

1 AN ACT concerning campaign financing.

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 Clean Election Act.

6 Section 5. Legislative findings. It is hereby declared  
7 to be in the public interest and to be the policy of this  
8 State that primary and general election campaigns for  
9 constitutional offices shall be partially financed by public  
10 support under the provisions of this Act. It is the  
11 intention of this Act that the financing be sufficient so  
12 that candidates for election to constitutional offices may  
13 conduct their campaigns free from the predominance of special  
14 interest influence and so that persons of limited financial  
15 means may seek election to office.

16 Section 10. Definitions. As used in this Act, unless  
17 the context clearly indicates otherwise:

18 "Act" means this Act.

19 "Board" means the State Board of Elections.

20 "Candidate" means any individual who seeks nomination for  
21 election, or election, to the Office of Governor, Lieutenant  
22 Governor, Attorney General, Treasurer, Secretary of State, or  
23 Comptroller, whether or not the individual is elected. An  
24 individual seeks nomination for election, or election, if he  
25 or she (1) takes the action necessary under the laws of this  
26 State to attempt to qualify for nomination for election, or  
27 election, to the Office of Governor, Lieutenant Governor,  
28 Attorney General, Treasurer, Secretary of State, or  
29 Comptroller or (2) receives contributions or makes  
30 expenditures, or gives consent for another individual or

1 political committee to receive contributions or make  
2 expenditures with a view to bring about the individual's  
3 nomination for election, or election, to office.

4 "Consumer Price Index" means the consumer price index as  
5 defined and officially reported by the United States Bureau  
6 of Labor Statistics or its successor agency.

7 "Contribution" means:

8 (1) a gift, subscription, donation, dues, loan,  
9 deposit of money, or anything of value, that is knowingly  
10 given or received in connection with the nomination or  
11 election of any individual to the Office of Governor,  
12 Lieutenant Governor, Attorney General, Treasurer,  
13 Secretary of State, or Comptroller;

14 (2) the purchase of tickets for fundraising events,  
15 including but not limited to, dinners, luncheons,  
16 cocktail parties, shows, and rallies;

17 (3) the payment by any individual, other than by a  
18 candidate or his or her principal campaign committee, of  
19 compensation for the personal services of another  
20 individual that are rendered without charge to the  
21 candidate;

22 (4) a transfer of funds between political  
23 committees; or

24 (5) a donation, gift, purchase of tickets,  
25 assumption of credit, or anything of value knowingly  
26 given or received in connection with the repayment of any  
27 candidate's campaign debt.

28 "Contribution" does not include services provided without  
29 compensation by individuals volunteering a portion or all of  
30 their time on behalf of any candidate or candidates.

31 "Expenditure" means any payments made, or debts and  
32 obligations incurred, by a candidate, a pair of candidates,  
33 or a principal campaign committee in connection with the  
34 election of any individuals to the Offices of Governor,

1 Lieutenant Governor, Attorney General, Treasurer, Secretary  
2 of State, or Comptroller.

3 "Family" means the spouse, father, mother, father-in-law,  
4 mother-in-law, children, or siblings of any candidate.

5 "General election" means the election at which the  
6 Governor, Lieutenant Governor, Attorney General, Treasurer,  
7 Secretary of State, or Comptroller is elected. For the  
8 purposes of this Act, the "general election" includes that  
9 period beginning with the day after the primary election and  
10 concludes July 1 of the year after the general election.

11 "Primary election" means the primary election at which  
12 nominees to the Offices of Governor, Lieutenant Governor,  
13 Attorney General, Treasurer, Secretary of State, or  
14 Comptroller are elected. For the purposes of this Act, the  
15 "primary election" includes that period beginning with July 1  
16 of the year after the general election and leading up to and  
17 including the date of the next primary election.

18 "Political committee" means political committee as  
19 defined in Section 9-1.9 of the Election Code.

20 "Political party" means political party as defined in  
21 Section 7-2 of the Election Code.

22 "Principal campaign committee" means the committee  
23 designated by a candidate to the Offices of Governor,  
24 Lieutenant Governor, Attorney General, Treasurer, Secretary  
25 of State, or Comptroller as the committee authorized to  
26 receive contributions, make expenditures, and receive public  
27 funds under this Act.

28 "Public matching funds" means any moneys disbursed under  
29 Section 60 of this Act.

30 "Eligible Governor candidate" means:

31 (1) any candidate of any political party whose name  
32 has been certified by the Board to appear on the official  
33 primary ballot for the Office of Governor and whose  
34 principal campaign committee has received contributions

1 in amounts of \$1,000 or less, totalling \$200,000 as  
2 adjusted by Section 25, as documented by reports filed  
3 with the Board; or

4 (2) any candidate who has been nominated by primary  
5 under Article 7 of the Election Code or any candidate who  
6 has filed valid nomination papers under Article 10 of the  
7 Election Code for the Office of Governor and whose  
8 principal campaign committee has received contributions  
9 in amounts of \$1,000 or less, totalling \$200,000 as  
10 adjusted by Section 25, as documented by reports filed  
11 with the Board.

