



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1330

Introduced 2/9/2017, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

- 10 ILCS 5/Art. 29D heading new
- 10 ILCS 5/29D-5 new
- 10 ILCS 5/29D-10 new
- 10 ILCS 5/29D-15 new
- 10 ILCS 5/29D-20 new
- 10 ILCS 5/29D-25 new
- 10 ILCS 5/29D-30 new
- 10 ILCS 5/29D-35 new
- 10 ILCS 5/29D-40 new
- 10 ILCS 5/29D-45 new
- 10 ILCS 5/29D-50 new

Amends the Election Code. Sets forth requirements for disclosure of certain donor information in campaign advertisements. Sets forth requirements for radio, telephonic, television, video, and mass mailing advertisements. Requires advertisements to disclose information concerning donors to the political committees. Requires political committees to create a disclosure website to list more donor information. Allows the State Board of Elections to adopt rules for other forms of advertisement. Sets forth requirements for updates of the information. Requires certain information to be filed with the Secretary of State.

LRB100 09883 MLM 20054 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by adding Article
5 29D as follows:

6 (10 ILCS 5/Art. 29D heading new)

7 ARTICLE 29D. CAMPAIGN ADVERTISEMENT DISCLOSURES

8 (10 ILCS 5/29D-5 new)

9 Sec. 29D-5. Definitions. As used in this Article:

10 "Advertisement" means a general or public advertisement
11 that is any of the following:

12 (1) Authorized and paid for by a person or committee
13 for the purpose of supporting or opposing a candidate for
14 elective office or a ballot measure or ballot measures.

15 (2) An electioneering communication.

16 (3) An issue advocacy advertisement.

17 "Advertisement" does not include a communication from an
18 organization other than a political party or minor political
19 party to its members, a campaign button smaller than 10 inches
20 in diameter, a bumper sticker smaller than 60 square inches, or
21 other advertisement as determined by regulations of the
22 Commission.

1 "Cumulative contributions" means the cumulative amount of
2 contributions received by a political committee beginning 18
3 months prior to the date the political committee made its first
4 expenditure for a political advertisement or for the purpose of
5 qualifying, supporting, or opposing a candidate for elective
6 office or a ballot measure.

7 "Disclosure website" means a political committee's
8 Internet website for a specific campaign that discloses the top
9 identifiable contributors to that committee for that campaign.

10 "Disclosure threshold" means \$10,000 in the case of a
11 campaign regarding a statewide ballot measure or a State
12 candidate or in the case of a statewide issue advocacy
13 advertisement, or \$2,000 in the case of a campaign regarding a
14 local ballot measure or a local candidate or in the case of a
15 local issue advocacy advertisement.

16 "Electioneering communication" means a communication that
17 clearly identifies a candidate for elective state office, but
18 does not expressly advocate the election or defeat of the
19 candidate, and that is disseminated, broadcast, or otherwise
20 published within 45 days of an election.

21 "Identifiable contributor" means a person that is the
22 original source of contributions received by a political
23 committee that cumulatively meet or exceed the disclosure
24 threshold, notwithstanding the fact that the contributions
25 were transferred, in whole or in part, through one or more
26 other political committees or persons.

1 "Issue advocacy advertisement" means an advertisement that
2 clearly refers to and reflects a view on the subject matter,
3 description, or name of a pending legislative action,
4 administrative action, or one or more ballot measures and does
5 any of the following:

6 (1) Can only be reasonably interpreted as an appeal for
7 the recipient of the advertisement to take action by
8 contacting an employee or elected official of the state
9 government or any local government or encouraging others to
10 contact those persons.

11 (2) Refers to a pending legislative action and is
12 disseminated, broadcast, or otherwise communicated within
13 60 days of the end of the legislative session.

14 (3) Refers to one or more ballot measures and is
15 disseminated, broadcast, or otherwise communicated within
16 120 days of the election concerning that measure or
17 measures.

