



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by William Delgado

SYNOPSIS AS INTRODUCED:

New Act

- | | |
|------------------------|-------------------------|
| 10 ILCS 5/9-1.5 | from Ch. 46, par. 9-1.5 |
| 10 ILCS 5/9-1.7 | from Ch. 46, par. 9-1.7 |
| 10 ILCS 5/9-1.8 | from Ch. 46, par. 9-1.8 |
| 10 ILCS 5/9-10 | from Ch. 46, par. 9-10 |
| 30 ILCS 105/5.625 new | |
| 35 ILCS 5/506.7 new | |
| 705 ILCS 105/27.10 new | |

Creates the Supreme Court Campaign Reform Act. Provides that candidates for the Supreme Court may apply for a public financing benefit in connection with their campaign. Sets the amount of the public financing benefit at \$750,000 for the general primary and general election cycle. Sets requirements for qualifying for the public financing benefits. Limits the amount of private contributions qualified candidates may accept. Limits the amounts that non-participating candidates may accept from private sources during campaign periods to \$1,000 in the aggregate. Provides that qualified candidates must be distributed a line of credit from the Illinois Supreme Court Democracy Trust Fund to be used for lawful political expenditures. Provides for the increase of the line of credit if non-complying candidates make certain expenditures. Sets penalties for violations of the Act. Provides that the Illinois Supreme Court may require attorneys to contribute money to the Fund not to exceed \$25 annually. Contains other provisions. Amends the Election Code. Provides that a payment for electioneering communications is an "expenditure". Provides that a group that "accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 for the purpose of electioneering communications" is a political committee. Allows the Board of Elections to impose a fine against a committee that fails to report expenditures that could trigger matching funds under the Supreme Court Campaign Reform Act. Amends the State Finance Act. Creates the Illinois Supreme Court Democracy Trust Fund. Amends the Illinois Income Tax Act. Requires the Department of Revenue to print on its standard individual income tax form a provision by which the taxpayer may make a contribution (not less than \$1) to the Illinois Supreme Court Democracy Trust Fund. Amends the Clerk of the Courts Act. Requires circuit court clerks to transfer \$1 from each appearance fee paid to the State Treasurer for deposit into the Supreme Court Democracy Trust Fund and, to defray that expense, the county board may, by resolution, require the clerk of the circuit court in the county to charge and collect a Supreme Court Democracy Trust Fund fee of not more than \$1, which shall be paid at the time that any appearance fee is paid. Effective immediately.

LRB093 19057 BDD 46509 b

CORRECTIONAL
 BUDGET AND
 IMPACT NOTE ACT
 MAY APPLY

FISCAL NOTE ACT
 MAY APPLY

1 AN ACT concerning judicial elections.

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

4 Section 1. Short title. This Act may be cited as the
5 Supreme Court Campaign Reform Act.

6 Section 5. Definitions.

7 In this Act:

8 "Allowable contribution" means a qualifying contribution,
9 a seed money contribution, or a personal contribution
10 authorized by this Act.

11 "Candidate" means any person seeking election to the office
12 of Judge of the Illinois Supreme Court.

13 "Campaign" includes the primary election campaign period
14 and the general election campaign period.

15 "General election campaign period" means the period
16 beginning on the day after the general primary election and
17 ending on the day of the general election.

18 "Electioneering communication expenditure" means an
19 expenditure for any broadcast, cable, or satellite
20 communication, that refers to a clearly identified candidate
21 for Supreme Court, that is made within 60 days before a general
22 election or 30 days before a general primary election, and that
23 is broadcast to voters in the district where the candidate is
24 on the ballot. "Electioneering communication" does not mean a
25 communication appearing in a news story, commentary, or
26 editorial included in the course of regularly scheduled news
27 coverage or a communication that constitutes a candidate debate
28 or forum.

29 "Eligible candidate" means a candidate for the office of
30 Judge of the Supreme Court who qualifies for public financing
31 by collecting the required number of qualifying contributions,
32 making all required reports and disclosures, and being

1 certified by the State Board as being in compliance with this
2 Act.

3 "Excess expenditure amount" means the amount of
4 expenditures made by a non-participating candidate in excess of
5 the public financing benefit available to an eligible candidate
6 for the same office that the non-participating candidate seeks.

7 "Excess qualifying contribution amount" means the amount
8 of qualifying contributions accepted by a candidate beyond the
9 number or dollar amount of contributions required to qualify a
10 candidate for a public financing benefit.

11 "Exploratory period" means the period that begins one year
12 prior to the general primary election date and ends on the day
13 before the beginning of the primary election campaign period
14 for Judges of the Supreme Court.

15 "Fair election debit card" means a debit card issued by the
16 State Treasurer in accordance with Section 65 entitling a
17 candidate and agents of the candidate designated by the
18 candidate to draw money from an account maintained by the State
19 Treasurer to make expenditures authorized by law.

