

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 decisions are influenced by money; and

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

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

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

19 Section 5. Definitions. In this Act:

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

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

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

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

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

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

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

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

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

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

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

1 "Non-participating candidate" means a candidate for the
2 office of Judge of the Supreme Court who does not apply for a
3 public financing benefit or who otherwise is ineligible or
4 fails to qualify for a public financing benefit under this
5 Act.

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

8 "Primary election campaign period" means the period
9 beginning 30 days after the last day prescribed by law for
10 filing nomination papers and ending on the day of the general
11 primary election.

12 "Public financing qualifying period" means the period
13 beginning on the first day of July of an odd-numbered year
14 and ending on the day before the beginning of the primary
15 election campaign period for the office of Judge of the
16 Supreme Court.

17 "Qualifying contribution" means a contribution between \$5
18 and \$25 made to a candidate made by a resident of the
19 district at least 18 years old in which the candidate seeks
20 office during the public financing qualifying period that is
21 acknowledged by written receipt identifying the contributor.
22 An individual may make only one qualifying contribution per
23 candidate.

24 "Seed money contribution" means a contribution in an
25 amount of not more than \$100 made to a candidate for the
26 office of Judge of the Supreme Court during the exploratory
27 period or the public financing qualifying period or a
28 contribution made to a candidate consisting of personal funds
29 of that candidate in an amount not more than the amount
30 authorized under Section 30 during the exploratory period or
31 the public financing qualifying period.

32 "Qualifying Report" is a list of 500 or more individual
33 qualifying contributions.

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

1 Section 10. Qualification; certification.

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

14 (b) A candidate shall be certified by the State Board as
15 an eligible candidate for receipt of public financing for a
16 primary election if the candidate complies with subsection
17 (a) and receives at least 500 qualifying contributions from
18 individual qualifying contributors before the close of the
19 public financing qualifying period.

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

24 (d) Each candidate must acknowledge each qualifying
25 contribution by a receipt to the contributor that contains
26 the contributor's name and home address. A candidate must
27 file a qualifying report to the State Board of Elections upon
28 obtaining 500 qualifying contributions.

29 (e) A qualifying contribution may be used only for the
30 purpose of making a 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

1 candidate must apply to the State Board and file a sworn
2 statement that the candidate has fulfilled all the
3 requirements of this Act during the primary election campaign
4 period and will comply with the requirements of this Act
5 during the general election campaign period. The application
6 must be filed no later than the 7th day after the date of the
7 general primary election.

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

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

22 Section 25. Requirements imposed upon eligible
23 candidates.

24 (a) An eligible candidate may not accept private
25 contributions other than seed money contributions and
26 qualifying contributions that the candidate accepts during
27 the exploratory period and the public financing qualifying
28 period.

29 (b) In addition to reports required to be filed under
30 the Election Code, a candidate who receives a public
31 financing benefit must furnish complete financial records,
32 including records of seed money contributions, qualifying

1 contributions, and expenditures on the last day of the month.

2 (c) In addition to adhering to requirements imposed
3 under the Election Code, a candidate who receives a public
4 financing benefit must maintain records of all contributions
5 of at least \$5 and not more than \$100, including seed money
6 contributions and qualifying contributions, that contain the
7 full name of the contributor and the contributor's full home
8 address.

9 (d) The failure to record or provide the information
10 specified in subsection (c) disqualifies a contribution from
11 counting as a qualifying contribution.

12 (e) No eligible candidate and no person acting on a
13 candidate's behalf may deposit any contribution that is not
14 recorded in accordance with subsection (c) in a candidate's
15 campaign account.

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

18 Section 30. Personal funds of candidates.

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

23 (b) No eligible candidate may make any expenditure
24 derived from personal funds after the close of the public
25 financing qualifying period.

26 Section 35. Seed money contributions.

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

1 aggregate contributions, including personal funds but not
2 including qualifying contributions, do not exceed \$30,000.

3 (b) An eligible candidate may make expenditures from
4 seed money contributions only during the exploratory period
5 and the public financing qualifying period.

6 Section 40. Excess contributions. An amount equivalent
7 to the excess contributions must be deducted by the State
8 Board from the candidate's public financing benefit. A
9 candidate must return to the State Board all seed money and
10 qualifying contributions that exceed the limits prescribed in
11 this Section within 48 hours after the end of the exploratory
12 period. A candidate must also return to the State Board any
13 seed money and qualifying contributions that have not been
14 encumbered or expended by the beginning of the primary
15 election campaign period. The State Board must deposit all
16 contributions returned under this Section into the the
17 Illinois Supreme Court Democracy Trust Fund.

