

1 AN ACT concerning campaign finance.

2 WHEREAS, Our legal system is based on the principle that
3 an independent, fair, and competent judiciary will interpret
4 and apply the laws that govern us; the role of the judiciary
5 is central to American concepts of justice and the rule of
6 law; and

7 WHEREAS, A system of public financing would alleviate the
8 perception that money influences judges; this concern goes to
9 the heart of our judicial system; the public is most offended
10 by the thought that judges are bought or that their decisions
11 are influenced by money; and

12 WHEREAS, There is a need for more qualified and diverse
13 judicial candidates to run for the office of Judge of the
14 Supreme Court; the viability of candidates should be based on
15 their qualifications for office; therefore

16 Be it enacted by the People of the State of Illinois,
17 represented in the General Assembly:

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

20 Section 5. Definitions. In this Act:

21 "Allowable contribution" means a qualifying contribution,
22 a seed money contribution, or a personal contribution
23 authorized by this Act.

24 "Candidate" means any person seeking election to or
25 retention in the office of Judge of the Illinois Supreme
26 Court.

27 "Campaign" includes the primary election campaign period
28 and the election campaign period.

29 "Election campaign period" means the period beginning on
30 the day after the the general primary election and ends on

1 the day of the general election.

2 "Eligible candidate" means a candidate for the office of
3 Judge of the Supreme Court who qualifies for public
4 financing by collecting the required number of qualifying
5 contributions, making all required reports and disclosures,
6 and being certified by the State Board as being in compliance
7 with this Act.

8 "Excess expenditure amount" means the amount of
9 expenditures made by a non-participating candidate in excess
10 of the public financing benefit available to an eligible
11 candidate for the same office that the non-participating
12 candidate seeks.

13 "Excess qualifying contribution amount" means the amount
14 of qualifying contributions accepted by a candidate beyond
15 the number or dollar amount of contributions required to
16 qualify a candidate for a public financing benefit.

17 "Exploratory period" means the period that begins after
18 the date of a general election and ends on the first day of
19 the public financing qualifying period for the next election
20 for Judges to the Supreme Court.

21 "Fair election debit card" means a debit card issued by
22 the State treasurer in accordance with Section 65 entitling a
23 candidate and agents of the candidate designated by the
24 candidate to draw money from an account maintained by the
25 State Treasurer to make expenditures authorized by law.

26 "Immediate family", when used with reference to a
27 candidate, includes the candidate's spouses, parents, and
28 children.

29 "Independent expenditure" means a expenditure by a person
30 expressly advocating the election or defeat of a clearly
31 identified candidate that is made without cooperation or
32 consultation with a candidate, or any political committee or
33 agent of a candidate, and that is not made in concert with,
34 or at the request or suggestion of, any candidate or any

1 political committee or agent of a candidate.

2 "Mass mailing" means a district-wide or statewide mailing
3 of newsletters, pamphlets, brochures, or other similar items
4 of more than 100 pieces in which the content of the matter
5 mailed is substantially identical. "Mass mailing" does not
6 include a mailing made in direct response to communications
7 from persons to whom the matter is mailed, a mailing to a
8 federal, State, or local government official, or a news
9 release to communications media.

10 "Non-participating candidate" means a candidate for the
11 office of Judge of the Supreme Court who does not apply for a
12 public financing benefit or who otherwise is ineligible or
13 fails to qualify for a public financing benefit under this
14 Act.

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

17 "Primary election campaign period" means the period
18 beginning 30 days after the last day prescribed by law for
19 filing nomination papers or a declaration of candidacy for
20 the office of Judge of the Supreme Court and ending on the
21 day of the general primary election.

22 "Public financing qualifying period" means the period
23 beginning on the first day of July of an odd-numbered year
24 and ending on the day before the beginning of the primary
25 election campaign period for the office of Judge of the
26 Supreme Court.

27 "Qualifying contribution" means a contribution between \$5
28 and \$25 made to a candidate made by a resident of the
29 district in which the candidate seeks office during the
30 public financing qualifying period that is acknowledged by
31 written receipt identifying the contributor.

32 "Seed money contribution" means a contribution in an
33 amount of not more than \$100 made to a candidate for the
34 office of Judge of the Supreme Court during the exploratory

1 period or the public financing qualifying period or a
2 contribution made to a candidate consisting of personal funds
3 of that candidate in an amount not more than the amount
4 authorized under Section 30 during the exploratory period or
5 the public financing qualifying period.