18 "Political advertisement" means an advertisement, unless
19 it is paid for by a candidate political committee and is an
20 advertisement relating to the candidate's own election and not
21 for any other campaign.

22 (10 ILCS 5/29D-10 new)

23 Sec. 29D-10. Prohibitions. In addition to the other
24 requirements of this Article, a political committee placing an
25 advertisement or persons acting in concert with that political

1 committee shall be prohibited from creating or using a
2 non-candidate political committee or another political
3 committee to avoid, or that results in the avoidance of, the
4 disclosure of any individual, industry, business entity, or
5 political committee as a major funding source.

6 (10 ILCS 5/29D-15 new)

7 Sec. 29D-15. Radio and telephonic advertisement
8 disclosures.

9 (a) A political advertisement that is a radio advertisement
10 or prerecorded telephonic message shall include a disclosure at
11 the end of the advertisement read in a clearly spoken manner
12 and in a pitch and tone substantially similar to the rest of
13 the advertisement that reads as follows: "Top funders of this
14 ad are [state names in descending order of identifiable
15 contributors who have made the 3 largest cumulative
16 contributions]. Paid for by [name of the political committee
17 that paid for the advertisement]."

18 (b) If there are fewer than 3 identifiable contributors,
19 the disclosure required by subdivision (a) shall be adjusted
20 accordingly to disclose the qualifying identifiable
21 contributors, if any.

22 (c) If there is only one identifiable contributor or the
23 advertisement lasts 15 seconds or less, the disclosure required
24 by subdivision (a) shall be adjusted to read as follows: "Top
25 funder of this ad is [state name of identifiable contributor

1 who made the largest cumulative contributions]. Paid for by
2 [name of the political committee that paid for the
3 advertisement]."

4 (d) If there are no identifiable contributors or the
5 committee that paid for the advertisement is the only
6 identifiable contributor, it may replace the disclosure
7 required by subdivision (a) with the following: "Paid for by
8 [name of the committee that paid for the advertisement]."

9 (e) If the advertisement names each of the identifiable
10 contributors required to be named under subsections (a), (b),
11 or (c) of this Section and identifies the speaker as speaking
12 on behalf of them, it may replace the disclosure required by
13 subdivision (a) with the following: "Paid for by [name of the
14 committee that paid for the advertisement]."

15 (10 ILCS 5/29D-20 new)

16 Sec. 29D-20. Video and television advertisement
17 disclosures.

18 (a) A political advertisement that is a television or video
19 advertisement shall include a disclosure area with a solid
20 black background on the entire bottom one-third of the
21 television or video display screen at the beginning of the
22 advertisement for a minimum of 5 seconds in the case of an
23 advertisement that lasts 30 seconds or less or a minimum of 10
24 seconds in the case of an advertisement that lasts longer than
25 30 seconds. The disclosure area shall include all of the

1 following:

2 (1) The text "Top Funders of This Ad." The text shall
3 be located at the top of the disclosure area and centered
4 horizontally, shall be yellow in color in Arial-equivalent
5 type, and the type size shall be at least 4% of the height
6 of the television or video display screen.

7 (2) Immediately below the text described in paragraph
8 (1) of this subsection (a), the names of the identifiable
9 contributors who have made the 3 largest cumulative
10 contributions. The identifiable contributors shall each be
11 disclosed on a separate horizontal line, in descending
12 order, beginning with the identifiable contributor who
13 made the largest cumulative contributions on the first
14 line. The name of each of the identifiable contributors
15 shall be centered horizontally. The text shall be white in
16 color in Arial Narrow-equivalent type and the type size
17 shall be at least 4% of the height of the television or
18 video display screen.

19 (3) The text "Funding Details At [insert Internet
20 website address of the disclosure website]." The text shall
21 be yellow in color in Arial Narrow-equivalent type and the
22 type size shall be equivalent to 2.5% of the height of the
23 television or video display screen. The text shall be
24 left-aligned and located in a position that is 2.5% of the
25 height of the television or video display screen away from
26 the bottom left of the television or video display screen.

