**Section 100.10 Definitions**

a) General Definitions

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

"Board" means the Illinois State Board of Elections.

"Election Code" or "Code" means 10 ILCS 5.

"File", "Filed" or "Filing" means:

The statement, report or document being filed is in apparent and substantial conformity with the requirements of the Election Code. Apparent and substantial conformity requires that the filing contain the following:

The signature of the person making the filing;

Completion of all applicable sections of the report; and

Attachment of all appropriate schedules.

Inadvertent error or omission of a de minimus nature in the completion of a report, statement or document shall not be deemed to be a "willful failure to file or a willful filing of false or incomplete information" under Code Section 9-26.

"Immediate Family" means the spouse, civil union party, parent, legal guardian or child of the public official, candidate or any other person referred to in this Part. A parent includes a stepparent or adoptive parent. A child means a biological, adopted, legal dependent or stepchild.

"Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

"Public Office" means, among other things, an elective office. The term includes the political party offices of state central, county, ward, township and precinct committeeman.

"Signature" or "Signed", as used in Article 9 and this Part, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Code Section 9-28, as well as electronic signatures permitted under the Uniform Electronic Transactions Act [815 ILCS 333].

"Submit" or "Submitting", as used in Code Section 9-11, means actually filing a report with the Board through the following methods:

uploading a report electronically or, if accomplished at a Board office or with the assistance of Board staff, the committee representative is present and/or authorizing the report filing;

using the U.S. Postal Service, overnight delivery, or any other delivery service;

e-mailing a report to D2@elections.il.gov or an elections specialist in the Division of Campaign Disclosure;

hand delivering a report to the Board; or

faxing a report to the Board.

With the exception of the chair or the treasurer, the person submitting the report on behalf of the committee must list themself as having submitted the report.

b) Definitions Interpreting Specific Sections of the Election Code

1) Assets

A) Reference: This definition of assets interprets or applies to Code Sections 9-5 and 9-11.

B) An asset is an item of property, other than cash or services, of any kind, tangible or intangible, that has either a fair market or salvage value in excess of $150. For reporting purposes, a loan made by a political committee that has not been repaid or forgiven shall be considered as an asset held as an investment.

2) Candidate

A) Reference: This subsection (b)(2) interprets or applies to Code Section 9-1.3.

B) "Candidate", as that term is defined in Code Section 9-1.3, shall include, but not be limited to:

i) A person who circulates or authorizes the circulation of nominating petitions on the candidate's behalf for public office;

ii) An individual who receives contributions or makes expenditures or gives consent for any other person to receive contributions or make expenditures for the purpose of bringing about the candidate's nomination for election or re-election to any office;

iii) Any judicial incumbent who qualifies for retention.

3) Contributions and Anything of Value

A) Reference: This subsection (b)(3) interprets or applies Code Sections 9-1.4, 9-1.5, 9-1.8, 9-1.12, 9-1.14 and 9-1.15.

B) The term "anything of value", as used in Code Sections 9-1.4, 9‑1.5 and 9-1.12, means any item, thing, service or goods, regardless of whether valued in monetary terms according to ascertainable market value.

C) "Anything of value" that does not have an ascertainable market value may be reported by describing the item, thing, service or goods contributed; however, nothing in this subsection (b)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.

D) Interest, other investment income, earnings or proceeds, and refunds and returns shall not be reported as a contribution, but shall be reported as a receipt according to this subsection (b)(3). For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held, they shall be identified by name and quantity of security or instrument on each quarterly report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.

E) In addition to the items expressly excluded in the Election Code, the terms "anything of value" and "contribution" shall not be deemed to include:

i) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a political committee, including a candidate political committee;

ii) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other periodical publication;

iii) Any publication by a membership association or corporation to its officers, employees, members, stockholders, or members of the immediate families of these persons, so long as the membership association or corporation is not organized primarily for the purpose of influencing the nomination for election, election, or retention of any candidate, or supporting or opposing any question or questions of public policy;

iv) The occasional use of real property of a person or whoever, as defined in Code Section 9-1.6, and as defined in Section 100.10(b)(4), for the purpose of conveying information to officers, employees, members or stockholders of an association or a corporation, and the immediate families of these persons, including but not limited to the use of the premises for the purpose of a candidate communicating directly with officers, employees, members or stockholders and the immediate families of these persons;

v) Unrealized appreciation or loss of value of investments during the period they are held.

