

AN ACT concerning government.

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

Section 5. The Election Code is amended by changing Section 9-8.5 and by adding Section 1-21 as follows:

(10 ILCS 5/1-21 new)

Sec. 1-21. Public Financing of Judicial Elections Task Force.

(a) The Public Financing of Judicial Elections Task Force is hereby created for the purposes described in subsection

(b). Members of the Task Force shall be appointed as follows:

(1) one member appointed by the Governor;

(2) one member appointed by the Attorney General;

(3) 2 members appointed by the President of the Senate;

(4) 2 members appointed by the Speaker of the House of Representatives;

(5) 2 members appointed by the Minority Leader of the Senate; and

(6) 2 members appointed by the Minority Leader of the House of Representatives.

(b) The Task Force shall study the feasibility of implementing a system of campaign finance that would allow

public funds to be used to subsidize campaigns for candidates for judicial office in exchange for voluntary adherence by those campaigns to specified expenditure limitations. In conducting its study, the Task Force shall consider whether implementing such a system of public financing is in the best interest of the State. The Task Force may propose one or more funding sources for the public financing of judicial elections, including, but not limited to, fines, voluntary contributions, surcharges on lobbying activities, and a whistleblower fund. The Task Force shall consider the following factors:

(1) the amount of funds raised by past candidates for judicial office;

(2) the amount of funds expended by past candidates for judicial office;

(3) the disparity in the amount of funds raised by candidates for judicial office of different political parties;

(4) the amount of funds expended with respect to campaigns for judicial office by entities not affiliated with a candidate;

(5) the amount of money contributed to or expended by a committee of a political party to promote a candidate for judicial office;

(6) jurisprudence concerning campaign finance and public financing of political campaigns, both for judicial

office and generally; and

(7) any other factors that the Task Force determines are related to the public financing of elections in this State.

The Task Force shall also suggest changes to current law that would be necessary to facilitate public financing of candidates for judicial office.

(c) The Task Force shall complete its study no later than June 30, 2023 and shall report its findings to the Governor and the General Assembly as soon as possible after the study is complete.

(d) The Members shall serve without compensation. If a vacancy occurs on the Task Force, it shall be filled according to the guidelines of the initial appointment.

(e) The State Board of Elections shall provide staff and administrative support to the Task Force.

(f) As used in this Section, "judicial office" means nomination, election, or retention to the Supreme Court, the Appellate Court, or the Circuit Court.

(g) This Section is repealed on July 1, 2024.

(10 ILCS 5/9-8.5)

Sec. 9-8.5. Limitations on campaign contributions.

(a) It is unlawful for a political committee to accept contributions except as provided in this Section.

(b) During an election cycle, a candidate political

committee may not accept contributions with an aggregate value over the following: (i) \$5,000 from any individual, (ii) \$10,000 from any corporation, labor organization, or association, or (iii) \$50,000 from a candidate political committee or political action committee. A candidate political committee may accept contributions in any amount from a political party committee except during an election cycle in which the candidate seeks nomination at a primary election. During an election cycle in which the candidate seeks nomination at a primary election, a candidate political committee may not accept contributions from political party committees with an aggregate value over the following: (i) \$200,000 for a candidate political committee established to support a candidate seeking nomination to statewide office, (ii) \$125,000 for a candidate political committee established to support a candidate seeking nomination to the Senate, the Supreme Court or Appellate Court in the First Judicial District, or an office elected by all voters in a county with 1,000,000 or more residents, (iii) \$75,000 for a candidate political committee established to support a candidate seeking nomination to the House of Representatives, the Supreme Court or Appellate Court for a Judicial District other than the First Judicial District, an office elected by all voters of a county of fewer than 1,000,000 residents, and municipal and county offices in Cook County other than those elected by all voters of Cook County, and (iv) \$50,000 for a candidate

political committee established to support the nomination of a candidate to any other office. A candidate political committee established to elect a candidate to the General Assembly may accept contributions from only one legislative caucus committee. A candidate political committee may not accept contributions from a ballot initiative committee or from an independent expenditure committee.

(b-5) Judicial elections.

