

1 AN ACT concerning 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 referred to as the  
5 Small Donor Democracy Matching System for Fair Elections Act.

6 Section 5. The Election Code is amended by changing Section  
7 9-25.1 and by adding Article 9A as follows:

8 (10 ILCS 5/9-25.1) (from Ch. 46, par. 9-25.1; formerly Ch.  
9 46, pars. 102, 103 and 104)

10 Sec. 9-25.1. Election interference.

11 (a) As used in this Section, "public funds" means any funds  
12 appropriated by the Illinois General Assembly or by any  
13 political subdivision of the State of Illinois.

14 (b) No public funds shall be used to urge any elector to  
15 vote for or against any candidate or proposition, or be  
16 appropriated for political or campaign purposes to any  
17 candidate or political organization. This Section shall not  
18 prohibit the use of public funds for dissemination of factual  
19 information relative to any proposition appearing on an  
20 election ballot, or for dissemination of information and  
21 arguments published and distributed under law in connection  
22 with a proposition to amend the Constitution of the State of

1 Illinois. However, this Section does not apply to funds  
2 expended in connection with the campaign contribution matching  
3 program established in Article 9A of this Code or similar  
4 systems of public financing for elections established by a home  
5 rule unit of government.

6 (c) The first time any person violates any provision of  
7 this Section, that person shall be guilty of a Class B  
8 misdemeanor. Upon the second or any subsequent violation of any  
9 provision of this Section, the person violating any provision  
10 of this Section shall be guilty of a Class A misdemeanor.

11 (Source: P.A. 87-1052.)

12 (10 ILCS 5/Art. 9A heading new)

13 ARTICLE 9A. CAMPAIGN CONTRIBUTION MATCHING

14 (10 ILCS 5/9A-5 new)

15 Sec. 9A-5. Legislative findings. The General Assembly  
16 finds that the current campaign finance system:

17 (1) discourages many otherwise qualified candidates  
18 from running for office because of the need to raise  
19 substantial sums of money to be competitive and to enable  
20 them to adequately get their message out to voters;

21 (2) forces candidates to raise larger and larger  
22 percentages of money from interest groups that have a  
23 specific financial stake in matters before state  
24 government to keep pace with rapidly increasing campaign

1 costs;

2 (3) diminishes elected officials' accountability to  
3 their constituents by compelling them to be  
4 disproportionately accountable to the relatively small  
5 group of contributors who finance their election  
6 campaigns;

7 (4) diminishes the rights of all citizens to equal and  
8 meaningful participation in the democratic process;

9 (5) disadvantages challengers, because campaign  
10 contributors tend to give their money to incumbents, thus  
11 causing elections to be less competitive;

12 (6) burdens candidates with the incessant rigors of  
13 fundraising and thus decreases the time available to carry  
14 out their public responsibilities; and

15 (7) necessitates the creation of a Fair Elections Small  
16 Donor Matching System to address these concerns.

17 (10 ILCS 5/9A-10 new)

18 Sec. 9A-10. Scope. The program created under this Article  
19 applies to candidates for the offices of Governor, Attorney  
20 General, State Comptroller, State Treasurer, Secretary of  
21 State, State Senator, and State Representative. Candidates for  
22 these offices are eligible to participate in the matching funds  
23 program established by this Article.

24 (10 ILCS 5/9A-15 new)

1       Sec. 9A-15. Definitions. As used in this Article:

2       "Board" means the Campaign Finance Board of the State Board  
3 of Elections created under this Article.

4       "Candidate" means any person who seeks nomination for  
5 election, election to, or retention in public office as a  
6 Constitutional State Officer or a member of the Illinois Senate  
7 or General Assembly. A person seeks nomination for election,  
8 election, or retention if he or she (1) takes the action  
9 necessary under the laws of this State to attempt to qualify  
10 for nomination for election, election to, or retention in  
11 public office or (2) receives contributions or makes  
12 expenditures, or gives consent for any other person to receive  
13 contributions or make expenditures with a view to bringing  
14 about his or her nomination for election or election to or  
15 retention in public office.

