

1 AN ACT concerning campaign finance.

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

4 Section 1. Short title. This Act may be cited as the
5 Public Financing for Judicial Campaigns Act.

6 Section 5. Definitions. In this Act:

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

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

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

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

18 "Eligible candidate" means a candidate for the office of
19 Judge of the Supreme Court who qualifies for public
20 financing by collecting the required number of qualifying
21 contributions, making all required reports and disclosures,
22 and being certified by the State Board as being in compliance
23 with this Act.

24 "Excess expenditure amount" means the amount of
25 expenditures made by a non-complying candidate in excess of
26 the public financing benefit available to an eligible
27 candidate for the same office that the non-complying
28 candidate seeks.

29 "Excess qualifying contribution amount" means the amount
30 of qualifying contributions accepted by a candidate beyond
31 the number or dollar amount of contributions required to

1 qualify a candidate for a public financing benefit.

2 "Exploratory period" means the period that begins after
3 the date of a general election and ends on the first day of
4 the public financing qualifying period for the next election
5 for judges to the Supreme Court.

6 "Fair election debit card" means a debit card issued by
7 the State treasurer in accordance with Section 65 entitling a
8 candidate and agents of the candidate designated by the
9 candidate to draw money from an account maintained by the
10 State Treasurer to make expenditures authorized by law.

11 "Immediate family", when used with reference to a
12 candidate, includes the candidate's spouse and children.

13 "Independent expenditure" means a expenditure by a person
14 expressly advocating the election or defeat of a clearly
15 identified candidate that is made without cooperation or
16 consultation with a candidate, or any political committee or
17 agent of a candidate, and that is not made in concert with,
18 or at the request or suggestion of, any candidate or any
19 political committee or agent of a candidate.

20 "Mass mailing" means a district-wide or statewide mailing
21 of newsletters, pamphlets, brochures, or other similar items
22 of more than 100 pieces in which the content of the matter
23 mailed is substantially identical. "Mass mailing" does not
24 include a mailing made in direct response to communications
25 from persons to whom the matter is mailed, a mailing to a
26 federal, State, or local government official, or a news
27 release to communications media.

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

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

1 "Primary election campaign period" means the period
2 beginning 30 days after the last day prescribed by law for
3 filing nomination papers or a declaration of candidacy for
4 the office of Judge of the Supreme Court and ending on the
5 day of the general primary election.

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

11 "Qualifying contribution" means a contribution of \$5 made
12 to a candidate made by an elector of the district in which
13 the candidate seeks office during the public financing
14 qualifying period that is acknowledged by written receipt
15 identifying the contributor.

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

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

26 Section 10. Qualification; certification.

27 (a) Before a candidate for nomination for election to
28 the office of Judge of the Supreme Court in the general
29 primary election may be certified as an eligible candidate to
30 receive a public financing benefit for the primary election
31 campaign period, the candidate must apply to the State Board
32 for a public financing benefit and file a sworn statement
33 that the candidate has complied and will comply with all

1 requirements of this Act throughout the applicable campaign,
2 including the general primary election and the general
3 election. A candidate must file the application and statement
4 no later than the beginning of the primary election campaign
5 period for the office that the candidate seeks.

6 (b) A candidate shall be certified by the State Board as
7 an eligible candidate for receipt of public financing for a
8 primary election if the candidate complies with subsection
9 (a) and receives at least 1,000 qualifying contributions
10 before the close of the public financing qualifying period.

11 (c) The State Board must verify a candidate's compliance
12 with the requirements of subsection (b) by any verification
13 and sampling techniques that the State Board considers
14 appropriate.

15 (d) Each candidate must:

16 (1) Acknowledge each qualifying contribution by a
17 receipt to the contributor that contains the
18 contributor's name and home address.

19 (2) No later than the 15th or the last day of the
20 month that in which the contribution was received,
21 whichever comes first, file a copy of the receipt with
22 the State Board, except that during July, August, and
23 September a copy need only be filed on the last day of
24 the month.

25 (e) A qualifying contribution may be used only for the
26 purpose of making a expenditure authorized by law.

27 Section 15. Time of application; general election.

28 (a) Before a candidate may be certified as eligible for
29 receipt of public financing for a general election, the
30 candidate must apply to the State Board and file a sworn
31 statement that the candidate has fulfilled all the
32 requirements of this Act during the primary election campaign
33 period and will comply with the requirements of this Act

1 during the election campaign period. The application must be
2 filed no later than the 7th day after the date of the general
3 primary election.

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

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

18 Section 25. Requirements imposed upon candidates.

19 (a) An eligible candidate may not accept private
20 contributions other than seed money contributions and
21 qualifying contributions that the candidate accepts during
22 the exploratory period and the public financing qualifying
23 period.

