



**PRESS RELEASE from
LIBERTY JUSTICE CENTER**

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Judge orders suspension of two Illinois laws limiting judicial campaign contributions

CHICAGO (Oct. 17, 2022) — With three weeks until the election, a federal judge in Illinois has blocked two laws restricting contributions in judicial campaigns. The laws restrict contributions only in judicial campaigns by prohibiting out-of-state donations to candidates and placing arbitrary limits on contributions to independent expenditure committees. The limits violate free speech rights provided by the First Amendment of the U.S. Constitution.

Matt Chancey, a former Illinois resident, Fair Courts America, and Restoration PAC are represented by attorneys from the Liberty Justice Center, a national, nonprofit law firm dedicated to protecting Americans' constitutional rights. They sued the Illinois State Board of Elections, members of the Board, and Illinois Attorney General Kwame Raoul in the U.S. District Court for the Northern District of Illinois on August 3, 2022.

Jeff Schwab, senior attorney at the Liberty Justice Center, said:

"The Court has correctly prevented Illinois from enforcing two laws by acknowledging that they likely violate American's free speech rights protected by the United States Constitution.

"Illinois claims the ban on contributions to judicial candidate by out-of-state donors is necessary to prevent corruption but has failed to show that out-of-state contributions are more corrupting than in-state contributions. Illinois' limit on the amount one can contribute to independent expenditure committees that support judicial candidates is completely arbitrary because the law provides many ways of circumventing that limit."

In the order, U.S. District Court Judge John J. Tharp, Jr. said:

"The special nature of judicial elections does not justify Illinois' differential treatment of in-and out-of-state contributors..."

"The State does not (and cannot) explain why money is more corrupting simply because its source is from outside the state..."

"Illinois' exclusive targeting of out-of-state contributions raises a serious red flag that it is actually animated by what prospective out-of-state contributors have to say—or the ideologies of the judges whom they may tend to support—rather than public confidence in its judiciary."

“In sum, the State has not sufficiently explained how the \$500,000 limit on IEC contributions accomplishes anything other than imposing some burden on plaintiffs’ exercise of their speech and associational rights.”

Background

Senate Bill 536, enacted in Nov. 2021, prohibits candidates for Supreme Court, Appellate Court, or Circuit Court from accepting “contributions from any out-of-state person.” The U.S. Supreme Court has said that “the First Amendment stands against ... restrictions distinguishing among different speakers, allowing speech by some but no others.” The government cannot place restrictions on one group of people—in this instance “out-of-state persons.” This is a clear violation of the First Amendment rights of Americans to support or oppose Illinois judicial candidates.

Enacted in May 2022, House Bill 0716 says any independent expenditure committee to support or oppose a judicial candidate “may not accept contributions from any single person in a cumulative amount that exceeds \$500,000 in any election cycle.” It also requires that any amount received that exceeds \$500,000 must be immediately forwarded to the State Treasurer who will deposit the funds into the State Treasury. Only committees for judicial candidates are restricted by Illinois law. Similar groups established to support any other candidate may receive an unlimited amount of money from any person.

The lawsuit, *Chancey v. Illinois State Board of Elections*, was filed Aug. 3, 2022, in the United States District Court for the Northern District of Illinois, Eastern Division. Case filings are available here: <https://libertyjusticecenter.org/media/illinois-campaign>

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect fundamental constitutional rights. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).