16       "Contribution" has the meaning ascribed to it in Section  
17 9-1.4 of this Code, but does not include anything deemed an  
18 independent expenditure under this Article.

19       "Coordination" means an expenditure made in cooperation,  
20 consultation, or concert with or at the request or suggestion  
21 of a candidate, an authorized committee of a candidate, a  
22 political committee of a political party, or agents of the  
23 candidate or candidate political committee, or any payment for  
24 any communication which republishes, disseminates, or  
25 distributes, in whole or in part, any broadcast or any written,  
26 graphic, or other form of campaign material prepared by the

1 candidate or his or her candidate political committee or their  
2 agents.

3 "Election cycle" means the time beginning on the January 1  
4 following a general election and ending on the December 31  
5 following the next general election.

6 "Expenditure" means:

7 (1) a payment, distribution, purchase, loan, advance,  
8 deposit, gift of money, or anything of value, in connection  
9 with the nomination for election, election, or retention of  
10 any person to or in public office or in connection with any  
11 question of public policy; or

12 (2) a payment, distribution, purchase, loan, advance,  
13 deposit, gift of money, or anything of value that  
14 constitutes an electioneering communication made in  
15 concert or cooperation with or at the request, suggestion,  
16 or knowledge of a candidate, a political committee, or any  
17 of their agents; or a transfer of funds by a political  
18 committee to another political committee.

19 However, "expenditure" does not include:

20 (A) the use of real or personal property and the cost  
21 of invitations, food, and beverages, voluntarily provided  
22 by an individual in rendering voluntary personal services  
23 on the individual's residential premises for  
24 candidate-related activities; provided the value of the  
25 service provided does not exceed an aggregate of \$150 in a  
26 reporting period as the Board may further define; or

1           (B) sale of any food or beverage by a vendor for use in  
2           a candidate's campaign at a charge less than the normal  
3           comparable charge, if such charge for use in a candidate's  
4           campaign is at least equal to the cost of such food or  
5           beverage to the vendor.

6           "Fund" means the Small Donor Democracy Matching Fund  
7           established under this Article.

8           "Immediate family" means a person's parents, siblings,  
9           spouse, and children.

10           "Independent expenditure" means an expenditure by anyone,  
11           including, but not limited to, any individual, corporation,  
12           partnership, political action committee, association, or  
13           party, that would otherwise constitute a contribution or  
14           expenditure under this Article, but that is made without any  
15           cooperation, consultation, or agreement with any political  
16           candidate.

17           "Initial qualifying contribution" means a qualified  
18           contribution used for the purpose of determining whether a  
19           candidate has raised the minimum number of contributions to  
20           participate in the small donor matching funds system under this  
21           Article.

22           "Matching funds" means funds paid to a participating  
23           candidate under this Article.

24           "Matching funds program" means the campaign donation  
25           matching funds program created under this Article.

26           "Nomination period" means the period specified under this

1 Code during which candidates must submit nomination papers for  
2 any of the State offices covered by this Article.

3 "Non-participating candidate" means any candidate who is  
4 not a participating candidate, including any candidate who has  
5 not qualified for matching funds or who has elected not to  
6 participate in the matching funds program.

7 "Participating candidate" means a candidate who qualifies  
8 for matching funds under this Article and opts to participate  
9 in the matching funds program created under this Article.

10 "Qualified contribution" means a monetary contribution not  
11 less than \$25 and not greater than the initial \$150 of any  
12 contribution made by a qualified contributor.

13 "Qualified contributor" means a natural person resident in  
14 the State who will be eligible to vote within the current  
15 election cycle other than the candidate, members of the  
16 candidate's immediate family, and any political action  
17 committee controlled by the candidate.

