



Sen. Dan McConchie

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10100SB2300sam001

LRB101 15231 SMS 71472 a

1 AMENDMENT TO SENATE BILL 2300

2 AMENDMENT NO. _____. Amend Senate Bill 2300 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 1A-14, 9-1.8, and 9-8.5 as follows:

6 (10 ILCS 5/1A-14) (from Ch. 46, par. 1A-14)

7 Sec. 1A-14. Political activity by the State Board of
8 Elections.

9 (a) No member of the State Board of Elections may become a
10 candidate for nomination for, or election to, or accept
11 appointment to or hold any other remunerative public office or
12 public employment or any office in a political party.

13 (b) No member of the State Board of Elections shall: (1)
14 contribute, either financially or in services or goods or any
15 other way, to any political committee; (2) serve as an officer
16 of any political committee; or (3) be a candidate who is

1 designated as the candidate to be supported by a candidate
2 political committee. A member of the State Board of Elections
3 shall: (i) resign as an officer of the political committee;
4 (ii) have his or her name removed as the candidate to be
5 supported by a political committee within 30 days after
6 confirmation by the Senate; or (iii) notify the Board of the
7 member's intent to convert the political committee to a limited
8 activity committee pursuant to Section 9-1.8 within 30 days
9 after confirmation by the Senate and complete the transition to
10 a limited activity committee within 60 days after confirmation.
11 A member of the State Board of Elections who is in violation of
12 this subsection (b) on the effective date of this amendatory
13 Act of the 101st General Assembly must come into compliance
14 within 30 days after the effective date of this amendatory Act
15 of the 101st General Assembly. As used in this Section,
16 "political committee" includes both the meaning provided in
17 Section 9-1.8 of this Code and the meaning provided in 52
18 U.S.C. 30101.

19 (c) Violation of any prohibition in this Section shall
20 disqualify a member of the Board and a vacancy is thereby
21 created. A vacancy also exists upon the occurrence of any of
22 the events enumerated in Section 25-2 of this Act as in the
23 case of an elective office.

24 (Source: P.A. 80-1178.)

1 Sec. 9-1.8. Political committees.

2 (a) "Political committee" includes a candidate political
3 committee, a political party committee, a political action
4 committee, a ballot initiative committee, and an independent
5 expenditure committee.

6 (b) "Candidate political committee" means the candidate
7 himself or herself or any natural person, trust, partnership,
8 corporation, or other organization or group of persons
9 designated by the candidate that accepts contributions or makes
10 expenditures during any 12-month period in an aggregate amount
11 exceeding \$5,000 on behalf of the candidate.

12 (c) "Political party committee" means the State central
13 committee of a political party, a county central committee of a
14 political party, a legislative caucus committee, or a committee
15 formed by a ward or township committee person of a political
16 party. For purposes of this Article, a "legislative caucus
17 committee" means a committee established for the purpose of
18 electing candidates to the General Assembly by the person
19 elected President of the Senate, Minority Leader of the Senate,
20 Speaker of the House of Representatives, Minority Leader of the
21 House of Representatives, or a committee established by 5 or
22 more members of the same caucus of the Senate or 10 or more
23 members of the same caucus of the House of Representatives.

24 (d) "Political action committee" means any natural person,
25 trust, partnership, committee, association, corporation, or
26 other organization or group of persons, other than a candidate,

1 political party, candidate political committee, or political
2 party committee, that accepts contributions or makes
3 expenditures during any 12-month period in an aggregate amount
4 exceeding \$5,000 on behalf of or in opposition to a candidate
5 or candidates for public office. "Political action committee"
6 includes any natural person, trust, partnership, committee,
7 association, corporation, or other organization or group of
8 persons, other than a candidate, political party, candidate
9 political committee, or political party committee, that makes
10 electioneering communications during any 12-month period in an
11 aggregate amount exceeding \$5,000 related to any candidate or
12 candidates for public office.