20 "Immediate family", when used with reference to a
21 candidate, includes the candidate's spouse, parents, and
22 children.

23 "Independent expenditure" means an expenditure by a person
24 expressly advocating the election or defeat of a clearly
25 identified candidate that is made without cooperation or
26 consultation with a candidate, or any political committee or
27 agent of a candidate, and that is not made in concert with, or
28 at the request or suggestion of, any candidate or any political
29 committee or agent of a candidate.

30 "Non-participating candidate" means a candidate for the
31 office of Judge of the Supreme Court who does not apply for a
32 public financing benefit or who otherwise is ineligible or
33 fails to qualify for a public financing benefit under this Act.

34 "Personal funds" means funds contributed by a candidate or
35 a member of a candidate's immediate family.

36 "Primary election campaign period" means the period

1 beginning 30 days after the last day prescribed by law for
2 filing nomination papers and ending on the day of the general
3 primary election.

4 "Public financing qualifying period" means the period
5 beginning on the first day of July of an odd-numbered year and
6 ending on the day before the beginning of the primary election
7 campaign period for the office of Judge of the Supreme Court.

8 "Qualifying contribution" means a contribution between \$5
9 and \$25 to a candidate made by a resident, at least 18 years
10 old, of the district in which the candidate seeks office and
11 made during the public financing qualifying period that is
12 acknowledged by written receipt identifying the contributor.
13 An individual may make only one qualifying contribution per
14 candidate.

15 "Qualifying report" is a list of all individual qualifying
16 contributions.

17 "Seed money contribution" means a contribution in an amount
18 of not more than \$100 made to a candidate for the office of
19 Judge of the Supreme Court during the exploratory period or the
20 public financing qualifying period or a contribution made to a
21 candidate consisting of personal funds of that candidate in an
22 amount not more than the amount authorized under Section 30
23 during the exploratory period or the public financing
24 qualifying period.

25 "State Board" means the State Board of Elections.

26 "Supreme Court Democracy Trust Fund" means a special fund
27 created in the State treasury and to be used, subject to
28 appropriation, by the State Board of Elections for the funding
29 of campaigns for participating Supreme Court candidates.

30 Section 10. Qualification; certification.

31 (a) Before a candidate for nomination for election to the
32 office of Judge of the Supreme Court in the general primary
33 election may be certified as an eligible candidate to receive a
34 public financing benefit for the primary election campaign
35 period, the candidate must apply to the State Board for a

1 public financing benefit and file a sworn statement that the
2 candidate has complied and will comply with all requirements of
3 this Act throughout the applicable campaign, including the
4 general primary election and the general election. A candidate
5 must file the application and statement no later than the
6 beginning of the primary election campaign period for the
7 office of Judge of the Supreme Court.

8 (b) A candidate shall be certified by the State Board as an
9 eligible candidate for receipt of public financing for a
10 primary election if the candidate complies with subsection (a)
11 and receives a number of qualifying contributions at least
12 equal to 0.15% of the number of ballots cast in the judicial
13 district in the last gubernatorial election from individual
14 qualifying contributors before the close of the public
15 financing qualifying period. The State Board may require
16 candidates to file lists of qualifying contributions in
17 electronic format. If so required, the State Board shall either
18 (i) provide, without charge, all software necessary to comply
19 with this requirement or (ii) ensure that the necessary
20 software is commonly available to the public at minimal cost.

21 (c) The State Board must verify a candidate's compliance
22 with the requirements of subsection (b) by any verification and
23 sampling techniques that the State Board considers
24 appropriate.

25 (d) Each candidate must acknowledge each qualifying
26 contribution by a receipt to the contributor that contains the
27 contributor's name and home address. A candidate must file a
28 qualifying report with the State Board of Elections.

29 (e) A qualifying contribution may be used only for the
30 purpose of making an expenditure authorized by law.

31 Section 15. Time of application; general election.

32 (a) Before a candidate may be certified as eligible for
33 receipt of public financing for a general election, the
34 candidate must apply to the State Board and file a sworn
35 statement that the candidate has fulfilled all the requirements

1 of this Act during the primary election campaign period and
2 will comply with the requirements of this Act during the
3 general election campaign period. The application must be filed
4 no later than the 7th day after the date of the general primary
5 election.

6 (b) The State Board must certify a candidate as an eligible
7 candidate for receipt of public financing for a general
8 election campaign period if the candidate complies with
9 subsection (a) and the candidate was an eligible candidate
10 during the primary election campaign period.

11 Section 20. Agreement by candidate.

12 An eligible candidate who accepts a public financing benefit
13 under this Act during the primary election campaign period must
14 agree to comply with all requirements of this Act throughout
15 the general election campaign period as a precondition to
16 receipt of public financing. An eligible candidate who accepts
17 a public financing benefit during a primary election campaign
18 period may not elect to accept private contributions in
19 violation of this Act during the corresponding general election
20 campaign period.

