



LRB096 06362 JAM 27258 a

1 AMENDMENT TO SENATE BILL 352

2 AMENDMENT NO. _____. Amend Senate Bill 352 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by adding the
5 heading of Article 9A and Sections 9A-5, 9A-10, 9A-15, 9A-20,
6 9A-25, 9A-30, 9A-35, 9A-40, 9A-45, 9A-50, and 9A-55 as follows:

7 (10 ILCS 5/Art. 9A heading new)

8 ARTICLE 9A. PUBLIC CAMPAIGN FINANCING

9 (10 ILCS 5/9A-5 new)

10 Sec. 9A-5. Purpose of the Illinois Public Campaign
11 Financing Fund. The purpose of this Article is to ensure the
12 fairness of democratic elections in Illinois and to protect the
13 constitutional rights of voters and candidates from the
14 detrimental effects of increasingly large amounts of money
15 being raised and spent to influence the outcome of elections,

1 those effects being especially problematic in elections of the
2 judiciary, as impartiality is uniquely important to the
3 integrity and credibility of the courts. Accordingly, this
4 Article establishes the Illinois Public Campaign Financing
5 Fund as an alternative source of campaign financing for
6 candidates who demonstrate public support and voluntarily
7 accept strict fund-raising and spending limits. This Article is
8 available to candidates for Judge of the Illinois Supreme Court
9 and for Judge of the Illinois Appellate Court in elections to
10 be held in 2010 and thereafter.

11 (10 ILCS 5/9A-10 new)

12 Sec. 9A-10. Definitions. As used in this Article:

13 "Board" means the State Board of Elections.

14 "Candidate" means an individual who becomes a candidate as
15 described in Section 9-1.3 for the office of Judge of the
16 Illinois Supreme or Judge of the Illinois Appellate Court. The
17 term includes a political committee authorized by the candidate
18 for that candidate's election.

19 "Certified candidate" means a candidate running for office
20 who chooses to receive campaign funds from the Fund and who is
21 certified under Section 9A-20.

22 "Contested primary" and "contested general election" mean
23 an election in which there are more candidates than the number
24 to be elected.

25 "Contribution" means a contribution as defined in Section

1 9-1.4. A distribution from the Fund pursuant to this Article is
2 not a "contribution".

3 "Expenditure" means an expenditure as defined in Section
4 9-1.5.

5 "Fund" means the Illinois Public Campaign Financing Fund
6 established in this Article.

7 "Maximum qualifying contributions" means an amount of
8 qualifying contributions equal to 60% of the annual
9 compensation for the office.

10 "Minimum qualifying contributions" means an amount of
11 qualifying contributions equal to 20% of the annual
12 compensation for the office.

13 "Nonparticipating candidate" means a candidate running for
14 office who is not seeking to be certified under Section 9A-20.

15 "Office" means the office of Judge of the Illinois
16 Appellate Court or Judge of the Illinois Supreme Court.

17 "Participating candidate" means a candidate for office who
18 has filed a declaration of intent to participate under Section
19 9A-20.

20 "Political committee" means a political committee as
21 defined in Section 9-1.9.

22 "Qualifying contribution" means a contribution of not less
23 than \$10 and not more than \$200 in the form of a check or money
24 order to the candidate or the candidate's committee that is (i)
25 made by any registered voter in this State and (ii) made during
26 the qualifying period and obtained with the approval of the

1 candidate or candidate's committee.

2 "Qualifying period" means the period beginning September 1
3 in the year before the relevant election and ending on the day
4 of the primary before the relevant election.

5 "Trigger for rescue funds" means the dollar amount at which
6 rescue funds are released for certified candidates. In the case
7 of a primary, the trigger equals the maximum qualifying
8 contributions for participating candidates. In the case of a
9 contested general election, the trigger equals the base level
10 of funding available under subsection (b) (4) of Section 9A-25.