13 (e) "Ballot initiative committee" means any natural
14 person, trust, partnership, committee, association,
15 corporation, or other organization or group of persons that
16 accepts contributions or makes expenditures during any
17 12-month period in an aggregate amount exceeding \$5,000 in
18 support of or in opposition to any question of public policy to
19 be submitted to the electors. "Ballot initiative committee"
20 includes any natural person, trust, partnership, committee,
21 association, corporation, or other organization or group of
22 persons that makes electioneering communications during any
23 12-month period in an aggregate amount exceeding \$5,000 related
24 to any question of public policy to be submitted to the voters.
25 The \$5,000 threshold applies to any contributions or
26 expenditures received or made with the purpose of securing a

1 place on the ballot for, advocating the defeat or passage of,
2 or engaging in electioneering communication regarding the
3 question of public policy, regardless of the method of
4 initiation of the question of public policy and regardless of
5 whether petitions have been circulated or filed with the
6 appropriate office or whether the question has been adopted and
7 certified by the governing body.

8 (f) "Independent expenditure committee" means any trust,
9 partnership, committee, association, corporation, or other
10 organization or group of persons formed for the exclusive
11 purpose of making independent expenditures during any 12-month
12 period in an aggregate amount exceeding \$5,000 in support of or
13 in opposition to (i) the nomination for election, election,
14 retention, or defeat of any public official or candidate or
15 (ii) any question of public policy to be submitted to the
16 electors. "Independent expenditure committee" also includes
17 any trust, partnership, committee, association, corporation,
18 or other organization or group of persons that makes
19 electioneering communications that are not made in connection,
20 consultation, or concert with or at the request or suggestion
21 of a public official or candidate, a public official's or
22 candidate's designated political committee or campaign, or an
23 agent or agents of the public official, candidate, or political
24 committee or campaign during any 12-month period in an
25 aggregate amount exceeding \$5,000 related to (i) the nomination
26 for election, election, retention, or defeat of any public

1 official or candidate or (ii) any question of public policy to
2 be submitted to the voters.

3 (g) "Limited activity committee" means a political
4 committee for which a member of the State Board of Elections is
5 either an officer or a candidate the committee has designated
6 to support.

7 (Source: P.A. 100-1027, eff. 1-1-19.)

8 (10 ILCS 5/9-8.5)

9 Sec. 9-8.5. Limitations on campaign contributions.

10 (a) It is unlawful for a political committee to accept
11 contributions except as provided in this Section.

12 (b) During an election cycle, a candidate political
13 committee may not accept contributions with an aggregate value
14 over the following: (i) \$5,000 from any individual, (ii)
15 \$10,000 from any corporation, labor organization, or
16 association, or (iii) \$50,000 from a candidate political
17 committee or political action committee. A candidate political
18 committee may accept contributions in any amount from a
19 political party committee except during an election cycle in
20 which the candidate seeks nomination at a primary election.
21 During an election cycle in which the candidate seeks
22 nomination at a primary election, a candidate political
23 committee may not accept contributions from political party
24 committees with an aggregate value over the following: (i)
25 \$200,000 for a candidate political committee established to

1 support a candidate seeking nomination to statewide office,
2 (ii) \$125,000 for a candidate political committee established
3 to support a candidate seeking nomination to the Senate, the
4 Supreme Court or Appellate Court in the First Judicial
5 District, or an office elected by all voters in a county with
6 1,000,000 or more residents, (iii) \$75,000 for a candidate
7 political committee established to support a candidate seeking
8 nomination to the House of Representatives, the Supreme Court
9 or Appellate Court for a Judicial District other than the First
10 Judicial District, an office elected by all voters of a county
11 of fewer than 1,000,000 residents, and municipal and county
12 offices in Cook County other than those elected by all voters
13 of Cook County, and (iv) \$50,000 for a candidate political
14 committee established to support the nomination of a candidate
15 to any other office. A candidate political committee
16 established to elect a candidate to the General Assembly may
17 accept contributions from only one legislative caucus
18 committee. A candidate political committee may not accept
19 contributions from a ballot initiative committee or from an
20 independent expenditure committee.

