
15 discovery rules adopted by the Illinois Supreme Court.
16 The records, documents and information relating to a real
17 estate sale shall be exempt until a sale is consummated.

18 (t) Any and all proprietary information and records
19 related to the operation of an intergovernmental risk
20 management association or self-insurance pool or jointly
21 self-administered health and accident cooperative or
22 pool.

23 (u) Information concerning a university's
24 adjudication of student or employee grievance or
25 disciplinary cases, to the extent that disclosure would
26 reveal the identity of the student or employee and
27 information concerning any public body's adjudication of
28 student or employee grievances or disciplinary cases,
29 except for the final outcome of the cases.

30 (v) Course materials or research materials used by
31 faculty members.

32 (w) Information related solely to the internal
33 personnel rules and practices of a public body.

34 (x) Information contained in or related to

1 examination, operating, or condition reports prepared by,
2 on behalf of, or for the use of a public body responsible
3 for the regulation or supervision of financial
4 institutions or insurance companies, unless disclosure is
5 otherwise required by State law.

6 (y) Information the disclosure of which is
7 restricted under Section 5-108 of the Public Utilities
8 Act.

9 (z) Manuals or instruction to staff that relate to
10 establishment or collection of liability for any State
11 tax or that relate to investigations by a public body to
12 determine violation of any criminal law.

13 (aa) Applications, related documents, and medical
14 records received by the Experimental Organ
15 Transplantation Procedures Board and any and all
16 documents or other records prepared by the Experimental
17 Organ Transplantation Procedures Board or its staff
18 relating to applications it has received.

19 (bb) Insurance or self insurance (including any
20 intergovernmental risk management association or self
21 insurance pool) claims, loss or risk management
22 information, records, data, advice or communications.

23 (cc) Information and records held by the Department
24 of Public Health and its authorized representatives
25 relating to known or suspected cases of sexually
26 transmissible disease or any information the disclosure
27 of which is restricted under the Illinois Sexually
28 Transmissible Disease Control Act.

29 (dd) Information the disclosure of which is
30 exempted under Section 30 of the Radon Industry Licensing
31 Act.

32 (ee) Firm performance evaluations under Section 55
33 of the Architectural, Engineering, and Land Surveying
34 Qualifications Based Selection Act.

1 (ff) Security portions of system safety program
2 plans, investigation reports, surveys, schedules, lists,
3 data, or information compiled, collected, or prepared by
4 or for the Regional Transportation Authority under
5 Section 2.11 of the Regional Transportation Authority Act
6 or the State of Missouri under the Bi-State Transit
7 Safety Act.

8 (gg) Information the disclosure of which is
9 restricted and exempted under Section 50 of the Illinois
10 Prepaid Tuition Act.

11 (hh) Information the disclosure of which is
12 exempted under Section 80 of the State Gift Ban Act.

13 (ii) Beginning July 1, 1999, information that would
14 disclose or might lead to the disclosure of secret or
15 confidential information, codes, algorithms, programs, or
16 private keys intended to be used to create electronic or
17 digital signatures under the Electronic Commerce Security
18 Act.

19 (jj) Information contained in a local emergency
20 energy plan submitted to a municipality in accordance
21 with a local emergency energy plan ordinance that is
22 adopted under Section 11-21.5-5 of the Illinois Municipal
23 Code.

24 ~~(kk)~~ ~~(jj)~~ Information and data concerning the
25 distribution of surcharge moneys collected and remitted
26 by wireless carriers under the Wireless Emergency
27 Telephone Safety Act.

28 ~~(ll) Information that is considered confidential~~
29 ~~under the Campaign Finance Limitation Act.~~

30 (2) This Section does not authorize withholding of
31 information or limit the availability of records to the
32 public, except as stated in this Section or otherwise
33 provided in this Act.

