



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3071

Introduced 2/6/2025, by Rep. Amy Briel

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-1.16 new
10 ILCS 5/9-1.17 new
10 ILCS 5/9-1.18 new
10 ILCS 5/9-1.19 new
10 ILCS 5/9-8.7 new
10 ILCS 5/9-28.5

Amends the Election Code. Provides that a foreign-influenced business entity shall not make a contribution or donation to any person or entity with the express or implied condition that the contribution or donation, or any part of the contribution or donation be used for specified political purposes. Sets forth certification requirements. Provides that the provision shall be construed to establish liability on the part of any candidate, political committee, or other recipient of certification. Provides for enforcement of the provision. Defines terms. Effective July 1, 2025.

LRB104 09606 SPS 19671 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 changing
5 Section 9-28.5 and by adding Sections 9-1.16, 9-1.17, 9-1.18,
6 9-1.19, and 9-8.7 as follows:

7 (10 ILCS 5/9-1.16 new)

8 Sec. 9-1.16. Chief executive officer. "Chief executive
9 officer" means the highest-ranking officer or individual
10 having authority to make decisions regarding a business
11 entity's affairs.

12 (10 ILCS 5/9-1.17 new)

13 Sec. 9-1.17. Foreign national. "Foreign national" means
14 any of the following:

15 (1) an individual who is not a citizen of the United
16 States and is not lawfully admitted for permanent
17 residence;

18 (2) a government, or subdivision, of a foreign
19 country;

20 (3) a foreign political party; or

21 (4) any entity, such as a partnership, association,
22 corporation, organization, or other combination of

1 persons, that is organized under the laws of or has its
2 principal place of business in a foreign country.

3 (10 ILCS 5/9-1.18 new)

4 Sec. 9-1.18. Foreign-influenced business entity.
5 "Foreign-influenced business entity" means a business entity,
6 as defined in Section 50-37 of the Illinois Procurement Code,
7 for which at least one of the following conditions is met:

8 (1) a single foreign investor holds, owns, controls,
9 or otherwise has direct or indirect beneficial ownership
10 of 1% or more of the total equity, outstanding voting
11 shares, membership units, or other applicable ownership
12 interests of the corporation or limited liability company;

13 (2) 2 or more foreign investors, in aggregate, hold,
14 own, control, or otherwise have direct or indirect
15 beneficial ownership of 5% or more of the total equity,
16 outstanding voting shares, membership units, or other
17 applicable ownership interests of the corporation or
18 limited liability company; or

19 (3) a foreign investor participates directly or
20 indirectly in the corporation or limited liability
21 company's decision-making process with respect to the
22 corporation or limited liability company's political
23 activities in the United States.

24 For the purposes of this Section, the calculation of a
25 person or entity's ownership interest shall not include any

1 portion of the person or entity's direct or indirect
2 beneficial ownership of equity, outstanding voting shares,
3 membership units, or otherwise applicable ownership interests
4 of a corporation that are held or owned in a mutual fund based
5 in the United States.

6 (10 ILCS 5/9-1.19 new)

7 Sec. 9-1.19. Foreign investor. "Foreign investor" means a
8 person that:

9 (1) holds, owns, controls, or otherwise has direct or
10 indirect beneficial ownership of equity, outstanding
11 voting shares, membership units, or other applicable
12 ownership interests of a corporation or limited liability
13 company; and

14 (2) is any of the following:

15 (A) a government of a foreign country;

16 (B) a foreign political party;

17 (C) a partnership, association, corporation,
18 limited liability company, organization, or other
19 combination of persons organized under the laws of or
20 having its principal place of business in a foreign
21 country;

22 (D) an individual outside the United States who is
23 not a citizen of the United States and who is not
24 lawfully admitted for permanent residence; or

25 (E) a corporation or limited liability company in

1 which a person or entity described in paragraphs (A)
2 through (D) holds, owns, controls, or otherwise has
3 directly or indirectly acquired a beneficial ownership
4 of equity or voting shares in an amount that is equal
5 to or greater than 50% of the total equity or
6 outstanding voting shares.

7 (10 ILCS 5/9-8.7 new)

8 Sec. 9-8.7. Prohibition of contributions and expenditures
9 by foreign-influenced business entities.

10 (a) A foreign-influenced business entity shall not make a
11 contribution or donation to any person or entity with the
12 express or implied condition that the contribution or
13 donation, or any part of the contribution or donation, be used
14 for the following:

15 (1) an expenditure, or an offer or agree to make an
16 expenditure, including an independent expenditure;

17 (2) a contribution, or an offer or agree to make a
18 contribution to any candidate or political committee;

19 (3) electioneering communications, or an offer or
20 agree to make electioneering communications; or

21 (4) a contribution or expenditure to support or oppose
22 a ballot initiative or to qualify a question for placement
23 on a ballot.