12 "Eligible Lieutenant Governor candidate" means:

13 (1) any candidate of any political party whose name  
14 has been certified by the Board to appear on the official  
15 primary ballot for the Office of Lieutenant Governor and  
16 whose principal campaign committee has received  
17 contributions in amounts of \$1,000 or less, totalling  
18 \$10,000 as adjusted by Section 25, as documented by  
19 reports filed with the Board; or

20 (2) any Lieutenant Governor candidate who has been  
21 nominated by primary under Article 7 of the Election Code  
22 to run a joint election campaign with the nominated  
23 candidate for Governor of each political party or any  
24 candidate running independently.

25 "Eligible Attorney General candidate" means:

26 (1) any candidate of any political party whose name  
27 has been certified by the Board to appear on the official  
28 primary ballot for the Office of Attorney General and  
29 whose principal campaign committee has received  
30 contributions in amounts of \$1,000 or less, totalling  
31 \$50,000 as adjusted by Section 25, as documented by  
32 reports filed with the Board; or

33 (2) any candidate who has been nominated by primary  
34 under Article 7 of the Election Code or any candidate who

1 has filed valid nomination papers under Article 10 of the  
2 Election Code for the Office of Attorney General and  
3 whose principal campaign committee has received  
4 contributions in amounts of \$1,000 or less, totalling  
5 \$50,000 as adjusted by Section 25, as documented by  
6 reports filed with the Board.

7 "Eligible Secretary of State candidate" means:

8 (1) any candidate of any political party whose name  
9 has been certified by the Board to appear on the official  
10 primary ballot for the Office of Secretary of State and  
11 whose principal campaign committee has received  
12 contributions in amounts of \$1,000 or less, totalling  
13 \$50,000 as adjusted by Section 25, as documented by  
14 reports filed with the Board; or

15 (2) any candidate who has been nominated by primary  
16 under Article 7 of the Election Code or any candidate who  
17 has filed valid nomination papers under Article 10 of the  
18 Election Code for the Office of Secretary of State and  
19 whose principal campaign committee has received  
20 contributions in amounts of \$1,000 or less, totalling  
21 \$50,000 as adjusted by Section 25, as documented by  
22 reports filed with the Board.

23 "Eligible Treasurer candidate" means:

24 (1) any candidate of any political party whose name  
25 has been certified by the Board to appear on the official  
26 primary ballot for the Office of Treasurer and whose  
27 principal campaign committee has received contributions  
28 in amounts of \$1,000 or less, totaling \$50,000 as  
29 adjusted by Section 25, as documented by reports filed  
30 with the Board; or

31 (2) any candidate who has been nominated by primary  
32 under Article 7 of the Election Code or any candidate who  
33 has filed valid nomination papers under Article 10 of the  
34 Election Code for the Office of Treasurer and whose

1 principal campaign committee has received contributions  
2 in amounts of \$1,000 or less, totalling \$50,000 as  
3 adjusted by Section 25, as documented by reports filed  
4 with the Board.

5 "Eligible Comptroller candidate" means:

6 (1) any candidate of any political party whose name  
7 has been certified by the Board to appear on the official  
8 primary ballot for the Office of Comptroller and whose  
9 principal campaign committee has received contributions  
10 in amounts of \$1,000 or less, totaling \$50,000 as  
11 adjusted by Section 25, as documented by reports filed  
12 with the Board; or

13 (2) any candidate who has been nominated by primary  
14 under Article 7 of the Election Code or any candidate who  
15 has filed valid nomination papers under Article 10 of the  
16 Election Code for the Office of Comptroller and whose  
17 principal campaign committee has received contributions  
18 in amounts of \$1,000 or less, totaling \$50,000 as  
19 adjusted by Section 25, as documented by reports filed  
20 with the Board.

21 "Reports" means those reports filed by political  
22 committees under Article 9 of the Election Code or any other  
23 reports required by the Board under this Act.

24 "Qualified contribution" means the entire amount of all  
25 contributions of \$1,000 or less, as adjusted by Section 25,  
26 given by an individual, corporation, or political committee  
27 in connection with the election of any candidates to the  
28 Offices of Governor, Lieutenant Governor, Attorney General,  
29 Treasurer, Secretary of State, or Comptroller and includes  
30 only the first \$1,000, as adjusted by Section 25, of any  
31 individual's, corporation's, or political committee's total  
32 aggregate contributions given during a primary or general  
33 election. "Qualified contribution" does not include a loan  
34 or advance or a credit, subscription, or in-kind

1 contribution.