18 "Qualifying period" means the period beginning the day  
19 after the date of the most recent general election for the  
20 specific office or seat that a candidate is seeking and ending  
21 on the day prior to the election (whether primary or general  
22 election) for which the matching funds are sought.

23 (10 ILCS 5/9A-20 new)

24 Sec. 9A-20. Small Donor Democracy Matching Fund.

25 (a) There is created a Small Donor Democracy Matching Fund

1 as a special fund in the State treasury. The Fund is  
2 established for the purposes of:

3 (1) providing public financing for the election  
4 campaigns of participating candidates under this Article;  
5 and

6 (2) paying for the administrative and enforcement  
7 costs of the Board related to the matching funds program  
8 created by this Article.

9 (b) The General Assembly may annually appropriate either \$1  
10 per resident of this State or one-twentieth of 1% of the  
11 State's annual budget, whichever is greater, to the Fund. The  
12 General Assembly shall appropriate no more than \$50,000,000 to  
13 the Fund in any election cycle.

14 (c) Other revenue that shall be deposited into the Fund  
15 includes:

16 (1) any funds returned by any participating candidate  
17 that remain unspent by a participating candidate following  
18 the date of the election for which they were distributed,  
19 in accordance with subsection (c) of Section 9A-55 of this  
20 Code;

21 (2) fines levied by the Board or courts against  
22 candidates for violations of this Code, except as otherwise  
23 provided by this Code; and

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



1       Sec. 9A-25. Eligibility for matching funds.

2       (a) To be eligible to be certified as a participating  
3 candidate, a candidate must:

4           (1) during the qualifying period for the election  
5 involved, choose to participate in the matching funds  
6 program by filing with the Board a written application for  
7 certification as a participating candidate in such form as  
8 may be prescribed by the Board, containing the identity of  
9 the participating candidate, the office that the  
10 participating candidate seeks, and the participating  
11 candidate's signature, under penalty of perjury,  
12 certifying that:

13           (A) the participating candidate has complied since  
14 the last election or the effective date of this  
15 amendatory Act of the 100th General Assembly,  
16 whichever is most recent, and will continue to comply,  
17 with the restrictions of this Article during the  
18 applicable election cycle; a candidate who has  
19 accepted impermissible contributions prior to filing  
20 to participate in this program shall return any such  
21 impermissible contributions prior to filing to  
22 participate in this matching funds program to the  
23 extent practical, as determined by the Board in adopted  
24 rules;

25           (B) the participating candidate's campaign  
26 committee has filed all campaign finance reports

1 required by law during the applicable election cycle to  
2 date and that they are complete and accurate;

3 (2) sign a participating candidate contract signifying  
4 the candidate's prior compliance and continuing commitment  
5 to comply with the requirements of this Article, to comply  
6 with the contribution limits set forth in this Article and  
7 in that contract, and to comply with any other requirements  
8 set forth in that contract;

9 (3) meet all requirements of applicable law to be  
10 listed on the ballot; and

11 (4) before the close of the qualifying period, collect  
12 at least the following number of initial qualifying  
13 contributions for the office in question:

14 (A) 1,000 qualified contributions for candidates  
15 for Governor;

16 (B) 500 qualified contributions for candidates for  
17 Lieutenant Governor, Attorney General, State  
18 Comptroller, State Treasurer, and Secretary of State;

19 (C) 200 qualified contributions for candidates for  
20 State Senator; and

21 (D) 100 qualified contributions for candidates for  
22 State Representative;

23 each initial qualifying contribution shall:

24 (i) have the initial qualified contributor's  
25 signature, or an electronic equivalent for any  
26 donations received on-line, signifying that the

1 initial qualified contributor understands that the  
2 purpose of the initial qualifying contribution is  
3 to help the candidate qualify for the matching  
4 funds program and that the contribution is made  
5 without coercion or reimbursement; and

6 (ii) be acknowledged by a written receipt, or  
7 the electronic equivalent for any donation  
8 received on-line, to the initial qualified  
9 contributor, with a copy retained by the  
10 candidate; the receipt shall include the initial  
11 qualified contributor's signature, printed name,  
12 home address, and telephone number, if any, and the  
13 name of the candidate on whose behalf the  
14 contribution is made.

