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Campaign Finance Reform Paula Lawson, Issues Specialist

Contribution Limits

In the fall of 2009, major campaign finance reform legislation (PA 96-0832) became law. Taking effect on January 1, 2011, it fundamentally changed how Illinois regulates money that is used to influence politics. The legislation places limits on contributions that individual, corporations, unions and associations, and PACs can make to candidates and political parties in primary and general elections. There are also limits for contributions to candidates placed on political party and legislative caucus committees during primary elections but not in general elections. The LWVIL along with our coalition partners will continue to work for legislation that would place limits on political party and legislative caucus committees to candidates for general elections.

Campaign Finance Reform Special Task Force

Public Act 96-832 also established a Campaign Finance Reform Special Task Force. This Task Force is charged with examining the impact of PA 96-832 and the feasibility of public financing of election campaigns. In October 2011, it approved a recommendation for a legislative change to exempt the treasurer of a political committee from needing to detail the names and addresses of people who purchase a raffle ticket not exceeding \$20. The Task Force felt it was overly burdensome to keep a detailed record of small donations, often given in cash.

A report on public campaign financing as required by the legislation was issued by the task force on December 31, 2011. The report is a good summary of the legal context around public financing, of the reasons for supporting and opposing public financing, of the many viable policy options available to the General Assembly as they craft a public financing plan, and of the broad public support for the concept. The LWVIL presented testimony supporting public financing at a December 15, 2011 hearing. That testimony was included in the task force report sent to the Governor, the General Assembly and the State Board of Elections.

Illinois Government Transparency Conference

On November 16, 2011, an Illinois Government Transparency Conference was sponsored by the Robert R. McCormick Foundation. Conference participants enumerated the problems, challenges and opportunities with transparency and open government in Illinois. Topics included the Freedom of Information Act (FOIA), the Open Meetings Act, Campaign Finance Reform and Ethics Disclosure. The group brainstormed about solutions to the problems with openness and then talked about what actions could be taken to improve openness and the timeframe in which solutions could be accomplished. The next steps are to identify groups that can work on the various solutions and reconvene a meeting with more stakeholders present to set up a plan to work on the transparency issues.

Freedom of Information Act (FOIA)*

Governor Quinn signed HB 1716, a bill changing the Freedom of Information Act, on August 26, 2011. It is now Public Act 97-0579 with an effective date of August 26, 2011. This Legislation weakening FOIA comes just two years after legislation to strengthen it was passed.

The changes in HB 1716, which take effect immediately, include the following:

--- Every public body covered by FOIA will be allowed to charge businesses the "actual cost" of locating and transporting any public record stored away from the central office. The retrieval fee is unlimited; there is no requirement that public bodies give requestors an estimate of the cost in advance of complying with such a records request; and the bill does not state how "actual cost" would be determined. Given historical problems with FOIA compliance, including how per-page copying fees varied widely prior to a 2009 statutory update, it is important to provide public bodies with limits and direction on these new charges.

--- The Public Access Counselor in the Attorney General's Office no longer will consider appeals of denied FOIA requests by those commercial requestors. Because the filing of a lawsuit would be the only opportunity for commercial requestors to appeal a denial, this change may result in public bodies treating commercial purpose requests differently than non-commercial ones.

--- Public bodies will be allowed to place individuals who submit to a public body as few as seven requests in a week or 15 in a month into a new subcategory known as “recurrent requestor.” Once receiving a request from such an individual, public bodies would have no statutory limit on the amount of time they could take to comply with such open records requests. The bill only requires that public bodies provide requested records within a “reasonable” amount of time but does not define "reasonable." Under the law, public bodies have a maximum of 5 days, with the option for a 5-day extension, to respond to FOIA requests by all other citizens. The news media, academics and researchers are exempted from being placed in this category, which means only laypeople are targeted in this new subcategory.

*Source: ICPR Says Gov. Quinn Has Weakened Public Information Law, Press Release, August 26, 2011