**Section 100.75 Limitation on Campaign Contributions**

Political committees are limited in the amount of contributions that they can accept. Appendix A, Table A lists the 6 types of political committees (candidate, political party, political action, ballot initiative, independent expenditure, and limited activity committees) and the specific contribution limitations applicable to each. Appendix A, Table B lists the election cycles for candidate political committees (subdivided according to the office sought), political party committees, political action committees, ballot initiative committees, independent expenditure committees, and limited activity committees.

a) A candidate political committee formed by a candidate who seeks nomination at a general primary election or a consolidated primary election is subject to limitations as to what amount it may receive in contributions from a political party committee during a primary election cycle. For this purpose, the primary election cycle begins with the day the candidate may begin circulating petitions and ends on the day of the primary election.

b) Political committees on file with the FEC that file pursuant to Section 100.60 may not make contributions to other political committees that are on file with the State Board of Elections exceeding the limits set forth in Code Section 9-8.5, except as provided in Code Section 9-8.5(c).

c) For political committees referred to in Code Section 9-1.8 (candidate, political party, political action, and limited activity), any contribution or transfer received in violation of Code Section 9-8.5 shall be disposed of within 30 days after being sent notice from the Board by:

1) Returning the amount of the contribution or transfer that exceeds the contribution limit, or an amount equal to that amount, to the contributor or transferor; or

2) Donating the amount of the contribution or transfer that exceeds the contribution limit, or an amount equal to that amount, to a charitable organization.

d) If a political committee is determined to have received a contribution or transfer in violation of Code Section 9-8.5, the Board will send, by first class mail, a notice to the committee and its officers of the apparent violation. The notice shall identify the contributions at issue, along with the committee's options under Code Section 9-8.5(j) and subsection (c) of this Section for disposing of the contributions (returning the amount to the contributor or donating the amount to a charity), and informing the committee that whatever disposal action it takes must be completed within 30 days after the date on the notice.

e) If a political committee fails to dispose of the contribution or transfer as provided in subsection (c):

1) The amount of the contribution or transfer that exceeds the contribution limit shall escheat to the State's General Revenue Fund within 30 days after the expiration of the 30 day period provided in subsection (c); and

2) The political committee shall be deemed to be in violation of this Section and be subject to a civil penalty not to exceed 150% of the amount of the contribution that exceeds the contribution limit.

f) When considering the amount of the civil penalty to be imposed, the Board will consider all relevant factors, including, but not limited to, the following:

1) Whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly or intentionally;

2) Whether any attempt was made by the committee to return the contribution or transfer; and

3) Past violations of Code Section 9-8.5. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.

g) When a contribution is determined to have been received by a political committee in violation of Code Section 9-8.5(a) through (d) and it is further determined that the committee has not taken the remedial action required by Code Section 9-8.5(j) and subsection (c) of this Section, the Board will send, by first class mail, notice of violation to the chair and the treasurer of each political committee, and by certified mail to the address of the committee, together with an order assessing a civil penalty calculated in accord with this subsection (g). The notice of violation shall state that the Board has assessed a civil penalty that will be final unless the committee shows cause as to why the penalty should not be assessed. The provisions of 26 Ill. Adm. Code 125.425 relating to procedures to appeal civil penalty assessments shall apply to penalties assessed under this Section.

h) For purposes of adjusting the amounts of contribution limitations under Code Section 9-8.5(g), the Board will base the adjustments on the Consumer Price Index for All Urban Consumers – US City Average (Not Seasonally Adjusted), as provided by the U.S. Department of Labor. Adjustments shall be calculated:

1) On January 1, or the first business day following January 1, of each odd-numbered year, whichever comes first;

2) As a percent change, rounded to the nearest tenth, in the index point level of the 24 month period immediately preceding the most current month for which data is available. The change will then be applied to the existing contribution limits as of December 31 of the year immediately preceding the adjustment and rounded to the nearest $100.

