

PROPOSED ORDINANCE

ESTABLISHES THE COOK COUNTY FAIR ELECTIONS PROGRAM AND FUND

BE IT ORDAINED, that Chapter 22, Article III, Sections 22-35 to 22-56 of the Cook County Code of Ordinances, is hereby enacted the Cook County Board of commissioners as follows:

Sec. 22-35. Short titles

This chapter shall be known and may be cited as the “Cook County Fair Elections Ordinance”.

Sec. 22-36. Definitions

The following words and terms shall have the meanings set forth in this section, except where otherwise specifically indicated:

Business dealings with the County shall mean:

(a) A contract, other than an emergency contract or a contract procured through publicly- advertised competitive sealed bidding, that is for the procurement of goods, services, or construction that are entered into or in effect with the County, or an emergency contract for the underwriting of the debt of the County and the retention of bond counsel, disclosure counsel, or underwriter’s counsel in connection therewith;

(b) An acquisition or disposition of real property, other than at public auction or by competitive sealed bid transaction or the acquisition of property;

(c) An application for approval sought from the County, and an application for a zoning amendment; a concession, other than a concession awarded through publicly-advertised competitive sealed bid, or any franchise from the County; and

(d) A grant received from the County;
an economic development agreement entered into or in effect with the County; and

(e) A contract for the investment of pension funds or investments in a private equity firm and contracts with investment related consultants; and

(f) Dealings between the County and a lobbyist during all periods covered by the lobbyist’s registration statement.

Candidate shall mean, consistent with the State Election Code (10 ILCS 5/9-1.3), any person who seeks nomination for election, election to, or retention in public office and fulfills the requirements of 10 ILCS 5/9-1.3.

Clerk means the office of the Cook County Clerk and its officers or representatives.

Contribution shall mean a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value, knowingly received in connection with the nomination for election, election, or retention of any candidate or person to or in public office or in connection with any question of public policy and including but not limited to the outlined categories under 10 ILCS 5/9-1.4). Contribution will not automatically constitute a Matchable Contribution - see Matchable Contribution under this section, and section 22-38 and 22-39 for making contributions matchable.

Contributor shall mean any resident that donates five hundred dollars or less to a participating candidate.

Corporation shall an organization formed with state governmental approval to act as an artificial person to carry on business (or other activities), which can sue or be sued, and (unless it is non-profit) can issue shares of stock to raise funds with which to start a business or increase its capital.

County shall mean the County of Cook, Illinois.

Covered election shall mean a general election cycle for nomination, or election, for the offices under Sec. 22-39 Threshold of Eligibility.

Exchange shall mean an exchange of money or anything of value between political committees authorized by the same candidate and taking part solely in his or her political campaign.

Expenditure and campaign expenditure shall mean, and not limited to, a payment, distribution, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or retention of any person to or in public office or in connection with any question of public policy and all other categories under 10 ILCS 5/9-1.5.

Fair Elections Program means the program established by Sec. 22-54 of this ordinance for the Cook County Clerk to administer the FE Fund.

FE Fund means the Cook Fair Elections Fund as established by Sec. 22-54 of this ordinance.

General Election Cycle means the elections held for even number years under 10 ILCS 5/2A 1.1(a).

Immediate Family shall mean a person's parents, siblings, spouse and children.

Inspector General means the Cook County inspector general.

Matchable contributions

(a) shall mean that portion of the net amount of all monetary contributions realized by a candidate or political committee that qualifies for public matching funds that is not less than five dollars and not greater than one hundred and fifty dollars by a qualified contributor.

(b) The following shall not be considered contributions for the purposes of determining matchable contributions:

1. The reasonable value of any goods or services provided to the contributor in connection with the contribution;
2. Contributions from a person who has received a payment or anything of value from a political committee or from a person who is an officer, director; or
3. An employee of, or a person who has ownership interest in any entity that has received the payment or thing of value having done business with Cook County.

Matching Funds shall mean the funds paid to a Qualifying Candidate pursuant to the Fair Elections program.

Nomination period shall mean the period specified by state law during which candidates must submit nomination papers for Cook County offices under 10 ILCS 5/1 4(b).