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

7 Section 10. Qualification; certification.

8 (a) Before a candidate for nomination for election to
9 the office of Judge of the Supreme Court in the general
10 primary election may be certified as an eligible candidate to
11 receive a public financing benefit for the primary election
12 campaign period, the candidate must apply to the State Board
13 for a public financing benefit and file a sworn statement
14 that the candidate has complied and will comply with all
15 requirements of this Act throughout the applicable campaign,
16 including the general primary election and the general
17 election. A candidate must file the application and statement
18 no later than the beginning of the primary election campaign
19 period for the office of Judge of the Supreme Court.

20 (b) A candidate shall be certified by the State Board as
21 an eligible candidate for receipt of public financing for a
22 primary election if the candidate complies with subsection
23 (a) and receives at least 500 qualifying contributions before
24 the close of the public financing qualifying period.

25 (c) The State Board must verify a candidate's compliance
26 with the requirements of subsection (b) by any verification
27 and sampling techniques that the State Board considers
28 appropriate.

29 (d) Each candidate must:

30 (1) Acknowledge each qualifying contribution by a
31 receipt to the contributor that contains the
32 contributor's name and home address.

33 (2) No later than the 15th or the last day of the

1 month that in which the contribution was received,
2 whichever comes first, file a copy of the receipt with
3 the State Board, except that during July, August, and
4 September a copy need only be filed on the last day of
5 the month.

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

8 Section 15. Time of application; general election.

9 (a) Before a candidate may be certified as eligible for
10 receipt of public financing for a general election, the
11 candidate must apply to the State Board and file a sworn
12 statement that the candidate has fulfilled all the
13 requirements of this Act during the primary election campaign
14 period and will comply with the requirements of this Act
15 during the election campaign period. The application must be
16 filed no later than the 7th day after the date of the general
17 primary election.

18 (b) The State Board must certify a candidate as an
19 eligible candidate for receipt of public financing for a
20 general election if the candidate complies with subsection
21 (a) and the candidate was an eligible candidate during the
22 primary election campaign period.

23 Section 20. Agreement by candidate. An eligible candidate
24 who accepts a public financing benefit under this Act during
25 the primary election campaign period must agree to comply
26 with all requirements of this Act throughout the election
27 campaign period as a precondition to receipt of public
28 financing. An eligible candidate who accepts a public
29 financing benefit during a primary election campaign period
30 may not elect to accept private contributions in violation of
31 this Act during the corresponding election campaign period.

1 Section 25. Requirements imposed upon eligible
2 candidates.

3 (a) An eligible candidate may not accept private
4 contributions other than seed money contributions and
5 qualifying contributions that the candidate accepts during
6 the exploratory period and the public financing qualifying
7 period.

8 (b) In addition to reports required to be filed under
9 the Election Code, a candidate who receives a public
10 financing benefit must furnish complete financial records,
11 including records of seed money contributions, qualifying
12 contributions, and expenditures, to the State Board on the
13 15th or the last day of the month in which the contribution
14 was received or the expenditure made, whichever comes first,
15 except that during July, August, and September records need
16 only be furnished on the last day of the month.

17 (c) In addition to adhering to requirements imposed
18 under the Election Code, a candidate who receives a public
19 financing benefit must maintain records of all contributions
20 of at least \$5 and not more than \$100, including seed money
21 contributions and qualifying contributions, that contain the
22 full name of the contributor and the contributor's full home
23 address. In addition, if a contributor's aggregate
24 contributions to any candidate exceed \$500 for any campaign,
25 the candidate must also maintain a record of the
26 contributor's principal occupation and the name and business
27 address of the contributor's place of employment.

28 (d) The failure to record or provide the information
29 specified in subsection (c) disqualifies a contribution from
30 counting as a qualifying contribution.

31 (e) No eligible candidate and no person acting on a
32 candidate's behalf may deposit any contribution that is not
33 recorded in accordance with subsection (c) in a candidate's
34 campaign account.

1 (f) No eligible candidate may accept more than \$25 in
2 cash from any contributor and no eligible candidate may
3 accept cash for seed money from any sources in a total amount
4 greater than one-tenth of 1% of the public financing benefit
5 for the office of Judge of the Supreme Court or \$500,
6 whichever is greater.

7 Section 30. Personal funds of candidates.

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

12 (b) No eligible candidate may make any expenditure
13 derived from personal funds after the close of the public
14 financing qualifying period.

15 Section 35. Seed money contributions.

16 (a) An eligible candidate may accept seed money
17 contributions from any individual or political committee
18 before the end of the public financing qualifying period,
19 provided the total contributions from one contributor, except
20 personal funds and qualifying contributions otherwise
21 permitted under this Act, do not exceed \$100 and the
22 aggregate contributions, including personal funds but not
23 including qualifying contributions, do not exceed \$10,000.