21 Section 25. Requirements imposed upon eligible candidates.

22 (a) An eligible candidate may not accept private
23 contributions other than seed money contributions and
24 qualifying contributions.

25 (b) In addition to reports required to be filed under the
26 Election Code, a candidate who receives a public financing
27 benefit must furnish complete financial records, including
28 records of seed money contributions, qualifying contributions,
29 and expenditures on the last day of the month.

30 (c) In addition to adhering to requirements imposed under
31 the Election Code, a candidate who receives a public financing
32 benefit must maintain records of all contributions of at least
33 \$5 and not more than \$100, including seed money contributions
34 and qualifying contributions, that contain the full name of the

1 contributor and the contributor's full home address.

2 (d) The failure to record or provide the information
3 specified in subsection (c) disqualifies a contribution from
4 counting as a qualifying contribution.

5 (e) No eligible candidate and no person acting on a
6 candidate's behalf may deposit any contribution that is not
7 recorded in accordance with subsection (c) in a candidate's
8 campaign account.

9 (f) No eligible candidate may accept more than \$25 in cash
10 from any contributor.

11 Section 30. Personal funds of candidates.

12 (a) The personal funds of an eligible candidate contributed
13 as seed money contributions may not exceed an aggregate amount
14 of \$10,000. This includes funds from the candidate's immediate
15 family.

16 (b) No eligible candidate may make any expenditure derived
17 from personal funds after the close of the public financing
18 qualifying period.

19 (c) Eligible candidates may not loan personal funds to
20 their campaign.

21 Section 35. Seed money contributions.

22 (a) An eligible candidate may accept seed money
23 contributions from any individual or political committee
24 before the end of the public financing qualifying period,
25 provided the total contributions from one contributor, except
26 personal funds and qualifying contributions otherwise
27 permitted under this Act, do not exceed \$100 and the aggregate
28 contributions, including personal funds but not including
29 qualifying contributions, do not exceed \$30,000.

30 (b) An eligible candidate may make expenditures from seed
31 money contributions only during the exploratory period and the
32 public financing qualifying period.

33 Section 40. Excess contributions.

1 An amount equivalent to the excess contributions must be
2 deducted by the State Board from the candidate's public
3 financing benefit. A candidate must return to the State Board
4 all seed money and personal contributions, including in-kind
5 contributions, that exceed the limits prescribed in Section 35
6 within 48 hours after the end of the exploratory period. The
7 State Board must deposit all contributions returned under this
8 Section into the Illinois Supreme Court Democracy Trust Fund.

9 Section 45. Certification by candidate; line of credit.

10 (a) To apply for a public financing benefit, a candidate
11 must certify to the State Board that the candidate has complied
12 and will comply, throughout the applicable campaign, with all
13 requirements of this Act and that all disclosures required at
14 the time of application have been made. The candidate must
15 present evidence of the requisite number of qualifying
16 contributions received by the candidate. The candidate's
17 request for certification must be signed by the candidate and
18 the treasurer of the candidate's political committee.

19 (b) The State Board must distribute to each eligible
20 candidate at the general primary election a line of credit for
21 public financing promptly after the candidate demonstrates his
22 or her eligibility and, in any event, not later than 5 days
23 after the end of the public financing qualifying period;
24 provided, however, that no candidate may use a line of credit
25 distributed under this subsection until the beginning of the
26 primary election campaign period.

27 (c) The State Board must distribute to each eligible
28 candidate for Judge of the Supreme Court in the general
29 election a line of credit for public financing not later than
30 the earlier of (i) 48 hours after the official canvass and
31 proclamation under Section 22-7 of the Election Code or (ii) 21
32 days after the date of the general primary election for the
33 office of Judge of the Supreme Court. No candidate for Judge of
34 the Supreme Court may receive a line of credit until all
35 candidates for Judge of the Supreme Court who apply and qualify

1 for a public financing benefit have been certified as eligible
2 candidates.

3 (d) If any candidate who receives a public financing
4 benefit violates the requirements of this Act, the candidate
5 will be subject to the penalties and enforcement outlined in
6 Section 70. The State Board must deposit all repayments
7 received under this subsection into the Illinois Supreme Court
8 Democracy Trust Fund.

9 Section 50. Public financing benefits.

10 (a) The State Board must provide to each eligible candidate
11 who qualifies to receive a public financing benefit for the
12 primary or general election campaign period separate lines of
13 credit for the primary and general election campaign periods in
14 the amounts specified in this Section subject to any required
15 adjustment under Sections 40, 55, 60, or 80. An eligible
16 candidate may use this credit to finance any lawful
17 expenditures during the primary and general election campaign
18 periods. An eligible candidate may not use this credit to repay
19 any loan in violation of this Act or any other applicable law.