11 (10 ILCS 5/9A-15 new)

12 Sec. 9A-15. Illinois Public Campaign Financing Fund
13 established; sources of funding.

14 (a) The Illinois Public Campaign Financing Fund is
15 established as a special fund in the State treasury to finance
16 the election campaigns of certified candidates for office and
17 to pay administrative and enforcement costs of the Board
18 related to this Article. All expenses of administering this
19 Article and personnel and other costs incurred by the Board
20 shall be paid from the Fund and not from the General Revenue
21 Fund. Any interest generated by the Fund is credited to the
22 Fund. The Board shall administer the Fund.

23 (b) Money received from all the following sources must be
24 deposited into the Fund:

25 (1) Designations made to the Illinois Public Campaign

1 Financing Fund by individual taxpayers pursuant to the
2 Illinois Income Tax Act.

3 (2) Any contributions made by attorneys in accordance
4 with Section 9A-55.

5 (3) Illinois Public Campaign Financing Fund revenues
6 distributed for an election that remain unspent or
7 uncommitted at the time the recipient is no longer a
8 certified candidate in the election.

9 (4) Money ordered returned to the Illinois Public
10 Campaign Financing Fund in accordance with Section 9A-45.

11 (5) Voluntary donations made directly to the Illinois
12 Public Campaign Financing Fund. Corporations, other
13 business entities, labor unions, and professional
14 associations may make donations to the Fund.

15 (6) Deposits from fees as provided in Section 27.15 of
16 the Clerks of Courts Act.

17 (7) The amount of 10% of each criminal and civil
18 penalty collected under Illinois law, which,
19 notwithstanding any other law to the contrary, the
20 collecting entity is mandated to transmit at least monthly
21 to the State Treasurer for deposit into the Illinois Public
22 Campaign Financing Fund.

23 (8) If necessary to adequately fund the judicial public
24 financing program, notwithstanding any other law to the
25 contrary, the Comptroller shall order and the Treasurer
26 shall transfer from the Whistleblower Reward and

1 Protection Fund to the Illinois Public Campaign Financing
2 Fund the amount certified as necessary, from time to time,
3 by the State Board of Elections for that purpose.

4 (c) By October 1, 2009, and every 2 years thereafter, the
5 Board, in conjunction with the Advisory Council for the
6 Illinois Public Campaign Financing Fund, shall prepare and
7 provide to the General Assembly a report documenting,
8 evaluating, and making recommendations relating to the
9 administration, implementation, and enforcement of this
10 Article. In its report, the Board shall set out the funds
11 received to date and the expected needs of the Fund for the
12 next election.

13 (10 ILCS 5/9A-20 new)

14 Sec. 9A-20. Requirements for participation; certification
15 of candidates.

16 (a) Any individual choosing to receive campaign funds from
17 the Fund shall first file with the Board a declaration of
18 intent to participate in this Article as a candidate for a
19 stated office. The declaration of intent shall be filed before
20 or during the qualifying period and before collecting any
21 qualifying contributions. In the declaration, the candidate
22 shall swear or affirm that only one political committee,
23 identified with its treasurer, shall handle all contributions,
24 expenditures, and obligations for the participating candidate
25 and that the candidate will comply with the contribution and

1 expenditure limits set forth in subsection (d) of this Section
2 and all other requirements set forth in this Article or adopted
3 by the Board. Failure to comply is a violation of this Article.

4 (b) Participating candidates who seek certification to
5 receive campaign funds from the Fund shall first, during the
6 qualifying period, obtain qualifying contributions from at
7 least 175 registered voters in an aggregate sum that at least
8 equals the amount of minimum qualifying contributions
9 described in Section 9A-10 but that does not exceed the amount
10 of maximum qualifying contributions described in Section
11 9A-10.

12 No payment, gift, or anything of value shall be given in
13 exchange for a qualifying contribution.

14 (c) Upon receipt of a submittal of the record of
15 demonstrated support by a participating candidate, the Board
16 shall determine whether or not the candidate has complied with
17 all the following requirements, if they apply to that
18 candidate:

19 (1) Signed and filed a declaration of intent to
20 participate in this Article.

