**Section 125.420 Order of the Board; Civil Penalties**

a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Code Section 9-21, the Board will review the reports submitted by the Hearing Officer and the General Counsel, and any objections, briefs or memoranda filed by any party to the hearing, and shall issue its final order within the time specified in Code Section 9-21. If the hearing was extended by stipulation or order of the Hearing Officer pursuant to Section 125.160, then the Board decision shall be issued:

1) within 3 business days after the Hearing Officer's report, if the complaint was filed within 60 days prior to an election and related to that election; or

2) within 60 days after the Hearing Officer's report in all other instances.

A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion.

B) Evidence that was not proffered at the public hearing will be considered only if the proponent of the evidence demonstrates that the evidence was unavailable at the time of the public hearing, or if the Board determines, in its discretion, that evidence in the form of supplemental testimony prior to issuance of a final order or approval of a written stipulation, agreed settlement of consent order will provide undiscovered relevant testimony.

C) If permissible under the Open Meetings Act [5 ILCS 120] the Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or consent order through a teleconference in lieu of an in-person meeting. Notice shall be given to the media in advance of the teleconference. The call shall be broadcast over speaker phone or other similar device at both the permanent and branch offices of the Board and the broadcast shall be open to the media and public. The entire conference shall also be recorded by a certified court reporter.

b) Whenever the Board determines a person to be in violation of any provision of Article 9 or any regulation adopted under Article 9, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct the violation or otherwise comply with Article 9 or the regulation within such time as the Board may specify, but not within less than 15 business days.

c) The Board will also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it will impose a civil penalty, not to exceed $5,000, on any person who fails or refuses to comply with the final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.

d) Standing Orders

1) Any final order, written stipulation, agreed settlement or consent order issued that determines Article 9 was violated shall include a provision, referred to as a "Standing Order" provision, requiring that all subsequent reports, statements or filings required by Article 9, during the period the Standing Order provision is in effect, must be made within the time limits set forth in Article 9, and that any failure or refusal to comply with those filing deadlines shall result in the imposition of civil penalties by the Board in an amount not to exceed $5,000.

2) Any Standing Order shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order. This Standing Order provision shall not apply to final orders rendered for delinquent filings under Code Section 9-10.

e) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Election Code, any rule adopted under the Code, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of false or incomplete information required by the Election Code and such willful failure to file or willful filing of false and incomplete information may possibly constitute a criminal violation of the Election Code pursuant to Code Section 9-26.

f) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.

g) All parties to the proceeding shall be notified promptly of any and all orders. Exact copies of an order shall be personally delivered or mailed by certified or registered mail to each attorney of record unless the attorney has consented to service by e-mail or facsimile.

(Source: Amended at 47 Ill. Reg. 5503, effective March 30, 2023)