20 (b) The total public financing benefit available to
21 eligible candidates for the primary and general elections shall
22 be \$750,000, subject to adjustment by subsection (e) of this
23 Section. Matching funds that become available due to Section 55
24 or Section 60 are not counted toward the public financing
25 benefit. Eligible candidates may decide the allocation of their
26 benefit between the primary election campaign period and the
27 general election campaign period, provided that no candidate
28 may allocate less than 20% or more than 80% during the primary
29 election campaign period, nor may a candidate allocate more
30 than 80% during the general election campaign period. Any
31 portion of the benefit allocated but unspent or uncommitted for
32 expenses at the close of the primary election campaign period
33 is forfeited and may not be spent during the general election
34 campaign period.

35 (c) Instead of the public financing benefit in subsection

1 (b), an eligible candidate who is unopposed, other than by
2 write-in candidates, in a primary election shall receive a
3 public financing allocation of \$50,000 for the primary election
4 campaign period.

5 (d) Instead of the benefit in subsection (b), an eligible
6 candidate who is unopposed, other than by write-in candidates,
7 in a general election shall receive a public financing
8 allocation of \$75,000 for the general election campaign period.

9 (e) An eligible candidate in a general election in which
10 there are no other candidates whose names appear on the ballot
11 must receive a line of credit of \$75,000 for the election
12 campaign period, beginning the day after the primary election
13 and ending 90 days after the general election.

14 (f) Notwithstanding subsection (b), beginning on April 1,
15 2007 and every 2 years thereafter, the State Board must modify
16 the public financing benefits provided for in subsection (b) to
17 adjust for the change in the Consumer Price Index, All Items,
18 U. S. City Average, published by the United States Department
19 of Labor for the preceding 2-year period ending on December 31.

20 Section 55. Financial activity by non-participating
21 candidates.

22 (a) In addition to other reports required by law, a
23 non-participating candidate for the office of Judge of the
24 Supreme Court at the general primary election or the general
25 election who receives contributions or makes or obligates to
26 make expenditures in an amount more than 5% greater than the
27 public financing benefit applicable to an eligible candidate
28 for the same office at the same general primary election or
29 general election must file a report with the State Board
30 itemizing the total contributions received and expenditures
31 made or obligated to be made by the candidate as of the date of
32 the report. The State Board must transmit copies of the report
33 to all candidates for the office of Judge of the Supreme Court
34 at the same election. A non-participating candidate must file
35 additional reports after the candidate makes or obligates to

1 make each additional \$1,000 of expenditures. If the
2 contributions are received or the expenditures are made or
3 obligated to be made more than 6 weeks before the date of the
4 general primary election or general election at which the name
5 of the candidate appears on the ballot, the reports must be
6 made at the next regular reporting interval under Section 25.
7 If the contributions are received or the expenditures are made
8 or obligated to be made within 6 weeks before the date of the
9 general primary election or general election at which the name
10 of the candidate appears on the ballot, the reports must be
11 made within 24 hours after each instance in which the
12 contributions are received or the expenditures are made or
13 obligated to be made.

14 (b) Upon receipt of the information, the State Board shall
15 immediately notify all opposing eligible candidates. If a
16 non-participating candidate makes expenditures or becomes
17 obligated to make expenditures that exceed the public financing
18 benefit, an eligible candidate may request matching funds up to
19 the amount by which the expenditures or obligations of the
20 non-participating candidate exceed the public financing
21 benefit. If an eligible candidate requests these matching
22 funds, the State Board shall immediately credit his or her
23 account with an additional line of credit equivalent to the
24 request, provided that the sum total of matching funds credited
25 to the candidate in the primary election campaign period and
26 the general election campaign period for independent
27 expenditures, electioneering communication expenses under
28 Section 60, and non-participating expenses may not exceed the
29 value of the public financing benefit. Any matching funds
30 requested but not spent or committed at the conclusion of the
31 primary election campaign period are forfeited and may not be
32 spent during the general election campaign period.

33 Section 60. Independent expenditures and electioneering
34 communications.

35 (a) If any person makes, or becomes obligated to make, by

1 oral or written agreement an independent expenditure and
2 electioneering communications in excess of \$1,000 with respect
3 to a candidate for the office of Judge of the Supreme Court at
4 a general primary or general election, that person must file
5 with the State Board a notice of such expenditure or obligation
6 to make such an expenditure. Any such person must file reports
7 of the expenditures or obligations to make the expenditures on
8 the 15th or last day of the month that immediately follows the
9 date of the expenditure or the obligation to make the
10 expenditure, whichever comes first, except that, within 6 weeks
11 before the date of the general primary election or general
12 election, the person must file the reports within 24 hours
13 after each independent expenditure is made or obligated to be
14 made. Any such person must file additional reports after each
15 additional \$1,000 of expenditures are made or obligated to be
16 made.

