

**95TH GENERAL ASSEMBLY  
State of Illinois  
2007 and 2008  
HB1640**

Introduced 2/22/2007, by Rep. Mike Boland

**SYNOPSIS AS INTRODUCED:**

New Act

30 ILCS 105/5.675 new

35 ILCS 5/507PP new

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

35 ILCS 5/510 from Ch. 120, par. 5-510

Creates the Illinois Clean Election Act. Establishes a voluntary method of public financing of the campaigns of candidates for Governor, **Lieutenant Governor, Secretary of State, State Attorney General, State Treasurer, State Comptroller**, State Senator, and State Representative. Amends the State Finance Act to create the Illinois Clean Election Fund as a special fund in the State treasury. Amends the Illinois Income Tax Act to create an individual tax return checkoff in support of the Fund. Effective immediately.

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**PROPOSED 1<sup>st</sup> AMENDING LANGUAGE TO INCLUDE ALL CONSTITUTIONAL OFFICERS (ADDING LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE ATTORNEY GENERAL, STATE TREASURER AND STATE COMPTROLLER) AND TO REVISE QUALIFYING CANDIDATE CONTRIBUTION NUMBERS.**

**Revision 1.5  
Jun 30, 2007**

**LANGUAGE: ADDED CHANGED DELETED**

CORRECTIONAL BUDGET AND IMPACT NOTE ACT MAY APPLY

FISCAL NOTE ACT MAY APPLY

**A BILL FOR**

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1 AN ACT concerning elections.  
2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**  
4 Section 1. Short title. This Act may be cited as the  
5 Illinois Clean Election Act.  
6 Section 5. Definitions. As used in this Act:  
7 "Certified candidate" means a candidate running for  
8 Governor, **Lieutenant Governor, Secretary of State, State Attorney General, State**  
9 **Treasurer, State Comptroller, State Senator, or State Representative, in a primary**  
10 **election, and Governor, Secretary of State, State Attorney General, State Treasurer,**  
11 **State Comptroller, State Senator, or State Representative, in a general election** who  
12 chooses to  
13 participate in this Act and who is certified as an Illinois  
14 Clean Election Act candidate under Section 20, subsection (e).  
15 "Contribution" has the same meaning as in Article 9 of the  
16 Election Code.  
17 "Fund" means the Illinois Clean Election Fund established  
18 in Section 15.  
19 "Nonparticipating candidate" means a candidate running for  
20 Governor, **Lieutenant Governor, Secretary of State, Attorney General, State Treasurer,**  
21 **State Comptroller, State Senator, or State Representative, in a primary election, and**  
22 **Governor, Secretary of State, Attorney General, State Treasurer, State Comptroller,**  
23 **State Senator, or State Representative, in a general election** who does not  
24 choose to participate in this Act and who is not seeking to be  
25 certified as an Illinois Clean Election Act candidate.  
26 "Participating candidate" means a candidate who is running  
27 for Governor, **Lieutenant Governor, Secretary of State, State Attorney General, State**  
28 **Treasurer, State Comptroller, State Senator, or State Representative, in a primary**

21 election, and Governor, Secretary of State, State Attorney General, State Treasurer,  
22 State Comptroller, State Senator, or State Representative, in a general election who is  
23 seeking to be certified as an Illinois Clean Election Act  
candidate.  
"Qualifying contribution" means a donation:

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1 (1) Of \$5 in the form of a check or a money order  
2 payable to the Fund in support of a candidate;  
3 (2) Made by a registered voter within the district for  
4 the office a candidate is seeking;  
5 (3) Made during the designated qualifying period and  
6 obtained with the knowledge and approval of the candidate;  
7 and  
8 (4) That is acknowledged by a written receipt that  
9 identifies the name and address of the donor on forms  
10 provided by the State Board.  
11 "Qualifying period" means the following:  
12 (1) For a gubernatorial or lieutenant gubernatorial, Secretary of State, State Attorney  
13 General, State Treasurer or State Comptroller participating candidate, the  
14 qualifying period begins November 1st immediately  
15 preceding the election year and ends at 5:00 p.m. on April  
16 15th of the election year unless the candidate is  
17 unenrolled, in which case the period ends at 5:00 p.m. on  
18 June 2nd of the election year.  
19 (2) For State Senate or State House of Representatives  
20 participating candidates, the qualifying period begins  
21 January 1st of the election year and ends at 5:00 p.m. on  
22 April 15th of that election year unless the candidate is  
23 unenrolled, in which case the period ends at 5:00 p.m. on  
24 June 2nd of the election year.  
25 "Seed money contribution" means a contribution of no more  
26 than \$100 per individual made to a candidate, including a  
contribution from the candidate or the candidate's family. To