15 A contribution for which a candidate has not obtained a  
16 signed and fully completed receipt, or its electronic  
17 equivalent, shall not be counted as an initial qualifying  
18 contribution for the purpose of satisfying this  
19 qualification requirement.

20 (b) In addition to the requirements of subsection (a) of  
21 this Section, in order for a candidate for Governor or  
22 Lieutenant Governor to be eligible to be certified as a  
23 participating candidate, the other member of the team of  
24 candidates for the offices of Governor and Lieutenant Governor  
25 must also be a participating candidate.

26 (c) To remain eligible to continue to receive matching

1 funds under this Article, a candidate must:

2 (1) maintain records of all contributions, receipts,  
3 and expenditures as required by the Board;

4 (2) obtain and furnish to the Board any information it  
5 may request relating to his or her campaign expenditures,  
6 contributions, and qualified contributions and furnish any  
7 documentation and other proof of compliance with this  
8 Article as may be requested by the Board; and

9 (3) remain in compliance with the requirements set  
10 forth in this Article.

11 (d) At the earliest practicable time after a candidate  
12 files a written application for certification as a  
13 participating candidate with the Board, in no event exceeding  
14 10 business days, the Board shall certify in writing that the  
15 candidate is or is not eligible. Eligibility may be revoked if  
16 the Board determines, after appropriate due process, that a  
17 candidate has committed a substantial violation of the  
18 requirements of this Article, in which case all matching funds  
19 granted to the candidate shall be repaid to the Fund. A  
20 determination shall be made by the Board after an appropriate  
21 hearing, affording due process to the aggrieved party, under  
22 rules to be adopted by the Board that further define what  
23 constitutes a "substantial violation" and that set forth the  
24 procedures to be followed in connection with any such hearing.

1       Sec. 9A-30. Matching funds payments.

2       (a) A candidate who is certified as a participating  
3 candidate shall receive payment of matching funds equal to 6  
4 times the amount of qualified contributions received by the  
5 participating candidate during the election cycle with respect  
6 to a single election subject to the aggregate limit on the  
7 total amount of matching funds payments to a participating  
8 candidate specified in subsection (b) of this Section, unless  
9 the candidate has no opposition on the ballot. Unopposed  
10 candidates shall not be eligible to receive matching funds  
11 unless and until they cease to be unopposed; however, any  
12 candidate that had already received matching funds under this  
13 Article prior to becoming unopposed shall be entitled to retain  
14 those funds and spend those funds in accordance with Section  
15 9A-50 of this Code.

16       (b) Subject to the requirements of subsection (a) of  
17 Section 9A-40 of this Code, the aggregate amount of matching  
18 funds payments that may be made to a participating candidate  
19 during an election cycle may not exceed the following:

20           (1) \$5,000,000 for candidates for Governor;

21           (2) \$1,000,000 for candidates for Lieutenant Governor,  
22 Attorney General, State Comptroller, State Treasurer, and  
23 Secretary of State;

24           (3) \$300,000 for candidates for State Senator; and

25           (4) \$150,000 for candidates for State Representative.

26       (c) A participating candidate's application for matching

1 funds, including an initial request submitted with an  
2 application for certification as a participating candidate,  
3 shall be made using a form prescribed by the Board and shall be  
4 accompanied as necessary by initial qualifying contribution  
5 receipts and any other information the Board requires by rule.  
6 This application shall be accompanied by a signed statement  
7 from the participating candidate indicating that all  
8 information on the initial qualifying contribution receipts is  
9 complete and accurate to the best of the participating  
10 candidate's knowledge. The Board shall verify that a  
11 participating candidate's qualified contributions meet all of  
12 the requirements and limitations of this Article prior to the  
13 disbursement of matching funds to the participating candidate.