21 (c) During an election cycle, a political party committee
22 may not accept contributions with an aggregate value over the
23 following: (i) \$10,000 from any individual, (ii) \$20,000 from
24 any corporation, labor organization, or association, or (iii)
25 \$50,000 from a political action committee. A political party
26 committee may accept contributions in any amount from another

1 political party committee or a candidate political committee,
2 except as provided in subsection (c-5). Nothing in this Section
3 shall limit the amounts that may be transferred between a
4 political party committee established under subsection (a) of
5 Section 7-8 of this Code and an affiliated federal political
6 committee established under the Federal Election Code by the
7 same political party. A political party committee may not
8 accept contributions from a ballot initiative committee or from
9 an independent expenditure committee. A political party
10 committee established by a legislative caucus may not accept
11 contributions from another political party committee
12 established by a legislative caucus.

13 (c-5) During the period beginning on the date candidates
14 may begin circulating petitions for a primary election and
15 ending on the day of the primary election, a political party
16 committee may not accept contributions with an aggregate value
17 over \$50,000 from a candidate political committee or political
18 party committee. A political party committee may accept
19 contributions in any amount from a candidate political
20 committee or political party committee if the political party
21 committee receiving the contribution filed a statement of
22 nonparticipation in the primary as provided in subsection
23 (c-10). The Task Force on Campaign Finance Reform shall study
24 and make recommendations on the provisions of this subsection
25 to the Governor and General Assembly by September 30, 2012.
26 This subsection becomes inoperative on July 1, 2013 and

1 thereafter no longer applies.

2 (c-10) A political party committee that does not intend to
3 make contributions to candidates to be nominated at a general
4 primary election or consolidated primary election may file a
5 Statement of Nonparticipation in a Primary Election with the
6 Board. The Statement of Nonparticipation shall include a
7 verification signed by the chairperson and treasurer of the
8 committee that (i) the committee will not make contributions or
9 coordinated expenditures in support of or opposition to a
10 candidate or candidates to be nominated at the general primary
11 election or consolidated primary election (select one) to be
12 held on (insert date), (ii) the political party committee may
13 accept unlimited contributions from candidate political
14 committees and political party committees, provided that the
15 political party committee does not make contributions to a
16 candidate or candidates to be nominated at the primary
17 election, and (iii) failure to abide by these requirements
18 shall deem the political party committee in violation of this
19 Article and subject the committee to a fine of no more than
20 150% of the total contributions or coordinated expenditures
21 made by the committee in violation of this Article. This
22 subsection becomes inoperative on July 1, 2013 and thereafter
23 no longer applies.

24 (d) During an election cycle, a political action committee
25 may not accept contributions with an aggregate value over the
26 following: (i) \$10,000 from any individual, (ii) \$20,000 from

1 any corporation, labor organization, political party
2 committee, or association, or (iii) \$50,000 from a political
3 action committee or candidate political committee. A political
4 action committee may not accept contributions from a ballot
5 initiative committee or from an independent expenditure
6 committee.

7 (e) A ballot initiative committee may accept contributions
8 in any amount from any source, provided that the committee
9 files the document required by Section 9-3 of this Article and
10 files the disclosure reports required by the provisions of this
11 Article.

12 (e-5) An independent expenditure committee may accept
13 contributions in any amount from any source, provided that the
14 committee files the document required by Section 9-3 of this
15 Article and files the disclosure reports required by the
16 provisions of this Article.

17 (e-10) A limited activity committee shall not accept
18 contributions, except that the member of the State Board of
19 Elections who is either an officer or a candidate the committee
20 has designated to support may contribute personal funds in
21 order to pay for maintenance expenses. A limited activity
22 committee may only make expenditures that are: (1) necessary
23 for maintenance of the committee; (2) for rent or lease
24 payments until the end of the lease in effect at the time the
25 officer or candidate is confirmed by the Senate as a member of
26 the State Board of Elections; (3) contributions to 501(c)(3)

1 charities; or (4) returning contributions to original
2 contributors.