17 (b) When the aggregate of independent expenditures and
18 electioneering communication expenditures against an eligible
19 candidate for an office or for the opponents of that candidate
20 exceed 10% of the public financing benefit for that office in
21 any campaign an eligible candidate may request matching funds
22 of up to the amount of the independent expenditure or
23 electioneering communication expense. If a candidate requests
24 matching funds, the State Board must immediately credit that
25 candidate's account with an additional line of credit
26 equivalent to the amount requested, provided that the sum total
27 of matching funds credited to the candidate in the primary
28 election campaign period and the general election campaign
29 period for independent expenditures, electioneering
30 communication expenses, and non-participating expenses under
31 Section 55 may not exceed the value of the public financing
32 benefit. Any matching funds requested but not spent or
33 committed at the conclusion of the primary election campaign
34 period are forfeited and may not be spent during the general
35 election campaign period.

1 Section 65. Illinois Supreme Court Democracy Trust Fund.

2 (a) All moneys collected under Sections 40, 45, and 70 of
3 this Act shall be deposited into the Illinois Supreme Court
4 Democracy Trust Fund, a special fund created in the State
5 treasury, and, subject to appropriation, may be used by the
6 State Board of Elections for the purposes of this Act. The
7 State Treasurer, in consultation with the State Board, must
8 contract with a debit card issuer to permit eligible candidates
9 and their agents to draw upon moneys appropriated from the Fund
10 through an account with the card issuer.

11 (b) Upon a determination of a candidate's eligibility for a
12 public financing benefit as provided for in subsection (a) of
13 Section 45, the State Treasurer must issue to the eligible
14 candidate a debit card, known as the fair election debit card,
15 entitling the candidate and agents of the candidate designated
16 by the candidate to draw money from an account to make
17 expenditures on behalf of the candidate.

18 (c) No eligible candidate or agent of an eligible candidate
19 may make any expenditure by any other means other than through
20 the use of the fair election debit card. No such candidate or
21 agent may use a fair election debit card to obtain cash, except
22 that cash amounts of \$100 or less may be drawn on the fair
23 election debit card and used to make expenditures of no more
24 than \$25 each. A candidate must maintain records of all such
25 expenditures and must report the expenditures to the State
26 Board in accordance with Section 25.

27 (d) The State Board of Elections may draw upon funds in the
28 Supreme Court Democracy Trust Fund to support the
29 administration of the public-financing program. These funds
30 may be used only to pay costs to the State Board that are
31 directly associated with the administration of the program,
32 including but not limited to, ensuring compliance with this Act
33 and promoting the income tax checkoff. These administrative
34 reimbursements shall be limited to 1% of the Fund balanced in
35 fiscal years when there is no Supreme Court seat on either a
36 primary or general election ballot or 5% of the Fund balance in

1 fiscal years when there is a Supreme Court seat on either a
2 primary or general election ballot.

3 Section 70. Penalties; enforcement.

4 (a) If an eligible candidate makes expenditures that exceed
5 the public financing benefit allocated to the candidate for any
6 campaign, the candidate may be required to forfeit to the
7 Illinois Supreme Court Democracy Trust Fund an amount equal to
8 not more than 10 times and not less than 2 times the amount by
9 which the expenditures exceeded the allocation.

10 (b) Any eligible candidate who accepts contributions in
11 excess of any limitation imposed under this Act may be required
12 to forfeit to the Illinois Supreme Court Democracy Trust Fund
13 an amount equal to not more than 10 times and not less than 2
14 times the amount by which the contributions exceed the
15 applicable limitation.

16 (c) If the State Board finds that there is reasonable cause
17 to believe that a candidate has made excess expenditures or has
18 accepted excess contributions in violation of the Act, the
19 State Board must attempt for a period of not more than 14 days
20 after its finding to correct the matter by informal methods of
21 conference and conciliation and to enter into a settlement and
22 conciliation agreement with the candidate involved. A
23 settlement and conciliation agreement made under this
24 subsection is a public record. Unless violated, a settlement
25 and conciliation agreement is a bar to any civil action under
26 subsection (d).

27 (d) If the State Board has reasonable cause to believe that
28 a candidate has made excess expenditures or has accepted excess
29 contributions and the State Board is unable to correct the
30 matter by informal methods within the time prescribed in
31 subsection (c), the State Board must make a public finding of
32 reasonable cause in the matter. After making a public finding,
33 the State Board may bring an action in the circuit court to
34 impose a forfeiture under subsection (a) or (b).

35 (e) If an elector believes that a candidate has violated

1 this Act and the elector is entitled to vote for or against the
2 candidate in the election in connection with which the
3 violation is alleged to have occurred, the elector may file a
4 complaint with the State Board requesting it to take remedial
5 action. If the State Board refuses to take remedial action or,
6 within 30 days after the filing of a complaint, fails to take
7 remedial action, the elector may commence a civil action in the
8 appropriate circuit court under subsection (d) requesting the
9 court to impose a forfeiture under subsection (a) or (b).

