



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2823

Introduced 2/15/2008, by Sen. Kwame Raoul

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 105/5.708 new
- 35 ILCS 5/506.7 new
- 35 ILCS 5/509 from Ch. 120, par. 5-509
- 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 19977 JAM 46406 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,
8 an 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 resolved
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 Act 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 Elections.

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

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

22 (b-5) Notwithstanding the provisions of subsection (b) and
23 Section 1.25 of the Statute on Statutes, any contribution of
24 more than \$500 received (i) with respect to elections other
25 than the general primary election, in the interim between the
26 last date of the period covered by the last report filed under

1 subsection (b) prior to the election and the date of the
2 election or (ii) with respect to general primary elections, in
3 the period beginning January 1 of the year of the general
4 primary election and prior to the date of the general primary
5 election shall be filed with and must actually be received by
6 the State Board of Elections within 2 business days after
7 receipt of such contribution. A continuing political committee
8 that does not support or oppose a candidate or public question
9 on the ballot at a general primary election and 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 the general
12 primary election shall not be required to file the report
13 prescribed in this subsection unless the committee makes an
14 expenditure in excess of \$500 on behalf of or in opposition to
15 any candidate or public question on the ballot at the general
16 primary election. The committee shall timely file the report
17 required under this subsection beginning with the date the
18 expenditure that triggered participation was made. The State
19 Board shall allow filings of reports of contributions of more
20 than \$500 under this subsection (b-5) by political committees
21 that are not required to file electronically to be made by
22 facsimile transmission. For the purpose of this subsection, a
23 contribution is considered received on the date the public
24 official, candidate, or political committee (or equivalent
25 person in the case of a reporting entity other than a political
26 committee) actually receives it or, in the case of goods or

1 services, 2 business days after the date the public official,
2 candidate, committee, or other reporting entity receives the
3 certification required under subsection (b) of Section 9-6.
4 Failure to report each contribution is a separate violation of
5 this subsection. In the final disposition of any matter by the
6 Board on or after the effective date of this amendatory Act of
7 the 93rd General Assembly, the Board may impose fines for
8 violations of this subsection not to exceed 100% of the total
9 amount of the contributions that were untimely reported, but in
10 no case when a fine is imposed shall it be less than 10% of the
11 total amount of the contributions that were untimely reported.
12 When considering the amount of the fine to be imposed, the
13 Board shall consider, but is not limited to, the following
14 factors:

15 (1) whether in the Board's opinion the violation was
16 committed inadvertently, negligently, knowingly, or
17 intentionally;

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

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

22 Notwithstanding paragraphs (1), (2), and (3), if the
23 committee failed to report expenditures that could trigger
24 matching funds under the Judicial Campaign Reform Act, then the
25 State Board may assess a fine for each violation not to exceed
26 \$10,000 plus the value of the unreported expense.

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

21 (c-5) A political committee that acts as either (i) a State
22 and local political committee or (ii) a local political
23 committee and that files reports electronically under Section
24 9-28 is not required to file copies of the reports with the
25 appropriate county clerk if the county clerk has a system that
26 permits access to, and duplication of, reports that are filed

1 with the State Board of Elections. A State and local political
2 committee or a local political committee shall file with the
3 county clerk a copy of its statement of organization pursuant
4 to Section 9-3.

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

8 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07.)

9 Section 905. The State Finance Act is amended by adding
10 Section 5.708 as follows:

11 (30 ILCS 105/5.708 new)

12 Sec. 5.708. The Illinois Judicial Election Democracy Trust
13 Fund.

14 Section 910. The Illinois Income Tax Act is amended by
15 changing Section 509 and by adding Section 506.7 as follows:

16 (35 ILCS 5/506.7 new)

17 Sec. 506.7. Designation of tax to the Illinois Judicial
18 Election Democracy Trust Fund. The Department shall print on
19 its standard individual income tax form a provision indicating
20 that if the taxpayer wishes to contribute to the Illinois
21 Judicial Election Democracy Trust Fund, as authorized by this
22 amendatory Act of the 95th General Assembly, he or she may do

1 so by stating the amount of the contribution (not less than \$1)
2 on the return and that the contribution will reduce the
3 taxpayer's refund or increase the amount of payment to
4 accompany the return. Failure to remit any amount of the
5 increased payment shall reduce the contribution accordingly.
6 This Section does not apply to any amended return. This tax
7 checkoff applies to income tax forms for taxable years 2009 and
8 thereafter.

9 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

10 Sec. 509. Tax checkoff explanations. All individual income
11 tax return forms shall contain appropriate explanations and
12 spaces to enable the taxpayers to designate contributions to
13 the funds to which contributions may be made under this Article
14 5.

15 Each form shall contain a statement that the contributions
16 will reduce the taxpayer's refund or increase the amount of
17 payment to accompany the return. Failure to remit any amount of
18 increased payment shall reduce the contribution accordingly.

19 If, on October 1 of any year, the total contributions to
20 any one of the funds made under this Article 5, except the
21 Illinois Judicial Election Democracy Trust Fund, do not equal
22 \$100,000 or more, the explanations and spaces for designating
23 contributions to the fund shall be removed from the individual
24 income tax return forms for the following and all subsequent
25 years and all subsequent contributions to the fund shall be

1 refunded to the taxpayer.

2 (Source: P.A. 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141,
3 eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602,
4 eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06;
5 95-331, eff. 8-21-07; 95-434, eff. 8-27-07; 95-435, eff.
6 8-27-07.)

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

9 (705 ILCS 105/27.15 new)

10 Sec. 27.15. Illinois Judicial Election Democracy Trust
11 Fund. The clerk shall transfer \$1 from each filing or
12 appearance fee paid in accordance with Section 27.1, 27.1a,
13 27.2, or 27.2a to the State Treasurer for deposit into the
14 Illinois Judicial Election Democracy Trust Fund. To defray that
15 expense, the county board may, by resolution, require the clerk
16 of the circuit court in the county to charge and collect an
17 Illinois Judicial Election Democracy Trust Fund fee of not more
18 than \$1, which shall be paid at the time that any filing or
19 appearance fee is paid. The fee shall be collected in the
20 manner in which all other fees or costs are collected. Each
21 clerk shall commence the charges and collection upon receipt of
22 written notice from the chairman of the county board together
23 with a certified copy of the board's resolution. The clerk
24 shall file the resolution of record in his or her office. The

1 fee shall be in addition to all other fees and charges of the
2 clerks, shall be assessable as costs, and may be waived only if
3 the judge specifically provides for the waiver of the Illinois
4 Judicial Election Democracy Trust Fund fee. The fees shall be
5 remitted monthly by the clerk for deposit into the Illinois
6 Judicial Election Democracy Trust Fund.

7 Section 999. Effective date. This Act takes effect January
8 1, 2009.