3 (f) Nothing in this Section shall prohibit a political
4 committee from dividing the proceeds of joint fundraising
5 efforts; provided that no political committee may receive more
6 than the limit from any one contributor, and provided that an
7 independent expenditure committee may not conduct joint
8 fundraising efforts with a candidate political committee or a
9 political party committee.

10 (g) On January 1 of each odd-numbered year, the State Board
11 of Elections shall adjust the amounts of the contribution
12 limitations established in this Section for inflation as
13 determined by the Consumer Price Index for All Urban Consumers
14 as issued by the United States Department of Labor and rounded
15 to the nearest \$100. The State Board shall publish this
16 information on its official website.

17 (h) Self-funding candidates. If a public official, a
18 candidate, or the public official's or candidate's immediate
19 family contributes or loans to the public official's or
20 candidate's political committee or to other political
21 committees that transfer funds to the public official's or
22 candidate's political committee or makes independent
23 expenditures for the benefit of the public official's or
24 candidate's campaign during the 12 months prior to an election
25 in an aggregate amount of more than (i) \$250,000 for statewide
26 office or (ii) \$100,000 for all other elective offices, then

1 the public official or candidate shall file with the State
2 Board of Elections, within one day, a Notification of
3 Self-funding that shall detail each contribution or loan made
4 by the public official, the candidate, or the public official's
5 or candidate's immediate family. Within 2 business days after
6 the filing of a Notification of Self-funding, the notification
7 shall be posted on the Board's website and the Board shall give
8 official notice of the filing to each candidate for the same
9 office as the public official or candidate making the filing,
10 including the public official or candidate filing the
11 Notification of Self-funding. Notice shall be sent via first
12 class mail to the candidate and the treasurer of the
13 candidate's committee. Notice shall also be sent by e-mail to
14 the candidate and the treasurer of the candidate's committee if
15 the candidate and the treasurer, as applicable, have provided
16 the Board with an e-mail address. Upon posting of the notice on
17 the Board's website, all candidates for that office, including
18 the public official or candidate who filed a Notification of
19 Self-funding, shall be permitted to accept contributions in
20 excess of any contribution limits imposed by subsection (b). If
21 a public official or candidate filed a Notification of
22 Self-funding during an election cycle that includes a general
23 primary election or consolidated primary election and that
24 public official or candidate is nominated, all candidates for
25 that office, including the nominee who filed the notification
26 of self-funding, shall be permitted to accept contributions in

1 excess of any contribution limit imposed by subsection (b) for
2 the subsequent election cycle. For the purposes of this
3 subsection, "immediate family" means the spouse, parent, or
4 child of a public official or candidate.

5 (h-5) If a natural person or independent expenditure
6 committee makes independent expenditures in support of or in
7 opposition to the campaign of a particular public official or
8 candidate in an aggregate amount of more than (i) \$250,000 for
9 statewide office or (ii) \$100,000 for all other elective
10 offices in an election cycle, as reported in a written
11 disclosure filed under subsection (a) of Section 9-8.6 or
12 subsection (e-5) of Section 9-10, then the State Board of
13 Elections shall, within 2 business days after the filing of the
14 disclosure, post the disclosure on the Board's website and give
15 official notice of the disclosure to each candidate for the
16 same office as the public official or candidate for whose
17 benefit or detriment the natural person or independent
18 expenditure committee made independent expenditures. Upon
19 posting of the notice on the Board's website, all candidates
20 for that office in that election, including the public official
21 or candidate for whose benefit or detriment the natural person
22 or independent expenditure committee made independent
23 expenditures, shall be permitted to accept contributions in
24 excess of any contribution limits imposed by subsection (b).