2 Section 15. Application of this Act. The provisions of  
3 this Act shall apply to the primary and general elections  
4 held in 2004, and to all subsequent elections covered by this  
5 Act.

6 Section 20. Use of funds.

7 (a) A candidate receiving public matching funds may  
8 accept contributions from individuals, corporations, and  
9 political committees as defined by Article 9 of the Election  
10 Code as long as those contributions are within the  
11 contribution limits of this Act.

12 (b) Communications of any subject by a corporation to  
13 its stockholders and their families, or by a labor  
14 organization or association to its members and their  
15 families, and nonpartisan registration and get-out-the-vote  
16 campaigns by a corporation aimed at its stockholders or by a  
17 labor organization or association aimed at its members, shall  
18 not be construed to be in connection with the election of any  
19 candidates to the Offices of Governor, Lieutenant Governor,  
20 Attorney General, Treasurer, Secretary of State, or  
21 Comptroller during any primary or general election.

22 (c) A knowing violation of this Section is a Class A  
23 misdemeanor.

24 Section 25. Inflationary adjustment. The dollar amounts  
25 specified in this Act are subject to a biannual inflationary  
26 adjustment to be determined by rule of the Board under this  
27 Section. The Board must determine the cumulative percentage  
28 difference in the Consumer Price Index between June 30 of  
29 each year preceding a general election and the base period of  
30 2002. All dollar amounts specified in this Act shall be  
31 adjusted by that amount by August 1 of each year before a

1 general election, rounding to the nearest multiple of \$25.

2 Section 30. Loans to a candidate. No candidate for  
3 nomination or election to office covered under this Act may  
4 accept any loan or any other form of credit under any terms  
5 in any way deviating from the regular practices of the  
6 lending institution making the loan. A knowing violation of  
7 this Section is a Class A misdemeanor.

8 Section 35. Principal campaign committee.

9 (a) For the purposes of this Act, the candidates for  
10 Governor and Lieutenant Governor of each political party, or  
11 any candidates running independently, must run a joint  
12 general election campaign. Each pair of candidates must  
13 jointly organize a single principal campaign committee and  
14 must jointly designate its officers, as is required under  
15 Article 9 of the Election Code. A principal campaign  
16 committee must jointly accept contributions and make  
17 expenditures in connection with the election of any pair of  
18 candidates to the Offices of Governor and Lieutenant  
19 Governor. Nothing in this Section requires candidates to run  
20 joint primary campaigns.

21 (b) Each candidate for nomination for election to the  
22 Office of Governor, Lieutenant Governor, Attorney General,  
23 Treasurer, Secretary of State, or Comptroller shall organize  
24 a single principal campaign committee and shall designate its  
25 officers as is required under Article 9 of the Election Code.  
26 The principal campaign committee shall accept all  
27 contributions and make all expenditures in connection with  
28 the candidate's primary election campaign.

29 Section 40. Campaign bank accounts.

30 (a) Each candidate in the primary election for nomination  
31 to the Offices of Governor, Lieutenant Governor, Attorney



1 General, Treasurer, Secretary of State, or Comptroller must  
2 create a bank account in a national or State bank or savings  
3 and loan institution. The candidate, or any official of his  
4 or her principal campaign committee, must promptly deposit  
5 all contributions and public matching funds received into  
6 the account. All campaign expenditures made by the principal  
7 campaign committee must be made out of this account.

8 (b) Each candidate in the general election for the  
9 Offices of Governor, Lieutenant Governor, Attorney General,  
10 Treasurer, Secretary of State, or Comptroller must create a  
11 bank account in a national or State bank or savings and loan  
12 institution. The candidate or any official of his or her  
13 principal campaign committee must promptly deposit all  
14 contributions and public matching funds received into the  
15 account. All campaign expenditures made by the principal  
16 campaign committee must be made out of this account.

17 (c) No moneys deposited in any candidate's account for  
18 the primary election may be commingled with general election  
19 funds or used to pay for general election expenses. A  
20 candidate may, however, transfer a combined total of not more  
21 than \$25,000, as adjusted by Section 25, from the primary  
22 election account for general election expenses. Any moneys  
23 transferred do not count toward the qualifying amount under  
24 Section 50. No moneys deposited in a candidates' account for  
25 the general election may be transferred or expended until the  
26 day following the primary election or may be expended for  
27 primary election expenses.

28 (d) No State or national bank or savings and loan  
29 institution that acts as a depository for election funds as  
30 provided in this Act may be held accountable for the proper  
31 application of funds deposited or withdrawn from the accounts  
32 by the individuals in whose name or names the accounts are  
33 opened or maintained, nor shall the State or national bank or  
34 savings and loan institution be under any duty to determine

1 whether the funds deposited in the account are deposited,  
2 withdrawn, or transmitted for the purposes and at the time  
3 prescribed by law, or are received from sources and in amount  
4 limited by law.

