

Democratic Renewal: A Call to Action from America's Heartland

Illinois

Summary of Findings, Policy Advances, and Recommendations

Findings

1. Despite the adoption in recent years of several important changes in Illinois' campaign finance law, the statute remains one of the least restrictive in the nation.
2. Illinois' campaign finance laws have contributed significantly to skyrocketing campaign costs, the growing role and influence of large individual and interest group donors in state elections, and the marginalization of small donors.
3. The state's deserved reputation for official corruption and pay-to-play politics—which is alive and well today—can be largely traced to Illinois' notoriously weak campaign finance, ethics, hiring, leasing, and contracting laws and procedures as well as ineffective regulatory, investigative, and enforcement structures and processes.
4. Over the past 20 years, the state's campaign finance laws (which heavily favor incumbent officeholders) and partisan redistricting procedures have combined to significantly reduce the number of competitive elections for state offices, especially for House and Senate seats.
5. The state's campaign finance laws have empowered legislative leaders at the expense of rank-and-file members whose political independence, policy judgments, and committee assignments are often circumscribed by their financial dependence on those leaders.
6. Like Illinois' porous campaign finance laws, the state's weak lobbyist laws are a model of vagueness and inconsistency.
7. Fueled by huge interest group contributions, increased partisanship, ideological considerations, and hot button issues (such as tort reform), recent judicial elections in Illinois, especially at the appellate level, have become distressingly expensive, partisan, and uncivil—a trend which, if left unchecked, has the potential of permanently undermining the independence of the judiciary.
8. Illinois' election laws are designed to keep third-party candidates off the ballot and despite improvement, still place undue restrictions on individuals seeking to register to vote. Additionally, many jurisdictions in Illinois failed to fully prepare themselves for the 2006 implementation of the Help America Vote Act.

9. By failing to provide citizens with the information necessary for informed participation in the political process and the civic life of their communities, Illinois' commercial television stations are not fulfilling the public interest obligations they accept in exchange for their broadcast licenses.

Policy Advances and Recommendations

Campaign Finance

Disclosure and Administration

Advances

- The basic law governing campaign finance in Illinois was enacted in 1976 and was not modified in any significant way until a shift from annual to semi-annual reports in 1992.
- In 1998 the electronic filing of campaign finance reports and their posting on-line were mandated.
- In 1998 campaign finance reports were required to list occupation and employer information for individual donors of more than \$500.
- In 2003 groups running ads that mention the name of a candidate in the weeks before an election were required to disclose the source of funds that paid for the communication.
- In 2003 groups financing political communications (mailings, telephone calls, Websites, and other messages) were required to acknowledge in the ad that they paid for the communication.
- In 2003 not-for-profit corporations that make contributions to political committees were required to disclose the source of the funds given to PACs.

Recommendations

- Require the State Board of Elections to provide written opinions in support of their decisions and make these decisions available electronically.
- Tighten reporting requirements to capture the original source of contributions.
- Increase the frequency of campaign finance reporting (from two to four times annually).

- Create a system of rolling A1's throughout the year, so that contributions in excess of \$1,000 are reported electronically within 48 hours of receipt.
- Expand the State Board of Elections' enforcement and investigative authority.

Regulating Campaign Contributions

Advances

- The campaign finance law adopted in 1974 contained no prohibitions on who or what could contribute to a political campaign and no limits on how much can be contributed.
- In 2003 the ban on soliciting or receiving contributions on state property was adopted.
- In 2003 a ban on candidates holding political fundraisers in Sangamon County (where state capital is located) on days when the Legislature is in session was adopted for the time period of February 1 through the adjournment of the spring session.

Recommendations

- Introduce legislation outlawing political contributions from corporations, associations, or individuals who have contracts with state or local government—"pay to play."
- Establish reasonable and differentiated limits on contributions to candidates by individuals, political committees, and parties.
- Limit contributions (and fund transfers) by individuals and political committees to state party and other political committees.
- Ban corporate and labor union contributions (except through PACs)—or in lieu of a comprehensive ban, restrict contributions by businesses that have state contracts or are regulated by the state (such as utilities and gaming interests).
- Place a ceiling on aggregate contributions from an individual to all state candidates during a two-year election cycle.
- Introduce a system of voluntary public financing for Appellate and Supreme Court candidates.
- Limit spending of campaign funds to purposes directly related to elections or constituent services.

Ethics

Advances

- In 1998 a ban on the personal use of campaign funds by candidates was adopted. The law was clarified in 2003.
- In 1998 a gift ban law was enacted that prohibited gifts from contractors and others to public officials and employees. The law also placed limits on gifts and meals from lobbyists to public officials and employees. This law was strengthened in 2003.
- In 2003 bipartisan ethics commissions were created to rule on ethics disputes within the executive branch and the constitutional offices.
- In 2003 offices of Inspector General were created within state agencies and constitutional offices to provide independent investigations of claims with issues of official misconduct and disputes over ethics.
- In 2003 annual ethics training was mandated for all state employees.
- In 2003 the law prohibiting public employees from doing political work on taxpayer time was clarified and extended to local governments.
- In 2003 the law prohibiting candidates for public office from offering and promising any state action in connection with the solicitation of campaign contributions was clarified.
- In 2005 the Secretary of State was required to post the Statements of Economic Interest filed by public officials and state employees on-line using PDF files. A searchable database was not required.

Recommendations

- Introduce legislation outlawing political contributions from corporations, associations, or individuals who have contracts with state or local government—“pay to play.”
- Publicly disclose the investigative findings reached by the Illinois Executive Ethics Commission and the Illinois Executive Inspector General.
- Require a “cooling off” period before legislators and state employees can become lobbyists.
- Reform the state’s pension, investment, and purchasing procedures.