Nonparticipating candidate shall mean a candidate who is not eligible to participate in the public financing system established by this ordinance, has not met the threshold for eligibility for public funding under this ordinance, or has elected not to participate in the system.

Participating candidate shall mean a candidate who is eligible to participate Fair Election program established by this ordinance, has elected to participate in the FE program, has met the requirements of Sections 22-38 and 22-39 and is not in violation of any other section of this ordinance.

Public matching funds shall mean the funds issued from the Cook County Fair Elections Fund pursuant to this ordinance.

Qualified campaign expenditure shall mean an expenditure for which public matching funds may be used pursuant to this ordinance.

Qualifying Candidate shall mean a candidate that has fulfilled the nomination process of Illinois Election Code and has fulfilled the requirements set forth in this ordinance to accept FE Funds from the Fair Elections Program.

Qualified Contribution shall mean a monetary contribution not less than five dollars and not greater than the initial one hundred and fifty dollars of any contribution made by a qualified contributor.

Qualified Contributor shall mean anyone that is a resident of Cook County, and makes a Matchable Contribution that does not fall under the categories of Section 22-39 (h), (i), (j), (k).

Relative shall mean parent, spouse, domestic partner, sibling, child, grandchild, aunt, uncle, cousin, niece or nephew by blood or by marriage.

Threshold for eligibility shall mean the amount of total matchable contributions that the participating committee of an otherwise eligible candidate must receive to qualify for public financing pursuant to this ordinance.

Sec. 22-37. Reporting Requirements

(a) A participating candidate shall not form more than one political committee as defined in Illinois Election Code 10 ILCS 5/9-1.8

(b) Every participating candidate shall file financial disclosure reports with the Illinois State Board of Elections and submit them to the Clerk at the same time. The Clerk shall review each disclosure report filed with the Illinois State Board of Elections. In the course of the review, the Clerk shall give candidates, authorized committees and other political committees an opportunity to respond to and correct potential violations and give candidates an opportunity to address questions regarding their matchable contribution claims or other issues concerning eligibility for receiving public matching funds. This section does not preclude the Clerk from subsequently reviewing a disclosure report and taking any action authorized by this ordinance.

(c) Only itemized contributions contained in reports filed with the Illinois State Board of Elections are eligible for public matching funds pursuant to this ordinance.

(d) The Clerk shall inform participating candidates, authorized committees, and other political committees of relevant questions the Clerk has concerning:

1. compliance with requirements of this ordinance and of the rules adopted by the Clerk; and
2. qualification for receiving public matching is pursuant to this ordinance.

Sec. 22-38. Eligibility

To be eligible for public matching funds under this section, a candidate cannot solicit or direct any funds in connection with any election other than funds permissible under this section and each candidate for nomination or election must:

(a) Meet all requirements of law, as established in this section and of any other applicable laws, to have his or her name on the ballot;

(b) Be a qualified candidate for one office: County Board President, Assessor, Treasurer, State's Attorney, Clerk, Clerk of the Circuit Court, Sheriff, Board of Review, or County Commissioner;

(c) Elect to participate in the public financing system established by this section by filing a written certification and affidavit in such form as may be prescribed by the Clerk, which sets forth his or her acceptance of and agreement to comply with the terms and conditions for the provision of such funds;

(d) Obtain and furnish to the Clerk any evidence it may reasonably request relating to his or her political campaign expenditures or contributions and furnish such other proof of compliance with this section as may be requested by the Clerk;

(e) Not form or use more than one political committee pursuant to Section 22-37(a);

(f) Identify accurately in all political campaign materials, including but not limited to television and radio advertisements, yard signs, billboard and other outdoor advertising, and flyers and other literature, the person or entity that paid for the campaign material;

(g) Meet the threshold for eligibility set forth in Section 22-39;

(h) Not accept, either directly or by transfer, any contribution, loan, guarantee, or other security for such loan from any political committee or party for all covered elections held in the same calendar year in which he or she is a participating candidate;

(i) Not accept, either directly or by exchange, any contribution, loan, guarantee, or other security for the loan from any corporation, limited liability company, limited liability partnership or partnership;

(1) But if a contribution is from a contributor whose name is followed by a professional designation including but not limited to "M.D.", "Esq.", and "C.P.A." the FE Board shall not treat the contribution as coming from a corporation, limited liability company, limited liability partnership or partnership in the absence of further indicia that the contribution is from such an entity.