21 (2) Submitted a report itemizing the appropriate
22 number of qualifying contributions received from
23 registered voters, which the Board shall verify through a
24 random sample or other means it adopts. The report shall
25 include the county of residence of each registered voter
26 listed.

1 (3) Qualified to receive votes on the ballot as a
2 candidate for the office.

3 (4) Otherwise met the requirements for participation
4 in this Article.

5 The Board shall certify candidates complying with the
6 requirements of this Section as soon as possible and no later
7 than 5 business days after receipt of a satisfactory record of
8 demonstrated support.

9 (d) The following restrictions shall apply to
10 contributions and expenditures with respect to participating
11 and certified candidates:

12 (1) Beginning January 1 of the year before the election
13 and before the filing of a declaration of intent, a
14 candidate for office may accept contributions up to \$10,000
15 in amounts and from sources permitted by this Code, subject
16 to the limits of Article 9, and may expend up to \$10,000
17 for any campaign purpose. A candidate who exceeds either of
18 these limits shall be ineligible to file a declaration of
19 intent or receive funds from the Illinois Public Campaign
20 Financing Fund.

21 (2) From the filing of a declaration of intent through
22 the end of the qualifying period, a candidate shall expend
23 no more than an amount equal to the maximum qualifying
24 contributions for that candidate, not including possible
25 rescue funds or the remaining money raised pursuant to
26 paragraph (1) of this subsection. Contributions a

1 candidate may use to expend to that limit shall be limited
2 to qualifying contributions and personal and family
3 contributions permitted by paragraph (4) of this
4 subsection.

5 (3) After the qualifying period and through the date of
6 the general election, the candidate shall expend only the
7 funds the candidate receives from the Fund pursuant to
8 subsection (b) (4) of Section 9A-25 plus any funds remaining
9 from the qualifying period and possible rescue funds.

10 (4) During the qualifying period, the candidate may
11 contribute up to \$2,500 of that candidate's own money to
12 the campaign and may accept contributions not to exceed
13 \$1,000 from each member of that candidate's family
14 consisting of spouse, parent, child, brother, and sister.

15 (5) A candidate and the candidate's designated
16 committee shall limit the use of all revenues permitted by
17 this subsection to expenditures for campaign-related
18 purposes only. The Board shall publish guidelines
19 outlining permissible campaign-related expenditures.

20 (6) Any contribution received by a participating or
21 certified candidate that falls outside that permitted by
22 this subsection shall be returned to the donor as soon as
23 practical. Contributions intentionally made, solicited, or
24 accepted in violation of this Article are subject to civil
25 penalties as specified in Section 9A-45. The funds involved
26 shall be forfeited to the Fund.

1 (7) A candidate shall return to the Fund any amount
2 distributed for an election that is unspent and uncommitted
3 at the date of the election, or at the time the individual
4 ceases to be a certified candidate, whichever occurs first.
5 For accounting purposes, all qualifying, personal, and
6 family contributions shall be considered spent before
7 revenue from the Fund is spent or committed.

8 (e) A candidate may revoke, in writing to the Board, a
9 decision to participate in the Illinois Public Campaign
10 Financing Fund at any time before the deadline for the
11 candidate's submission of information for the Voter's Guide
12 under Article 12A. After a timely revocation, that candidate
13 may accept and expend outside the limits of this Article, other
14 than Section 9A-50, without violating this Article. Within 10
15 days after revocation, a candidate shall return to the Board
16 all money received from the Fund.

17 (10 ILCS 5/9A-25 new)

18 Sec. 9A-25. Distribution from the Fund.

19 (a) The Board shall distribute to a certified candidate
20 revenue from the Fund in an amount determined under subsection
21 (b)(4) of this Section within 5 business days after the
22 certified candidate's name is approved to appear on the ballot
23 in a contested general election, but no earlier than 5 business
24 days after the primary.