(1) In addition to any other provision of this Section, a candidate political committee established to support or oppose a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court may not:

(A) accept contributions from any entity that does not disclose the identity of those who make contributions to the entity, except for contributions that are not required to be itemized by this Code; or

(B) accept contributions from any out-of-state person, as defined in this Article.

(1.1) In addition to any other provision of this Section, a political committee that is self-funding, as described in subsection (h) of this Section, and is established to support or oppose a candidate seeking nomination, election, or retention to the Supreme Court, the Appellate Court, or the Circuit Court may not accept contributions from any single person, other than the judicial candidate or the candidate's immediate family, in

a cumulative amount that exceeds \$500,000 in any election cycle. Any contribution in excess of the limits in this paragraph (1.1) shall escheat to the State of Illinois. Any political committee that receives such a contribution shall immediately forward the amount that exceeds \$500,000 to the State Treasurer who shall deposit the funds into the State Treasury.

(1.2) In addition to any other provision of this Section, an independent expenditure committee established to support or oppose a candidate seeking nomination, election, or retention to the Supreme Court, the Appellate Court, or the Circuit Court may not accept contributions from any single person in a cumulative amount that exceeds \$500,000 in any election cycle. Any contribution in excess of the limits in this paragraph (1.2) shall escheat to the State of Illinois. Any independent expenditure committee that receives such a contribution shall immediately forward the amount that exceeds \$500,000 to the State Treasurer who shall deposit the funds into the State Treasury.

(1.3) In addition to any other provision of this Section, if a political committee established to support or oppose a candidate seeking nomination, election, or retention to the Supreme Court, the Appellate Court, or the Circuit Court receives a contribution in excess of \$500 from: (i) any committee that is not required to

disclose its contributors under this Act; (ii) any association that is not required to disclose its contributors under this Act; or (iii) any other organization or group of persons that is not required to disclose its contributors under this Act, then that contribution shall be considered an anonymous contribution that shall escheat to the State, unless the political committee reports to the State Board of Elections all persons who have contributed in excess of \$500 during the same election cycle to the committee, association, organization, or group making the contribution. Any political committee that receives such a contribution and fails to report this information shall forward the contribution amount immediately to the State Treasurer who shall deposit the funds into the State Treasury.

(2) As used in this subsection, "contribution" has the meaning provided in Section 9-1.4 and also includes the following that are subject to the limits of this Section:

(A) expenditures made by any person in concert or cooperation with, or at the request or suggestion of, a candidate, his or her designated committee, or their agents; and

(B) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared

by the candidate, his or her campaign committee, or their designated agents.

(3) As to contributions to a candidate political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court:

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

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

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

(D) No person shall make an anonymous contribution.

(E) No person shall knowingly accept any anonymous contribution.

(F) No person shall predicate (1) any benefit, including, but not limited to, employment decisions, including hiring, promotions, bonus compensation, and transfers, or (2) any other gift, transfer, or emolument upon:

(i) the decision by the recipient of that benefit to donate or not to donate to a candidate;

or

(ii) the amount of any such donation.

(4) No judicial candidate or political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court shall knowingly accept any contribution or make any expenditure in violation of the provisions of this Section. No officer or employee of a political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court shall knowingly accept a contribution made for the benefit or use of a candidate or knowingly make any expenditure in support of or opposition to a candidate or for electioneering communications in relation to a candidate in violation of any limitation designated for contributions and expenditures under this Section.

(5) Where the provisions of this subsection (b-5) conflict with any other provision of this Code, this subsection (b-5) shall control.

(c) During an election cycle, a political party committee may not accept contributions with an aggregate value over the following: (i) \$10,000 from any individual, (ii) \$20,000 from any corporation, labor organization, or association, or (iii) \$50,000 from a political action committee. A political party committee may accept contributions in any amount from another political party committee or a candidate political committee,

except as provided in subsection (c-5). Nothing in this Section shall limit the amounts that may be transferred between a political party committee established under subsection (a) of Section 7-8 of this Code and an affiliated federal political committee established under the Federal Election Code by the same political party. A political party committee may not accept contributions from a ballot initiative committee or from an independent expenditure committee. A political party committee established by a legislative caucus may not accept contributions from another political party committee established by a legislative caucus.