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1 be eligible for certification, a candidate may collect and  
2 spend only seed money contributions subsequent to becoming a  
3 candidate as defined by Article 9 of the Election Code and  
4 throughout the qualifying period. A participating candidate  
5 who has accepted contributions or made expenditures that do not  
6 comply with the seed money restrictions under this Act may  
7 petition the State Board to remain eligible for certification  
8 as an Illinois Clean Election Act candidate in accordance with  
9 rules of the State Board, if the failure to comply was  
10 unintentional and does not constitute a significant infraction  
11 of these restrictions. Prior to certification, a candidate may  
12 obligate an amount greater than the seed money collected if the  
13 value of the goods and services received from a vendor does not  
14 exceed the amount paid to the vendor. A candidate may not  
15 collect or spend seed money contributions after certification  
16 as an Illinois Clean Election Act candidate. A seed money  
17 contribution must be reported according to procedures  
18 developed by the State Board.  
19 "State Board" means the State Board of Elections.

20 Section 10. Alternative campaign financing option. This  
21 Act establishes an alternative campaign financing option  
22 available to candidates running for Governor, Lieutenant Governor, Secretary of State,  
23 State Attorney General, State Treasurer, State Comptroller, State Senator,  
24 and State Representative. This alternative campaign financing  
25 option is available to candidates for elections to be held  
beginning in the year 2008. The State Board shall administer

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1 this Act and the Fund. Candidates participating in this Act  
2 must also comply with all other applicable election and  
3 campaign laws and regulations.

4 Section 15. The Illinois Clean Election Fund established;  
5 sources of funding.

6 (a) The Illinois Clean Election Fund is established as a  
7 special fund in the State treasury to finance the election  
8 campaigns of certified Illinois Clean Election Act candidates  
9 running for Governor, Lieutenant Governor, State Attorney General, Secretary of State,  
10 State Treasurer, State Comptroller, State Senator, and State Representative  
11 and to pay administrative and enforcement costs of the State  
12 Board related to this Act. Any interest generated by the Fund  
13 is credited to the Fund. The State Board shall administer the  
14 Fund.

15 (b) The following must be deposited in the fund:

16 (1) The qualifying contributions required under  
17 Section 20 when those contributions are submitted to the  
18 State Board.

19 (2) \$40,000,000 of the revenues from the taxes imposed  
20 by the Illinois Income Tax Act and credited to the General  
21 Revenue Fund, transferred to the Fund by the State  
22 Treasurer on or before January 1st of each year, beginning  
23 January 1, 2008. These revenues must be offset in an  
24 equitable manner by an equivalent reduction within the  
25 administrative divisions of the legislative branch and  
executive branch agencies. If the State Board determines

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1 that the Fund will not have sufficient revenues to cover  
2 the likely demand for funds from the Illinois Clean  
3 Election Fund in an upcoming calendar year, by January 1st  
4 the State Board shall provide a report of its projections  
5 of the balances in the Illinois Clean Election Fund to the  
6 General Assembly and the Governor and may request that the  
7 State Treasurer make the following transfers to the  
8 Illinois Clean Election Fund from the General Revenue Fund:

9 (A) Up to \$20,000,000 no later than February 28,  
10 2008, reflecting an advance of the transfer of the  
11 amounts that would be received on or before January 1,  
12 2009 pursuant to this paragraph.