25 (b) By August 1, 2009, and no less frequently than every 2

1 years thereafter, the Board shall determine the amount of
2 funds, rounded to the nearest \$100, to be distributed to
3 certified candidates as follows:

4 (1) Uncontested primaries. No funds shall be
5 distributed.

6 (2) Contested primaries. No funds shall be distributed
7 except as provided in Section 9A-35.

8 (3) Uncontested general elections. No funds shall be
9 distributed.

10 (4) Contested general elections. Funds shall be
11 distributed to a certified candidate for a position on the
12 Illinois Appellate Court in an amount equal to 125% of the
13 annual compensation for the office of Judge of the Illinois
14 Appellate Court. Funds shall be distributed to a certified
15 candidate for a position on the Illinois Supreme Court in
16 an amount equal to 175% of the annual compensation for the
17 office of Judge of the Illinois Supreme Court.

18 (c) The Board, in consultation with the State Treasurer and
19 the State Comptroller, shall develop a rapid, reliable method
20 of conveying funds to certified candidates. In all cases, the
21 Board shall distribute funds to certified candidates in a
22 manner that is expeditious, ensures accountability, and
23 safeguards the integrity of the Fund. If the money in the Fund
24 is insufficient to fully fund all certified candidates, then
25 the available money shall be distributed proportionally,
26 according to each candidate's eligible funding.

1 (10 ILCS 5/9A-30 new)

2 Sec. 9A-30. Reporting requirements.

3 (a) Any noncertified candidate, and his or her designated
4 committee, with a certified opponent shall report total income,
5 expenses, and obligations to the Board by facsimile machine or
6 electronically within 24 hours after the total amount of
7 campaign expenditures or obligations made, or funds raised or
8 borrowed, exceeds 50% of the trigger for rescue funds as
9 described in Section 9A-10. Except for a candidate and his or
10 her designated entity, any natural person or legal entity
11 spending more than an aggregate of \$3,000 during any regular
12 election period in support of or opposition to a certified
13 candidate shall report the total funds it has received, spent,
14 or obligated for those expenditures to the Board by facsimile
15 machine or electronically within 24 hours after agreeing to
16 expend the amount that causes the person or entity to exceed
17 this \$3,000 aggregate expenditure during any regular election
18 period. After this 24-hour filing, the noncertified candidate
19 or the entity other than the candidate shall comply with an
20 expedited reporting schedule by filing additional reports
21 after receiving each additional amount in excess of \$1,000 or
22 after making or obligating to make each additional expenditure
23 or expenditures in excess of \$1,000. The schedule and forms for
24 reports required by this subsection shall be made according to
25 procedures developed by the Board.

1 (b) Notwithstanding other provisions of law, participating
2 and certified candidates shall report any money received,
3 including all previously unreported qualifying contributions,
4 all campaign expenditures, all obligations, and all related
5 activities to the Board according to procedures developed by
6 the Board. A certified candidate who ceases to be certified or
7 ceases to be a candidate or who loses an election shall file a
8 final report with the Board and return any unspent revenues
9 received from the Fund. In developing these procedures, the
10 Board shall use existing campaign reporting procedures
11 whenever practical.

12 (c) The Board shall ensure prompt public access to the
13 reports received in accordance with this Article. The
14 disclosures required under subsection (a) should be publicly
15 and electronically available no later than 2 business days
16 after their receipt. The Board may and is encouraged to use
17 electronic means of reporting and storing information.

18 (10 ILCS 5/9A-35 new)

19 Sec. 9A-35. Rescue funds.

20 (a) When any report or group of reports shows that funds in
21 opposition to a certified candidate or in support of an
22 opponent to that candidate, as described in this Section,
23 exceed the trigger for rescue funds as described in Section
24 9A-10, the Board shall issue immediately to that certified
25 candidate an additional amount equal to the reported excess

1 within the limits set forth in this Section. "Funds in
2 opposition to a certified candidate or in support of an
3 opponent to that candidate" shall be equal to the sum of the
4 following:

5 (1) Campaign expenditures or obligations made, or
6 funds raised or borrowed, whichever is greater, reported by
7 any one uncertified opponent of a certified candidate. If a
8 certified candidate has more than one uncertified
9 opponent, the measure shall be taken from the uncertified
10 candidate showing the highest relevant dollar amount.

