

Re-Order in the Court: Illinois Restricts Some Judicial Contributions

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Last November, Illinois Governor J.B. Pritzker signed a bill into law making several changes and additions to the state's election laws. While some portions of the law affect broader issues like voter registration and disability access, one important set of provisions targets judicial campaign contributions.

The new law bars candidates for Illinois judgeships from accepting contributions from entities (e.g., 501(c)(4) nonprofit organizations) that do not disclose the identities of the underlying individuals/entities who have themselves contributed to the organization, when such contributions would otherwise need to be itemized under Illinois law. Proponents of the law have claimed that this measure is necessary to help reduce the influence of so-called "dark money" on campaigns. This is particularly important, some have argued, because of the outsized role such funds allegedly played in defeating an Illinois Supreme Court Justice's retention bid in 2020. Opponents of the law, however, disagree not only with the additional regulation of speech generally, but they have also pointed out how ineffective the law is at addressing the purported problem. The law generally restricts only contributions made to the candidates themselves – rather than the third-party groups who often spend the most money in the campaigns – and the use of certain terms of art in the statute might mean that most nonprofit organizations can still contribute to judicial candidates even if they do not reveal their members.

Another provision getting attention – and that will likely draw a constitutional challenge – is a prohibition on judicial candidates accepting contributions from out-of-state entities. When other jurisdictions have enacted similar laws, courts have stepped in to declare them unconstitutional. The law also contains several other

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provisions reaffirming the prohibition on the making of anonymous contributions and making contributions in the name of another.

The law went into effect last year. The new law is available [here](#).