13 (B) Up to \$15,000,000 no later than July 31, 2008,  
14 reflecting an advance of the transfer of the amounts  
15 that would be received on or before January 1, 2010  
16 pursuant to this paragraph.

17 (C) Up to \$5,000,000 no later than September 1,  
18 2008, reflecting a partial advance of the transfer of  
19 the amounts that would be received on or before January

20 1, 2011 pursuant to this paragraph.  
21 (3) Revenue from a tax checkoff program allowing a  
22 resident of the State who files a tax return with the  
23 Department of Revenue to designate that \$3 be paid into the  
24 Fund. If a husband and wife file a joint return, each  
25 spouse may designate that \$3 be paid. The Department of  
26 Revenue shall report annually the amounts designated for

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1 the Fund to the State Treasurer, who shall transfer that  
2 amount to the Fund.  
3 (4) Seed money contributions remaining unspent after a  
4 candidate has been certified as an Illinois Clean Election  
5 Act candidate.  
6 (5) Fund revenues that were distributed to an Illinois  
7 Clean Election Act candidate and that remain unspent after  
8 the candidate has lost a primary election or after all  
9 general elections.  
10 (6) Other unspent Fund revenues distributed to any  
11 Illinois Clean Election Act candidate who does not remain a  
12 candidate throughout a primary or general election cycle.  
13 (7) Voluntary donations made directly to the Fund.  
14 (8) Fines collected under this Act.  
15 (c) By September 1st preceding each election year, the  
16 State Board shall publish an estimate of revenue in the Fund  
17 available for distribution to certified candidates during the  
18 upcoming year's elections and an estimate of the likely demand  
19 for clean elections funding during that election. The State  
20 Board may submit legislation to request additional funding.  
21 Section 20. Terms of participation.  
22 (a) A participating candidate must file a declaration of  
23 intent to seek certification as an Illinois Clean Election Act  
24 candidate and to comply with the requirements of this Act. The  
25 declaration of intent must be filed with the State Board prior

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1 to or during the qualifying period, except as provided in  
2 subsection (l), according to forms and procedures developed by  
3 the State Board. A participating candidate must submit a  
4 declaration of intent within 5 business days after collecting  
5 qualifying contributions under this Act or the qualifying  
6 contributions collected before the declaration of intent has  
7 been filed will not be counted toward the eligibility  
8 requirement in subsection (c).  
9 (b) Subsequent to becoming a candidate defined by and prior  
10 to certification, a participating candidate may not accept  
11 contributions, except for seed money contributions. A  
12 participating candidate must limit the candidate's seed money  
13 contributions to the following amounts:  
14 (1) \$50,000 for a gubernatorial candidate.  
15 (2) \$25,000 for a candidate for Lieutenant Governor, Secretary of State, State Attorney  
16 General, State Treasurer or State Comptroller  
17 (3) \$20,000 for a candidate for the State Senate.  
18 (4) \$10,000 for a candidate for the State House of  
Representatives .  
The State Board may, by rule, revise these amounts to

19 ensure the effective implementation of this Act.  
20 (c) Participating candidates must obtain qualifying  
21 contributions during the qualifying period as follows:  
22 (1) For a gubernatorial candidate, at least 50,000 verified  
23 registered voters of this State must support the candidacy by  
24 providing a qualifying contribution to that candidate.  
25 (2) For a candidate for Lieutenant Governor, Secretary of State, State Attorney General,  
26 State Treasurer or State Comptroller, at least 25,000 verified registered voters of  
this state must support the candidacy by providing a qualifying contribution to that  
candidate.