24 (b) In addition to reports required to be filed under
25 the Election Code, a candidate who receives a public
26 financing benefit must furnish complete financial records,
27 including records of seed money contributions, qualifying
28 contributions, and expenditures, to the State Board on the
29 15th or the last day of the month in which contribution was
30 received or the expenditure made, whichever comes first,
31 except that during July, August, and September records need
32 only be furnished on the last day of the month.

1 (c) In addition to adhering to requirements imposed
2 under the Election Code, a candidate who receives a public
3 financing benefit must maintain records of all contributions
4 received by the candidate of more than \$5 but less than \$150,
5 including seed money contributions and qualifying
6 contributions, that contain the full name of the contributor
7 and the contributor's full home address. In addition, if a
8 contributor's aggregate contributions to any candidate exceed
9 \$500 for any campaign, the candidate must also maintain a
10 record of the contributor's principal occupation and the name
11 and business address of the contributor's place of
12 employment.

13 (d) The failure to record or provide the information
14 specified in subsection (c) disqualifies a contribution from
15 counting as a qualifying contribution.

16 (e) No eligible candidate and no person acting on a
17 candidate's behalf may deposit any contribution that is not
18 recorded in accordance with subsection (c) in a candidate's
19 campaign account.

20 (f) No eligible candidate may accept more than \$25 in
21 cash from any contributor and no eligible candidate may
22 accept cash from all sources in a total amount greater than
23 one-tenth of 1% of the public financing benefit for the
24 office that the candidate seeks or \$500, whichever is
25 greater.

26 Section 30. Personal funds of candidates.

27 (a) The personal funds of a candidate contributed as
28 seed money contributions may not exceed an aggregate amount
29 of \$5,000.

30 (b) No eligible candidate may make any expenditure
31 derived from personal funds after the close of the public
32 financing qualifying period.

1 Section 35. Seed money contributions.

2 (a) An eligible candidate may accept seed money
3 contributions from any individual or political committee
4 before the end of the public financing qualifying period,
5 provided the total contributions from one contributor, except
6 personal funds and qualifying contributions otherwise
7 permitted under this Act, do not exceed \$100 and the
8 aggregate contributions, including personal funds but not
9 including qualifying contributions, do not exceed \$5,000.

10 (b) An eligible candidate may make expenditures from
11 seed money contributions only during the exploratory period
12 and the public financing qualifying period.

13 Section 40. Excess contributions. If an eligible
14 candidate receives excess seed money contributions or
15 qualifying contributions on an aggregate basis, the candidate
16 may retain the contributions and make expenditures derived
17 from the contributions in an amount not exceeding \$15,000. An
18 amount equivalent to the excess contributions must be
19 deducted by the State Board from the candidate's public
20 financing benefit. A candidate must return to the State Board
21 all seed money and qualifying contributions that exceed the
22 limits prescribed in this Section within 48 hours after the
23 end of the exploratory period. A candidate must also return
24 to the State Board any seed money and qualifying
25 contributions that have not been encumbered or expended by
26 the beginning of the primary election campaign period. The
27 State Board must deposit all contributions returned under
28 this Section into the Democracy Trust Fund.

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

30 (a) To apply for a public financing benefit, a candidate
31 must certify to the State Board that the candidate has
32 complied and will comply, throughout the applicable campaign,

1 with all requirements of this Act and that all disclosures
2 required at the time of application have been made. The
3 candidate must present evidence of the requisite number of
4 qualifying contributions received by the candidate. The
5 candidate's request for certification must be signed by the
6 candidate and the treasurer of the candidate's political
7 committee.

8 (b) The State Board must distribute to each eligible
9 candidate at the general primary election a line of credit
10 for public financing promptly after the candidate
11 demonstrates his or her eligibility and, in any event, not
12 later than 5 days after the end of the public financing
13 qualifying period; provided, however, that no candidate may
14 use a line of credit distributed under this subsection until
15 the beginning of the primary election campaign period.

16 (c) The State Board must distribute to each eligible
17 candidate for Judge of the Supreme Court at a general
18 election a line of credit for public financing not later than
19 48 hours after the date of the general primary election for
20 the office of Judge of the Supreme Court. No candidate for a
21 particular office, however, may receive a line of credit
22 until all candidates for the same office who apply and
23 qualify for a public financing benefit have been certified as
24 eligible candidates.

25 (d) If any candidate who receives a public financing
26 benefit violates the requirements of this Act, the State
27 Board must require the candidate to repay all public funds
28 received by the candidate to the State Board. The State Board
29 must deposit all repayments received under this subsection
30 into the Democracy Trust Fund.