5 Section 45. Clean Election Fund.

6 (a) There is established a special fund in the State  
7 Treasury to be known as the Clean Election Fund. The Board  
8 must maintain a separate record for each candidate or pair of  
9 candidates who is eligible under this Act.

10 (b) The Clean Election Fund is established to finance  
11 the election campaigns of eligible candidates. Money  
12 received from the following sources must be deposited into  
13 the Fund:

14 (1) voluntary tax check-off funds designated for  
15 the Clean Election Fund;

16 (2) appropriations;

17 (3) Clean Election Fund moneys distributed to  
18 eligible candidates remaining unspent after a candidate's  
19 primary loss and after the general election;

20 (4) other unspent Clean Election Fund moneys  
21 distributed to any eligible candidate who does not remain  
22 a candidate throughout a general primary or general  
23 election cycle; and

24 (5) voluntary donations made directly to the Fund.

25 (c) If, after an election and after all eligible  
26 candidates have been paid the amount which they are entitled  
27 to receive under this Act, there are moneys remaining in the  
28 Fund, the State Comptroller and State Treasurer shall  
29 transfer the remaining moneys to the General Revenue Fund.

30 (d) Upon receipt of a certification from the Board under  
31 subsection (b) of Section 60 for payment to the eligible  
32 candidates, the State Comptroller must within 5 working days  
33 pay to the candidate out of the Fund the amount certified by

1 the Board. Amounts paid to any candidates are under the  
2 control of the candidates.

3 (e) If, after the date of the primary or general  
4 election campaign, any candidate or pair of candidates who  
5 has received public matching funds has surplus moneys in his  
6 or her account, the moneys may be retained for the  
7 liquidation of all obligations and for payment of expenses  
8 incurred during the primary or general election campaign.  
9 Moneys from the primary election campaign may be retained for  
10 a period not to exceed 6 months after the primary election.  
11 Moneys from the general election campaign may be retained for  
12 a period not to extend after June 30 of the year following an  
13 election. All moneys remaining available to any candidate or  
14 pair of candidates after all obligations have been liquidated  
15 shall be paid into the Clean Election Fund, except that no  
16 candidate or pair of candidates shall pay into the Fund  
17 moneys in excess of the amount of public matching funds  
18 received from the Fund.

19 (f) No obligations may be incurred by a candidate or  
20 pair of candidates after the date of the primary or general  
21 election other than those expenses necessary to close out his  
22 or her campaign account. The Board shall determine what  
23 costs are allowable under this subsection.

24 (g) All provisions outlined in this Section apply  
25 equally to any candidate or pair of candidates who withdraw  
26 for any reason before the election for which public matching  
27 funds were received.

28 Section 50. Requirements for public matching funds.

29 (a) In order to receive any public matching funds under  
30 this Act, an eligible candidate or pair of candidates in a  
31 primary or general election must fulfill all the following  
32 requirements:

33 (1) have a principal campaign committee that has

1 accepted contributions in amounts of \$1,000 or less as  
2 adjusted by Section 25, totaling at least:

3 (i) \$200,000 as adjusted by Section 25 for the  
4 Office of Governor;

5 (ii) \$10,000 as adjusted by Section 25 for the  
6 Office of Lieutenant Governor;

7 (iii) \$50,000 as adjusted by Section 25 for  
8 the Office of Attorney General;

9 (iv) \$50,000 as adjusted by Section 25 for the  
10 Office of Secretary of State;

11 (v) \$50,000 as adjusted by Section 25 for the  
12 Office of Comptroller; and

13 (vi) \$50,000 as adjusted by Section 25 for the  
14 Office of Treasurer.

15 (2) agree in writing to deposit all contributions  
16 and public matching funds into a single account and to  
17 make all campaign expenditures from that account.

18 (3) agree in writing not to contribute more than  
19 \$1,000, adjusted by Section 25, of his or her own  
20 personal or family funds to his or her primary or general  
21 election campaign.

22 (4) agree in writing to obtain and furnish to the  
23 Board any evidence that it may request of the  
24 contributions of \$1,000 or less as adjusted by Section 25  
25 with respect to which payment is sought.

26 (5) agree in writing to keep and furnish to the  
27 Board any relevant records, books, and other information  
28 that it may request.

29 (6) agree in writing to an audit and examination by  
30 the Board.