34 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;

1 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.
2 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,
3 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

4 Section 810. The Election Code is amended by changing
5 Section 1A-8 and adding Section 9-6.5 as follows:

6 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

7 Sec. 1A-8. The State Board of Elections shall exercise
8 the following powers and perform the following duties in
9 addition to any powers or duties otherwise provided for by
10 law:

11 (1) Assume all duties and responsibilities of the
12 State Electoral Board and the Secretary of State as
13 heretofore provided in this Act;

14 (2) Disseminate information to and consult with
15 election authorities concerning the conduct of elections
16 and registration in accordance with the laws of this
17 State and the laws of the United States;

18 (3) Furnish to each election authority prior to
19 each primary and general election and any other election
20 it deems necessary, a manual of uniform instructions
21 consistent with the provisions of this Act which shall be
22 used by election authorities in the preparation of the
23 official manual of instruction to be used by the judges
24 of election in any such election. In preparing such
25 manual, the State Board shall consult with
26 representatives of the election authorities throughout
27 the State. The State Board may provide separate portions
28 of the uniform instructions applicable to different
29 election jurisdictions which administer elections under
30 different options provided by law. The State Board may by
31 regulation require particular portions of the uniform
32 instructions to be included in any official manual of

1 instructions published by election authorities. Any
2 manual of instructions published by any election
3 authority shall be identical with the manual of uniform
4 instructions issued by the Board, but may be adapted by
5 the election authority to accommodate special or unusual
6 local election problems, provided that all manuals
7 published by election authorities must be consistent with
8 the provisions of this Act in all respects and must
9 receive the approval of the State Board of Elections
10 prior to publication; provided further that if the State
11 Board does not approve or disapprove of a proposed manual
12 within 60 days of its submission, the manual shall be
13 deemed approved.

14 (4) Prescribe and require the use of such uniform
15 forms, notices, and other supplies not inconsistent with
16 the provisions of this Act as it shall deem advisable
17 which shall be used by election authorities in the
18 conduct of elections and registrations;

19 (5) Prepare and certify the form of ballot for any
20 proposed amendment to the Constitution of the State of
21 Illinois, or any referendum to be submitted to the
22 electors throughout the State or, when required to do so
23 by law, to the voters of any area or unit of local
24 government of the State;

25 (6) Require such statistical reports regarding the
26 conduct of elections and registration from election
27 authorities as may be deemed necessary;

28 (7) Review and inspect procedures and records
29 relating to conduct of elections and registration as may
30 be deemed necessary, and to report violations of election
31 laws to the appropriate State's Attorney;

32 (8) Recommend to the General Assembly legislation
33 to improve the administration of elections and
34 registration;

1 (9) Adopt, amend or rescind rules and regulations
2 in the performance of its duties provided that all such
3 rules and regulations must be consistent with the
4 provisions of this Article 1A or issued pursuant to
5 authority otherwise provided by law;

6 (10) Determine the validity and sufficiency of
7 petitions filed under Article XIV, Section 3, of the
8 Constitution of the State of Illinois of 1970;

9 (11) Maintain in its principal office a research
10 library that includes, but is not limited to, abstracts
11 of votes by precinct for general primary elections and
12 general elections, current precinct maps and current
13 precinct poll lists from all election jurisdictions
14 within the State. The research library shall be open to
15 the public during regular business hours. Such
16 abstracts, maps and lists shall be preserved as permanent
17 records and shall be available for examination and
18 copying at a reasonable cost;

19 (12) Supervise the administration of the
20 registration and election laws throughout the State;

21 (13) Obtain from the Department of Central
22 Management Services, under Section 405-250 of the
23 Department of Central Management Services Law (20 ILCS
24 405/405-250), such use of electronic data processing
25 equipment as may be required to perform the duties of the
26 State Board of Elections and to provide election-related
27 information to candidates, public and party officials,
28 interested civic organizations and the general public in
29 a timely and efficient manner; and

30 (14) To take such action as may be necessary or
31 required to give effect to directions of the State
32 central committee of an established political party under
33 Sections 7-8, 7-11 and 7-14.1 or such other provisions as
34 may be applicable pertaining to the selection of

1 delegates and alternate delegates to an established
2 political party's national nominating conventions;

3 (15) Adopt any rules necessary to implement and
4 administer the Campaign Finance Limitation Act;

5 (16) Prescribe forms for statements and reports
6 required to be filed with the State Board of Elections
7 under the Campaign Finance Limitation Act and to furnish
8 those forms to the persons required to file the
9 statements and reports;

10 (17) Prepare and publish one or more manuals
11 explaining the duties of persons and entities required to
12 file reports under the Campaign Finance Limitation Act
13 and setting forth recommended methods of accounting and
14 reporting;

15 (18) Make statements and reports filed with the
16 State Board of Elections available for public inspection
17 and copying. The State Board of Elections may charge a
18 reasonable fee, not to exceed 50 cents per page, for
19 copying the statements and reports;