F) A loan of money from a bank, credit union, or other financial institution to a candidate or public official, or the candidate's or public official's political committee, shall not be listed as a contribution from that institution, but shall instead be listed on the committee's disclosure filings as a contribution from the person or persons endorsing the loan. Security for a loan, if provided by a person other than the candidate or the candidate political committee, does qualify as a contribution and shall be reported as having come from the person who provided it and shall be subject to contribution limits. A loan of money from a bank, credit union or other financial institution to a committee other than a candidate political committee shall not be considered a contribution from that institution, and shall not be subject to the contribution limits if the guarantor for the loan is the committee itself or if the loan agreement is signed by an authorized officer of the committee acting on the committee's behalf. These loans shall be reported on disclosure filings by listing the committee as endorser and also listing the financial institution from which the loan is obtained.

G) Independent expenditures are not contributions, as that term is defined in Code Section 9-1.4. Independent expenditures are those made for the purpose of electioneering communication, as that term is defined in Code Section 9-1.14, or that expressly advocates the election, nomination or defeat of a public official or candidate or for or against any question of public policy to be submitted to the voters and that is not made in cooperation, concert or consultation with, or at the request or suggestion of, the public official or candidate. Communications that expressly advocate the election, nomination or defeat of a public official or candidate or for or against any question of public policy to be submitted to the voters are those that unequivocally state in the communication that the public official or candidate ought to be elected, nominated or defeated or the question of public policy ought to be approved or defeated. These communications typically contain the terms "vote for", "elect" or, in the case of expressly advocating the defeat of a candidate, "vote against", "vote no", "defeat", etc.

H) "Clearly identifiable candidate" means the candidate's name (first name and surname) but does not necessarily have to include the candidate's middle name or middle initial. A clearly identifiable candidate can also be one that is described in such a way as to exclude any other candidate so as to leave no doubt in the mind of the person being communicated to as to whom the communication is referring. For example: "The Democratic Party's candidate for Mayor", "Congressman Jones", or "the former Republican candidate for Congressman who was defeated at the most recent General Election". A clearly identifiable candidate can also be described by use of a photograph or other visual image or likeness.

I) A communication by a corporation, a limited liability company, or an association to its members or stockholders and executive or administrative personnel, or the immediate families of these persons, is not a contribution. For purposes of this Part, a corporation is one that is registered with the Business Services Division of the Illinois Secretary of State or is similarly registered with any other state in compliance with that state's laws or that operates as or holds itself out as a corporation so that it would be required to register with the Illinois Secretary of State, regardless if it has taken affirmative action to so register. For purposes of this Part, an association is defined broadly to include any group of persons or entities that have a common purpose and that have an organizational structure with an existing membership roster and governing by-laws or other similar rules. An association includes those that are both for-profit and not-for-profit (however the entity does not necessarily have to be organized under the laws of this or any other state) and includes a labor union as that term is defined in subsection (a).

J) A voter registration campaign or other Get Out The Vote (GOTV) activity is not deemed to be "anything of value" or a "contribution", so long as the campaign or activity makes no mention of any clearly identified candidate, public question, political party, group or combination of these entities.

4) Person or Whoever

A) Reference: This subsection (b)(4) interprets or applies Code Section 9-1.6.

B) The terms "other organizations" and "groups of persons" as defined in Code Section 9-1.6 shall include, but not be limited to, all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, etc.

5) Political Committee

A) Reference: This subsection (b)(5) interprets or applies Code Sections 9-1.8 and 9-1.9.

B) A person or whoever, as defined in Code Section 9-1.6 and in subsection (b)(4) of this Section, does not qualify as a political committee pursuant to Article 9 of the Election Code by simply making a contribution from that person's personal income or profits, regardless of the amount of the donations. If an entity, other than a natural person, makes an independent expenditure or expenditures in aggregate within a 12 month period in excess of $3,000 supporting or opposing public officials or candidates, then the entity qualifies as a political committee.