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1 (3) For a candidate for the State Senate, at least 4,000 verified registered  
2 Voters from the candidate's district must support the candidacy by  
3 providing a qualifying contribution to that candidate.  
4 (4) For a candidate for the State House of  
5 Representatives, at least 2,000 verified registered voters  
6 from the candidate's district must support the candidacy by  
7 providing a qualifying contribution to that candidate.  
8 A payment, gift, or anything of value may not be given in  
9 exchange for a qualifying contribution. A candidate may pay the  
10 fee for a money order in the amount of \$5, which is a  
11 qualifying contribution, as long as the donor making the  
12 qualifying contribution pays the \$5 amount reflected on the  
13 money order. Any money order fees paid by a participating  
14 candidate must be paid for with seed money and reported in  
15 accordance with State Board rules.  
16 (d) A participating candidate must submit qualifying  
17 contributions to the State Board during the qualifying period  
18 according to procedures developed by the State Board, except as  
19 provided under subsection (l).  
20 (e) Upon receipt of a final submittal of qualifying  
21 contributions by a participating candidate, the State Board  
22 shall determine whether or not the candidate has:  
23 (1) Signed and filed a declaration of intent to  
24 participate in this Act.  
25 (2) Submitted the appropriate number of valid  
26 qualifying contributions.

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1 (3) Qualified as a candidate by petition or other  
2 means.  
3 (4) Not accepted contributions, except for seed money  
4 contributions, and otherwise complied with seed money  
5 restrictions.  
6 (5) Not run for the same office as a nonparticipating  
7 candidate in a primary election in the same election year.  
8 (6) Otherwise met the requirements for participation  
9 in this Act.  
10 The State Board shall certify a candidate complying with  
11 the requirements of this Section as an Illinois Clean Election  
12 Act candidate as soon as possible and no later than 3 business  
13 days after final submittal of qualifying contributions. Upon  
14 certification, a candidate must transfer to the Fund any  
15 unspent seed money contributions. A certified candidate must  
16 comply with all requirements of this Act after certification

17 and throughout the primary and general election periods.  
18 Failure to do so is a violation of this Act.  
19 (f) After certification, a candidate must limit the  
20 candidate's campaign expenditures and obligations, including  
21 outstanding obligations, to the revenues distributed to the  
22 candidate from the Fund and may not accept any contributions  
23 unless specifically authorized by the State Board. Candidates  
24 may also accept and spend interest earned on bank accounts. All  
25 revenues distributed to a certified candidate from the Fund  
26 must be used for campaign-related purposes. The candidate, the

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1 treasurer, the candidate's political committee, or any agent of  
2 the candidate and committee may not use these revenues for any  
3 but campaign-related purposes. The State Board shall publish  
4 guidelines outlining permissible campaign-related  
5 expenditures.  
6 (g) The State Board shall distribute to certified  
7 candidates revenues from the Fund in amounts determined under  
8 subsection (h) in the following manner.  
9 (1) Within 3 days after certification, for candidates  
10 certified prior to March 15th of the election year,  
11 revenues from the Fund must be distributed as if the  
12 candidates are in an uncontested primary election.  
13 (2) Within 3 days after certification, for all  
14 candidates certified between March 15th and April 15th of  
15 the election year, revenues from the Fund must be  
16 distributed according to whether the candidate is in a  
17 contested or uncontested primary election.  
18 (3) For candidates in contested primary elections  
19 receiving a distribution under paragraph (1), additional  
20 revenues from the fund must be distributed within 3 days of  
21 March 15th after the election year.  
22 (4) Within 3 days after the primary election results  
23 are certified, for general election certified candidates,  
24 revenues from the Fund must be distributed according to  
25 whether the candidate is in a contested or uncontested  
26 general election.

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1 Funds may be distributed to certified candidates under this  
2 Section by any mechanism that is expeditious, ensures  
3 accountability, and safeguards the integrity of the Fund.  
4 (h) The candidate or committee shall deposit all revenues  
5 from the Fund in a campaign account with a bank or other  
6 financial institution. The campaign funds must be segregated  
7 from, and may not be commingled with, any other funds.  
8 (i) By July 1, 2008 and at least every 4 years after that  
9 date, the State Board shall determine the amount of funds to be  
10 distributed to participating candidates based on the type of  
11 election and office as follows:  
12 (1) For contested legislative primary elections the  
13 amount of revenues to be distributed is \$50,000 for State Senator and \$25,000 for State  
14 Representative. the average amount  
15 of campaign expenditures made by each candidate during all  
contested primary election races for the immediately

16 preceding 2 primary elections, as reported in the initial  
17 filing period subsequent to the primary election, for the  
18 respective offices of State Senate and State House of  
19 Representatives.