1 (4) The text "Paid for by [name of the political
2 committee that paid for the advertisement]." The text shall
3 be yellow in color in Arial Narrow-equivalent type and the
4 type size shall be equivalent to 2.5% of the height of the
5 television or video display screen. The text shall be
6 right-aligned and located in a position that is vertically
7 2.5% of the height of the television or video display
8 screen away from the bottom right of the television or
9 video display screen.

10 (5) If there are fewer than 3 identifiable
11 contributors, the disclosure required by this Section
12 shall be adjusted accordingly to disclose only those that
13 qualify as identifiable contributors, if any. If the
14 political committee does not have any identifiable
15 contributors, the disclosure shall be adjusted to include
16 the name of the political committee in place of the names
17 of identifiable contributors.

18 (b) The disclosures described in subsection (a) of this
19 Section shall not be required if the committee paying for the
20 political advertisement does not have cumulative contributions
21 that meet or exceed the disclosure threshold.

22 (10 ILCS 5/29D-25 new)

23 Sec. 29D-25. Mass mailing disclosures.

24 (a) A political advertisement that is a mass mailing or a
25 print advertisement and that is 12 square inches or more in

1 size shall include a disclosure area on the largest page of the
2 mass mailing or print advertisement that satisfies all of the
3 following:

4 (1) The disclosure area shall have a solid white
5 background so as to be easily legible, and shall be in a
6 printed or drawn box on the bottom of the page that is set
7 apart from any other printed matter. All text in the
8 disclosure area shall be black in color.

9 (2) The text "Top Funders of This Ad" shall be located
10 at the top of the disclosure area and centered horizontally
11 in the disclosure area. The text shall be in an
12 Arial-equivalent type with a type size of at least 12-point
13 for advertisements smaller than 93 square inches and at
14 least 14-point for advertisements that are equal to, or
15 larger than, 93 square inches.

16 (3) Immediately below the text described in paragraph
17 (2) of this subsection (a) shall be the names of the
18 identifiable contributors who have made the 3 largest
19 cumulative contributions. The identifiable contributors
20 shall each be disclosed on a separate horizontal line, in
21 descending order, beginning with the identifiable
22 contributor who made the largest cumulative contributions
23 on the first line. The name of each of the identifiable
24 contributors shall be centered horizontally in the
25 disclosure area. The text shall identify each identifiable
26 contributor in an Arial Narrow-equivalent type with a type

1 size of at least 10-point for advertisements smaller than
2 93 square inches and at least 12-point for advertisements
3 that are equal to, or larger than, 93 square inches.

4 (A) If the advertisement is 4 inches tall or less,
5 it need only show the names of the identifiable
6 contributors who have made the two largest cumulative
7 contributions.

8 (B) If the advertisement is 3 inches tall or less,
9 it need only show the name of the identifiable
10 contributor who made the largest cumulative
11 contribution, and the text required by paragraph (2) of
12 this subsection (a) may say "Top Funder of This Ad."

13 (4) Immediately below the text described in paragraph
14 (3) of this subsection (a), the text "Funding Details At
15 [insert Internet website address of the disclosure
16 website]." The text shall be in an Arial Narrow-equivalent
17 type with at least 10-point type size for advertisements
18 smaller than 93 square inches and at least 12-point font
19 type size for advertisements that are equal to, or larger
20 than, 93 square inches. This text shall not be required if
21 the advertisement is 5 inches tall or less.

22 (5) The text "Paid for by [name of the political
23 committee that paid for the advertisement]." The text shall
24 be located at the bottom of the disclosure area and shall
25 be in an Arial Narrow-equivalent type with at least 8-point
26 type size for pages smaller than 8.5 inches and at least

1 10-point type size for pages that are equal to, or larger
2 than, 8.5 inches by 11 inches.