31 (7) agree in writing to expend not more than:

32 (i) \$2,000,000 in a primary election and  
33 \$6,000,000 in a general election, as adjusted by  
34 Section 25, for the Office of Governor;

1           (ii) \$100,000 in a primary election, as  
2 adjusted by Section 25, for the Office of Lieutenant  
3 Governor;

4           (iii) \$500,000 in a primary election and  
5 \$1,500,000 in a general election, as adjusted by  
6 Section 25, for the Office of Attorney General;

7           (iv) \$500,000 in a primary election and  
8 \$1,500,000 in a general election, as adjusted by  
9 Section 25, for the Office of Secretary of State;

10          (v) \$300,000 in a primary election and  
11 \$800,000 in a general election, as adjusted by  
12 Section 25, for the Office of Comptroller; and

13          (vi) \$300,000 in a primary election and  
14 \$800,000 in a general election, as adjusted by  
15 Section 25, for the Office of Treasurer.

16          (b) None of these expenditure limitations apply to any  
17 expenditures made before the filing with the Board of the  
18 nomination petition of the candidate or pair of candidates.

19          (c) None of these requirements shall be construed to  
20 apply to any candidates who elect not to receive public  
21 matching funds.

22          Section 55. Ratio of public matching funds to funds  
23 raised by the candidate.

24          (a) Public matching funds to eligible candidates shall  
25 be made on a ratio of 4 matching dollars for every dollar  
26 raised by the candidate.

27          (b) Upon application to and approval of the Board  
28 commencing with the primary election in 2004 and in all  
29 subsequent elections, each eligible candidate in a primary  
30 election shall receive, but not before August 1 of the year  
31 before the election, public matching funds from the Clean  
32 Election Fund equal to the qualified contributions in amounts  
33 of \$1,000 or less as adjusted by Section 25 accepted by his

1 or her principal campaign committee. No public matching funds  
2 may match contributions received before the date on which the  
3 candidate files his or her nomination petition with the  
4 Board.

5 (c) Upon application to and approval of the Board,  
6 commencing with the general election in 2004 and in all  
7 subsequent elections, each eligible candidate or pair of  
8 candidates in a general election shall receive, but not  
9 before the date of the primary election, public matching  
10 funds from the Clean Election Fund equal to the qualified  
11 contributions in amounts of \$1,000 or less, as adjusted by  
12 Section 25, accepted by the principal campaign committee. No  
13 public matching funds shall be made to match contributions  
14 received before the primary date or the date on which  
15 candidate files his or her nomination petition with the  
16 Board, whichever is later.

17 Section 60. Reports.

18 (a) During a primary or general election, each eligible  
19 candidate or pair of candidates for election must, from time  
20 to time as the Board may require, furnish to the Board a  
21 detailed statement, in any form that the Board may prescribe,  
22 of all contributions of \$1,000 or less as adjusted by Section  
23 25 received by his or her principal campaign committee before  
24 the date of the statement. The Board shall require a  
25 statement under this Section from the candidates at least  
26 once every other week following qualification for public  
27 matching funds, at least once each week during the second,  
28 third, and fourth weeks before the day of the primary or  
29 general election, and at least twice during the week before  
30 the primary or general election day. The Board may not  
31 require any statement before the date on which the candidate  
32 or pair of candidates files its nomination petition with the  
33 Board.

1 (b) On the basis of the evidence furnished by the  
2 eligible candidates and before the examination and audit  
3 under Section 65, the Board must certify from time to time to  
4 the State Comptroller for payment to the candidates the  
5 public matching funds to which the candidates are entitled  
6 under Section 55. Where public matching funds are required,  
7 the Board must make the certifications at least once every  
8 other week after the primary date, at least once each week  
9 during the second, third, and fourth weeks before the day of  
10 the primary or general election, and at least twice during  
11 the week before the primary day.

12 (c) Certifications by the Board of public matching funds  
13 due to the candidates under this Section are final and  
14 conclusive, except to the extent that they are subject to  
15 examination and audit by the Board and to judicial review  
16 under this Act.

17 Section 65. Audit.

18 (a) After each general and primary election, the Board  
19 must conduct a thorough examination and audit of the campaign  
20 contributions to the candidates.

21 The audit following the primary election shall be  
22 conducted not later than 6 months after the date of the  
23 primary. There shall be 2 audits conducted following the  
24 general election. One of the audits must cover that period  
25 included in the Post-Election Campaign Disclosure Report.

26 A final audit must be conducted when the Board has  
27 received a certification from a candidate, pair of  
28 candidates, or the principal campaign committee, that all  
29 obligations have been met or the account is closed. The  
30 Board must receive the certification from the candidates or  
31 their principal campaign committee not later than June 30 of  
32 the year after the general election.

33 (b) If the Board determines that any portion of the

1 public matching funds made to the eligible candidates under  
2 Section 55 was in excess of the aggregate amount to which  
3 candidates were entitled under Section 50, it must notify the  
4 candidates, and the candidates must pay to the State  
5 Treasurer within 15 days an amount equal to that portion.