10 (f) The State Board and the circuit court must expedite all
11 proceedings under this Section so that all complaints brought
12 prior to an election are resolved, to the extent possible,
13 before the election is held.

14 (g) If a complaint brought under this Section is resolved
15 against the complainant and is found to have been brought in
16 bad faith and without reasonable basis therefor, the circuit
17 court may assess costs, including reasonable attorney fees,
18 against the complainant.

19 Section 75. Prohibited acts.

20 (a) If an eligible candidate or agent of an eligible
21 candidate knowingly accepts more contributions than the
22 candidate is entitled to receive or makes expenditures
23 exceeding the amount of the public financing benefit received
24 by the candidate, the candidate or agent is guilty of a Class 3
25 felony.

26 (b) If a candidate who receives a public financing benefit,
27 or an agent of that candidate, knowingly makes an expenditure
28 by means other than through use of the fair election debit
29 card, except as permitted under subsection (c) of Section 65,
30 the candidate or agent is guilty of a Class 3 felony.

31 (c) If, in connection with the receipt or expenditure of a
32 public financing benefit for an election campaign, any person
33 knowingly provides false information to the State Board, or
34 knowingly conceals or withholds information from the State
35 Board, that person is guilty of a Class 3 felony.

1 Section 85. Contributions into non-participating
2 candidates; attributions.

3 A non-participating candidate may accept contributions from
4 private sources in amounts no greater than \$1,000 in the
5 aggregate, during the prescribed campaign periods.

6 Section 90. Deposits into Illinois Supreme Court Democracy
7 Trust Fund.

8 (a) The Department of Revenue shall transfer to the
9 Illinois Supreme Court Democracy Trust Fund any amounts
10 contributed to the Illinois Supreme Court Democracy Trust Fund
11 collected pursuant to Section 506.7 of the Illinois Income Tax
12 Act.

13 (b) The Treasurer shall deposit into the Supreme Court
14 Democracy Trust Fund all amounts collected by the clerks of
15 courts under Section 27.10 of the Clerks of Courts Acts and
16 transferred to the Treasurer.

17 Section 95. Attorneys-at-law contribution.

18 The Supreme Court may, in its discretion, require attorneys,
19 licensed to practice in Illinois, to make monetary
20 contributions to the Illinois Supreme Court Democracy Trust
21 Fund not to exceed \$25 annually.

22 Section 105. Voluntary contributions.

23 Individuals and other entities may make direct voluntary
24 contributions to the Illinois Supreme Court Democracy Trust
25 Fund. However, contributions may not exceed \$1,000 per calendar
26 year.

27 Section 110. Fund operational.

28 The Illinois Supreme Court Democracy Trust Fund shall become
29 operational when the Fund has attained \$5,000,000.

30 Section 115. Severability.

1 The provisions of this Act are severable. If any provision of
2 this Act is held invalid by a court of competent jurisdiction,
3 the invalidity does not affect other provisions of the Act that
4 can be given effect without the invalid provision.

5 Section 900. The Election Code is amended by changing
6 Sections 9-1.5, 9-1.7, 9-1.8, and 9-10 as follows:

7 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

8 Sec. 9-1.5. Expenditure defined.

9 "Expenditure" means-

10 (1) a payment, distribution, purchase, loan, advance,
11 deposit, or gift of money or anything of value, in
12 connection with the nomination for election, or election,
13 of any person to public office, in connection with the
14 election of any person as ward or township committeeman in
15 counties of 3,000,000 or more population, or in connection
16 with any question of public policy. "Expenditure" also
17 includes a payment, distribution, purchase, loan, advance,
18 deposit, or gift of money or anything of value that
19 constitutes an electioneering communication regardless of
20 whether the communication is made in concert or cooperation
21 with or at the request, suggestion, or knowledge of the
22 candidate, the candidate's authorized local political
23 committee, a State political committee, or any of their
24 agents. However, expenditure does not include -

25 (a) the use of real or personal property and the cost
26 of invitations, food, and beverages, voluntarily provided
27 by an individual in rendering voluntary personal services
28 on the individual's residential premises for
29 candidate-related activities; provided the value of the
30 service provided does not exceed an aggregate of \$150 in a
31 reporting period;

32 (b) the sale of any food or beverage by a vendor for
33 use in a candidate's campaign at a charge less than the
34 normal comparable charge, if such charge for use in a

1 candidate's campaign is at least equal to the cost of such
2 food or beverage to the vendor.

3 (2) a transfer of funds between political committees.

4 (3) a payment for electioneering communications.

5 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03.)