20 (19) Compile and maintain an index of all reports
21 filed with the State Board of Elections in order to
22 facilitate public access to the reports and statements;

23 (20) Prepare and publish summaries of the
24 statements and reports filed with the State Board of
25 Elections and any special reports and technical studies
26 used to further the purposes of the Campaign Finance
27 Limitation Act;

28 (21) Review all statements and reports filed with
29 the State Board of Elections to ascertain whether any
30 person has failed to file a required statement or report
31 or has filed a deficient statement or report;

32 (22) Preserve statements and reports filed with the
33 State Board of Elections for a period of at least 5 years
34 after the date the statement or report is received by the

1 State Board of Elections;

2 (23) Issue and publish advisory opinions on the
3 requirements of the Campaign Finance Limitation Act upon
4 the request of person directly covered or affected by
5 that Act. Any advisory opinion rendered by the State
6 Board of Elections, until amended or revoked, is binding
7 on the State Board of Elections in any subsequent
8 proceedings concerning the person who requested the
9 opinion and who acted in reliance on the opinion in good
10 faith unless material facts were omitted and misstated by
11 the person or governmental body requesting the opinion;
12 and

13 (24) Receive all late filing fees and civil
14 penalties imposed under the Campaign Finance Limitation
15 Act; seek the return of any amount under Section 30 of
16 that Act; seek the repayment of any amount under Section
17 35 of that Act; and remit all of those moneys to the
18 State Treasurer for deposit into the Campaign Finance
19 Limitation Cash Fund.

20 The Board may by regulation delegate any of its duties or
21 functions under this Article, except that final
22 determinations and orders under this Article shall be issued
23 only by the Board.

24 The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report with the
26 Speaker, the Minority Leader and the Clerk of the House of
27 Representatives and the President, the Minority Leader and
28 the Secretary of the Senate and the Legislative Research
29 Unit, as required by Section 3.1 of "An Act to revise the law
30 in relation to the General Assembly", approved February 25,
31 1874, as amended, and filing such additional copies with the
32 State Government Report Distribution Center for the General
33 Assembly as is required under paragraph (t) of Section 7 of
34 the State Library Act.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 (10 ILCS 5/9-6.5 new)

3 Sec. 9-6.5. Qualifications and duties of treasurer.

4 (a) The treasurer of each political committee must be a
5 qualified elector of this State. A candidate may appoint
6 himself or herself as the treasurer of his or her political
7 committee.

8 (b) Except for funds received under the Campaign Finance
9 Limitation Act, each political committee must designate one
10 account in a financial institution in this State as an
11 official depository for the purpose of depositing all
12 contributions that it receives in the form of or that are
13 converted to moneys, checks, or other negotiable instruments
14 and for the purpose of making all expenditures. Secondary
15 depositories may be used for the sole purpose of depositing
16 contributions and promptly transferring the deposits to the
17 committee's official depository.

18 (c) No contribution may be accepted and no expenditure
19 may be made by a political committee that has not filed a
20 statement of organization and that does not have a treasurer.
21 When the office of treasurer of a political committee is
22 vacant, the candidate is the treasurer until the candidate
23 appoints a new treasurer.

24 (d) No expenditure may be made by a political committee
25 without the authorization of the treasurer. The contributions
26 received or expenditures made by a candidate or an agent of a
27 candidate must be considered received or made by the
28 political committee.

29 (e) Contributions received by an individual acting on
30 behalf of a political committee must be reported promptly to
31 the political committee's treasurer not later than 5 days
32 before the date a report under this Code or the Campaign
33 Finance Limitation Act is required to be filed and must be

1 reported to the committee treasurer immediately if the
2 contribution is received less than 5 days before the date
3 that a report must be filed under this Code or the Campaign
4 Finance Limitation Act.

5 (f) A contribution is received by a political committee
6 when it is received by the treasurer or a designated agent of
7 the treasurer notwithstanding the fact that the contribution
8 is not deposited in the official depository by the reporting
9 deadline.

10 (g) Any person who violates this Section is guilty of a
11 petty offense. The penalty is a fine of not more than \$100.

12 Section 815. The State Finance Act is amended by adding
13 Section 5.545 as follows:

14 (30 ILCS 105/5.545 new)

15 Sec. 5.545. The Campaign Finance Limitation Cash Fund.