(2) This section does not prohibit a candidate from accepting individual contributions aggregated through independent Internet sites, if the donor is an individual whose contribution would otherwise be qualifying under the terms of this section;

(j) Agree not to accept, either directly or by exchange, any contribution in an election from a natural person who has business dealings with Cook County including lobbyist;

(k) Fulfill the requirements of this ordinance including payment of any penalties as determined by the Clerk and the Illinois Board of Elections;

(l) Satisfy any claim made by the Clerk for the payment of civil penalties or repayment of public funds that remains outstanding against such candidate from a prior covered election, if (i) the candidate had written notice of such potential claim and ineligibility to receive public funds prior to filing a written certification for the current covered election, or (ii) in the event no such timely notice has been given, the candidate has been given an opportunity to present to the Clerk reasons he or she should be eligible to receive public funds; and

(m) Each participating candidate and his or her principal committee shall inquire of every individual or entity making a contribution, loan, guarantee or other security for such loan prescribed by the Clerk, as to whether such individual has business dealings with the County, and, if so, the name of the agency or entity with which such business dealings are or were carried on and the appropriate type or category of such business dealings..

Sec. 22-39. Threshold for Eligibility

The threshold for eligibility for public funding for candidates in general election cycle for the following offices shall be:

County Board President in an election, not less than \$150,000 from at least 1,000 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Assessor in an election, not less than \$100,000 from at least 670 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

State's Attorney in an election, not less than \$100,000 from at least 670 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Sheriff in an election, not less than \$100,000 from at least 670 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Board of Review in an election, not less than \$50,000 from at least 333 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Treasurer in an election, not less than \$50,000 from at least 333 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Clerk in an election, not less than \$50,000 from at least 333 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Clerk of the Circuit Court in an election, not less than \$50,000 from at least 333 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the County of Cook;

Cook County Commissioner in an election, not less than \$20,000 from at least 133 matchable contributions made up of sums of up to \$150 per individual contributor who resides in the respective Commissioner District;

A candidate for election to an office in a general election cycle who has elected to participate in the public financing system shall not be deemed opposed and receive public matching funds unless there is at least one other candidate for the office in the election who raises at least 10% of the participating candidate's total amount of public matching funds nine months prior to the election receipt limit established under Section 22-40.

22-40. Qualified campaign expenditures.

(a) Public matching funds may only be used for expenditures in furtherance of the candidate's nomination or election no earlier than nine months before and ending ninety days after the date of the election cycle for the office sought, for services, materials, facilities or other things of value or, in the case of a special election, for expenditures during the period commencing nine months before and ending ninety days after the special election.

(b) Public matching funds may not be used for activities that are not in furtherance of a political campaign, which includes but is not limited to the following:

1. an expenditure in violation of any law;
2. a payment or anything of value given or made to the candidate, a relative of the candidate, or to a business entity in which any such person has a 10% or greater ownership interest or of which any such person is an officer, director or employee;
3. a payment in excess of the fair market value of services, materials, facilities or other things of value received in exchange;
4. an expenditure made after the participating candidate, or the only remaining opponent of the candidate, has been disqualified;
5. an expenditure made to challenge the validity of any petition of designation or nomination or any certificate of nomination, acceptance, authorization, declination or substitution;
6. a gift, except for brochures, buttons, signs and other political campaign materials and token gifts valued at not more than \$50 that is for the purpose of expressing gratitude, condolences, or congratulations;
7. an expenditure to defray the normal living expenses of the candidate, immediate family of the candidate or any other individual except for the provision of the expenses for professional staff as part of a compensation package;
8. a residential or household item, supply or expenditure; clothing, haircut and other personal grooming;