20 (2) For uncontested legislative primary elections, the  
21 amount of revenues distributed is the average amount of  
22 campaign expenditures made by each candidate during all  
23 uncontested primary election races for the immediately  
24 preceding 2 primary elections, as reported in the initial  
25 filing period subsequent to the primary election, for the  
26 respective offices of State Senate and State House of

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1 Representatives. \$20,000 for State Senator and \$10,000 for State Representative.

2 (3) For contested legislative general elections, the  
3 amount of revenues distributed is the average amount of  
4 campaign expenditures made by each candidate during all  
5 contested general election races for the immediately  
6 preceding 2 general elections, as reported in the initial  
7 filing period subsequent to the general election, for the  
8 respective offices of State Senate and State House of  
9 Representatives. \$200,000 for State Senator and \$100,000 for State Representative.

10 (4) For uncontested legislative general elections, the  
11 amount of revenues to be distributed from the Fund is 40%  
12 of the amount distributed to a participating candidate in a  
13 contested general election.

14 (5) For gubernatorial primary elections, the amount of  
15 revenues distributed is \$1,000,000 per candidate in the  
16 primary election.

17 (6) For gubernatorial general elections, the amount of  
18 revenues distributed is \$4,000,000 per candidate in the general election.

19 (7) For contested primary elections for Lieutenant Governor, the amount of  
20 revenues distributed is \$500,000 per candidate in the  
primary election. No funds shall be distributed for the general election.

(8) For contested primary elections for State Attorney General the amount of revenues  
distributed per candidate is \$250,000 per candidate.

(9) For the general election for State Attorney General, the amount of funds distributed per  
candidate is \$1,000,000

(10) For primary elections for Secretary of State the amount of revenues distributed per  
candidate is \$250,000 per candidate.

(11) For the general election for Secretary of State, the amount of funds distributed per  
candidate is \$1,000,000.

21 (12) For contested primary elections for State Treasurer, the amount of revenues  
distributed per candidate is \$250,000.

(13) For the general election for State Treasurer, the amount of funds distributed per  
candidate is \$1,000,000.

(14) For contested primary elections for State Comptroller, the amount of revenues  
distributed per candidate is \$125,000.

(15) For the general election for State Comptroller, the amount of funds distributed per  
candidate is \$500,000.

(16) For any uncontested primary or general election for the State Constitutional Officers  
of Governor, Lieutenant Governor, State Attorney General, Secretary of State, State  
Treasurer or Comptroller, the amount of funds distributed shall be 40% of those otherwise  
distributed in a contested primary or general election.

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(j) When any campaign, finance, or election report shows  
that the sum of a candidate's expenditures or obligations, or

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funds raised or borrowed, whichever is greater, alone or in conjunction with independent reported expenditures, exceeds

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the distribution amount under subsection (h), the State Board shall issue immediately to any opposing Illinois Clean Election Act candidate an additional amount equivalent to the reported excess. Matching funds are limited to 2 times the amount originally distributed under subsection (h), paragraph (1), (3), (5), or (6), whichever is applicable.

(k) An unenrolled candidate certified by April 15th preceding the primary election is eligible for revenues from the Fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections (g) and (h). For an unenrolled candidate not certified by April 15th at 5:00 p.m. the deadline for filing qualifying contributions is 5:00 p.m. on June 2nd preceding the general election. An unenrolled candidate certified after April 15th at 5:00 p.m. is eligible for revenues from the Fund in the same amounts as a general election candidate, as specified in subsections (g) and (h).

(l) The State Board shall establish by rule procedures for qualification, certification, disbursement of Fund revenues, and return of unspent Fund revenues for races involving special elections, recounts, vacancies, withdrawals, or replacement candidates.