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

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

29 (b) The State Board must distribute to each eligible
30 candidate at the general primary election a line of credit
31 for public financing promptly after the candidate
32 demonstrates his or her eligibility and, in any event, not

1 later than 5 days after the end of the public financing
2 qualifying period; provided, however, that no candidate may
3 use a line of credit distributed under this subsection until
4 the beginning of the primary election campaign period.

5 (c) The State Board must distribute to each eligible
6 candidate for Judge of the Supreme Court in the general
7 election a line of credit for public financing not later than
8 48 hours after the date of the general primary election for
9 the office of Judge of the Supreme Court. No candidate for
10 Judge of the Supreme Court may receive a line of credit until
11 all candidates for Judge of the Supreme Court who apply and
12 qualify for a public financing benefit have been certified as
13 eligible candidates.

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

20 Section 50. Public financing benefits.

21 (a) The State Board must provide to each eligible
22 candidate who qualifies to receive a public financing benefit
23 for the primary or general election campaign period separate
24 lines of credit for the primary and general election campaign
25 periods in the amounts specified in this Section subject to
26 any required adjustment under Section 40, 55, 60, or 80. An
27 eligible candidate may use this credit to finance any lawful
28 expenditures during the primary and election campaign
29 periods. An eligible candidate may not use this credit to
30 repay any loan or in violation of this Act or any other
31 applicable law.

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

1 (c) The allocation of the public financing benefit,
2 between the primary and general election, will be at the
3 discretion of the eligible candidate.

4 (d) An eligible candidate in an election in which there
5 are no other candidates, other than write-in candidates, who
6 have received contributions of more than \$1,000 in the
7 aggregate as of the day preceding the beginning of the
8 primary election campaign period for the election in which
9 the eligible candidate seeks office must receive a line of
10 credit of \$75,000 for the primary election campaign period,
11 beginning one year prior to the primary election and ending
12 on the date of the primary election.

13 (e) An eligible candidate in a general election in which
14 there are no other candidates whose names appear on the
15 ballot must receive a line of credit in an amount equal to
16 \$75,000 of the public financing benefit for the election
17 campaign period, beginning the day after the primary election
18 and ending 90 days after the general election.

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

26 Section 55. Financial activity by non-participating
27 candidates.

28 (a) In addition to other reports required by law, a
29 non-participating candidate for the office of Judge of the
30 Supreme Court at the general primary election or the general
31 election who receives contributions or makes or obligates to
32 make expenditures in an amount more than 5% greater than the
33 public financing benefit applicable to an eligible candidate

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

24 (b) Upon receipt of the information, the State Board
25 must immediately credit an opposing eligible candidate's
26 account with an additional amount equivalent to the total
27 excess expenditures made or obligated to be made, but not to
28 exceed the public financing benefit, for the applicable
29 office.

30 Section 60. Independent expenditures.

31 (a) If any person makes, or becomes obligated to make,
32 by oral or written agreement an independent expenditure in
33 excess of \$1,000 with respect to a candidate for the office

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

15 (b) When the aggregate independent expenditures against
16 an eligible candidate for an office or for the opponents of
17 that candidate exceed 10% of the public financing benefit for
18 that office in any campaign, the State Board must immediately
19 credit that candidate's account with an additional line of
20 credit equivalent to the amount above the 10% threshold total
21 expenditures made or obligated to be made, but not to exceed
22 50% of the public financing benefit, for the applicable
23 office.

24 Section 65. Illinois Supreme Court Democracy Trust Fund.

25 (a) All moneys collected under Sections 40, 45, and 70
26 of this Act shall be deposited into the Illinois Supreme
27 Court Democracy Trust Fund, a special fund created in the
28 State treasury, and, subject to appropriation may be used by
29 the State Board of Elections for the purposes of this Act.
30 The State Treasurer, in consultation with the State Board,
31 must contract with a debit card issuer to permit eligible
32 candidates and their agents to draw upon moneys appropriated
33 from the Fund through an account with the card issuer.

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

8 (c) No eligible candidate or agent of an eligible
9 candidate may make any expenditure by any other means other
10 than through the use of the fair election debit card. No such
11 candidate or agent may use a fair election debit card to
12 obtain cash, except that cash amounts of \$100 or less may be
13 drawn on the Illinois Supreme Court Democracy Trust Fund
14 debit card and used to make expenditures of no more than \$25.
15 A candidate must maintain records of all such expenditures
16 and must report the expenditures to the State Board in
17 accordance with Section 25.

18 Section 70. Penalties; enforcement.

19 (a) If an eligible candidate makes expenditures that
20 exceed the public financing benefit allocated to the
21 candidate for any campaign, the candidate may be required to
22 forfeit to the Democracy Trust Fund an amount equal to not
23 more than 10 times and not less than 2 times the amount by
24 which the expenditures exceeded the allocation.