24 (b) An eligible candidate may make expenditures from
25 seed money contributions only during the exploratory period
26 and the public financing qualifying period.

27 Section 40. Excess contributions. If an eligible
28 candidate receives excess seed money contributions or
29 qualifying contributions on an aggregate basis, the candidate
30 may retain the contributions and make expenditures derived
31 from the contributions in an amount not exceeding \$15,000. An

1 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 qualifying contributions that exceed the
5 limits prescribed in this Section within 48 hours after the
6 end of the exploratory period. A candidate must also return
7 to the State Board any seed money and qualifying
8 contributions that have not been encumbered or expended by
9 the beginning of the primary election campaign period. The
10 State Board must deposit all contributions returned under
11 this Section into the Democracy Trust Fund.

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

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

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

31 (c) The State Board must distribute to each eligible
32 candidate for Judge of the Supreme Court in the general
33 election a line of credit for public financing not later than

1 48 hours after the date of the general primary election for
2 the office of Judge of the Supreme Court. No candidate for
3 Judge of the Supreme Court may receive a line of credit until
4 all candidates for Judge of the Supreme Court who apply and
5 qualify for a public financing benefit have been certified as
6 eligible candidates.

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

12 Section 50. Public financing benefits.

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

24 (b) The public financing benefit for the primary and
25 general election cycle will be \$750,000.

26 (c) The allocation of the public financing benefit,
27 between the primary and general election, will be at the
28 discretion of the eligible candidate.

29 (d) An eligible candidate in an election in which there
30 are no other candidates, other than write-in candidates, who
31 have received contributions of more than \$1,000 in the
32 aggregate as of the day preceding the beginning of the
33 primary election campaign period for the election in which

1 the eligible candidate seeks office must receive a line of
2 credit in an amount equal to 25% of the public financing
3 benefit for the primary election campaign period, beginning
4 one year prior to the primary election and ending on the date
5 of the primary election.

6 (e) An eligible candidate in a general election in which
7 there are no other candidates whose names appear on the
8 ballot must receive a line of credit in an amount equal to
9 25% of the public financing benefit for the election campaign
10 period, beginning the day after the primary election and
11 ending 90 days after the general election.

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

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

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

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

17 (b) Upon receipt of the information, the State Board
18 must immediately credit an opposing eligible candidate's
19 account with an additional amount equivalent to the total
20 excess expenditures made or obligated to be made, but not to
21 exceed 3 times the public financing benefit, for the
22 applicable office.

23 Section 60. Independent expenditures.

24 (a) If any person makes, or becomes obligated to make,
25 by oral or written agreement an independent expenditure in
26 excess of \$1,000 with respect to a candidate for the office
27 of Judge of the Supreme Court at a general primary or general
28 election, that person must file with the State Board a notice
29 of such expenditure or obligation to make such a expenditure.
30 Any such person must file reports of the expenditures or
31 obligations to make the expenditures on the 15th or last day
32 of the month that immediately follows the date of the
33 expenditure or the obligation to make the expenditure,

1 whichever comes first, except that, within 6 weeks before the
2 date of the general primary election or general election, the
3 person must file the reports within 24 hours after each
4 independent expenditure is made or obligated to be made. Any
5 such person must file additional reports after each
6 additional \$1,000 of expenditures are made or obligated to be
7 made.

8 (b) When the aggregate independent expenditures against
9 an eligible candidate for an office or for the opponents of
10 that candidate exceed 20% of the public financing benefit for
11 that office in any campaign, the State Board must immediately
12 credit that candidate's account with an additional line of
13 credit equivalent to the total expenditures made or obligated
14 to be made, but not to exceed 3 times the public financing
15 benefit, for the applicable office.

16 Section 65. Democracy Trust Fund.

17 (a) All moneys collected under Sections 40, 45, and 70
18 of this Act shall be deposited into the Democracy Trust Fund,
19 a special fund created in the State treasury, and, subject to
20 appropriation may be used by the State Board of Elections for
21 the purposes of this Act. The State Treasurer, in
22 consultation with the State Board, must contract with a
23 debit card issuer to permit eligible candidates and their
24 agents to draw upon moneys appropriated from the Fund through
25 an account with the card issuer.

26 (b) Upon a determination of a candidate's eligibility
27 for a public financing benefit as provided for in subsection
28 (a) of Section 45, the State Treasurer must issue to the
29 eligible candidate a debit card, known as the fair election
30 debit card, entitling the candidate and agents of the
31 candidate designated by the candidate to draw money from an
32 account to make expenditures on behalf of the candidate.