24 (b) No later than 7 days after a for-profit business
25 entity makes a contribution or expenditure, including an

1 independent expenditure, the entity shall:

2 (1) submit a certification to the State Board of
3 Elections that it was not a foreign-influenced business
4 entity on the date that the contribution or expenditure
5 was made, signed by the corporation's chief executive
6 officer, under penalty of perjury, after reasonable
7 inquiry; and

8 (2) provide a copy of the certification to the
9 candidate, political committee, or person receiving the
10 contribution.

11 (c) For purposes of certification under this Section, the
12 business entity shall ascertain beneficial ownership in a
13 manner consistent with the Business Corporation Act of 1983
14 or, if it is registered on a national securities exchange, as
15 set forth in 17 CFR 240.13d-3 and 240.13d-5.

16 (d) If a foreign-influenced business entity makes a
17 contribution or expenditure in violation of this Section, the
18 State Board of Election shall assess a civil penalty equal to
19 the amount of the contribution or expenditure.

20 (e) Nothing in this Section shall be construed to
21 establish liability on the part of any candidate, political
22 committee, or other recipient of a certification. A candidate
23 or political committee may rely in good faith on a
24 certification of compliance.

1 Sec. 9-28.5. Injunctive relief for electioneering
2 communications.

3 (a) Whenever the Attorney General, or a State's Attorney
4 with jurisdiction over any portion of the relevant electorate,
5 believes that any person, as defined in Section 9-1.6, is
6 making, producing, publishing, republishing, or broadcasting
7 an electioneering communication paid for by any person, as
8 defined in Section 9-1.6, who has not first complied with the
9 registration and disclosure requirements of this Article, he
10 or she may bring an action in the name of the People of the
11 State of Illinois or, in the case of a State's Attorney, the
12 People of the County, against such person or persons to
13 restrain by preliminary or permanent injunction the making,
14 producing, publishing, republishing, or broadcasting of such
15 electioneering communication until the registration and
16 disclosure requirements have been met.

17 (b) Any political committee that believes any person, as
18 defined in Section 9-1.6, is making, producing, publishing,
19 republishing, or broadcasting an electioneering communication
20 paid for by any person, as defined in Section 9-1.6, who has
21 not first complied with the registration and disclosure
22 requirements of this Article may bring an action in the
23 circuit court against such person or persons to restrain by
24 preliminary or permanent injunction the making, producing,
25 publishing, republishing, or broadcasting of such
26 electioneering communication until the registration and

1 disclosure requirements have been met.

2 (c) Whenever the Attorney General, or a State's Attorney
3 with jurisdiction over any portion of the relevant electorate,
4 believes that any person, as defined in Section 9-1.6, is
5 engaging in independent expenditures, as defined in this
6 Article, who has not first complied with the registration and
7 disclosure requirements of this Article, he or she may bring
8 an action in the name of the People of the State of Illinois
9 or, in the case of a State's Attorney, the People of the
10 County, against such person or persons to restrain by
11 preliminary or permanent injunction the making of such
12 expenditures until the registration and disclosure
13 requirements have been met.

14 (d) Any political committee that believes any person, as
15 defined in Section 9-1.6, is engaging in independent
16 expenditures, as defined in this Article, who has not first
17 complied with the registration and disclosure requirements of
18 this Article may bring an action in the circuit court against
19 such person or persons to restrain by preliminary or permanent
20 injunction the making of independent expenditures until the
21 registration and disclosure requirements have been met.

22 (e) If the Attorney General, or a State's Attorney with
23 jurisdiction, believes that a foreign-influenced business
24 entity is making contributions or expenditures, including
25 independent expenditures, or engaging in electioneering
26 communications, the Attorney General or State's Attorney may

1 bring an action in circuit court against the person to
2 restrain by preliminary or permanent injunction the making of
3 the contributions or expenditures.

4 (f) Any person or political committee that believes any
5 foreign-influenced business entity is making contributions or
6 expenditures, including independent expenditures, or engaging
7 in electioneering communications, may bring an action in
8 circuit court against the person or persons to restrain by
9 preliminary or permanent injunction the making of the
10 contributions or expenditures.

11 (Source: P.A. 96-832, eff. 7-1-10; 97-766, eff. 7-6-12.)

12 Section 97. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 99. Effective date. This Act takes effect July 1,
15 2025.