31 Section 50. Public financing benefits.

32 (a) The State Board must provide to each eligible
33 candidate who qualifies to receive a public financing benefit

1 for the primary or election campaign period separate lines of
2 credit for the primary and election campaign periods in the
3 amounts specified in this Section subject to any required
4 adjustment under Section 40, 55, 60, or 80. An eligible
5 candidate may use this credit to finance any lawful
6 expenditures during the primary and election campaign
7 periods. An eligible candidate may not use this credit to
8 repay any loan or in violation of this Act or any other
9 applicable law.

10 (b) The public financing benefit for a primary election
11 campaign period is \$100,000.

12 (c) The public financing benefit for an election
13 campaign period is \$300,000.

14 (d) An eligible candidate in an election in which there
15 are no other candidates, other than write-in candidates, who
16 have received contributions of more than \$1,000 in the
17 aggregate as of the day preceding the beginning of the
18 primary election campaign period for the election in which
19 the eligible candidate seeks office must receive a line of
20 credit in an amount equal to 25% of the public financing
21 benefit for the primary election campaign period.

22 (e) An eligible candidate in a general election in which
23 there are no other candidates whose names appear on the
24 ballot must receive a line of credit in an amount equal to
25 25% of the public financing benefit for the election campaign
26 period.

27 (f) Notwithstanding subsections (b) and (c), beginning
28 on April 1, 2002 and every 2 years thereafter, the State
29 Board must modify the public financing benefits provided for
30 in subsection (b) and (c) to adjust for the change in the
31 Consumer Price Index, All Items, U. S. City Average,
32 published by the United States Department of Labor for the
33 preceding 2-year period ending on December 31.

1 Section 55. Financial activity by non-complying
2 candidates.

3 (a) In addition to other reports required by law, a
4 non-complying candidate for the office of Judge of the
5 Supreme Court at the general primary election or the general
6 election who receives contributions or makes or obligates to
7 make expenditures in an amount more than 5% greater than the
8 public financing benefit applicable to an eligible candidate
9 for the same office at the same general primary election or
10 general election must file a report with the State Board
11 itemizing the total contributions received and expenditures
12 made or obligated to be made by the candidate as of the date
13 of the report. The State Board must transmit copies of the
14 report to all candidates for the same office at the same
15 election. A non-complying candidate must file additional
16 reports after the candidate receives each additional \$1,000
17 of contributions or the candidate makes or obligates to make
18 each additional \$1,000 of expenditures. If the contributions
19 are received or the expenditures are made or obligated to be
20 made more than 6 weeks before the date of the general primary
21 election or general election at which the name of the
22 candidate appears on the ballot the reports must be made at
23 the next regular reporting interval under Section 25. If the
24 contributions are received or the expenditures made or
25 obligated to be made within 6 weeks before the date of the
26 general primary election, or general election at which the
27 name of the candidate appears on the ballot the reports must
28 be made within 24 hours after each instance in which the
29 contributions are received or the expenditures are made or
30 obligated to be made.

31 (b) Upon receipt of the information, the State Board
32 must immediately credit an opposing eligible candidate's
33 account with an additional amount equivalent to the total
34 excess expenditures made or obligated to be made, but not to

1 exceed 3 times the public financing benefit, for the
2 applicable office.

3 Section 60. Independent expenditures.

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

21 (b) When the aggregate independent expenditures against
22 an eligible candidate for an office or for the opponents of
23 that candidate exceed 20% of the public financing benefit for
24 that office in any campaign, the State Board must immediately
25 credit that candidate's account with an additional line of
26 credit equivalent to the total expenditures made or obligated
27 to be made, but not to exceed 3 times the public financing
28 benefit, for the applicable office.

29 Section 65. Democracy Trust Fund.

30 (a) All moneys collected under Sections 40 and 45 of
31 this Act shall be deposited into the Democracy Trust Fund, a
32 special fund created in the State treasury, and, subject to

1 appropriation may be used by the State Board of Elections for
2 the purposes of this Act. The State Treasurer, in
3 consultation with the State Board, must contract with a
4 debit card issuer to permit eligible candidates and their
5 agents to draw upon moneys appropriated from the Fund through
6 an account with the card issuer.

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

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

24 Section 70. Penalties; enforcement.

25 (a) If an eligible candidate makes expenditures that
26 exceed the public financing benefit allocated to the
27 candidate for any campaign, the candidate may be required to
28 forfeit to the State treasury an amount equal to not more
29 than 10 times the amount by which the expenditures exceeded
30 the allocation.

31 (b) Any eligible candidate who accepts contributions in
32 excess of any limitation imposed under this Act may be
33 required to forfeit to the State treasury an amount equal to

1 not more than 10 times the amount by which the contributions
2 exceed the applicable limitation.