11 (2) The sum of all expenditures reported in accordance
12 with Section 9A-30 of entities other than candidates making
13 expenditures in opposition to the certified candidate or in
14 support of any opponent of that certified candidate.

15 (b) Total rescue funds to a certified candidate in a
16 contested primary shall be limited to an amount equal to 2
17 times the maximum qualifying contributions for the office
18 sought.

19 (c) Total rescue funds to a certified candidate in a
20 contested general election shall be limited to an amount equal
21 to 2 times the amount described in subsection (b) (4) of Section
22 9A-25.

23 (10 ILCS 5/9A-40 new)

24 Sec. 9A-40. Enforcement and administration.

25 (a) The Board, with the advice of the Advisory Council for

1 the Illinois Public Campaign Financing Fund, shall administer
2 the provisions of this Article.

3 (b) There is established under the Board the Advisory
4 Council for the Illinois Public Campaign Financing Fund to
5 advise the Board on the rules, procedures, and opinions it
6 adopts for the enforcement and administration of this Article
7 and on the funding needs and operation of the Illinois Public
8 Campaign Financing Fund. The Board shall make its rules,
9 procedures, and opinions publicly available on its website. The
10 Advisory Council shall consist of 5 members to be appointed as
11 follows:

12 (1) The Governor shall name 2 members from a list of 5
13 nominees submitted by the State Chair of the political
14 party with which the greatest number of registered voters
15 in Illinois is affiliated.

16 (2) The Governor shall name 2 members from a list of 5
17 nominees submitted by the State Chair of the political
18 party with which the second greatest number of registered
19 voters in Illinois is affiliated.

20 (3) The Board shall name one member by unanimous vote
21 of all members of the Board. If the Board cannot reach
22 unanimity on the appointment of that member, the Governor
23 shall name the fifth member, who shall be nonpartisan,
24 subject to the consent of two-thirds of the Senate.

25 No individual shall be eligible to be a member of the
26 Advisory Council who would be ineligible to serve on a board of

1 election commissioners in accordance with Article 6 or Article
2 6A. The initial members shall be appointed by December 1, 2009.
3 Of the initial appointees, one appointed by the Governor under
4 item (1) and one appointed by the Governor under item (2), as
5 determined by the Governor, are appointed for one-year terms,
6 one appointed by the Governor under item (1) and one appointed
7 by the Governor under item (2), as determined by the Governor,
8 are appointed for 2-year terms, and the member appointed by the
9 Board is appointed for a 3-year term. Thereafter, appointees
10 are appointed to serve 4-year terms. An individual may not
11 serve more than 2 full terms. The appointed members shall
12 receive no compensation but shall be reimbursed for reasonable
13 expenses incurred in the performance of their duties. One of
14 the Advisory Council members shall be elected by the members as
15 Chair. A vacancy during an unexpired term shall be filled by
16 the original appointing authority in the same manner as the
17 regular appointment for that term, but a vacancy appointment is
18 only for the unexpired portion of the term.

19 (c) The initial decision on an issue concerning
20 qualification, certification, or distribution of funds under
21 this Article shall be made by the Executive Director of the
22 Board. The procedure for challenging that decision is as
23 follows:

24 (1) An individual or entity aggrieved by a decision by
25 the Executive Director of the Board may appeal to the full
26 Board within 10 business days of the decision. The appeal

1 shall be in writing and shall set forth the reasons for the
2 appeal.

3 (2) Within 5 business days after an appeal is properly
4 made, and after due notice is given to the parties, the
5 Board shall hold a hearing. The appellant has the burden of
6 providing evidence to demonstrate that the decision of the
7 Executive Director was improper. The Board shall rule on
8 the appeal within 3 business days after the hearing ends.