(m) Notwithstanding any other provision of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations, and related activities to the State Board according to procedures developed

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by the State Board. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections that candidate shall return all unspent Fund revenues to the State Board. In developing these procedures, the State Board shall utilize existing campaign reporting procedures whenever practicable. The State Board shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

(n) The treasurer shall obtain and keep:

- (1) Bank or other account statements for the campaign account covering the duration of the campaign.
- (2) A vendor invoice stating the particular goods or services purchased for every expenditure of \$50 or more.
- (3) A record proving that a vendor received payment for every expenditure of \$50 or more in the form of a cancelled check, receipt from the vendor, or bank or credit card statement identifying the vendor as the payee.

The treasurer shall preserve the records for 2 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the State Board upon its request.

(o) The State Board may not distribute revenues to certified candidates in excess of the total amount of money

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deposited in the Fund as set forth in Section 15.  
Notwithstanding any other provisions of this Act, if the State

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Board determines that the revenues in the Fund are insufficient to meet distributions under subsections (h) or (i), the State Board may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than \$500 per donor per election for gubernatorial and lieutenant gubernatorial, Secretary of State, State Attorney General, State Treasurer, State Comptroller, candidates and \$250 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections (h) and (i) according to rules adopted by the State Board.

(p) A candidate who has been denied certification as an Illinois Clean Election Act candidate, the opponent of a candidate who has been granted certification as an Illinois Clean Election Act candidate, or other interested persons may challenge a certification decision by the State Board as follows:

(1) A challenger may appeal to the full State Board within 7 days after the certification decision. The appeal must be in writing and must set forth the reasons for the appeal.

(2) Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the State Board shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the State Board decision was improper. The State Board must rule on the appeal within 3 days after the completion of the hearing.

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(3) A challenger may appeal the decision of the State Board in paragraph (2) by commencing an action in circuit court.

(4) A candidate whose certification by the State Board as an Illinois Clean Election Act candidate is revoked on appeal must return to the State Board any unspent revenues distributed from the Fund.

If the State Board or court finds that an appeal was made frivolously or to cause delay or hardship, the State Board or court may require the moving party to pay costs of the State Board, court, and opposing parties, if any.

Section 25. Rules. The State Board shall adopt rules to ensure effective administration of this Act. These rules must include but must not be limited to procedures for obtaining qualifying contributions, certification as an Illinois Clean Election Act candidate, circumstances involving special elections, vacancies, recounts, withdrawals or replacements, collection of revenues for the Fund, distribution of Fund revenue to certified candidates, return of unspent Fund disbursements, disposition of equipment purchased with Clean Election Funds, and compliance with this Act.

Section 30. Violations.

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(a) In addition to any other penalties that may be applicable, a person who violates any provision of this Act or

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rules of the State Board adopted pursuant to Section 25 is subject to a fine not to exceed \$50,000 per violation payable to the Fund. The State Board may assess a fine of up to \$50,000 for a violation of reporting requirements if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. This fine is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate, treasurer, consultant, or other agent of the candidate or the committee authorized by the candidate found in violation of this Act or rules of the State Board may be required to return to the Fund all amounts distributed to the candidate from the Fund or any funds not used for campaign-related purposes. If the State Board makes a determination that a violation of this Act or rules of the State Board has occurred, the State Board shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this Section must be deposited in the Fund. In determining whether or not a candidate is in violation of the expenditure limits of this Act, the State Board may consider as a mitigating factor any circumstances out of the candidate's control.

(b) A person who willfully or knowingly violates this Act or rules of the State Board or who willfully or knowingly makes a false statement in any report required by this Act commits a Class 4 felony and, if certified as an Illinois Clean Election Act candidate, must return to the Fund all amounts distributed

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to the candidate.

Section 35. Study report. By January 30, 2009 and every 4 years after that date, the State Board shall prepare for the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of this Act and the Illinois Clean Election Fund.

Section 90. The State Finance Act is amended by adding Section 5.675 as follows:  
(30 ILCS 105/5.675 new)

Sec. 5.675. Illinois Clean Election Fund.

