



Sen. Don Harmon

**Filed: 4/6/2022**

10200HB0716sam002

LRB102 10068 JDS 38754 a

1 AMENDMENT TO HOUSE BILL 716

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 716 by replacing  
3 everything after the enacting clause with the following:

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

6 (10 ILCS 5/1-21 new)

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

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

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

12 (1) one member appointed by the Governor;

13 (2) one member appointed by the Attorney General;

14 (3) 2 members appointed by the President of the  
15 Senate;

16 (4) 2 members appointed by the Speaker of the House of

1 Representatives;

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

4 (6) 2 members appointed by the Minority Leader of the  
5 House of Representatives.

6 (b) The Task Force shall study the feasibility of  
7 implementing a system of campaign finance that would allow  
8 public funds to be used to subsidize campaigns for candidates  
9 for judicial office in exchange for voluntary adherence by  
10 those campaigns to specified expenditure limitations. In  
11 conducting its study, the Task Force shall consider whether  
12 implementing such a system of public financing is in the best  
13 interest of the State. The Task Force may propose one or more  
14 funding sources for the public financing of judicial  
15 elections, including, but not limited to, fines, voluntary  
16 contributions, surcharges on lobbying activities, and a  
17 whistleblower fund. The Task Force shall consider the  
18 following factors:

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

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

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

26 (4) the amount of funds expended with respect to

1 campaigns for judicial office by entities not affiliated  
2 with a candidate;

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

6 (6) jurisprudence concerning campaign finance and  
7 public financing of political campaigns, both for judicial  
8 office and generally; and

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

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

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

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

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

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

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

2       (10 ILCS 5/9-8.5)

3       Sec. 9-8.5. Limitations on campaign contributions.

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

6       (b) During an election cycle, a candidate political  
7 committee may not accept contributions with an aggregate value  
8 over the following: (i) \$5,000 from any individual, (ii)  
9 \$10,000 from any corporation, labor organization, or  
10 association, or (iii) \$50,000 from a candidate political  
11 committee or political action committee. A candidate political  
12 committee may accept contributions in any amount from a  
13 political party committee except during an election cycle in  
14 which the candidate seeks nomination at a primary election.  
15 During an election cycle in which the candidate seeks  
16 nomination at a primary election, a candidate political  
17 committee may not accept contributions from political party  
18 committees with an aggregate value over the following: (i)  
19 \$200,000 for a candidate political committee established to  
20 support a candidate seeking nomination to statewide office,  
21 (ii) \$125,000 for a candidate political committee established  
22 to support a candidate seeking nomination to the Senate, the  
23 Supreme Court or Appellate Court in the First Judicial  
24 District, or an office elected by all voters in a county with  
25 1,000,000 or more residents, (iii) \$75,000 for a candidate

1 political committee established to support a candidate seeking  
2 nomination to the House of Representatives, the Supreme Court  
3 or Appellate Court for a Judicial District other than the  
4 First Judicial District, an office elected by all voters of a  
5 county of fewer than 1,000,000 residents, and municipal and  
6 county offices in Cook County other than those elected by all  
7 voters of Cook County, and (iv) \$50,000 for a candidate  
8 political committee established to support the nomination of a  
9 candidate to any other office. A candidate political committee  
10 established to elect a candidate to the General Assembly may  
11 accept contributions from only one legislative caucus  
12 committee. A candidate political committee may not accept  
13 contributions from a ballot initiative committee or from an  
14 independent expenditure committee.

15 (b-5) Judicial elections.

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

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

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

26 (1.1) In addition to any other provision of this

1       Section, a political committee that is self-funding, as  
2       described in subsection (h) of this Section, and is  
3       established to support or oppose a candidate seeking  
4       nomination, election, or retention to the Supreme Court,  
5       the Appellate Court, or the Circuit Court may not accept  
6       contributions from any single person, other than the  
7       judicial candidate or the candidate's immediate family, in  
8       a cumulative amount that exceeds \$500,000 in any election  
9       cycle. Any contribution in excess of the limits in this  
10       paragraph (1.1) shall escheat to the State of Illinois.  
11       Any political committee that receives such a contribution  
12       shall immediately forward the amount that exceeds \$500,000  
13       to the State Treasurer who shall deposit the funds into  
14       the State Treasury.