9 (d) The Board shall adopt rules and issue opinions to
10 ensure effective administration of this Article. Those rules
11 and opinions shall include, but not be limited to, procedures
12 for obtaining qualifying contributions, certification of
13 candidates, vacancies, recounts, withdrawals, replacements,
14 collection of revenues for the Fund, distribution of Fund
15 revenue to certified candidates, return of unspent Fund
16 disbursements, and compliance with this Article. The Board
17 shall adopt procedures for the distribution of rescue money
18 that further the purpose and avoid the subversion of Section
19 9A-35. For races involving recounts, vacancies, withdrawals,
20 or replacement candidates, the Board shall establish
21 procedures for qualification, certification, disbursement of
22 Fund revenues, and return of unspent Fund revenues. The Board
23 shall fulfill each of these duties in consultation with the
24 Advisory Council on the Illinois Public Campaign Financing
25 Fund. The Board shall make all of these rules and opinions
26 publicly available on its website.

1 (e) The Advisory Council for the Illinois Public Campaign
2 Financing Fund shall issue a report by March 1, 2011, and every
3 2 years thereafter that evaluates and makes recommendations
4 about the implementation of this Article and the feasibility of
5 expanding its provisions to include other candidates for
6 elective office based on the experience of the Fund and the
7 experience of similar programs in other states. The Advisory
8 Council shall also evaluate and make recommendations regarding
9 how to address activities that could undermine the purpose of
10 this Article, including spending that appears to target
11 candidates receiving money from the Fund but that does not fall
12 within this Article's reporting requirements.

13 (10 ILCS 5/9A-45 new)

14 Sec. 9A-45. Civil penalty. In addition to any other
15 penalties that may apply, any individual, political committee,
16 or other entity that knowingly violates any provision of this
17 Article is subject to a civil penalty not to exceed \$5,000 per
18 violation or 3 times the amount of any financial transactions
19 involved in the violation, whichever is greater. Regardless of
20 whether any fine is otherwise assessed, for good cause shown, a
21 candidate that violates this Article may be required to return
22 to the Fund all amounts distributed to the candidate from the
23 Fund. If the Board determines that person or entity has
24 violated this Article, the Board shall calculate and assess the
25 amount of the civil penalty and shall notify the person or

1 entity of the amount of the assessment. The Board shall then
2 proceed as in the imposition of any civil penalty. In
3 determining whether a candidate has violated this Article, the
4 Board may consider as a mitigating factor any circumstances out
5 of the candidate's control.

6 (10 ILCS 5/9A-50 new)

7 Sec. 9A-50. Contribution limits.

8 (a) Notwithstanding any contribution limits set forth in
9 Article 9, no candidate for judicial office shall accept, and
10 no contributor shall make to that candidate, a contribution
11 exceeding \$1,000 in the aggregate during any regular election
12 period except as otherwise provided in this Section.

13 (b) Notwithstanding the limits of subsection (a) or Article
14 9, the parents, siblings, or children of a candidate for
15 judicial office may contribute, and the candidate or his or her
16 designated committee may accept, contributions not to exceed
17 \$2,000 in the aggregate per person during any regular election.

18 (c) No candidate for judicial office shall accept, and no
19 contributor shall make to that candidate, a contribution during
20 the period beginning 21 days before the day of the general
21 election and ending the day after the general election. This
22 subsection applies to a candidate opposed in the general
23 election by a certified candidate who has not received the
24 maximum rescue funds available under Section 9A-35. The
25 recipient of a contribution that apparently violates this

1 subsection has 5 business days to return the contribution or
2 file a detailed statement with the Board explaining why the
3 contribution does not violate this subsection.

4 (d) Nothing in this Section shall prohibit a candidate or
5 the spouse of that candidate from making a contribution or loan
6 secured entirely by that individual's assets to that
7 candidate's own campaign.