Section 95. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507PP as follows:

(35 ILCS 5/507PP new)

Sec. 507PP. The Illinois Clean Election Fund checkoff. For taxable years ending on or after December 31, 2007, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Clean Election Fund, as authorized by the Illinois Clean Election Act, he or she may do so by

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1 stating the amount of the contribution (not less than \$3) on  
2 the return and that the contribution will reduce the taxpayer's  
3 refund or increase the amount of payment to accompany the  
4 return. Failure to remit any amount of increased payment shall  
5 reduce the contribution accordingly. This Section does not  
6 apply to any amended return.

7 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

8 Sec. 509. Tax checkoff explanations. All individual income  
9 tax return forms shall contain appropriate explanations and  
10 spaces to enable the taxpayers to designate contributions to  
11 the following funds: the Child Abuse Prevention Fund, the  
12 Illinois Wildlife Preservation Fund (as required by the  
13 Illinois Non-Game Wildlife Protection Act), the Alzheimer's  
14 Disease Research Fund (as required by the Alzheimer's Disease  
15 Research Act), the Assistance to the Homeless Fund (as required  
16 by this Act), the Penny Severns Breast and Cervical Cancer  
17 Research Fund, the National World War II Memorial Fund, the  
18 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)  
19 Research Fund, the Multiple Sclerosis Assistance Fund, the  
20 Sarcoidosis Research Fund, the Leukemia Treatment and  
21 Education Fund, the World War II Illinois Veterans Memorial  
22 Fund, the Korean War Veterans National Museum and Library Fund,  
23 the Illinois Military Family Relief Fund, the Blindness  
24 Prevention Fund, the Illinois Veterans' Homes Fund, the  
25 Epilepsy Treatment and Education Grants-in-Aid Fund, the

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1 Diabetes Research Checkoff Fund, the Vince Demuzio Memorial  
2 Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED  
3 Fund, the Asthma and Lung Research Fund, the Illinois Clean  
4 Election Fund, and the Illinois Brain Tumor Research Fund.

5 Each form shall contain a statement that the contributions  
6 will reduce the taxpayer's refund or increase the amount of  
7 payment to accompany the return. Failure to remit any amount of  
8 increased payment shall reduce the contribution accordingly.

9 If, on October 1 of any year, the total contributions to  
10 any one of the funds made under this Section do not equal  
11 \$100,000 or more, the explanations and spaces for designating  
12 contributions to the fund shall be removed from the individual  
13 income tax return forms for the following and all subsequent  
14 years and all subsequent contributions to the fund shall be  
15 refunded to the taxpayer.

16 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;  
17 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.  
18 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.  
19 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.  
20 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised  
21 8-3-06.)

22 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

23 Sec. 510. Determination of amounts contributed. The  
24 Department shall determine the total amount contributed to each  
25 of the following: the Child Abuse Prevention Fund, the Illinois

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1 Wildlife Preservation Fund, the Assistance to the Homeless

2 Fund, the Alzheimer's Disease Research Fund, the Penny Severns  
3 Breast and Cervical Cancer Research Fund, the National World  
4 War II Memorial Fund, the Prostate Cancer Research Fund, the  
5 Illinois Military Family Relief Fund, the Lou Gehrig's Disease  
6 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,  
7 the Sarcoidosis Research Fund, the Leukemia Treatment and  
8 Education Fund, the World War II Illinois Veterans Memorial  
9 Fund, the Korean War Veterans National Museum and Library Fund,  
10 the Illinois Veterans' Homes Fund, the Epilepsy Treatment and  
11 Education Grants-in-Aid Fund, the Diabetes Research Checkoff  
12 Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism  
13 Research Fund, the Blindness Prevention Fund, the Heartsaver  
14 AED Fund, the Illinois Clean Election Fund, the Asthma and Lung  
15 Research Fund, and the Illinois Brain Tumor Research Fund; and  
16 shall notify the State Comptroller and the State Treasurer of  
17 the amounts to be transferred from the General Revenue Fund to  
18 each fund, and upon receipt of such notification the State  
19 Treasurer and Comptroller shall transfer the amounts.  
20 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;  
21 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.  
22 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.  
23 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.  
24 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised  
25 8-3-06.)

26 Section 99. Effective date. This Act takes effect upon

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1 becoming law.