6 If the Board determines that any amount of any public  
7 matching funds received by the eligible candidates under  
8 Section 55 was used for any purpose other than (i) to  
9 defray the campaign expenses with respect for which the  
10 public matching funds were received, or (ii) to repay loans,  
11 the proceeds of which were used to restore funds otherwise  
12 used to defray the campaign expenses, it must notify the  
13 candidates of the amount so used, and the candidates must pay  
14 to the State Treasurer moneys equal to that amount.

15 No notification may be made by the Board under this  
16 subsection (b) with respect to an election more than 3 years  
17 after the day of the election.

18 All payments received by the State Treasurer under this  
19 subsection (b) shall be deposited by him or her in the Clean  
20 Election Fund.

21 (c) All provisions outlined in this Section apply equally  
22 to any candidate or pair of candidates who withdraws for any  
23 reason prior to the election for which public matching funds  
24 were received.

25 Section 70. Report to the General Assembly. The Board  
26 must, as soon as possible after each election, submit a full  
27 report to the General Assembly setting forth:

28 (1) the aggregate amount of contributions of \$1,000  
29 or less as adjusted by Section 25 received, shown in any  
30 detail that the Board determines necessary, by the  
31 candidates and their principal campaign committees;

32 (2) the amounts certified by it under Section 60  
33 for public matching funds to the eligible candidates; and



1           (3) the amount of payments, if any, required from  
2           the candidates under Section 60, and the reasons for each  
3           payment required.

4           Section 75. Investigations; civil court actions;  
5           advisory opinions.

6           (a) The Board may adopt rules to conduct examinations and  
7           audits in addition to the examinations and audits required by  
8           Section 65, to conduct investigations, and to require the  
9           keeping and submission of any books, records, and information  
10          that it deems necessary to carry out the functions and duties  
11          imposed on it by this Act. The Board may not require the  
12          submission of any books, records, or information concerning  
13          contributions received by a candidate or pair of candidates  
14          until such candidate or pair of candidates has filed its  
15          nomination petition with the Board.

16          (b) The Board may appear in and defend against any  
17          action filed under this Section, and may be represented in  
18          the actions either by attorneys employed in its office or by  
19          counsel whom it may appoint for that purpose without regard  
20          to the provisions of the Personnel Code.

21          (c) The Board may through attorneys and counsel appear  
22          in the circuit court in Sangamon County to seek recovery of  
23          any amounts determined to be payable to the State Treasurer  
24          as a result of examination and audit made under Section 65.

25          (d) The Board may through attorneys and counsel petition  
26          the circuit court in Sangamon County for declaratory or  
27          injunctive relief concerning any civil matter covered by the  
28          provisions of this Act. The actions shall be heard at the  
29          earliest practical date and expedited in every way possible  
30          in order to prevent injury to the respective parties.

31          (e) The Board may through attorneys and counsel appeal,  
32          or seek review of, any judgment entered with respect to  
33          actions in which it appears under this Section. The appeals

1 shall be made in the same manner and under the same  
2 conditions as provided by Supreme Court Rules for other civil  
3 actions.

4 (f) The Board, through its legal counsel, may render  
5 advisory opinions as to the interpretation and clarification  
6 of any of the provisions of this Act and as to whether a  
7 given set of facts and circumstances would constitute a  
8 violation of any provisions of this Act. The Board must  
9 render its advisory opinion within 10 working days of receipt  
10 of any request, unless an extension of time is consented to  
11 by the person making the request.

12 Section 80. Judicial review.

13 (a) Any certification or final determination by the  
14 Board made or taken under the provisions of this Act is  
15 subject to direct review by the Appellate Court in the  
16 Judicial District in which Springfield is located upon  
17 petition filed in the court by any interested person. Any  
18 petition filed under this Section must be filed within 30  
19 days after the certification, determination, or other action  
20 by the Board for which review is sought.

21 (b) The Board and individuals eligible to vote are  
22 authorized to institute any actions, including actions for  
23 declaratory judgment or injunctive relief, that may be  
24 appropriate to implement or construe any provision of this  
25 Act.

26 (c) The circuit court in Sangamon County has  
27 jurisdiction of proceedings instituted under subsection (b)  
28 and must exercise its jurisdiction without regard to whether  
29 a person asserting rights under subsection (b) has exhausted  
30 any administrative or other remedies that may be provided.  
31 The proceedings must be heard at the earliest practical date  
32 and expedited in every way possible in order to prevent  
33 injury to the respective parties. Appeals shall be as in

1 other civil cases.

2 Section 85. Violations.

3 (a) It is unlawful for any individual who receives any  
4 public matching funds under Section 55 to knowingly and  
5 willfully use, or authorize the use of, the public matching  
6 funds or any portion for any purpose other than:

7 (1) to defray the campaign expenses with respect to  
8 which the public matching funds were received, or

9 (2) to repay loans, the proceeds of which were used  
10 to restore funds otherwise used to defray qualified  
11 campaign expenses.

