**Section 125.450 Settlement of Civil Penalties**

a) If a civil penalty assessment imposed under Code Section 9-10 for delinquent filings represents an undue hardship for a committee, or the committee otherwise lacks the funds or the ability to raise funds to pay the assessment, the committee may submit a settlement offer to the Board using a form available on the Campaign Disclosure portion of the Board's website, or it may convey a settlement offer orally when the committee's case is called at a hearing before a Hearing Officer or the Board.

b) At its discretion, the Board may hear oral argument prior to ruling upon a settlement offer.

c) When determining whether to waive or reduce a fine, the Board will consider:

1) Whether the political committee made an attempt to disclose the contribution and any attempts made to correct the violation;

2) Whether the violation was inadvertent, knowing, or intentional;

3) Whether the violation is attributed to a clerical or computer error;

4) The amount of the contribution or total contributions in the report;

5) Whether the violation arose from a discrepancy between the date the contribution was reported and the date the contribution was received by a political committee;

6) The number of days the report was submitted late; and

7) Any prior violations.

d) If the Board determines that a waiver or reduction of the fine is appropriate under subsection (c), factors to consider in determining the amount of an appropriate settlement include, but are not limited to:

1) The percentage of the fine offered in settlement, with preference given to an offer of at least 50% of the amount owed;

2) The committee’s average receipts over the most recent four quarters;

3) Whether the committee has a current balance sufficient to pay the fine;

4) The ratio of the fine to the committee's average fund balance or average total cash receipts to the penalty amount;

5) The prospective fundraising ability of the committee;

6) The type of contribution at issue (cash v. in kind contribution);

7) The committee's past filing history;

8) Whether the committee provided an explanation why it is unable to raise enough funds to pay the total assessment;

9) Whether the committee's treasurer completed the training required by 26 Ill. Adm. Code 100.190;

10) Whether the delinquent report resulting in a civil penalty assessment was due within the 60 day period before an election; and

11) Whether the committee has filed a final report.

e) The Board will not accept a settlement for civil assessments resulting from a Board finding of willfulness in connection with a delinquent filing.

f) Unless otherwise ordered by the Board, a settlement offer approved by the Board shall be paid within 30 days. Failure to pay within the required time shall result in automatic reinstatement of the original civil assessment amount.

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