9. a funeral, cremation or burial expense including an expense related to a death within a candidate's or officeholder's family;
10. an automobile purchase;
11. a long-term lease
12. tuition payment and childcare cost;
13. dues, fees or gratuities at a country club, health club, recreational facility or other nonpolitical organization unless part of a specific fundraising event that takes place on the organization's premises;
14. admission to a sporting event, theater, concert or other entertainment event not part of a specific campaign activity;
15. an expenditure for non-campaign related travel, food, drink or entertainment; if a candidate uses campaign funds to pay expenses associated with travel that involves both personal activities and political campaign activities, the incremental expenses that result from the personal activities are deemed for personal use unless the candidate benefiting from the use reimburses the campaign account within 30 days for the full amount of the incremental expenses;

(d) There is a rebuttable presumption that the following expenditures are in furtherance of a political campaign for elective office; that the presumptions contained in this subparagraph do not apply to an expenditure to a person associated with the candidate; and in rebutting the presumption the Clerk may consider factors including the timing of the expenditure and whether the political campaign had an unusually high amount of spending on a particular type of expenditure:

1. computer hardware, software, and other office technology purchased more than 14 days before the date of a municipal election, in the case of a candidate who was not opposed in the municipal election;
2. contributions to candidates and political committees subject to this ordinance;
3. contributions to charitable organizations designated as Section 501(c)(3) organizations pursuant to the federal Internal Revenue Code;
4. costs incurred in demonstrating eligibility for the ballot or public matching funds pursuant to this ordinance or defending against a claim that public matching funds received pursuant to this ordinance must be repaid;
5. expenditures in connection with community events hosted by civic and neighborhood associations; but not sporting events, concerts, theater, or other entertainment events that are subject to the section;
6. food and beverages provided to campaign workers and volunteers;
7. legal defense of a non-criminal matter arising out of a political campaign; payment of non-criminal penalties or fines arising out of a political campaign;

8. a post-election event for staff members, volunteers, or supporters held within 30 days after the election; and
9. travel related solely and exclusively to a political campaign for a covered office or the holding of public office.

22-41. Public financing.

(a) The participating committee of each participating candidate is entitled to six dollars in public matching funds for each one dollar obtained, up to \$150, and reported to the Clerk in accordance with this ordinance, but the public matching funds may only be used for qualified campaign expenditures. To qualify as a matchable contribution, a contribution shall be made:

1. no earlier than nine months before and ending ninety days after the date of the election and only permitted after the election if a committee has incurred debt for the office sought; or
2. in the case of a special election, within three months before and ninety days after the date of the election and only permitted after the election if a committee has incurred debt for the office sought.

(b) Where the participating candidate is unopposed, the participating candidate may raise and spend an amount equal to twenty-five percent of the public matching funds receipt limit for the office.

(c) The Clerk shall adopt rules for the certification of the amount of public matching funds payable by the Cook County Comptroller from the FE Fund to a participating candidate that has qualified to receive the payment. The rules shall include the forms on which contributions and expenditures are to be reported, the periods during which the reports must be filed, and the verification required. The Clerk shall commence procedures that will make possible payment by the FE Fund within seven business days after receipt of the required forms and verifications but not sooner than 14 days after the last day to file petitions.

(d) Public funds will not be available to qualifying candidates prior to the 2020 election cycle.

22-42. Contribution and expenditure limitations.

(a) In any general election cycle, no contributor may make a contribution to any participating candidate or the candidate's participating committee, and no participating candidate or participating committee may accept any contribution from any contributor which, in the aggregate amount, is greater than \$500.

(b) In any general election cycle, there is no limitation on the amount of contributions under section (a) of this section that can be accepted by a participating candidate.

(c) A participating candidate may not accept matchable contributions earlier than nine months before and ending ninety days after the date of the municipal election for the office sought.

(d) A participating candidate is required to maintain a separate bank account for all matching funds.

22-43. Limitations on the receipt of public matching funds.

In a primary or general consolidated election, receipt of public matching funds by participating candidates shall not exceed the following amounts:

For President of the County Board, the sum of \$900,000;
For Assessor, the sum of \$600,000;
For State's Attorney, the sum of \$600,000;
For Sheriff, the sum of \$600,000;
For Board of Review, the sum of \$300,000;
For Treasurer, the sum of \$300,000;
For Clerk, the sum of \$300,000;
For Clerk of the Circuit Court, the sum of \$300,000;
For Commissioner, the sum of \$120,000.