15       (1.2) In addition to any other provision of this  
16       Section, an independent expenditure committee established  
17       to support or oppose a candidate seeking nomination,  
18       election, or retention to the Supreme Court, the Appellate  
19       Court, or the Circuit Court may not accept contributions  
20       from any single source in a cumulative amount that exceeds  
21       \$500,000 in any election cycle. Any contribution in excess  
22       of the limits in this paragraph (1.2) shall escheat to the  
23       State of Illinois. Any independent expenditure committee  
24       that receives such a contribution shall immediately  
25       forward the amount that exceeds \$500,000 to the State  
26       Treasurer who shall deposit the funds into the State

1       Treasury.

2       (1.3) In addition to any other provision of this  
3       Section, if a political committee established to support  
4       or oppose a candidate seeking nomination, election, or  
5       retention to the Supreme Court, the Appellate Court, or  
6       the Circuit Court receives a contribution in excess of  
7       \$500 from: (i) any committee that is not required to  
8       disclose its contributors under this Act; (ii) any  
9       association that is not required to disclose its  
10       contributors under this Act; or (iii) any other  
11       organization or group of persons that is not required to  
12       disclose its contributors under this Act, then that  
13       contribution shall be considered an anonymous contribution  
14       that shall escheat to the State, unless the political  
15       committee reports to the State Board of Elections all  
16       persons who have contributed in excess of \$500 during the  
17       same election cycle to the committee, association,  
18       organization, or group making the contribution. Any  
19       political committee that receives such a contribution and  
20       fails to report this information shall forward the  
21       contribution amount immediately to the State Treasurer who  
22       shall deposit the funds into the State Treasury.

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

26       (A) expenditures made by any person in concert or

1 cooperation with, or at the request or suggestion of,  
2 a candidate, his or her designated committee, or their  
3 agents; and

4 (B) the financing by any person of the  
5 dissemination, distribution, or republication, in  
6 whole or in part, of any broadcast or any written,  
7 graphic, or other form of campaign materials prepared  
8 by the candidate, his or her campaign committee, or  
9 their designated agents.

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

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

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

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

23 (D) No person shall make an anonymous  
24 contribution.

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



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

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

8 or

9 (ii) the amount of any such donation.

10 (4) No judicial candidate or political committee  
11 established to support a candidate seeking nomination to  
12 the Supreme Court, Appellate Court, or Circuit Court shall  
13 knowingly accept any contribution or make any expenditure  
14 in violation of the provisions of this Section. No officer  
15 or employee of a political committee established to  
16 support a candidate seeking nomination to the Supreme  
17 Court, Appellate Court, or Circuit Court shall knowingly  
18 accept a contribution made for the benefit or use of a  
19 candidate or knowingly make any expenditure in support of  
20 or opposition to a candidate or for electioneering  
21 communications in relation to a candidate in violation of  
22 any limitation designated for contributions and  
23 expenditures under this Section.

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

1           (c) During an election cycle, a political party committee  
2 may not accept contributions with an aggregate value over the  
3 following: (i) \$10,000 from any individual, (ii) \$20,000 from  
4 any corporation, labor organization, or association, or (iii)  
5 \$50,000 from a political action committee. A political party  
6 committee may accept contributions in any amount from another  
7 political party committee or a candidate political committee,  
8 except as provided in subsection (c-5). Nothing in this  
9 Section shall limit the amounts that may be transferred  
10 between a political party committee established under  
11 subsection (a) of Section 7-8 of this Code and an affiliated  
12 federal political committee established under the Federal  
13 Election Code by the same political party. A political party  
14 committee may not accept contributions from a ballot  
15 initiative committee or from an independent expenditure  
16 committee. A political party committee established by a  
17 legislative caucus may not accept contributions from another  
18 political party committee established by a legislative caucus.

19           (c-5) During the period beginning on the date candidates  
20 may begin circulating petitions for a primary election and  
21 ending on the day of the primary election, a political party  
22 committee may not accept contributions with an aggregate value  
23 over \$50,000 from a candidate political committee or political  
24 party committee. A political party committee may accept  
25 contributions in any amount from a candidate political  
26 committee or political party committee if the political party

1 committee receiving the contribution filed a statement of  
2 nonparticipation in the primary as provided in subsection  
3 (c-10). The Task Force on Campaign Finance Reform shall study  
4 and make recommendations on the provisions of this subsection  
5 to the Governor and General Assembly by September 30, 2012.  
6 This subsection becomes inoperative on July 1, 2013 and  
7 thereafter no longer applies.