33 (c) No eligible candidate or agent of an eligible

1 candidate may make any expenditure by any other means other
2 than through the use of the fair election debit card. No such
3 candidate or agent may use a fair election debit card to
4 obtain cash, except that cash amounts of \$100 or less may be
5 drawn on the Democracy Trust Fund debit card and used to make
6 expenditures of no more than \$25. A candidate must maintain
7 records of all such expenditures and must report the
8 expenditures to the State Board in accordance with Section
9 25.

10 Section 70. Penalties; enforcement.

11 (a) If an eligible candidate makes expenditures that
12 exceed the public financing benefit allocated to the
13 candidate for any campaign, the candidate may be required to
14 forfeit to the Democracy Trust Fund an amount equal to not
15 more than 10 times the amount by which the expenditures
16 exceeded the allocation.

17 (b) Any eligible candidate who accepts contributions in
18 excess of any limitation imposed under this Act may be
19 required to forfeit to the Democracy Trust Fund an amount
20 equal to not more than 10 times the amount by which the
21 contributions exceed the applicable limitation.

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

33 (d) If the State Board has reasonable cause to believe

1 that a candidate has made excess expenditures or has accepted
2 excess contributions and the State Board is unable to correct
3 the matter by informal methods within the time prescribed in
4 subsection (c), the State Board must make a public finding of
5 reasonable cause in the matter. After making a public
6 finding, the State Board may bring an action in the circuit
7 court for Sangamon County to impose a forfeiture under
8 subsection (a) or (b).

9 (e) If an elector believes that a candidate has violated
10 this Act and the elector is entitled to vote for or against
11 the candidate in the election in connection with which the
12 violation is alleged to occur, the elector may file a
13 complaint with the State Board requesting it to take remedial
14 action. If the State Board refuses to take remedial action
15 or, within 30 days after the filing of a complaint, fails to
16 take remedial action, the elector may commence a civil action
17 in the appropriate circuit court under subsection (d)
18 requesting the court to impose a forfeiture under subsection
19 (a) or (b).

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

24 (g) If a complaint brought under this Section is
25 resolved against the complainant and is found to have been
26 brought in bad faith and without reasonable basis therefor,
27 the circuit court may assess costs, including reasonable
28 attorney fees, against the complainant.

29 Section 75. Prohibited acts.

30 (a) If a candidate or agent of a candidate knowingly
31 accepts more contributions than the candidate is entitled to
32 receive, or makes expenditures exceeding the amount of the
33 public financing benefit received by the candidate, the

1 candidate or agent is guilty of a Class 3 felony.

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

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

13 Section 80. Mass mailings.

14 (a) No person may conduct any mass mailing using State
15 moneys on behalf of any person who is a candidate for the
16 office of Judge of the Supreme Court at the general election
17 during the period of one year prior to an election, in which
18 the candidate participates, and 90 days after the last
19 election, in which the candidate participated.

20 (b) If any person uses State moneys to conduct a mass
21 mailing on behalf of any person who is a candidate for the
22 office of Judge of the Supreme Court at general election
23 during the period one year prior to an election, in which the
24 candidate participates, and 90 days after the last election,
25 in which the candidate participated, the State Board may
26 immediately credit the accounts of all other eligible
27 candidates for Judge of the Supreme Court with an additional
28 line of credit equal to the cost of printing and mailing of
29 that mass mailing. The additional line of credit may be used
30 solely to fund a mailing promoting the candidacy of the
31 candidate who receives the credit.

32 (c) A candidate for Judge of the Supreme Court at the
33 general election who plans to use State moneys for a mass

1 mailing must notify the State Board in writing of his or her
2 intent to do so no later than December 1 preceding the
3 general election and must complete the mailing no later than
4 the following May 31.

5 (d) All mass mailings funded by the State on behalf of
6 any person who is a candidate for Judge of the Supreme Court
7 at the general election during the period between December 1
8 and May 31 preceding that election and all mass mailings
9 authorized under subsection (b) must be issue oriented and
10 nonpolitical, may not mention any of a candidate's opponents
11 by name, and must be reviewed and approved by the State Board
12 for compliance with the requirements of this Section in
13 advance of the mailing.

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

19 Section 85. Contributions to non-participating
20 candidates; attributions. A non-participating candidate may
21 accept contributions from private sources in amounts no
22 greater than \$1,000 in the aggregate, during the prescribed
23 campaign periods.