22-44. Adjustment of values.

(a) No Later than March 1, 2024, and every fourth year thereafter in proportion to the change in the Consumer Price Index for this state as published by the United States Bureau of Labor Statistics, measured by comparing the consumer price index for the 12 months preceding the beginning of the calendar year against the calendar year 2016 consumer price index, the Clerk shall adjust: eligibility threshold values established in Section 22-39; contribution and receipt values established in Section 22-42; and limits for the receipt of public matching funds established in 22-43.

(b) The Clerk shall publish the adjusted values on its website. The adjusted values shall apply for the next general election cycle held before the next adjustment.

22-45. County Clerk, general powers and duties.

(a) The Clerk shall establish the Fair Election program and fund within six months after enactment of this ordinance.

(b) The Clerk shall receive funding from the County's general appropriations in an amount necessary to retain at least one program manager for program management.

(c) The inspector general shall forward all alleged violations of this ordinance and all complaints alleging violations to the Cook County Department of Human Rights and Ethics.

(d) Upon receipt of the Clerk's initial analysis of a complaint, the Cook County Department of Human Rights and Ethics shall determine whether or not the allegations, if true, would constitute a violation of this ordinance. If the Department of Human Rights and Ethics determines that the allegations, if true, would constitute a violation of this ordinance and that the allegations are supported by credible evidence, it shall direct the Clerk's office to conduct an investigation. If the Clerk determines that the allegations are either untrue or not supported by credible evidence, it shall direct the enforcement counsel not to conduct an investigation.

(e) Upon receipt of a written recommendation from the Department of Human Rights and Ethics, the Clerk shall accept, modify, or reject the recommendation no later than 60 days after receipt of the recommendation. In making its determination, the Clerk shall consider whether the complaint alleges a violation of the ordinance and whether the subject of the complaint has made a good faith effort to correct the violation.

(f) The Clerk may request, and shall receive, the assistance of the Cook County Sheriff and Sheriff's Police in any investigation it conducts.

(g) In addition to the enforcement powers, and any other powers and duties specified by law, the Clerk shall:

1. Adopt rules regarding reasonable times to respond to the requests;
2. Develop an interactive, searchable computer database that contains all information necessary for the proper administration of this ordinance that includes information on contributions to and expenditures by candidates and their authorized committees and payment of money from the FE Fund and is accessible to the public on the state board of elections and County Clerk websites.
3. Develop a program for informing and training candidates and the public as to the purpose and effect of this ordinance, including by means of a website;
4. Have the authority to adopt additional rules and prescribe such forms as the Clerk deems necessary for the administration of this ordinance;
5. Make public the questions of interpretation for which advisory opinions will be considered by the Clerk and its advisory opinions, including by publication on its website; and
6. Render advisory opinions with respect to questions arising under this ordinance upon the written request of a candidate, an officer of a political committee or member of the public, or upon its own initiative.

(h) The Clerk administration of the FE Fund and Fair Elections Program shall be governed by this ordinance.

(i) The Clerk may take other actions as are reasonable, necessary, and proper to carry out the purposes of this ordinance.

22-46. Examinations and audits.

(a) The Clerk may conduct a thorough examination and audit of the contributions and qualified campaign expenses of any participating committee of a participating candidate who receives payments pursuant to Section 22-41 at it deems necessary.

(b) A candidate who receives public matching funds may also be audited by the Clerk after the general election cycle. The cost of complying with a post-election audit shall be borne by the candidate.

(c) A candidate may use public matching funds, private funds, or a combination of public and private funds to comply with a post-election audit.

(d) The Clerk shall issue to each political campaign that is audited pursuant to this section the final post-election audit report that details its findings and shall provide the audit to the Cook County Board of Commissioners and make the audit report publically available on both the Clerk's and State Board of Elections' websites within two years after the municipal election.

(d) If the Clerk determines that any portion of the payment made to a participating committee from the FE Fund is in excess of the aggregate amount of payments to which the eligible candidate is entitled to, it shall notify the participating committee of the excess amount and the participating committee shall pay to the Clerk an amount equal to the amount of excess payments within 30 days.