8 (c-10) A political party committee that does not intend to  
9 make contributions to candidates to be nominated at a general  
10 primary election or consolidated primary election may file a  
11 Statement of Nonparticipation in a Primary Election with the  
12 Board. The Statement of Nonparticipation shall include a  
13 verification signed by the chairperson and treasurer of the  
14 committee that (i) the committee will not make contributions  
15 or coordinated expenditures in support of or opposition to a  
16 candidate or candidates to be nominated at the general primary  
17 election or consolidated primary election (select one) to be  
18 held on (insert date), (ii) the political party committee may  
19 accept unlimited contributions from candidate political  
20 committees and political party committees, provided that the  
21 political party committee does not make contributions to a  
22 candidate or candidates to be nominated at the primary  
23 election, and (iii) failure to abide by these requirements  
24 shall deem the political party committee in violation of this  
25 Article and subject the committee to a fine of no more than  
26 150% of the total contributions or coordinated expenditures

1 made by the committee in violation of this Article. This  
2 subsection becomes inoperative on July 1, 2013 and thereafter  
3 no longer applies.

4 (d) During an election cycle, a political action committee  
5 may not accept contributions with an aggregate value over the  
6 following: (i) \$10,000 from any individual, (ii) \$20,000 from  
7 any corporation, labor organization, political party  
8 committee, or association, or (iii) \$50,000 from a political  
9 action committee or candidate political committee. A political  
10 action committee may not accept contributions from a ballot  
11 initiative committee or from an independent expenditure  
12 committee.

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

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

23 (e-10) A limited activity committee shall not accept  
24 contributions, except that the officer or a candidate the  
25 committee has designated to support may contribute personal  
26 funds in order to pay for maintenance expenses. A limited

1 activity committee may only make expenditures that are: (i)  
2 necessary for maintenance of the committee; (ii) for rent or  
3 lease payments until the end of the lease in effect at the time  
4 the officer or candidate is confirmed by the Senate; (iii)  
5 contributions to 501(c)(3) charities; or (iv) returning  
6 contributions to original contributors.

7 (f) Nothing in this Section shall prohibit a political  
8 committee from dividing the proceeds of joint fundraising  
9 efforts; provided that no political committee may receive more  
10 than the limit from any one contributor, and provided that an  
11 independent expenditure committee may not conduct joint  
12 fundraising efforts with a candidate political committee or a  
13 political party committee.

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

21 (h) Self-funding candidates. If a public official, a  
22 candidate, or the public official's or candidate's immediate  
23 family contributes or loans to the public official's or  
24 candidate's political committee or to other political  
25 committees that transfer funds to the public official's or  
26 candidate's political committee or makes independent

1 expenditures for the benefit of the public official's or  
2 candidate's campaign during the 12 months prior to an election  
3 in an aggregate amount of more than (i) \$250,000 for statewide  
4 office or (ii) \$100,000 for all other elective offices, then  
5 the public official or candidate shall file with the State  
6 Board of Elections, within one day, a Notification of  
7 Self-funding that shall detail each contribution or loan made  
8 by the public official, the candidate, or the public  
9 official's or candidate's immediate family. Within 2 business  
10 days after the filing of a Notification of Self-funding, the  
11 notification shall be posted on the Board's website and the  
12 Board shall give official notice of the filing to each  
13 candidate for the same office as the public official or  
14 candidate making the filing, including the public official or  
15 candidate filing the Notification of Self-funding. Notice  
16 shall be sent via first class mail to the candidate and the  
17 treasurer of the candidate's committee. Notice shall also be  
18 sent by e-mail to the candidate and the treasurer of the  
19 candidate's committee if the candidate and the treasurer, as  
20 applicable, have provided the Board with an e-mail address.  
21 Upon posting of the notice on the Board's website, all  
22 candidates for that office, including the public official or  
23 candidate who filed a Notification of Self-funding, shall be  
24 permitted to accept contributions in excess of any  
25 contribution limits imposed by subsection (b). If a public  
26 official or candidate filed a Notification of Self-funding

1 during an election cycle that includes a general primary  
2 election or consolidated primary election and that public  
3 official or candidate is nominated, all candidates for that  
4 office, including the nominee who filed the notification of  
5 self-funding, shall be permitted to accept contributions in  
6 excess of any contribution limit imposed by subsection (b) for  
7 the subsequent election cycle. For the purposes of this  
8 subsection, "immediate family" means the spouse, parent, or  
9 child of a public official or candidate.