12 Any individual who knowingly violates this subsection (a)  
13 is guilty of a Class 4 felony.

14 (b) It is unlawful for any individual knowingly and  
15 willfully:

16 (1) to furnish any false, fictitious, or fraudulent  
17 evidence, books, or information to the Board under this  
18 Act, or to include in any evidence, books, or information  
19 so furnished any misrepresentation of a material fact, or  
20 to falsify or conceal any evidence, books, or information  
21 relevant to a certification by the Board or an  
22 examination and audit by the Board under this Act; or

23 (2) to fail to furnish to the Board any records,  
24 books, or information requested of him or her for  
25 purposes of this Act.

26 Any individual who violates this subsection (b) is guilty  
27 of a Class 4 felony.

28 (c) It is unlawful for any individual knowingly and  
29 willfully to give or accept any unreported refund or any  
30 illegal payment in connection with any campaign expense of  
31 eligible candidates.

32 Any individual who knowingly violates this subsection (c)  
33 is guilty of a Class 4 felony.

1 In addition to any penalty provided under this subsection  
 2 (c), any individual who accepts any unreported refund or  
 3 illegal payment in connection with any campaign expense of  
 4 eligible candidates shall pay to the State Treasurer, for  
 5 deposit in the Clean Election Fund, an amount equal to 200%  
 6 of the unreported refund or payment received.

7 Section 700. The State Finance Act is amended by adding  
 8 Section 5.570 as follows:

9 (30 ILCS 105/5.570 new)

10 Sec. 5.570. The Clean Election Fund.

11 Section 800. The Illinois Income Tax Act is amended by  
 12 changing Sections 509 and 510 and adding Section 507X as  
 13 follows:

14 (35 ILCS 5/507X new)

15 Sec. 507X. Clean Election Fund. The Department must  
 16 print on its standard individual income tax form a provision  
 17 indicating that if the taxpayer wishes to contribute to the  
 18 Clean Election Fund, as authorized by this amendatory Act of  
 19 the 92nd General Assembly, he or she may do so and that the  
 20 contribution will reduce the taxpayer's refund or increase  
 21 the amount of payment to accompany the return. Failure to  
 22 remit any amount of increased payment reduces the  
 23 contribution accordingly. This Section does not apply to any  
 24 amended return.

25 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

26 (Text of Section before amendment by P.A. 92-84)

27 Sec. 509. Tax checkoff explanations. All individual  
 28 income tax return forms shall contain appropriate  
 29 explanations and spaces to enable the taxpayers to designate

1 contributions to the Child Abuse Prevention Fund, to the  
2 Community Health Center Care Fund, to the Illinois Wildlife  
3 Preservation Fund as required by the Illinois Non-Game  
4 Wildlife Protection Act, to the Alzheimer's Disease Research  
5 Fund as required by the Alzheimer's Disease Research Act, to  
6 the Assistance to the Homeless Fund as required by this Act,  
7 to the Heritage Preservation Fund as required by the Heritage  
8 Preservation Act, to the Child Care Expansion Program Fund as  
9 required by the Child Care Expansion Program Act, to the Ryan  
10 White AIDS Victims Assistance Fund, to the Assistive  
11 Technology for Persons with Disabilities Fund, to the  
12 Domestic Violence Shelter and Service Fund, to the United  
13 States Olympians Assistance Fund, to the Youth Drug Abuse  
14 Prevention Fund, to the Persian Gulf Conflict Veterans Fund,  
15 to the Literacy Advancement Fund, to the Ryan White Pediatric  
16 and Adult AIDS Fund, to the Illinois Special Olympics  
17 Checkoff Fund, to the Penny Severns Breast and Cervical  
18 Cancer Research Fund, to the Korean War Memorial Fund, to the  
19 Heart Disease Treatment and Prevention Fund, to the  
20 Hemophilia Treatment Fund, to the Mental Health Research  
21 Fund, to the Children's Cancer Fund, to the American Diabetes  
22 Association Fund, to the National World War II Memorial Fund,  
23 to the Prostate Cancer Research Fund, to the Korean War  
24 Veterans National Museum and Library Fund, to the Clean  
25 Election Fund, and to the Meals on Wheels Fund. Each form  
26 shall contain a statement that the contributions will reduce  
27 the taxpayer's refund or increase the amount of payment to  
28 accompany the return. Failure to remit any amount of  
29 increased payment shall reduce the contribution accordingly.

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

1 subsequent years and all subsequent contributions to the fund  
2 shall be refunded to the taxpayer.

3 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
4 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.  
5 1-1-01; 92-198, eff. 8-1-01.)