25 (b) Any eligible candidate who accepts contributions in
26 excess of any limitation imposed under this Act may be
27 required to forfeit to the Democracy Trust Fund an amount
28 equal to not more than 10 times and not less than 2 times the
29 amount by which the contributions exceed the applicable
30 limitation.

31 (c) If the State Board finds that there is reasonable
32 cause to believe that a candidate has made excess
33 expenditures or has accepted excess contributions in

1 violation of the Act, the State Board must attempt for a
2 period of not more than 14 days after its finding to correct
3 the matter by informal methods of conference and conciliation
4 and to enter into a settlement and conciliation agreement
5 with the candidate involved. A settlement and conciliation
6 agreement made under this subsection is public record. Unless
7 violated, a settlement and conciliation agreement is a bar to
8 any civil action under subsection (d).

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

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

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

33 (g) If a complaint brought under this Section is
34 resolved against the complainant and is found to have been

1 brought in bad faith and without reasonable basis therefor,
2 the circuit court may assess costs, including reasonable
3 attorney fees, against the complainant.

4 Section 75. Prohibited acts.

5 (a) If a candidate or agent of a candidate knowingly
6 accepts more contributions than the candidate is entitled to
7 receive, or makes expenditures exceeding the amount of the
8 public financing benefit received by the candidate, the
9 candidate or agent is guilty of a Class 3 felony.

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

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

21 Section 90. The Department of Revenue shall transfer to
22 the Illinois Supreme Court Democracy Trust Fund any funds
23 contributed to the Illinois Supreme Court Democracy Trust
24 Fund collected pursuant to Section 910.

25 Section 95. Attorneys-at-law contribution. The Supreme
26 Court may, in its discretion, require attorneys, licensed to
27 practice in Illinois, to make monetary contributions to the
28 Illinois Supreme Court Democracy Trust Fund not to exceed \$25
29 annually.

30 Section 105. Voluntary contributions. Individuals and

1 other entities may make direct voluntary contributions to the
2 Illinois Supreme Court Democracy Trust Fund. However,
3 contributions may not exceed \$1,000 per calendar year.

4 Section 110. Fund operational. The Illinois Supreme
5 Court Democracy Fund shall become operational when the Fund
6 has attained \$10,000,000.

7 Section 115. Severability. The provisions of this Act are
8 severable. If any provision of this Act is held invalid by a
9 court of competent jurisdiction, the invalidity does not
10 affect other provisions of the Act that can be given effect
11 without the invalid provision.

12 Section 905. The State Finance Act is amended by adding
13 Section 5.570 as follows:

14 (30 ILCS 105/5.570 new)

15 Sec. 5.570. The Illinois Supreme Court Democracy Trust
16 Fund.

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

19 (35 ILCS 5/506.7 new)

20 Sec. 506.7. Designation of tax to Illinois Democracy
21 Trust Fund.

22 (a) An amount of \$1 from the income taxes paid each year
23 by each individual with an income tax liability of at least
24 \$1 shall be allocated to the Illinois Supreme Court Democracy
25 Trust Fund established under Section 65 of the Public
26 Financing for Judicial Campaigns Act, unless that taxpayer
27 indicates an objection to the allocation on the income tax
28 return in the manner described un subsection (b). In the case

1 of a married couple filing a joint return, each individual
2 shall have the option of objecting to the allocation. The
3 Department shall deposit amounts allocated under this
4 subsection (a) to the Fund into the Fund on a quarterly
5 basis.

6 (b) Individual income tax returns shall include a place
7 for the designation of \$1 to the Illinois Supreme Court
8 Democracy Trust Fund with 3 options given to the taxpayer:
9 "For", "Against", and "No Opinion", and the following
10 statement: "One dollar will support the Illinois Supreme
11 Court Democracy Trust Fund, unless you fill in the circle
12 labeled "Against". A paid preparer of tax returns shall not
13 choose one of the 3 options for a taxpayer without the
14 taxpayer's consent.

15 (c) Individual income tax returns shall include in the
16 instructions an explanatory statement for the designation
17 described in subsection (b) which shall read: "To enhance the
18 impartiality and integrity of the court system in the State,
19 the Illinois Supreme Court Democracy Trust Fund provides
20 campaign money to candidates for the Illinois Supreme Court
21 who voluntarily accept strict campaign spending and
22 fundraising limits. The Fund may also help finance
23 educational materials about the role of the Supreme Court and
24 the candidates seeking election for that office. One dollar
25 from the taxes you pay will go to the Fund unless you fill in
26 the circle marked "Against". The exact wording of this
27 statement or the statement specified in subsection (b) may be
28 modified if the new wording does not change the statement's
29 essential meaning and is approved by the State Board of
30 Elections.

31 Section 999. Effective date. This Act takes effect upon
32 becoming law.