8 (e) Any individual, candidate, political committee, or
9 other entity that violates the provisions of this Section is
10 guilty of a Class 2 misdemeanor.

11 (10 ILCS 5/9A-55 new)

12 Sec. 9A-55. Attorneys-at-law contribution. The Supreme
13 Court shall require attorneys, licensed to practice in
14 Illinois, to make monetary contributions to the Illinois Public
15 Campaign Financing Fund not to exceed \$50 annually.

16 Section 10. The State Finance Act is amended by adding
17 Section 5.719 as follows:

18 (30 ILCS 105/5.719 new)

19 Sec. 5.719. Illinois Public Campaign Financing Fund.

20 Section 15. The Illinois Income Tax Act is amended by
21 changing Section 509 and by adding Section 506.7 as follows:

1 (35 ILCS 5/506.7 new)

2 Sec. 506.7. Designation of tax to the Illinois Public
3 Campaign Financing Fund. The Department shall print on its
4 standard individual income tax form a provision indicating that
5 if the taxpayer wishes to contribute to the Illinois Public
6 Campaign Financing Fund, as authorized by this amendatory Act
7 of the 96th General Assembly, he or she may do so by stating
8 the amount of the contribution (not less than \$3) on the return
9 and that the contribution will reduce the taxpayer's refund or
10 increase the amount of payment to accompany the return. Failure
11 to remit any amount of the increased payment shall reduce the
12 contribution accordingly. This Section does not apply to any
13 amended return. This tax checkoff applies to income tax forms
14 for taxable years 2009 and thereafter.

15 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

16 Sec. 509. Tax checkoff explanations. All individual income
17 tax return forms shall contain appropriate explanations and
18 spaces to enable the taxpayers to designate contributions to
19 the funds to which contributions may be made under this Article
20 5. ~~the Healthy Smiles Fund,~~

21 Each form shall contain a statement that the contributions
22 will reduce the taxpayer's refund or increase the amount of
23 payment to accompany the return. Failure to remit any amount of
24 increased payment shall reduce the contribution accordingly.

25 If, on October 1 of any year, the total contributions to

1 any one of the funds made under this Article 5, except the
2 Illinois Public Campaign Financing Fund, do not equal \$100,000
3 or more, the explanations and spaces for designating
4 contributions to the fund shall be removed from the individual
5 income tax return forms for the following and all subsequent
6 years and all subsequent contributions to the fund shall be
7 refunded to the taxpayer.

8 (Source: P.A. 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141,
9 eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602,
10 eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06;
11 95-331, eff. 8-21-07; 95-434, eff. 8-27-07; 95-435, eff.
12 8-27-07; 95-940, eff. 8-29-08; revised 9-25-08.)

13 Section 20. The Clerks of Courts Act is amended by adding
14 Section 27.15 as follows:

15 (705 ILCS 105/27.15 new)

16 Sec. 27.15. Illinois Public Campaign Financing Fund. The
17 clerk shall transfer \$1 from each filing or appearance fee paid
18 in accordance with Section 27.1, 27.1a, 27.2, or 27.2a to the
19 State Treasurer for deposit into the Illinois Public Campaign
20 Financing Fund. To defray that expense, the county board may,
21 by resolution, require the clerk of the circuit court in the
22 county to charge and collect an Illinois Public Campaign
23 Financing Fund fee of not more than \$1, which shall be paid at
24 the time that any filing or appearance fee is paid. The fee

1 shall be collected in the manner in which all other fees or
2 costs are collected. Each clerk shall commence the charges and
3 collection upon receipt of written notice from the chairman of
4 the county board together with a certified copy of the board's
5 resolution. The clerk shall file the resolution of record in
6 his or her office. The fee shall be in addition to all other
7 fees and charges of the clerks, shall be assessable as costs,
8 and may be waived only if the judge specifically provides for
9 the waiver of the Illinois Public Campaign Financing Fund fee.
10 The fees shall be remitted monthly by the clerk for deposit
11 into the Illinois Public Campaign Financing Fund.

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