25 (h-10) If the State Board of Elections receives
26 notification or determines that a natural person or persons, an

1 independent expenditure committee or committees, or
2 combination thereof has made independent expenditures in
3 support of or in opposition to the campaign of a particular
4 public official or candidate in an aggregate amount of more
5 than (i) \$250,000 for statewide office or (ii) \$100,000 for all
6 other elective offices in an election cycle, then the Board
7 shall, within 2 business days after discovering the independent
8 expenditures that, in the aggregate, exceed the threshold set
9 forth in (i) and (ii) of this subsection, post notice of this
10 fact on the Board's website and give official notice to each
11 candidate for the same office as the public official or
12 candidate for whose benefit or detriment the independent
13 expenditures were made. Notice shall be sent via first class
14 mail to the candidate and the treasurer of the candidate's
15 committee. Notice shall also be sent by e-mail to the candidate
16 and the treasurer of the candidate's committee if the candidate
17 and the treasurer, as applicable, have provided the Board with
18 an e-mail address. Upon posting of the notice on the Board's
19 website, all candidates of that office in that election,
20 including the public official or candidate for whose benefit or
21 detriment the independent expenditures were made, may accept
22 contributions in excess of any contribution limits imposed by
23 subsection (b).

24 (i) For the purposes of this Section, a corporation, labor
25 organization, association, or a political action committee
26 established by a corporation, labor organization, or

1 association may act as a conduit in facilitating the delivery
2 to a political action committee of contributions made through
3 dues, levies, or similar assessments and the political action
4 committee may report the contributions in the aggregate,
5 provided that: (i) contributions made through dues, levies, or
6 similar assessments paid by any natural person, corporation,
7 labor organization, or association in a calendar year may not
8 exceed the limits set forth in this Section; (ii) the
9 corporation, labor organization, association, or a political
10 action committee established by a corporation, labor
11 organization, or association facilitating the delivery of
12 contributions maintains a list of natural persons,
13 corporations, labor organizations, and associations that paid
14 the dues, levies, or similar assessments from which the
15 contributions comprising the aggregate amount derive; and
16 (iii) contributions made through dues, levies, or similar
17 assessments paid by any natural person, corporation, labor
18 organization, or association that exceed \$500 in a quarterly
19 reporting period shall be itemized on the committee's quarterly
20 report and may not be reported in the aggregate. A political
21 action committee facilitating the delivery of contributions or
22 receiving contributions shall disclose the amount of
23 contributions made through dues delivered or received and the
24 name of the corporation, labor organization, association, or
25 political action committee delivering the contributions, if
26 applicable. On January 1 of each odd-numbered year, the State

1 Board of Elections shall adjust the amounts of the contribution
2 limitations established in this subsection for inflation as
3 determined by the Consumer Price Index for All Urban Consumers
4 as issued by the United States Department of Labor and rounded
5 to the nearest \$100. The State Board shall publish this
6 information on its official website.

7 (j) A political committee that receives a contribution or
8 transfer in violation of this Section shall dispose of the
9 contribution or transfer by returning the contribution or
10 transfer, or an amount equal to the contribution or transfer,
11 to the contributor or transferor or donating the contribution
12 or transfer, or an amount equal to the contribution or
13 transfer, to a charity. A contribution or transfer received in
14 violation of this Section that is not disposed of as provided
15 in this subsection within 30 days after the Board sends
16 notification to the political committee of the excess
17 contribution by certified mail shall escheat to the General
18 Revenue Fund and the political committee shall be deemed in
19 violation of this Section and subject to a civil penalty not to
20 exceed 150% of the total amount of the contribution.

21 (k) For the purposes of this Section, "statewide office"
22 means the Governor, Lieutenant Governor, Attorney General,
23 Secretary of State, Comptroller, and Treasurer.

24 (l) This Section is repealed if and when the United States
25 Supreme Court invalidates contribution limits on committees
26 formed to assist candidates, political parties, corporations,

1 associations, or labor organizations established by or
2 pursuant to federal law.

3 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."