6 (Text of Section after amendment by P.A. 92-84)

7 Sec. 509. Tax checkoff explanations. All individual  
8 income tax return forms shall contain appropriate  
9 explanations and spaces to enable the taxpayers to designate  
10 contributions to the Child Abuse Prevention Fund, to the  
11 Illinois Wildlife Preservation Fund as required by the  
12 Illinois Non-Game Wildlife Protection Act, to the Alzheimer's  
13 Disease Research Fund as required by the Alzheimer's Disease  
14 Research Act, to the Assistance to the Homeless Fund as  
15 required by this Act, to the Penny Severns Breast and  
16 Cervical Cancer Research Fund, to the National World War II  
17 Memorial Fund, and to the Prostate Cancer Research Fund, to  
18 the Clean Election Fund, and to the Korean War Veterans  
19 National Museum and Library Fund<sup>7</sup>. Each form shall contain a  
20 statement that the contributions will reduce the taxpayer's  
21 refund or increase the amount of payment to accompany the  
22 return. Failure to remit any amount of increased payment  
23 shall reduce the contribution accordingly.

24 If, on October 1 of any year, the total contributions to  
25 any one of the funds made under this Section do not equal  
26 \$100,000 or more, the explanations and spaces for designating  
27 contributions to the fund shall be removed from the  
28 individual income tax return forms for the following and all  
29 subsequent years and all subsequent contributions to the fund  
30 shall be refunded to the taxpayer.

31 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
32 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.  
33 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised  
34 9-12-01.)

1 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

2 (Text of Section before amendment by P.A. 92-84)

3 Sec. 510. Determination of amounts contributed. The  
4 Department shall determine the total amount contributed to  
5 each of the following: the Child Abuse Prevention Fund, the  
6 Illinois Wildlife Preservation Fund, the Community Health  
7 Center Care Fund, the Assistance to the Homeless Fund, the  
8 Alzheimer's Disease Research Fund, the Heritage Preservation  
9 Fund, the Child Care Expansion Program Fund, the Ryan White  
10 AIDS Victims Assistance Fund, the Assistive Technology for  
11 Persons with Disabilities Fund, the Domestic Violence Shelter  
12 and Service Fund, the United States Olympians Assistance  
13 Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf  
14 Conflict Veterans Fund, the Literacy Advancement Fund, the  
15 Ryan White Pediatric and Adult AIDS Fund, the Illinois  
16 Special Olympics Checkoff Fund, the Penny Severns Breast and  
17 Cervical Cancer Research Fund, the Korean War Memorial Fund,  
18 the Heart Disease Treatment and Prevention Fund, the  
19 Hemophilia Treatment Fund, the Mental Health Research Fund,  
20 the Children's Cancer Fund, the American Diabetes  
21 Association Fund, the National World War II Memorial Fund,  
22 the Prostate Cancer Research Fund, the Korean War Veterans  
23 National Museum and Library Fund, the Clean Election Fund,  
24 and the Meals on Wheels Fund; and shall notify the State  
25 Comptroller and the State Treasurer of the amounts to be  
26 transferred from the General Revenue Fund to each fund, and  
27 upon receipt of such notification the State Treasurer and  
28 Comptroller shall transfer the amounts.

29 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
30 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff.  
31 8-1-01.)

32 (Text of Section after amendment by P.A. 92-84)

33 Sec. 510. Determination of amounts contributed. The

1 Department shall determine the total amount contributed to  
2 each of the following: the Child Abuse Prevention Fund, the  
3 Illinois Wildlife Preservation Fund, the Assistance to the  
4 Homeless Fund, the Alzheimer's Disease Research Fund, the  
5 Penny Severns Breast and Cervical Cancer Research Fund, the  
6 National World War II Memorial Fund, and the Prostate Cancer  
7 Research Fund, the Clean Election fund, and the Korean War  
8 Veterans National Museum and Library Fund<sub>7</sub>; and shall notify  
9 the State Comptroller and the State Treasurer of the amounts  
10 to be transferred from the General Revenue Fund to each fund,  
11 and upon receipt of such notification the State Treasurer and  
12 Comptroller shall transfer the amounts.

13 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
14 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02;  
15 92-198, eff. 8-1-01; revised 9-12-01.)

16 Section 900. Repeal. This Clean Election Act is  
17 repealed June 30, 2011.

18 Section 995. No acceleration or delay. Where this Act  
19 makes changes in a statute that is represented in this Act by  
20 text that is not yet or no longer in effect (for example, a  
21 Section represented by multiple versions), the use of that  
22 text does not accelerate or delay the taking effect of (i)  
23 the changes made by this Act or (ii) provisions derived from  
24 any other Public Act.

25 Section 999. Effective date. This Act takes effect  
26 January 1, 2003.