3 (c) If the State Board finds that there is reasonable
4 cause to believe that a candidate has made excess
5 expenditures or has accepted excess contributions in
6 violation of the Act, the State Board must attempt for a
7 period of not more than 14 days after its finding to correct
8 the matter by informal methods of conference and conciliation
9 and to enter into a settlement and conciliation agreement
10 with the candidate involved. A settlement and conciliation
11 agreement made under this subsection is public record. Unless
12 violated, a settlement and conciliation agreement is a bar to
13 any civil action under subsection (d).

14 (d) If the State Board has reasonable cause to believe
15 that a candidate has made excess expenditures or has accepted
16 excess contributions and the State Board is unable to correct
17 the matter by informal methods within the time prescribed in
18 subsection (c), the State Board must make a public finding of
19 reasonable cause in the matter. After making a public
20 finding, the State Board may bring an action in the circuit
21 court for Sangamon County to impose a forfeiture under
22 subsection (a) or (b).

23 (e) If an elector believes that a candidate has violated
24 this Act and the elector is entitled to vote for or against
25 the candidate in the election in connection with which the
26 violation is alleged to occur, the elector may file a
27 complaint with the State Board requesting it to take remedial
28 action. If the State Board refuses to take remedial action
29 or, within 30 days after the filing of a complaint, fails to
30 take remedial action, the elector may commence a civil action
31 in the appropriate circuit court under subsection (d)
32 requesting the court to impose a forfeiture under subsection
33 (a) or (b).

34 (f) The State Board and the circuit court must expedite

1 all proceedings under this Section so that all complaints
2 brought prior to an election are resolved, to the extent
3 possible, before the election is held.

4 (g) If a complaint brought under this Section is
5 resolved against the complainant and is found to have been
6 brought in bad faith and without reasonable basis therefor,
7 the circuit court may assess costs, including reasonable
8 attorney fees, against the complainant.

9 Section 75. Prohibited acts.

10 (a) If a candidate or agent of a candidate knowingly
11 accepts more contributions than the candidate is entitled to
12 receive, or makes expenditures exceeding the amount of the
13 public financing benefit received by the candidate, the
14 candidate or agent is guilty of a Class 3 felony.

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

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

26 Section 80. Mass mailings.

27 (a) No person may conduct any mass mailing using State
28 moneys on behalf of any person who is a candidate for the
29 office of Judge of the Supreme Court at the general election
30 during the period between June 1 preceding that election and
31 November 30 following that election.

32 (b) If any person uses State moneys to conduct a mass

1 mailing on behalf of any person who is a candidate for the
2 office of Judge of the Supreme Court at general election
3 during the period between December 1 and May 31 preceding
4 that election, the State Board must immediately credit the
5 accounts of all other eligible candidates for Judge of the
6 Supreme Court with an additional line of credit equal to the
7 cost of printing and mailing of that mass mailing. The
8 additional line of credit may be used solely to fund a
9 mailing promoting the candidacy of the candidate who receives
10 the credit.

11 (c) A candidate for Judge of the Supreme Court at the
12 general election who plans to use State moneys for a mass
13 mailing must notify the State Board in writing of his or her
14 intent to do so no later than December 1 preceding the
15 general election and must complete the mailing no later than
16 the following May 31.

17 (d) All mass mailings funded by the State on behalf of
18 any person who is a candidate for Judge of the Supreme Court
19 at the general election during the period between December 1
20 and May 31 preceding that election and all mass mailings
21 authorized under subsection (b) must be issue oriented and
22 nonpolitical, may not mention any of a candidate's opponents
23 by name, and must be reviewed and approved by the State Board
24 for compliance with the requirements of this Section in
25 advance of the mailing.

26 (e) Except as permitted under subsection (b), no State
27 moneys may be used by any incumbent individual holding the
28 office of Judge of the Supreme Court to conduct a mass
29 mailing on behalf of a candidate for that office at the
30 general election after May 31 preceding that election.

31 Section 85. Contributions to non-complying candidates;
32 attributions.

33 (a) A non-complying candidate may accept contributions

1 from private sources without limitation, except that no
2 person may make any contribution or contributions to a
3 non-complying candidate exceeding a total of \$1,000 during
4 any campaign.

5 (b) Any electronic or print communication paid for or
6 authorized by a non-complying candidate must contain the
7 following sentence: "This communication is paid for with
8 money raised from private sources. This candidate has not
9 agreed to abide by campaign contribution and spending
10 limits."

11 Section 800. The State Finance Act is amended by adding
12 Section 5.545 as follows:

13 (30 ILCS 105/5.545 new)

14 Sec. 5.545. The Democracy Trust Fund.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.