C) If a person solicits or receives funds for political purposes and meets the criteria of one of the committee types listed in subsection (b)(5)(D) during any 12-month period, that person would become a political committee and would have to comply with all provisions of Article 9. The provisions of this subsection (b)(5) shall not apply to those persons who accept contributions from at least 5 individuals as provided in Code Section 9-6.

D) Political committees shall include candidate political committees, political party committees, political action committees, ballot initiative committees, independent expenditure committees and limited activity committees, as those terms are defined in Code Section 9-1.8. Candidates who form a new political party under Code Section 10-2 may collectively form a political party committee to support their candidacy or each candidate may individually form a candidate political committee. Groups of candidates may collectively form a political action committee to support their candidacies, or each candidate may individually form a candidate political committee. In no case may a candidate form both a candidate political committee and a political action committee to support the candidate's own candidacy. Candidates who exercise the option of forming a political action committee may not include the names of any of the candidates in the name of the political action committee. A political action committee must, however, include the name of the office that the candidates are seeking and the name of the political subdivision or unit of local government to which the office pertains. In all cases except political party committees, political committees are limited to those that accept contributions or make expenditures or independent expenditures in an aggregate amount exceeding $5,000 on behalf of or in opposition to candidates, or, in the case of a ballot initiative committee, in support of or opposition to questions of public policy.

i) Political Party Committees referred to in Code Section 9‑1.8(c) include "legislative caucus committees" and are defined as caucuses that are established by either 5 or more members of the same caucus in the Senate or 10 or more members of the same caucus in the House of Representatives. These committees shall include any caucus declared by its membership to be a caucus. If the number of caucus members of a given caucus committee decreases below the designated threshold (5 Senate/10 House members), the caucus committee shall become a political action committee, as that term is defined in Code Section 9-1.8, and be subject to the contribution limits pertaining to political action committees established in Code Section 9-8.5(d), unless the caucus committee either fills the vacancy or dissolves within 5 business days after the date the vacancy occurred.

ii) A committee formed by a ward or township committeeman of a political party shall be designated as a political party committee. Pursuant to Code Section 7-8(b), only ward committeemen in the City of Chicago and township committeemen in Cook County qualify for this designation. Nothing in this subsection (b)(5)(D)(ii) shall be construed to limit the ability of a ward or township committeeman to form a candidate political committee in support of their own candidacy.

iii) For purposes of Code Section 9-1.9, a judicial candidate running for retention subsequent to their first retention candidacy following the candidate's election shall be subject to the election cycle established in Code Section 9‑1.9(3), except that the period shall begin on January 1 following the candidate's retention (as opposed to their election) and extending to the day the candidate files their next declaration to seek retention and the period beginning after that day and extending to December 31 following the candidate's retention election. This judicial retention election cycle is subject to the fundraising restrictions contained in Canon 7 of Rule 67 of the Rules of the Illinois Supreme Court (committees established to support judicial candidates may not solicit contributions more than 1 year preceding the election in which the candidate is seeking judicial office or retention, and no later than 90 days following the election).

iv) Any corporation, labor organization or association that acts as a conduit in facilitating the delivery of dues, levies or similar assessments to a political action committee as provided in Code Section 9-8.5(i) shall not, solely as a result of this activity, be considered to be a political action committee within the meaning of the disclosure and regulation requirements of Article 9 of the Code.

v) These election cycles apply regardless of whether the candidate only appears on either the consolidated primary ballot or the consolidated election ballot. For purposes of Code Section 9-1.9(4), the election cycle for a candidate political committee organized to support a candidate to be nominated or elected at a consolidated primary election or elected at a consolidated election, or municipal or runoff election in cities of 1,000,000 or more population occurring on the date of the regularly scheduled consolidated primary or consolidated election, shall run from:

• the period beginning July 1 following the consolidated election for which the candidate seeks election and ending on the day of the next consolidated primary election for that office; or

• the period beginning the day after the consolidated primary election for the office to which the candidate seeks nomination or election and through June 30 following the consolidated election held that year.