10 (h-5) If a natural person or independent expenditure  
11 committee makes independent expenditures in support of or in  
12 opposition to the campaign of a particular public official or  
13 candidate in an aggregate amount of more than (i) \$250,000 for  
14 statewide office or (ii) \$100,000 for all other elective  
15 offices in an election cycle, as reported in a written  
16 disclosure filed under subsection (a) of Section 9-8.6 or  
17 subsection (e-5) of Section 9-10, then the State Board of  
18 Elections shall, within 2 business days after the filing of  
19 the disclosure, post the disclosure on the Board's website and  
20 give official notice of the disclosure to each candidate for  
21 the same office as the public official or candidate for whose  
22 benefit or detriment the natural person or independent  
23 expenditure committee made independent expenditures. Upon  
24 posting of the notice on the Board's website, all candidates  
25 for that office in that election, including the public  
26 official or candidate for whose benefit or detriment the

1 natural person or independent expenditure committee made  
2 independent expenditures, shall be permitted to accept  
3 contributions in excess of any contribution limits imposed by  
4 subsection (b).

5 (h-10) If the State Board of Elections receives  
6 notification or determines that a natural person or persons,  
7 an independent expenditure committee or committees, or  
8 combination thereof has made independent expenditures in  
9 support of or in opposition to the campaign of a particular  
10 public official or candidate in an aggregate amount of more  
11 than (i) \$250,000 for statewide office or (ii) \$100,000 for  
12 all other elective offices in an election cycle, then the  
13 Board shall, within 2 business days after discovering the  
14 independent expenditures that, in the aggregate, exceed the  
15 threshold set forth in (i) and (ii) of this subsection, post  
16 notice of this fact on the Board's website and give official  
17 notice to each candidate for the same office as the public  
18 official or candidate for whose benefit or detriment the  
19 independent expenditures were made. Notice shall be sent via  
20 first class mail to the candidate and the treasurer of the  
21 candidate's committee. Notice shall also be sent by e-mail to  
22 the candidate and the treasurer of the candidate's committee  
23 if the candidate and the treasurer, as applicable, have  
24 provided the Board with an e-mail address. Upon posting of the  
25 notice on the Board's website, all candidates of that office  
26 in that election, including the public official or candidate



1 for whose benefit or detriment the independent expenditures  
2 were made, may accept contributions in excess of any  
3 contribution limits imposed by subsection (b).

4 (i) For the purposes of this Section, a corporation, labor  
5 organization, association, or a political action committee  
6 established by a corporation, labor organization, or  
7 association may act as a conduit in facilitating the delivery  
8 to a political action committee of contributions made through  
9 dues, levies, or similar assessments and the political action  
10 committee may report the contributions in the aggregate,  
11 provided that: (i) contributions made through dues, levies, or  
12 similar assessments paid by any natural person, corporation,  
13 labor organization, or association in a calendar year may not  
14 exceed the limits set forth in this Section; (ii) the  
15 corporation, labor organization, association, or a political  
16 action committee established by a corporation, labor  
17 organization, or association facilitating the delivery of  
18 contributions maintains a list of natural persons,  
19 corporations, labor organizations, and associations that paid  
20 the dues, levies, or similar assessments from which the  
21 contributions comprising the aggregate amount derive; and  
22 (iii) contributions made through dues, levies, or similar  
23 assessments paid by any natural person, corporation, labor  
24 organization, or association that exceed \$1,000 in a quarterly  
25 reporting period shall be itemized on the committee's  
26 quarterly report and may not be reported in the aggregate. A

1 political action committee facilitating the delivery of  
2 contributions or receiving contributions shall disclose the  
3 amount of contributions made through dues delivered or  
4 received and the name of the corporation, labor organization,  
5 association, or political action committee delivering the  
6 contributions, if applicable. On January 1 of each  
7 odd-numbered year, the State Board of Elections shall adjust  
8 the amounts of the contribution limitations established in  
9 this subsection for inflation as determined by the Consumer  
10 Price Index for All Urban Consumers as issued by the United  
11 States Department of Labor and rounded to the nearest \$100.  
12 The State Board shall publish this information on its official  
13 website.

14 (j) A political committee that receives a contribution or  
15 transfer in violation of this Section shall dispose of the  
16 contribution or transfer by returning the contribution or  
17 transfer, or an amount equal to the contribution or transfer,  
18 to the contributor or transferor or donating the contribution  
19 or transfer, or an amount equal to the contribution or  
20 transfer, to a charity. A contribution or transfer received in  
21 violation of this Section that is not disposed of as provided  
22 in this subsection within 30 days after the Board sends  
23 notification to the political committee of the excess  
24 contribution by certified mail shall escheat to the General  
25 Revenue Fund and the political committee shall be deemed in  
26 violation of this Section and subject to a civil penalty not to

1 exceed 150% of the total amount of the contribution.

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

5 (l) This Section is repealed if and when the United States  
6 Supreme Court invalidates contribution limits on committees  
7 formed to assist candidates, political parties, corporations,  
8 associations, or labor organizations established by or  
9 pursuant to federal law.

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

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