(c-5) During the period beginning on the date candidates may begin circulating petitions for a primary election and ending on the day of the primary election, a political party committee may not accept contributions with an aggregate value over \$50,000 from a candidate political committee or political party committee. A political party committee may accept contributions in any amount from a candidate political committee or political party committee if the political party committee receiving the contribution filed a statement of nonparticipation in the primary as provided in subsection (c-10). The Task Force on Campaign Finance Reform shall study and make recommendations on the provisions of this subsection to the Governor and General Assembly by September 30, 2012. This subsection becomes inoperative on July 1, 2013 and thereafter no longer applies.

(c-10) A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation in a Primary Election with the Board. The Statement of Nonparticipation shall include a verification signed by the chairperson and treasurer of the committee that (i) the committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the general primary election or consolidated primary election (select one) to be held on (insert date), (ii) the political party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee does not make contributions to a candidate or candidates to be nominated at the primary election, and (iii) failure to abide by these requirements shall deem the political party committee in violation of this Article and subject the committee to a fine of no more than 150% of the total contributions or coordinated expenditures made by the committee in violation of this Article. This subsection becomes inoperative on July 1, 2013 and thereafter no longer applies.

(d) During an election cycle, a political action committee may not accept contributions with an aggregate value over the following: (i) \$10,000 from any individual, (ii) \$20,000 from any corporation, labor organization, political party

committee, or association, or (iii) \$50,000 from a political action committee or candidate political committee. A political action committee may not accept contributions from a ballot initiative committee or from an independent expenditure committee.

(e) A ballot initiative committee may accept contributions in any amount from any source, provided that the committee files the document required by Section 9-3 of this Article and files the disclosure reports required by the provisions of this Article.

(e-5) An independent expenditure committee may accept contributions in any amount from any source, provided that the committee files the document required by Section 9-3 of this Article and files the disclosure reports required by the provisions of this Article.

(e-10) A limited activity committee shall not accept contributions, except that the officer or a candidate the committee has designated to support may contribute personal funds in order to pay for maintenance expenses. A limited activity committee may only make expenditures that are: (i) necessary for maintenance of the committee; (ii) for rent or lease payments until the end of the lease in effect at the time the officer or candidate is confirmed by the Senate; (iii) contributions to 501(c)(3) charities; or (iv) returning contributions to original contributors.

(f) Nothing in this Section shall prohibit a political

committee from dividing the proceeds of joint fundraising efforts; provided that no political committee may receive more than the limit from any one contributor, and provided that an independent expenditure committee may not conduct joint fundraising efforts with a candidate political committee or a political party committee.

(g) On January 1 of each odd-numbered year, the State Board of Elections shall adjust the amounts of the contribution limitations established in this Section for inflation as determined by the Consumer Price Index for All Urban Consumers as issued by the United States Department of Labor and rounded to the nearest \$100. The State Board shall publish this information on its official website.

(h) Self-funding candidates. If a public official, a candidate, or the public official's or candidate's immediate family contributes or loans to the public official's or candidate's political committee or to other political committees that transfer funds to the public official's or candidate's political committee or makes independent expenditures for the benefit of the public official's or candidate's campaign during the 12 months prior to an election in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices, then the public official or candidate shall file with the State Board of Elections, within one day, a Notification of Self-funding that shall detail each contribution or loan made

by the public official, the candidate, or the public official's or candidate's immediate family. Within 2 business days after the filing of a Notification of Self-funding, the notification shall be posted on the Board's website and the Board shall give official notice of the filing to each candidate for the same office as the public official or candidate making the filing, including the public official or candidate filing the Notification of Self-funding. Notice shall be sent via first class mail to the candidate and the treasurer of the candidate's committee. Notice shall also be sent by e-mail to the candidate and the treasurer of the candidate's committee if the candidate and the treasurer, as applicable, have provided the Board with an e-mail address. Upon posting of the notice on the Board's website, all candidates for that office, including the public official or candidate who filed a Notification of Self-funding, shall be permitted to accept contributions in excess of any contribution limits imposed by subsection (b). If a public official or candidate filed a Notification of Self-funding during an election cycle that includes a general primary election or consolidated primary election and that public official or candidate is nominated, all candidates for that office, including the nominee who filed the notification of self-funding, shall be permitted to accept contributions in excess of any contribution limit imposed by subsection (b) for the subsequent election cycle. For the purposes of this

subsection, "immediate family" means the spouse, parent, or child of a public official or candidate.