(f) If the Clerk determines that any amount of payment made to a candidate from the FE Fund was used for purposes other than to defray qualified campaign expenses, it shall notify the participating committee of the amount disqualified and the participating committee shall pay to the Clerk an amount equal to the disqualified amount. The funds shall be deposited in the FE Fund. The candidate and the candidate's authorized committee shall be jointly and severally liable for any repayments due to the Clerk or FE Fund.

(g) If the total of contributions and payments from the FE Fund received by any participating candidate and the candidate's participating committee exceeds the public funding receipt limitation of the candidate and committee, the candidate and committee shall use the excess funds to reimburse the FE Fund for payments received by the committee from the FE Fund not later than 30 days after all permissible liabilities have been paid.

(h) Upon determination by the Clerk that a participant willfully delayed the post-election audit process, all unspent public matching funds for a participating candidate are immediately due and payable to the Clerk for deposit directly into the FE Fund through electronic transfer or by debit card upon the Clerk's determination that the participant willfully delayed the post-election audit process.

(j) A participating candidate may make post-election expenditures only for routine activities involving nominal costs associated with ending a political campaign and responding to the post-election Audit, including but not limited to expenditures related to an official vote recount or any legal challenge to such election in which the participating candidate was on the ballot.

(k) If a court of competent jurisdiction disqualifies a participating candidate from receiving public matching funds on the grounds that the participating candidate committed fraudulent acts in order to obtain a place on the ballot and the decision is not reversed by a higher court, the participating candidate and the participating candidate's participating committee shall pay to the Clerk an amount equal to the totality of public matching funds received by the participating committee.

(l) The Clerk shall provide written notice of all payments due from a participating candidate or the candidate's political committee to the Clerk and provide an opportunity for the candidate or committee to rebut, in whole or in part, the alleged amount due. Upon a final written determination by the Clerk, the amount due shall be paid to the Clerk within 30 days after the determination.

(m) All payments received by the FE Board pursuant to this section shall be deposited in the FE Fund.

22-47. Complaint filing authorization.

A resident of the County residing in the jurisdiction where a violation of this ordinance allegedly occurred and who is 18 years of age or older may file a complaint with the inspector general or the FE Board that alleges a violation of this ordinance no later than 180 days after the date of the alleged violation.

(a) A complaint filed under this section must satisfy all of the following requirements:

1. Be signed by the complainant;
2. State the name, address, and telephone number of the complainant; and
3. Include the complainant's certification that, to the best of the complainant's knowledge, and upon information and belief formed after a reasonable inquiry under the circumstances, each factual

contention of the complaint is supported by evidence or if, after a reasonable inquiry under the circumstances, the complainant is unable to certify that certain factual contentions are supported by evidence, the complainant may certify that, to the best of his or her knowledge, and upon information and belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

(b) The Clerk shall develop a form that satisfies the requirements of Section 22-47 (a) that may be used for the filing of complaints. The Clerk shall provide reasonable access to digital and physical copies of a complaint form.

(c) A person who files a complaint with a false certificate 22-47(a) is guilty of a misdemeanor and, in addition to other penalties as are provided by law, is subject to a fine not to exceed \$1,000.

22-48. Civil enforcement.

(a) A person or authorized committee who knowingly and willfully does not make a filing required by this ordinance is subject to a civil penalty not to exceed \$2,500.

(b) A person or authorized committee who knowingly and intentionally violates this ordinance other than as provided in subsection (a) or a rule adopted under this ordinance is subject to a civil penalty not to exceed \$2,500.

(c) The Clerk may impose fines authorized under this section only after a hearing at which the person or authorized committee is given an opportunity to be heard. For purposes of conducting the hearings, the Clerk shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding relating to the assessment of the civil penalties.

(d) The Clerk shall publish on its website the final order adjudicating any matter brought pursuant to this section, and will file with the Cook County Board of Commissioners that which will receive and file the order.

(e) All payments received by the Clerk pursuant to this section shall be deposited in the FE Fund.

22-49. Penalties.