3 (6) If there are fewer than 3 identifiable
4 contributors, the disclosure shall be adjusted accordingly
5 to disclose the qualifying identifiable contributors, if
6 any. If the political committee does not have any
7 identifiable contributors, the disclosure shall be
8 adjusted to include the name of the political committee in
9 place of the names of identifiable contributors.

10 (b) The disclosures described in subsection (a) of this
11 Section shall not be required if the political committee paying
12 for the political advertisement does not have cumulative
13 contributions that meet or exceed the disclosure threshold.

14 (10 ILCS 5/29D-30 new)

15 Sec. 29D-30. Disclosure website. A political committee
16 that has paid for political advertisements and that has
17 received cumulative contributions that meet or exceed the
18 disclosure threshold shall establish and maintain a disclosure
19 Internet website. If the committee has an Internet website,
20 that Internet website may also serve as the disclosure website.
21 The homepage of the disclosure website and any landing pages
22 that visitors are directed to on the disclosure website and any
23 other Internet websites maintained by the political committee
24 shall include a disclosure area that satisfies all of the
25 following:

1 (1) The disclosure area shall be at least 250 pixels
2 wide and visible upon landing on the website's homepage.
3 The disclosure area shall have a white background and a
4 border that is dark in color.

5 (2) The disclosure area shall include the text "Top
6 Funders of This Committee" located at the top of the
7 disclosure area and centered horizontally in the
8 disclosure area. The text shall be black in color in an
9 Arial-equivalent type and shall be at least 10-point type
10 size.

11 (3) Immediately below the text described in paragraph
12 (2) of this Section, the disclosure area shall include a
13 list of the identifiable contributors who have made the 10
14 largest cumulative contributions to the committee. Each
15 identifiable contributor shall be disclosed on a separate
16 horizontal line, in descending order, beginning with the
17 identifiable contributor who made the largest cumulative
18 contributions on the first line. The text shall be black in
19 color in an Arial Narrow-equivalent type and shall be at
20 least 9-point type size.

21 (4) The disclosure area shall include a hyperlink to
22 another page on the disclosure website that lists all of
23 the committee's identifiable contributors. The hyperlink
24 shall be labeled "More funding info" and shall be a
25 standard hyperlink centered at the bottom of the disclosure
26 area that is displayed as blue underlined text in

1 Arial-equivalent type in at least 9-point type size.

2 The hyperlinked page on the disclosure website shall
3 have a title that reads "Large Funders of this Committee."
4 The linked page shall disclose each identifiable
5 contributor of the committee on a separate horizontal line,
6 in descending order, beginning with the identifiable
7 contributor that had the largest cumulative contribution
8 on the first line. Each line shall show the name of the
9 identifiable contributor and the amount of its cumulative
10 contributions, current within 3 business days. These
11 disclosures shall be clear and shall be the only content on
12 the page other than the disclosure website's standard
13 navigation features.

14 (5) If there are fewer than 10 identifiable
15 contributors, the disclosure area shall be adjusted
16 accordingly to disclose the qualifying identifiable
17 contributors, if any. If the committee does not have any
18 identifiable contributors, the disclosure area shall be
19 adjusted to include the name of the committee in place of
20 the names of identifiable contributors.

21 (6) Every page of an website maintained by a political
22 committee that has paid for political advertisements and
23 that has cumulative contributions that meet or exceed the
24 disclosure threshold shall include the statement "Paid for
25 by [name of the political committee that paid for the
26 advertisement]" and any other identifying information

1 specified by the State Board of Elections. The text shall
2 have a solid white background so as to be easily legible,
3 and shall be in a printed or drawn box on the bottom of the
4 page that is set apart from any other printed matter. The
5 text shall be black in color in an Arial Narrow-equivalent
6 type and shall be at least 8-point type size.