vi) If a candidate political committee established for multiple offices elected at different elections changes its election cycle pursuant to Code Section 9-2(b), the committee shall be subject to the new election cycle established under Code Section 9-1.9 and to the contribution limits for the new election cycle contained in Code Section 9-8.5(b). Contributions received by the committee prior to the date of the establishment of the new election cycle will be counted towards the contribution limit for each contributor, with the following exception: the contributions shall not be considered to have been received in excess of contribution limits if the limit was exceeded solely because of the establishment of the new election cycle. However, for the remainder of the new election cycle, the committee would be considered to have received the maximum allowable contribution from that contributor for that election cycle and would be prohibited from receiving any additional contributions from that contributor during the remainder of the new election cycle.

vii) The election cycles for a limited activity committee are identical to those for the candidate political committee from which the limited activity committee was converted under Code Section 9-3.5, based on the office most recently sought by the candidate.

E) If an entity forming a political action committee under Code Section 9-2(d) is not a clearly identifiable trust, partnership, committee, association, corporation or other organization, but rather a group of persons lacking any formal organizational structure, the name of the political committee shall include the name (first and last) of the person or persons responsible for its formation or its continuing operation. This Section shall not apply to established party candidates who collectively form a political action committee to support their candidacies pursuant to subsection (b)(5)(D).

F) The name of a ballot initiative committee must include a brief description of the question or questions and whether the committee is organized to support or oppose the question or questions. The name shall not exceed 70 characters (based on U.S. Post Office restrictions applicable to mailing labels) and shall include keywords that would provide a reasonable person with a general understanding of the subject matter of the question or questions and whether the committee was formed to support or oppose the question or questions.

G) A candidate political committee of a former officeholder or supporting a now deceased candidate or officeholder may, subject to the applicable contribution limits, maintain the committee as a candidate political committee, close the committee and dispose of any remaining funds as indicated on its D-1 Statement of Organization, or convert the committee to a political action committee by filing an amended D-1 Statement of Organization amending the committee type, as well as the name, purpose of the committee, and any other information that has changed.

H) A political committee that converts to a new committee type as defined in Code Section 9-1.8 is limited in the amount of funds that it may retain under the new committee type designation to the contribution limits in Code Section 9-8.5. The applicable limit shall be determined by the amount of funds allowed to be contributed from the original committee type to the new committee type. If the committee has a fund balance that exceeds the normal contribution limit from the original committee type to the new committee type, it must first dispose of the excess funds before making the conversion. A candidate political committee changing the candidate it is supporting shall be considered to be transferring funds from one candidate political committee to another, and shall be limited in the amount of funds it may retain to the contribution limits between two candidate political committees. If the committee has a fund balance that exceeds that limit, it must first dispose of the excess funds before making the conversion. A candidate political committee that owes outstanding fines is prohibited from changing its committee type or the candidate supported by the committee until the fines are paid in full.

I) A candidate or officer of a candidate political committee who notifies the Board of their intention to convert a candidate political committee to a limited activity committee under Code Section 9-3.5 must complete the transition within 60 days after their confirmation to an affected office, as required by Section 3A-50(b) of the Illinois Governmental Ethics Act [5 ILCS 420].

6) Statement of Organization

A) Reference: This subsection (b)(6) interprets Code Section 9-3.

B) A committee officer must, in filling out the Form D-1, use the name that appears on that officer's birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.

C) The prohibitions contained in Code Section 9-3(d)(iii) and (d‑5)(iii) against making contributions from a ballot initiative committee or an independent expenditure committee to a candidate or candidates for nomination for election, election or retention to public office shall not include refunds of contributions to the candidate so long as the refund does not exceed the amount the candidate originally contributed. Nothing in Code Section 9-3(d)(i) prohibits an independent expenditure committee from making expenditures on its own behalf for the customary and reasonable expenses of operating a political committee, provided that the expenditures are not made in connection, consultation or concert with, or at the request or suggestion of, any other political committee, public official or candidate, or the agent or agents of the committee, public official or candidate.

D) For the purpose of this subsection (b)(6), the term "person" contained in the definition of "sponsoring entity" shall not include a political committee. The term "sponsoring entity" is defined in Section 100.170.

E) A complaint for willfully filing a false or incomplete Statement of Organization shall be subject to the provisions of Code Sections 9‑20 and 9-21.

(Source: Amended at 47 Ill. Reg. 5468, effective March 30, 2023)