14 (d) The Board shall make an initial payment of the matching  
15 funds within 10 business days of the Board's certification of a  
16 participating candidate's eligibility in accordance with the  
17 provisions of this Article, or as soon thereafter as is  
18 practicable.

19 (e) The Board shall establish a schedule for the submission  
20 of matching funds payment requests, permitting a participating  
21 candidate to submit a matching funds payment request at least  
22 once per month, in accordance with a schedule established by  
23 the Board.

24 (f) In the event that 90% of the existing Fund has been  
25 distributed, the Board shall give notice within 24 hours to all  
26 candidates that only 10% of the Fund remains. Thereafter, the

1 Board shall make no further matching funds payments until after  
2 election day and it shall only pay any requests submitted after  
3 notice has been distributed under this subsection (f)  
4 proportionally, spread over all candidates and requests  
5 equally, in a manner to be determined in greater detail  
6 pursuant to rules adopted by the Board.

7 (10 ILCS 5/9A-35 new)

8 Sec. 9A-35. Limits on contributions.

9 (a) Subject to the requirements of subsection (a) of  
10 Section 9A-40 of this Code, no candidate shall accept, directly  
11 or indirectly, any contribution (or combination of  
12 contributions) from the same person, corporation, partnership,  
13 political party, political action committee, or other legal  
14 entity in excess of \$500. However, if a candidate in the  
15 participating candidate's race exceeds the self-funding  
16 thresholds established in subsection (h) of Section 9-8.5 of  
17 this Code for that race, the limitation under this subsection  
18 (a) is increased to \$2,500.

19 (b) No participating candidate shall accept any  
20 contribution (or combination of contributions) from any  
21 person, corporation, partnership, or other legal entity who  
22 lobbies members of the State executive or legislative branches,  
23 within the meaning of the Lobbyist Registration Act, or does  
24 business with the State. No participating candidate shall  
25 encourage, support, cooperate, or coordinate with any

1 independent expenditure committee or any individual engaging  
2 in independent expenditures, whether in support of the  
3 candidate or in opposition to the candidate's opponent. The  
4 Board may adopt additional rules defining who constitutes a  
5 "lobbyist" and who is deemed to be "doing business" with the  
6 State within the meaning of this Article.

7 (c) No participating candidate shall make expenditures  
8 from or use his or her own personal funds or the personal funds  
9 or property held jointly with members of his or her immediate  
10 family in connection with his or her nomination for election or  
11 election, except as a contribution to his or her political  
12 committee in an amount that does not exceed 10 times the  
13 maximum contribution applicable under subsection (a) of this  
14 Section. No participating candidate shall make expenditures  
15 from or use other personal funds or property of his or her  
16 immediate family in furtherance of his or her own campaign.

17 (10 ILCS 5/9A-40 new)

18 Sec. 9A-40. Adjustment.

19 (a) The Board shall revise the limits on contributions and  
20 on overall contributions at least one year prior to the next  
21 general primary election. The Board shall adjust them by an  
22 amount equal to the change in the Consumer Price Index for all  
23 Urban Consumers for all items published by the United States  
24 Department of Labor for the 12-month calendar year preceding  
25 readjustment. Amounts shall be rounded to the nearest \$10. The



1 revised overall limits shall be published no later than one  
2 year prior to the date of the next general primary election.

3 (b) The General Assembly shall review the amounts and  
4 numbers of required initial qualifying contributions, the  
5 ratio of matching funds, the additional limits on  
6 contributions, and the limits on overall contributions in the  
7 6-month period following each general election to determine if  
8 they shall stay the same, after any adjustment for inflation  
9 under subsection (a) of this Section, or be increased for the  
10 next general primary election and general election.