6 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

7 Sec. 9-1.7. "Local political committee" means the
8 candidate himself or any individual, trust, partnership,
9 committee, association, corporation, or other organization or
10 group of persons that ~~which~~:

11 (a) accepts contributions or grants or makes
12 expenditures during any 12-month period in an aggregate
13 amount exceeding \$3,000 on behalf of or in opposition to a
14 candidate or candidates for public office who are required
15 by the Illinois Governmental Ethics Act to file statements
16 of economic interests with the county clerk, or on behalf
17 of or in opposition to a candidate or candidates for
18 election to the office of ward or township committeeman in
19 counties of 3,000,000 or more population;

20 (b) accepts contributions or makes expenditures during
21 any 12-month period in an aggregate amount exceeding \$3,000
22 in support of or in opposition to any question of public
23 policy to be submitted to the electors of an area
24 encompassing no more than one county; ~~or~~

25 (c) accepts contributions or makes expenditures during
26 any 12-month period in an aggregate amount exceeding \$3,000
27 and has as its primary purpose the furtherance of
28 governmental, political or social values, is organized on a
29 not-for-profit basis, and which publicly endorses or
30 publicly opposes a candidate or candidates for public
31 office who are required by the Illinois Governmental Ethics
32 Act to file statements of economic interest with the County
33 Clerk or a candidate or candidates for the office of ward
34 or township committeeman in counties of 3,000,000 or more
35 population; or

1 (d) accepts contributions or makes expenditures during
2 any 12-month period in an aggregate amount exceeding \$3,000
3 for the purpose of electioneering communications.

4 (Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

5 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

6 Sec. 9-1.8. "State political committee" means the
7 candidate himself or any individual, trust, partnership,
8 committee, association, corporation, or any other organization
9 or group of persons that ~~which~~

10 (a) accepts contributions or grants or makes expenditures
11 during any 12-month period in an aggregate amount exceeding
12 \$3,000 on behalf of or in opposition to a candidate or
13 candidates for public office who are required by the Illinois
14 Governmental Ethics Act to file statements of economic
15 interests with the Secretary of State,

16 (b) accepts contributions or makes expenditures during any
17 12-month period in an aggregate amount exceeding \$3,000 in
18 support of or in opposition to any question of public policy to
19 be submitted to the electors of an area encompassing more than
20 one county, ~~or~~

21 (c) accepts contributions or makes expenditures during any
22 12-month period in an aggregate amount exceeding \$3,000 and has
23 as its primary purpose the furtherance of governmental,
24 political or social values, is organized on a not-for-profit
25 basis, and which publicly endorses or publicly opposes a
26 candidate or candidates for public office who are required by
27 the Illinois Governmental Ethics Act to file statements of
28 economic interest with the Secretary of State, or

29 (d) accepts contributions or makes expenditures during any
30 12-month period in an aggregate amount exceeding \$3,000 for the
31 purpose of electioneering communications.

32 (Source: P.A. 90-737, eff. 1-1-99.)

33 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

34 Sec. 9-10. Financial reports.

1 (a) The treasurer of every state political committee and
2 the treasurer of every local political committee shall file
3 with the Board, and the treasurer of every local political
4 committee shall file with the county clerk, reports of campaign
5 contributions, and semi-annual reports of campaign
6 contributions and expenditures on forms to be prescribed or
7 approved by the State Board. The treasurer of every political
8 committee that acts as both a state political committee and a
9 local political committee shall file a copy of each report with
10 the State Board of Elections and the county clerk. Entities
11 subject to Section 9-7.5 shall file reports required by that
12 Section at times provided in this Section and are subject to
13 the penalties provided in this Section.

14 (b) Reports of campaign contributions shall be filed no
15 later than the 15th day next preceding each election including
16 a primary election in connection with which the political
17 committee has accepted or is accepting contributions or has
18 made or is making expenditures. Such reports shall be complete
19 as of the 30th day next preceding each election including a
20 primary election. The State Board shall assess a civil penalty
21 not to exceed \$5,000 for a violation of this subsection, except
22 that for State officers and candidates and political committees
23 formed for statewide office, the civil penalty may not exceed
24 \$10,000. The fine, however, shall not exceed \$500 for a first
25 filing violation for filing less than 10 days after the
26 deadline. There shall be no fine if the report is mailed and
27 postmarked at least 72 hours prior to the filing deadline. For
28 the purpose of this subsection, "statewide office" and "State
29 officer" means the Governor, Lieutenant Governor, Attorney
30 General, Secretary of State, Comptroller, and Treasurer.
31 However, a continuing political committee that neither accepts
32 contributions nor makes expenditures on behalf of or in
33 opposition to any candidate or public question on the ballot at
34 an election shall not be required to file the reports
35 heretofore prescribed but may file in lieu thereof a Statement
36 of Nonparticipation in the Election with the State Board or the