24 Section 90. The Department of Revenue shall transfer to
25 the Democracy Trust Fund any funds contributed to the
26 Democracy Trust Fund collected pursuant to Section 910.

27 Section 95. Attorneys-at-law contribution. The Supreme
28 Court may, in its discretion, require attorneys, licensed to
29 practice in Illinois, to make monetary contributions to the
30 Democracy Trust Fund.

1 Section 100. Fee; filings in civil court. The amount of
2 \$1 shall be allocated to the Democracy Trust Fund from each
3 civil case filed in State Court and for each appearance fee.
4 The allocation shall be applicable only to civil cases in
5 which the amount of money or damages or personal property
6 claimed exceeds \$10,000.

7 Section 105. Voluntary contributions. Individuals and
8 other entities may make direct voluntary contributions to the
9 Democracy Trust Fund. However, contributions may not exceed
10 \$1,000 per calendar year.

11 Section 110. General Revenue Fund. If the funding sources
12 outlined in Sections 90, 100, 105, and 110 are insufficient
13 to fund all of the participating candidates, an amount
14 necessary to make the Fund solvent shall be transferred from
15 the General Revenue Fund by the State Treasurer to the
16 Democracy Trust Fund.

17 Section 115. Severability. The provisions of this Act are
18 severable. If any provision of this Act is held invalid by a
19 court of competent jurisdiction, the invalidity does not
20 affect other provisions of the Act that can be given effect
21 without the invalid provision.

22 Section 905. The State Finance Act is amended by adding
23 Section 5.570 as follows:

24 (30 ILCS 105/5.570 new)

25 Sec. 5.570. The Democracy Trust Fund.

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

1 (35 ILCS 5/506.7 new)

2 Sec. 506.7. Designation of tax to Illinois Democracy
3 Trust Fund.

4 (a) An amount of \$1 from the income taxes paid each year
5 by each individual with an income tax liability of at least
6 \$1 shall be allocated to the Democracy Trust Fund established
7 under Section 65 of the Public Financing for Judicial
8 Campaigns Act, unless that taxpayer indicates an objection to
9 the allocation on the income tax return in the manner
10 described in subsection (b). In the case of a married couple
11 filing a joint return, each individual shall have the option
12 of objecting to the allocation. The Department shall deposit
13 amounts allocated under this subsection (a) to the Fund into
14 the Fund on a quarterly basis.

15 (b) Individual income tax returns shall include a place
16 for the designation of \$1 to the Democracy Trust Fund with 3
17 options given to the taxpayer: "For", "Against", and "No
18 Opinion", and the following statement: "One dollar will
19 support the Democracy Trust Fund, unless you fill in the
20 circle labeled "Against". Your tax remains the same
21 regardless of which circle you choose." A paid preparer of
22 tax returns shall not choose one of the 3 options for a
23 taxpayer without the taxpayer's consent.

24 (c) Individual income tax returns shall include in the
25 instructions an explanatory statement for the designation
26 described in subsection (b) which shall read: "To enhance the
27 impartiality and integrity of the court system in the State,
28 the Democracy Trust Fund provides campaign money to
29 candidates for the Illinois Supreme Court who voluntarily
30 accept strict campaign spending and fundraising limits. The
31 Fund may also help finance educational materials about the
32 role of the Supreme Court and the candidates seeking election
33 for that office. One dollar from the taxes you pay will go to
34 the Fund unless you fill in the circle marked "Against".

1 Regardless of what choice you make, your tax will not
2 increase, nor will any refund you are entitled to be
3 reduced." The exact wording of this statement or the
4 statement specified in subsection (b) may be modified if the
5 new wording does not change the statement's essential meaning
6 and is approved by the State Board of Elections.

7 Section 915. The Clerks of Courts Act is amended by
8 changing Section 29 as follows:

9 (705 ILCS 105/29)

10 Sec. 29. Salary; disposition of fees; expenditures. The
11 ordinary and contingent expenses of operating the Office of
12 the Clerk of the Supreme Court, including salaries, shall be
13 determined by the Supreme Court and paid from the State
14 treasury on the warrant of the Comptroller out of
15 appropriations made for that purpose by the General Assembly.

16 The amount of \$1 collected from each filing fee and
17 appearance fee for civil cases in which the amount of money
18 or damages or the value of personal property claimed exceeds
19 \$10,000, shall be paid in to the Democracy Trust Fund.

20 All other fees and costs paid to or received by the Clerk
21 of the Supreme Court shall be paid into the State Treasury.

22 (Source: P.A. 89-233, eff. 1-1-96.)

23 Section 999. Effective date. This Act takes effect upon
24 becoming law.