11 (c) If the General Assembly determines that any of the  
12 figures specified in subsection (b) of this Section should  
13 change, then any proposed change, other than an adjustment for  
14 inflation under subsection (a) of this Section, shall be  
15 adopted for the next general election by a majority vote of  
16 each chamber of the General Assembly and shall also be  
17 submitted to the voters via a binding referendum for  
18 ratification at the next consolidated election for approval or  
19 rejection with respect to any future general elections.

20 (10 ILCS 5/9A-45 new)

21 Sec. 9A-45. Campaign accounts for participating  
22 candidates. During an election cycle, each participating  
23 candidate shall conduct all campaign financial activities  
24 through a single political action committee, consistent with  
25 subsection (b) of Section 9-2 of this Code, and shall comply

1 with any additional recordkeeping requirements imposed under  
2 this Article by the Board.

3 (10 ILCS 5/9A-50 new)

4 Sec. 9A-50. Expenditures of matching funds.

5 (a) A participating candidate shall use matching funds only  
6 for direct campaign purposes. The Board may further define the  
7 phrase "direct campaign purposes" by rule.

8 (b) Neither a participating candidate nor anyone acting on  
9 his or her behalf shall use matching funds for:

10 (1) costs of legal defense in any campaign law  
11 enforcement proceeding;

12 (2) indirect campaign purposes, including, but not  
13 limited to:

14 (A) the participating candidate's personal support  
15 or compensation to the participating candidate or the  
16 participating candidate's immediate family;

17 (B) clothing, haircuts, and other items related to  
18 the participating candidate's personal appearance;

19 (C) a contribution or loan to the campaign  
20 committee of another candidate, a party committee, or  
21 other political committee;

22 (D) an independent expenditure;

23 (E) automobile purchases, tuition payments, or  
24 childcare costs;

25 (F) dues, fees, or gratuities at a country club,

1 health club, recreational facility, or other  
2 nonpolitical organization unless part of a specific  
3 fundraising event that takes place on the  
4 organization's premises;

5 (G) admission to a sporting event, theater,  
6 concert, or other entertainment event not part of a  
7 specific campaign activity; or

8 (H) gifts, except for brochures, buttons, signs,  
9 and other campaign materials and token gifts valued at  
10 not more than \$50 that are for the purpose of  
11 expressing gratitude, condolences, or congratulations.

12 (10 ILCS 5/9A-55 new)

13 Sec. 9A-55. Disclosure requirements and procedures; return  
14 of funds.

15 (a) Each participating candidate shall file reports of  
16 contribution receipts and of expenditures of matching funds and  
17 other campaign funds at such times and in such manners as the  
18 Board may prescribe by rule, including, but not limited to,  
19 reports containing information necessary to verify that the  
20 qualified contributions received by participating candidates  
21 and that the matching funds spent by participating candidates  
22 comply with the restrictions and requirements of this Article.

23 (b) The Board by rule shall adopt procedures for auditing  
24 any reports filed with it as well as related reports filed with  
25 the State Board of Elections and issuing a public report

1 summarizing the election results, the campaign expenditures  
2 made in connection with offices covered by this Article, and  
3 the level and amount of matching funds provided to each  
4 campaign.

5 (c) Within 90 days after the consolidated or general  
6 election, every participating candidate who received matching  
7 funds under this Article shall repay the Fund any unused  
8 matching funds, calculated as follows: any unused campaign  
9 funds shall be multiplied by a ratio consisting of the total  
10 amount of matching funds received by the campaign in the  
11 numerator and the total amount of campaign funds raised by the  
12 campaign in the denominator. The amount of any repayment under  
13 this subsection (c) shall not exceed the total amount of  
14 matching funds paid to the campaign.