1 State Board and the county clerk.

2 (b-5) Notwithstanding the provisions of subsection (b) and
3 Section 1.25 of the Statute on Statutes, any contribution of
4 more than \$500 received in the interim between the last date of
5 the period covered by the last report filed under subsection
6 (b) prior to the election and the date of the election shall be
7 filed with and must actually be received by the State Board of
8 Elections within 2 business days after receipt of such
9 contribution. The State Board shall allow filings of reports of
10 contributions of more than \$500 under this subsection (b-5) by
11 political committees that are not required to file
12 electronically to be made by facsimile transmission. For the
13 purpose of this subsection, a contribution is considered
14 received on the date the public official, candidate, or
15 political committee (or equivalent person in the case of a
16 reporting entity other than a political committee) actually
17 receives it or, in the case of goods or services, 2 business
18 days after the date the public official, candidate, committee,
19 or other reporting entity receives the certification required
20 under subsection (b) of Section 9-6. Failure to report each
21 contribution is a separate violation of this subsection. In the
22 final disposition of any matter by the Board on or after the
23 effective date of this amendatory Act of the 93rd General
24 Assembly, the State Board may impose fines for violations of
25 this subsection not to exceed 100% of the total amount of the
26 contributions that were untimely reported, but in no case when
27 a fine is imposed shall it be less than 10% of the total amount
28 of the contributions that were untimely reported. When
29 considering the amount of the fine to be imposed, the Board
30 shall consider, but is not limited to, the following factors:

31 (1) whether in the Board's opinion the violation was
32 committed inadvertently, negligently, knowingly, or
33 intentionally;

34 (2) the number of days the contribution was reported
35 late; and

36 (3) past violations of Sections 9-3 and 9-10 of this

1 Article by the committee.
2 Notwithstanding paragraphs (1), (2), and (3), if the committee
3 failed to report expenditures that could trigger matching funds
4 under the Supreme Court Campaign Reform Act, then the State
5 Board may assess a fine for each violation not to exceed
6 \$10,000 plus the value of the unreported expense.

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

27 (c-5) A political committee that acts as either (i) a State
28 and local political committee or (ii) a local political
29 committee and that files reports electronically under Section
30 9-28 is not required to file copies of the reports with the
31 appropriate county clerk if the county clerk has a system that
32 permits access to, and duplication of, reports that are filed
33 with the State Board of Elections. A State and local political
34 committee or a local political committee shall file with the
35 county clerk a copy of its statement of organization pursuant
36 to Section 9-3.

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

4 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
5 revised 12-17-03.)

6 Section 905. The State Finance Act is amended by adding
7 Section 5.625 as follows:

8 (30 ILCS 105/5.625 new)

9 Sec. 5.625. The Illinois Supreme Court Democracy Trust
10 Fund.

11 Section 910. The Illinois Income Tax Act is amended by
12 adding Section 506.7 as follows:

13 (35 ILCS 5/506.7 new)

14 Sec. 506.7. Designation of tax to Illinois Supreme Court
15 Democracy Trust Fund. The Department shall print on its
16 standard individual income tax form a provision indicating that
17 if the taxpayer wishes to contribute to the Illinois Supreme
18 Court Democracy Trust Fund, as authorized by this amendatory
19 Act of the 93rd General Assembly, he or she may do so by
20 stating the amount of the contribution (not less than \$1) on
21 the return and that the contribution will reduce the taxpayer's
22 refund or increase the amount of payment to accompany the
23 return. Failure to remit any amount of the increased payment
24 shall reduce the contribution accordingly. This Section does
25 not apply to any amended return. This tax checkoff applies to
26 income tax forms for taxable years 2003 and thereafter.

27 Section 915. The Clerks of Courts Act is amended by adding
28 Section 27.10 as follows:

29 (705 ILCS 105/27.10 new)

30 Sec. 27.10. Supreme Court Democracy Trust Fund. The clerk

1 shall transfer \$1 from each appearance fee paid in accordance
2 with Section 27.1, 27.1a, 27.2, or 27.2a to the State Treasurer
3 for deposit into the Supreme Court Democracy Trust Fund. To
4 defray that expense, the county board may, by resolution,
5 require the clerk of the circuit court in the county to charge
6 and collect a Supreme Court Democracy Trust Fund fee of not
7 more than \$1, which shall be paid at the time that any
8 appearance fee is paid. The fee shall be collected in the
9 manner in which all other fees or costs are collected. Each
10 clerk shall commence the charges and collection upon receipt of
11 written notice from the chairman of the county board together
12 with a certified copy of the board's resolution. The clerk
13 shall file the resolution of record in his or her office. The
14 fee shall be in addition to all other fees and charges of the
15 clerks shall be assessable as costs, and may be waived only if
16 the judge specifically provides for the waiver of the Supreme
17 Court Democracy Trust Fund fee. The fees shall be remitted
18 monthly by the clerk for deposit into the Supreme Court
19 Democracy Trust Fund.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.