i) For purposes of Code Section 9-8.5(b), an election cycle ending on the date of the consolidated primary election shall end on that date even if no consolidated primary election is held in that jurisdiction. The election cycle for the consolidated election shall begin on the day after the date of the consolidated primary election, even if no consolidated primary election is held in that jurisdiction. The election cycle for the consolidated election shall begin on the day after the date of the consolidated primary election and end on June 30 of that year even if the candidate was only on the ballot at the consolidated primary election and not on the ballot at the consolidated election.

j) For purposes of Code Section 9-8.5(b-5):

1) A candidate political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court may accept contributions from a corporation, labor organization, association or a political action committee established by a corporation, labor organization, or association that reports its contributions pursuant to Code Section 9-8.5(i).

2) "Employee" of a political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court includes any person acting as an agent of the committee, whether in a compensated or volunteer position.

k) For purposes of Code Section 9-8.5(h):

1) Contributions or loans from a public official or a candidate, or a public official's or candidate's immediate family, to the public official's or candidate's political committee shall not be subject to the contribution limits found in Code Section 9-8.5, except as provided in Code Sections 9-8.5(b-5) and 9-8.5(e-10).

2) "Candidate for the same office" shall be determined by candidate petition filings. Prior to the actual filing of petitions for a particular office, a candidate for that office wishing to receive official notice of a Notification of Self-funding from the Board must, during the same election cycle in which the Notification of Self-funding is effective, inform or have already informed the Board in writing of the candidate's intention to seek nomination or election to the office in question.

3) The 12 month period specified in Code Section 9-8.5(h) for a candidate seeking nomination or election at a general primary election or consolidated primary election begins 12 months prior to the date of the primary election and ends the date of the primary election. Thereafter, for nominated candidates who have not previously filed a Notification of Self-funding, calculation of the self-funding threshold begins the date after the general primary election or consolidated primary election, whichever is applicable, and ends the date of the general or consolidated election. The 12 month period specified in Code Section 9-8.5(h) for candidates not seeking nomination or election at a primary election begins 12 months prior to the general or consolidated election, whichever is applicable, and ends the day of the election.

l) For purposes of Code Section 9-8.5:

1) Candidates running together for the offices of Governor and Lieutenant Governor shall be considered to be candidates for the same office, so that the removal of the contribution limits for candidates for one office shall also be applied to candidates for the other office. An expenditure made by a candidate on behalf of his or her own candidacy for one office shall not be deemed an in-kind contribution to that candidate’s running mate, regardless of whether the expenditure is for the benefit of both candidates.

2) In an election in which there are no more than two candidates on the ballot for a particular office, any combination of independent expenditures made by a natural person or persons, independent expenditure committee or committees, or combination thereof, either supporting or opposing any candidate in the election for that office shall be considered in aggregate towards the calculation of whether the threshold allowing candidates to accept contributions in excess of the limits imposed by Code Section 9‑8.5(b) has been reached.

3) In an election in which there are more than two candidates on the ballot for a particular office, the calculation of whether the threshold allowing candidates to accept contributions in excess of the limits imposed by Code Section 9-8.5(b) has been reached shall only include independent expenditures made to support a single candidate or to oppose a single candidate, not a combination of independent expenditures made in support of or opposition to more than one candidate in the race.

m) For purposes of reporting of contributions, a contribution made via a check or other similar written instrument with more than one individual's name imprinted on it, but containing only one signature, shall be reported as coming solely from the signer, unless the instrument is accompanied by a written statement, signed by each individual making the contribution, declaring that the contribution was meant to be given by each of the undersigned individuals and declaring the amount of the contribution to be attributed to each of the individuals.

n) For purposes of determining contribution limits under Code Section 9-8.5, the term "corporation, labor union or association" shall include any "business entity" organized as either for profit or not for profit, and shall include, but not be limited to, a partnership, sole proprietorship, limited liability company or limited liability partnership.

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