(a) A person who knowingly and willfully does not make a filing required by this ordinance within 14 days after the required date or a person that otherwise knowingly and willfully violates this ordinance is guilty of a misdemeanor and, in addition to other penalties as are provided by law, is subject to a fine not to exceed \$2,500.

(b) A person who knowingly and willfully contributes, accepts, or aids or participates in the contribution or acceptance of a contribution in an amount exceeding an applicable maximum specified in this ordinance is subject to a fine not to exceed \$500.

(c) A person who knowingly and willfully makes a false statement or knowingly omits a material fact to the Clerk or an auditor designated by the Clerk during any audit conducted pursuant to this ordinance is guilty of a misdemeanor, and is subject to a fine not to exceed \$1,000.

(d) In addition to any other sentence lawfully imposed upon a finding of guilt in a criminal prosecution commenced pursuant to this section, the court may order a defendant to repay to the Clerk any public matching funds obtained as a result of any criminal conduct.

(e) All prosecutions for criminal acts under this ordinance shall be prosecuted by the Cook County State's Attorney.

(f) Fines imposed pursuant to this section shall be made payable to the Clerk for deposit into the FE Fund.

22-50. Reports

(a) The Clerk shall submit a report to the Cook County Board of Commissioners on or before the 45th day after the election cycle has ended under Section 22-40(b) every four years thereafter, which shall include:

1. a list of the participating and nonparticipating candidates in covered elections and the votes received by each candidate in those elections;
2. the amount of contributions and loans received, and expenditures made, on behalf of participating and nonparticipating candidates;
3. the amount of public matching funds each participating candidate received, spent, and repaid pursuant to this ordinance;
4. analysis of the effect of this ordinance on the election campaigns for all offices covered under Section 22-39 including its effect on:
5. the sources and amounts of private financing;
6. the level of campaign expenditures;
7. voter participation;
8. the number of candidates;
9. the candidates' abilities to campaign effectively for public office; and
10. the diversity of candidates seeking and elected to office;
11. recommendations for changes to this ordinance, including changes in 12.contribution limits, and thresholds for eligibility and limits on total public matching funds, and on the institution of a program of full public campaign financing for election for all statewide offices; and
13. any other information that the FE Board deems relevant.

22-51. Reserved

22-52. Payments from the Cook County Fair Elections Fund.

(a) Funds may not be paid to participating candidates any earlier than 14 days after the last day to file designating petitions for the municipal election.

(b) Funds may not be paid to any participating candidate who has been disqualified by the Clerk or whose designating petitions have been declared invalid by the Chicago Board of Elections, the Cook County Clerk, or the Illinois Board of Elections or a court of competent jurisdiction. A payment from the FE Fund in the possession of a participating candidate or a participating candidate's authorized committee on the date of the disqualification or invalidation may not thereafter be expended for any purpose except the payment of liabilities incurred before that date. A disqualified candidate shall return all excess public money received by the disqualified candidate to the Clerk not less than 30 days after the municipal election for those participating candidates who receive public money for the election.

(c) Participating candidates shall pay to the Clerk unspent public matching funds from a primary or general consolidated election not later than 30 days after all their liabilities for such election have been paid, and in any event, not less than 20 days after the date upon which the FE Board issues its final audit report for the participating candidate's committee.

(d) Unspent public matching funds determinations made by the Clerk shall be based on the participating candidate committee's receipts and expenditures. The clerk may also consider any other relevant information revealed in the course of its audits or investigations or the investigations by any other agency. The Clerk may require candidates maintain public matching funds in a separate account.

(e) A participating candidate may not use receipts for any purpose other than disbursements in a general election cycle or for the post-election expenditures pursuant to this section until all unspent public campaign funds have been repaid. There is a rebuttable presumption that a post- election expenditure is not for the preceding municipal election

(f) Before repaying unspent public campaign funds, a participating candidate may make post-election expenditures only for routine activities involving nominal costs associated with winding up a political campaign and responding to the post-election audit. The expenditures may include:

1. payment of utility bills and rent;
2. reasonable staff salaries and consultant fees for responding to a post-election audit;
3. reasonable moving expenses related to closing a campaign office;
4. a holiday card mailing to contributors, campaign volunteers, and staff members;
5. thank you notes for contributors, campaign volunteers, and staff members;
6. payment of taxes and other reasonable expenses for compliance with applicable tax laws; and
7. interest expenses.