15 (10 ILCS 5/9A-60 new)

16 Sec. 9A-60. Joint campaign contributions and expenditures.  
17 Where multiple candidates are otherwise permitted under State  
18 law to engage in joint efforts to raise campaign contributions  
19 or in joint campaign expenditures, any contribution received at  
20 a joint fundraising event and any joint campaign expenditures  
21 shall be appropriately allocated among the participating  
22 candidates in a reasonable manner to be agreed upon by those  
23 candidates participating in the activity. The Board may review  
24 the reasonableness of any allocation under this Section.

1 (10 ILCS 5/9A-65 new)

2 Sec. 9A-65. Application of contribution and expenditure  
3 limitations to certain political activities. Nothing in this  
4 Article shall be construed to restrict candidates or their  
5 agents from making appearances at events sponsored or paid for  
6 by persons, political committees, or other entities that are  
7 not in any way affiliated with the candidate or any agent of  
8 the candidate. The costs of these events shall not be  
9 considered contributions to or expenditures by the candidate  
10 for purposes of this Article simply because the candidate or  
11 agent appears at such an event. However, this provision does  
12 not apply to events at which contributions are solicited on  
13 behalf of the participating candidate.

14 (10 ILCS 5/9A-70 new)

15 Sec. 9A-70. Campaign Finance Board; general powers and  
16 duties.

17 (a) A Campaign Finance Board is created within the State  
18 Board of Elections, consisting of 5 members appointed by the  
19 Governor with the approval of a majority of both the House of  
20 Representatives and the Senate. Each party or caucus  
21 represented in the General Assembly shall have at least one  
22 member on the Board. However, the Chairperson of the Board  
23 shall not be affiliated with any political party. The initial  
24 appointments required under this subsection (a) shall be made  
25 within 6 months of the effective date of this amendatory Act of

1 the 100th General Assembly, and their terms shall commence on  
2 the January 1 following appointment. The terms of office for  
3 the initial appointees shall be, except for the Chairperson,  
4 determined by lot as follows:

5 (1) one member shall serve a term of one year;

6 (2) one member shall serve a term of 2 years;

7 (3) one member shall serve a term of 3 years;

8 (4) one member shall serve a term of 4 years; and

9 (5) the initial Chairperson shall serve a term of 5  
10 years.

11 Thereafter, each member shall be appointed for a term of 5  
12 years, according to the original manner of appointment. In the  
13 case of a vacancy in the office of a member, a member shall be  
14 selected to serve the remainder of the unexpired term in the  
15 same manner the vacating member was selected. Members shall  
16 serve no more than 3 consecutive terms. No member of the Board  
17 may be removed from office except for cause, after notice and a  
18 hearing by the Senate.

19 (b) To be eligible to serve as a member of the Board, an  
20 individual must meet all of the following qualifications  
21 throughout the period of his or her service:

22 (1) the member must be a resident of Illinois, eligible  
23 and registered to vote;

24 (2) the member must agree that he or she and any  
25 members of his or her immediate family will not make any  
26 contributions to any candidate for any of the offices

1 eligible to receive matching funds during his or her term  
2 of service;

3 (3) the member must agree not to (i) serve as an  
4 officer of a political party or (ii) be a candidate or  
5 participate in any capacity in a campaign by a candidate  
6 for any of the offices eligible to receive public matching  
7 funds under this Article during his or her term of service;

8 (4) the member may not otherwise be an officer or  
9 employee of the State, nor a lobbyist engaged in lobbying  
10 any elected officials of the State; and

11 (5) the member must agree to undergo training under the  
12 supervision of the Chairperson of the Board.

13 (c) Subject to appropriations, the members of the Board  
14 shall be compensated at a rate specified by law while  
15 performing the work of the Board.

16 (d) The Board may employ necessary staff, including  
17 attorneys and accountants, and may utilize the services of  
18 employees of the State Board of Elections to assist the Board  
19 in carrying out its duties. Subject to appropriations, the  
20 total budget for the Board's operations shall not be less than  
21 .01% of the overall State budget.

