

HB0874



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0874

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Requires political committees to include a copy or image of any receipt received for any expenditure that must be reported. Allows the State Board of Elections to adopt rules to implement the requirements. Effective immediately.

LRB101 07015 SMS 52049 b

A BILL FOR

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 Section
5 9-10 as follows:

6 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

7 Sec. 9-10. Disclosure of contributions and expenditures.

8 (a) The treasurer of every political committee shall file
9 with the Board reports of campaign contributions and
10 expenditures as required by this Section on forms to be
11 prescribed or approved by the Board.

12 (b) Every political committee shall file quarterly reports
13 of campaign contributions, expenditures, and independent
14 expenditures. The reports shall cover the period January 1
15 through March 31, April 1 through June 30, July 1 through
16 September 30, and October 1 through December 31 of each year. A
17 political committee shall file quarterly reports no later than
18 the 15th day of the month following each period. Reports of
19 contributions and expenditures must be filed to cover the
20 prescribed time periods even though no contributions or
21 expenditures may have been received or made during the period.
22 The Board shall assess a civil penalty not to exceed \$5,000 for
23 failure to file a report required by this subsection. The fine,

1 however, shall not exceed \$1,000 for a first violation if the
2 committee files less than 10 days after the deadline. There
3 shall be no fine if the report is mailed and postmarked at
4 least 72 hours prior to the filing deadline. When considering
5 the amount of the fine to be imposed, the Board shall consider
6 whether the violation was committed inadvertently,
7 negligently, knowingly, or intentionally and any past
8 violations of this Section.

9 (c) A political committee shall file a report of any
10 contribution of \$1,000 or more electronically with the Board
11 within 5 business days after receipt of the contribution,
12 except that the report shall be filed within 2 business days
13 after receipt if (i) the contribution is received 30 or fewer
14 days before the date of an election and (ii) the political
15 committee supports or opposes a candidate or public question on
16 the ballot at that election or makes expenditures in excess of
17 \$500 on behalf of or in opposition to a candidate, candidates,
18 a public question, or public questions on the ballot at that
19 election. The State Board shall allow filings of reports of
20 contributions of \$1,000 or more by political committees that
21 are not required to file electronically to be made by facsimile
22 transmission. The Board shall assess a civil penalty for
23 failure to file a report required by this subsection. Failure
24 to report each contribution is a separate violation of this
25 subsection. The Board shall impose fines for willful or wanton
26 violations of this subsection (c) not to exceed 150% of the

1 total amount of the contributions that were untimely reported,
2 but in no case shall it be less than 10% of the total amount of
3 the contributions that were untimely reported. When
4 considering the amount of the fine to be imposed for willful or
5 wanton violations, the Board shall consider the number of days
6 the contribution was reported late and past violations of this
7 Section and Section 9-3. The Board may impose a fine for
8 negligent or inadvertent violations of this subsection not to
9 exceed 50% of the total amount of the contributions that were
10 untimely reported, or the Board may waive the fine. When
11 considering whether to impose a fine and the amount of the
12 fine, the Board shall consider the following factors: (1)
13 whether the political committee made an attempt to disclose the
14 contribution and any attempts made to correct the violation,
15 (2) whether the violation is attributed to a clerical or
16 computer error, (3) the amount of the contribution, (4) whether
17 the violation arose from a discrepancy between the date the
18 contribution was reported transferred by a political committee
19 and the date the contribution was received by a political
20 committee, (5) the number of days the contribution was reported
21 late, and (6) past violations of this Section and Section 9-3
22 by the political committee.

23 (d) For the purpose of this Section, a contribution is
24 considered received on the date (i) a monetary contribution was
25 deposited in a bank, financial institution, or other repository
26 of funds for the committee, (ii) the date a committee receives

1 notice a monetary contribution was deposited by an entity used
2 to process financial transactions by credit card or other
3 entity used for processing a monetary contribution that was
4 deposited in a bank, financial institution, or other repository
5 of funds for the committee, or (iii) the public official,
6 candidate, or political committee receives the notification of
7 contribution of goods or services as required under subsection
8 (b) of Section 9-6.

9 (e) A political committee that makes independent
10 expenditures of \$1,000 or more shall file a report
11 electronically with the Board within 5 business days after
12 making the independent expenditure, except that the report
13 shall be filed within 2 business days after making the
14 independent expenditure during the 60-day period before an
15 election.

16 (e-5) An independent expenditure committee that makes an
17 independent expenditure supporting or opposing a public
18 official or candidate that, alone or in combination with any
19 other independent expenditure made by that independent
20 expenditure committee supporting or opposing that public
21 official or candidate during the election cycle, equals an
22 aggregate value of more than (i) \$250,000 for statewide office
23 or (ii) \$100,000 for all other elective offices must file a
24 written disclosure with the State Board of Elections within 2
25 business days after making any expenditure that results in the
26 independent expenditure committee exceeding the applicable

1 threshold. The Board shall assess a civil penalty against an
2 independent expenditure committee for failure to file the
3 disclosure required by this subsection not to exceed (i) \$500
4 for an initial failure to file the required disclosure and (ii)
5 \$1,000 for each subsequent failure to file the required
6 disclosure.

7 (f) A copy of each report or statement filed under this
8 Article shall be preserved by the person filing it for a period
9 of two years from the date of filing.

10 (g) Political committees shall include a copy or image of
11 any receipt received for any expenditure that must be reported
12 under this Section. The Board may adopt rules to implement the
13 requirements of this subsection (g).

14 (Source: P.A. 99-437, eff. 1-1-16.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.