(h-5) If a natural person or independent expenditure committee makes independent expenditures in support of or in opposition to the campaign of a particular public official or candidate in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices in an election cycle, as reported in a written disclosure filed under subsection (a) of Section 9-8.6 or subsection (e-5) of Section 9-10, then the State Board of Elections shall, within 2 business days after the filing of the disclosure, post the disclosure on the Board's website and give official notice of the disclosure to each candidate for the same office as the public official or candidate for whose benefit or detriment the natural person or independent expenditure committee made independent expenditures. Upon posting of the notice on the Board's website, all candidates for that office in that election, including the public official or candidate for whose benefit or detriment the natural person or independent expenditure committee made independent expenditures, shall be permitted to accept contributions in excess of any contribution limits imposed by subsection (b).

(h-10) If the State Board of Elections receives notification or determines that a natural person or persons, an independent expenditure committee or committees, or

combination thereof has made independent expenditures in support of or in opposition to the campaign of a particular public official or candidate in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices in an election cycle, then the Board shall, within 2 business days after discovering the independent expenditures that, in the aggregate, exceed the threshold set forth in (i) and (ii) of this subsection, post notice of this fact on the Board's website and give official notice to each candidate for the same office as the public official or candidate for whose benefit or detriment the independent expenditures were made. Notice shall be sent via first class mail to the candidate and the treasurer of the candidate's committee. Notice shall also be sent by e-mail to the candidate and the treasurer of the candidate's committee if the candidate and the treasurer, as applicable, have provided the Board with an e-mail address. Upon posting of the notice on the Board's website, all candidates of that office in that election, including the public official or candidate for whose benefit or detriment the independent expenditures were made, may accept contributions in excess of any contribution limits imposed by subsection (b).

(i) For the purposes of this Section, a corporation, labor organization, association, or a political action committee established by a corporation, labor organization, or association may act as a conduit in facilitating the delivery

to a political action committee of contributions made through dues, levies, or similar assessments and the political action committee may report the contributions in the aggregate, provided that: (i) contributions made through dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association in a calendar year may not exceed the limits set forth in this Section; (ii) the corporation, labor organization, association, or a political action committee established by a corporation, labor organization, or association facilitating the delivery of contributions maintains a list of natural persons, corporations, labor organizations, and associations that paid the dues, levies, or similar assessments from which the contributions comprising the aggregate amount derive; and (iii) contributions made through dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association that exceed \$1,000 in a quarterly reporting period shall be itemized on the committee's quarterly report and may not be reported in the aggregate. A political action committee facilitating the delivery of contributions or receiving contributions shall disclose the amount of contributions made through dues delivered or received and the name of the corporation, labor organization, association, or political action committee delivering the contributions, if applicable. On January 1 of each odd-numbered year, the State Board of Elections shall adjust

the amounts of the contribution limitations established in this subsection for inflation as determined by the Consumer Price Index for All Urban Consumers as issued by the United States Department of Labor and rounded to the nearest \$100. The State Board shall publish this information on its official website.

(j) A political committee that receives a contribution or transfer in violation of this Section shall dispose of the contribution or transfer by returning the contribution or transfer, or an amount equal to the contribution or transfer, to the contributor or transferor or donating the contribution or transfer, or an amount equal to the contribution or transfer, to a charity. A contribution or transfer received in violation of this Section that is not disposed of as provided in this subsection within 30 days after the Board sends notification to the political committee of the excess contribution by certified mail shall escheat to the General Revenue Fund and the political committee shall be deemed in violation of this Section and subject to a civil penalty not to exceed 150% of the total amount of the contribution.

(k) For the purposes of this Section, "statewide office" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(l) This Section is repealed if and when the United States Supreme Court invalidates contribution limits on committees formed to assist candidates, political parties, corporations,

Public Act 102-0909

HB0716 Enrolled

LRB102 10068 RJF 15388 b

associations, or labor organizations established by or pursuant to federal law.

(Source: P.A. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21.)

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