(g) Routine post-election expenditures that may not be paid for with unspent campaign funds include: post-election mailings other than as specifically provided for in this section;

1. campaign contributions;
2. bonus payments or gifts to staff members or volunteers; or

3. holding a post-election day event that includes meals, parties, or transition or inauguration activities.

(h) All funds received by the Clerk pursuant to this section shall be deposited into the FE Fund.

(i) The Clerk shall establish a schedule for the submission of matching funds payment request, permitting a participating candidate to submit a matching funds payment request at least once per month, in accordance with a schedule established by the Clerk.

(j) In the event that 90% of the existing fund has been distributed, the Clerk shall give notice within 24 hours to all candidates that only 10% of the Fund remain. Thereafter, the Clerk shall make no further matching funds payments until after election day and it shall only pay any requests submitted after notice has been distributed under this subsection (j) proportionally, spread over all candidates and requests equally, in a manner to be determined in greater detail pursuant to the rules adopted by the Clerk.

22-53. Proceedings on public financing.

(a) A candidate who believes that the Clerk has made an incorrect and harmful determination of eligibility, against him or her and or regarding a question or issue relating to payments for qualified campaign expenditures may initiate an appeal procedure to the Clerk. If a candidate disagrees with the findings after the appeal procedure, the candidate may contest the determination by commencing a proceeding in Circuit Court.

(b) A proceeding with respect to a determination of eligibility of payment for qualified campaign expenditures must be commenced within seven days after the determination is made. The Clerk shall be made a party to the proceeding.

(c) If the Clerk does not receive the amount due from a participating candidate or a candidate's political committee after the issuance of written notice of the amount due, the Clerk may commence a special proceeding or civil action to obtain a judgment for any amounts determined to be payable to the Clerk as a result of an examination and audit made.

(d) The Clerk may commence a special proceeding or civil action to obtain a judgment for civil penalties determined to be payable to the Clerk. Litigation costs associated with a special proceeding or civil action are not qualified expenditures for the purposes of this ordinance.

22-54. Cook Fair Elections Fund.

There is created a Fair Election Fund as a special non-lapsable trust in the office of Cook County Comptroller. The fund is established for:

(a) Providing public financing for the election campaigns of participating candidates under this ordinance;

(b) Paying for administrative and enforcement costs of the Clerk related to the matching funds program created by this ordinance;

(c) The Cook County Board of Commissioners may annually appropriate one million and five hundred thousand dollars per year to the FE Fund;

(d) The FE Fund shall begin collecting revenue thirty days after enactment of this ordinance or for the next appropriation made to the County Clerk;

(e) Funds in the FE Fund shall be kept separate from and not commingled with other funds held in the custody of the County Comptroller and shall include all other revenue that includes but not limited to fines, funds returned by candidates, or voluntary donations made to the Fund;

(f) Funds shall be paid out of the FE Fund by the County Comptroller on vouchers certified or approved by the Clerk established pursuant to or in the manner prescribed by law, not more than seven business days after a voucher is duly certified, approved, and executed by the Clerk in the form prescribed by the County Comptroller;

(h) FE funds may not be paid to a participating candidate any earlier than fourteen days after the last day to submit petitions for candidacy;

(i) FE funds may not be paid to a participating candidate who has been disqualified or whose designating petitions to the Board of Election Commissioners, Illinois Board of Elections, County Clerk or a court of competent jurisdiction has declared invalid. A payment from the FE Fund in the possession of the candidate or candidate's participating committee on the date of the disqualification or invalidation may not thereafter be expended for any purpose except the payment of liabilities incurred before that date. All other money shall be repaid to the FE Fund.

22-55. Applicability.

Candidates for offices under Section 22-43(a) may participate in the Fair Elections Program for the 2020 general election.

22-56. Severability.

If any clause, sentence, subdivision, paragraph, or section of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, or section thereof directly involved in the controversy in which the judgment is rendered.

Effective date: This ordinance shall be in effect on December 1, 2017.