22 (e) The Board shall have the authority to adopt rules and  
23 provide forms as it deems necessary to administer the matching  
24 funds system created by this Article. The Board shall adopt  
25 rules concerning the form in which contributions and  
26 expenditures are to be reported, the periods during which such

1 reports must be filed, the measures for auditing and reporting  
2 on campaign contributions and expenditures, and the  
3 verification required.

4 (f) The Board shall have the power to investigate all  
5 matters relating to the performance of its functions and any  
6 other matter relating to the proper administration of this  
7 Article. It shall have the power to require the attendance of  
8 witnesses, to examine and take testimony under oath of any  
9 persons as it shall deem necessary, and to require the  
10 production of books, accounts, papers, and any other relevant  
11 evidence relative to such investigation.

12 (g) The Board shall develop a program for informing  
13 candidates and the public about the small donor matching funds  
14 system created by this Article. The Board may prepare and make  
15 available educational materials, including compliance manuals  
16 and summaries of the relevant provisions of this program. The  
17 Board shall prepare and make available materials including, to  
18 the extent feasible, computer software, to facilitate the task  
19 of compliance with the disclosure and recordkeeping  
20 requirements under this Article.

21 (h) The Board shall have the power to render advisory  
22 opinions with respect to questions arising under this Article.  
23 These opinions may be requested in writing by any candidate,  
24 political committee, or member of the general public. The Board  
25 shall adopt rules regarding submissions and responses to such  
26 requests, including response times. The Board shall make public



1 its response to any such requests, as well as to any other  
2 formal rulings or interpretations it makes, including by  
3 posting them on its website, if practicable.

4 (i) The Board shall have the authority to implement any  
5 system established for the regulation of inauguration and  
6 transition donations and expenditures, including any related  
7 penalties. It shall also have the authority to adopt and  
8 implement a system for handling the transition from the  
9 existing campaign finance system and any pre-existing  
10 political committees and contributions to the small donor  
11 matching funds system implemented by this Article.

12 (j) The Board may take such other actions as are necessary  
13 and proper to carry out its functions and the purposes of  
14 adoption of a small donor matching funds system. The specific  
15 grants of power under this Section do not constitute and shall  
16 not be construed as limitations on the other proper and  
17 necessary powers of the Board.

18 (k) All final administrative decisions under this Article  
19 are subject to judicial review under the Administrative Review  
20 Law and its rules.

21 (10 ILCS 5/9A-75 new)

22 Sec. 9A-75. Public campaign financing program penalties.

23 (a) If a participating candidate knowingly accepts or  
24 spends matching funds in violation of this Article, then the  
25 candidate shall repay to the Fund a civil fine in an amount

1 equal to twice the value of the funding unlawfully accepted or  
2 spent.

3 (b) The Board shall, after a hearing affording the  
4 aggrieved party due process, have the authority to impose the  
5 fine created by this Section, to order repayment of  
6 overpayments that were not knowingly received, and to take any  
7 other appropriate action, pursuant to any additional rules  
8 concerning such hearings as the Board shall adopt.

9 (c) Any member of the public, as well as the Board on its  
10 own initiative, shall have standing to file a complaint with  
11 the Board alleging a violation of this Article. In the event a  
12 complaint is filed by an opposing candidate, or in coordination  
13 with an opposing candidate's campaign, the Board shall have the  
14 option of awarding costs and attorneys' fees in the event the  
15 complaint is found to have been lacking a reasonable basis.

16 (d) The Board shall adopt appropriate rules guaranteeing  
17 notice and due process to anyone accused of violating this  
18 Article and setting forth the process the Board will follow in  
19 investigating and adjudicating any such complaint.

20 Section 10. The State Finance Act is amended by adding  
21 Section 5.878 as follows:

22 (30 ILCS 105/5.878 new)

23 Sec. 5.878. The Small Donor Democracy Matching Fund.

1           Section 97. Severability. The provisions of this Act are  
2 severable under Section 1.31 of the Statute on Statutes.

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