Transparency and Open Government

Advances

- Illinois' Open Meetings Act was enacted in 1957. Only minor modifications in the law have been enacted.
- Illinois' Freedom of Information law was enacted in 1984. Most modifications in the law since its adoption have been made to provide for exemptions.
- In 1998 the electronic filing of campaign finance reports and their posting on-line were mandated.
- In 2003 the Secretary of State was required to post lobbyist registrations in an on-line, searchable database.
- In 2005 the Secretary of State was required to post the Statements of Economic Interest filed by public officials and state employees on-line using PDF files. A searchable database was not required.

Recommendations

- Increase transparency so that contractor, campaign finance, and lobbyist databases interface.
- Require elected and appointed officials to file more detailed and frequent statements of economic interests.
- Improve public access to information on campaign finance, state contracts, lobbyist activities, and the personal economic interests of public officials through the development of interlocking, on-line databases.
- Strengthen the state's FOIA and Open Meetings laws:
 - The Public Access Coordinator in the Attorney General's Office should have enforcement authority. Currently, s/he can recommend specific actions but cannot compel a governmental body to produce a document. The PAC position has become a paper tiger and does not deliver what it promised.
 - Open Meetings Act enforcement needs improvement, especially at the local level, where it's not unheard of to see all of the members of a public body communicate with each other by e-mail before a meeting, while not inviting the public to contribute to the discussion at that point.
 - Complex FOIA requests should have a non-judicial resolution process, something like Alternative Dispute Resolution, to speed the release of documents, or to sooner let the public know what's out of bounds.

- The state has no clear policy for retention of electronic communications. The state archives apparently accepts electronic documents, then prints them out and destroys the electronic version.
- Fees related to FOIA requests are unregulated and vary wildly. Some local bodies charge fees based not only on their copying costs but also on the staff time needed to collect and prepare the documents. These costs can be prohibitive for ordinary citizens.

Redistricting

Advances

- The 1970 state constitution only requires legislative districts to be compact and contiguous. It is silent on congressional redistricting.
- The redistricting process for legislative districts provides for the breaking of a deadlock on producing a new map by the drawing of lots. In three of the four redistricting processes since 1970, a name drawn out of a hat has given one political party complete control over the drawing of the new legislative map.
- No changes in the redistricting process have been adopted since the 1970 constitution took effect.

Recommendations

- Establish an independent, bi-partisan commission to oversee the redistricting process.
- Establish a redistricting process that reduces partisan considerations in drawing boundaries, promotes election competition, and respects minority-voting rights.
- Mandate that redistricting occur only once a decade.

Regulating Lobbying

Advances

- The basic law requiring lobbyist registration and reporting was enacted in 1970.
- In 1993 lobbyist registration and the required reporting of lobbying expenses were significantly strengthened.

- In 2003 the Secretary of State was required to post lobbyist registrations in an on-line, searchable database.
- In 2004 the law barring lobbyists from working on a contingency basis for legislative lobbying was extended to apply to lobbying on executive and administrative actions.

Recommendations

- Require a “cooling off” period before legislators and state employees can become lobbyists.
- Tighten up the state’s lobbyist disclosure requirements and enforcement of the Lobbyist Registration Act.
 - Require lobbyists to disclose the terms of their contracts with clients, including their fees and who exactly they lobby.
 - Clearly define who must register as a lobbyist.
 - Broaden the lobbyist requirements to cover those seeking to influence the decisions of state boards, agencies, and commissions.

Judicial Elections and Judicial Independence

Advances

None. Since the adoption of the 1970 Illinois State Constitution, judges who stand for election operate under the same wide-open, unrestricted campaign finance system that governs statewide, legislative, and local elections.

Recommendations

- Institute a voluntary public financing system for state Supreme Court elections.
- Institute contribution limits for all judicial candidates.
- Replace retention elections for incumbent Cook County judges with a new system of performance-based retention.
- Establish a transparent and standardized process for filling judicial vacancies through commission-based recommendations.
- Broaden the State’s fledgling electronic voters’ guide to include appellate and circuit court judicial candidates.

Election Participation and Administration

Advances

- In 2005 the State Board of Elections was required to post a voters' guide for statewide and appellate judicial candidates on the Internet.

Recommendations

- Adopt election-day voter registration.
- Strengthen the technical capacity and oversight of election jurisdictions.
- Remove excessive ballot access barriers for third-party candidates by reducing the number of signatures required.
- Clarify and streamline the formal requirements for petitions, stating in plain language what minimum standards will qualify a petition for acceptance.
- Broaden the state's fledgling electronic voters' guide to include all General Assembly candidates.
- Expand the state's electronic voters' guide to include legislative and judicial candidates.
- Allocate additional resources for the training of election judges and improve election-day training for judges of elections and other front-line personnel.
- Consider developing a master election judge program.
- Standardize the implementation of early and provisional voting.

Media

Advances

None.

Recommendations

- Establish minimum airtime requirements on television and radio stations for candidate-centered and issue-centered programming prior to primary and general elections.

- Create a voucher system for the purchase of commercial broadcast airtime for political advertisements, financed by an annual spectrum-use fee on all broadcast license holders.
- Revise and expand the lowest unit cost provision applicable to political campaign advertisements.
- Clarify and enforce the public interest obligations of broadcasters, especially as they relate to coverage of state and local elections.
- Streamline the license renewal process by requiring broadcasters, among other things, to document how they have fulfilled their public interest obligations.
- Provide a state subsidy for the operation and expansion of the *Illinois Channel*.

###