7 (10 ILCS 5/29D-35 new)

8 Sec. 29D-35. Rules.

9 (a) The Commission may adopt rules to require disclosures
10 on all forms of political advertisements not covered by this
11 Article, including, but not limited to, electronic media
12 advertisements and billboards. If feasible, the rules shall
13 require the listing of the name of the committee and as many of
14 the 3 identifiable contributors that made the largest
15 cumulative contributions as possible in a conspicuous manner.
16 This disclosure area shall occupy no more than 10% of the
17 advertisement. If the advertisement medium allows, the
18 disclosure area shall contain a hyperlink to the disclosure
19 website.

20 (b) The Commission shall adopt rules to require disclosure
21 of the name of the committee, if feasible, on all
22 advertisements that are paid for by a candidate political
23 committee and that are advertisements relating to the
24 candidate's own election and not for any other campaign.

1 (10 ILCS 5/29D-40 new)

2 Sec. 29D-40. Unnecessary disclosures.

3 (a) The disclosure of the name of an identifiable
4 contributor required by this Article need not include such
5 legal terms as "incorporated", "committee", "political action
6 committee", or "corporation", or their abbreviations, unless
7 the term is part of the contributor's name in common usage or
8 parlance. This Section does not prevent a contributor from
9 being disclosed by a name used in common usage or parlance,
10 including, but not limited to, an abbreviation or acronym.

11 (b) If this Article requires the disclosure of the name of
12 an identifiable contributor that is a sponsored committee, only
13 the name of the committee's sponsoring organization shall be
14 disclosed.

15 (c) For a disclosure made pursuant to Sections 29D-15,
16 29D-20, 29D-25, or 29D-30, the committee name listed need not
17 include its economic or other special interests, nor the names
18 of any major donors.

19 (10 ILCS 5/29D-45 new)

20 Sec. 29D-45. Updates. If the order of the identifiable
21 contributors required to be displayed in an advertisement
22 pursuant to this Article changes, the disclosure in the
23 advertisement shall be updated as follows:

24 (1) A television, radio, or other electronic media
25 political advertisement shall be updated to reflect the new

1 ordering of identifiable contributors within 7 business
2 days, or 5 business days if the change in the order of
3 identifiable contributors occurs within 30 days of an
4 election.

5 (2) A print media advertisement, including
6 non-electronic billboards, shall be updated to reflect the
7 new ordering of identifiable contributors prior to placing
8 a new or modified order for additional printing of the
9 advertisement.

10 (10 ILCS 5/29D-50 new)

11 Sec. 29D-50. Required filings.

12 (a) A person who makes a payment or a promise of payment
13 totaling \$10,000 or more for a communication that clearly
14 identifies a candidate for elective office, but does not
15 expressly advocate the election or defeat of the candidate, and
16 that is disseminated, broadcast, or otherwise published during
17 the period beginning 120 days before the primary or special
18 election and ending on the date of the general or runoff
19 election, shall file online or electronically with the
20 Secretary of State a report disclosing the name of the person,
21 address, occupation, and employer, and amount of the payment.
22 The report shall be filed within 48 hours of making the payment
23 or the promise to make the payment.

24 (b) Except as provided in subsection (c) of this Section,
25 if a person has received a payment or a promise of a payment

1 from other persons totaling \$5,000 or more for the purpose of
2 making a communication described in subsection (a) of this
3 Section, the person receiving the payments shall disclose on
4 the report the name, address, occupation and employer, and date
5 and amount received from the person.

6 (c) A person who receives or is promised a payment that is
7 otherwise reportable under subsection (b) is not required to
8 report the payment if the person is in the business of
9 providing goods or services and receives or is promised the
10 payment for the purpose of providing those goods or services.

11 (d) A payment received by a person who makes a
12 communication described in subsection (a) is subject to the
13 limits specified in Article 9 of this Code if the communication
14 is made at the behest of the clearly identified candidate.