

HB2856



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2856

Introduced 2/19/2021, by Rep. Amy Grant

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.

LRB102 12822 SMS 18164 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
5 Section 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

1 fine, however, shall not exceed \$1,000 for a first violation
2 if the committee files less than 10 days after the deadline.
3 There shall be no fine if the report is mailed and postmarked
4 at least 72 hours prior to the filing deadline. When
5 considering the amount of the fine to be imposed, the Board
6 shall consider whether the violation was committed
7 inadvertently, negligently, knowingly, or intentionally and
8 any past 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
16 on the ballot at that election or makes expenditures in excess
17 of \$500 on behalf of or in opposition to a candidate,
18 candidates, a public question, or public questions on the
19 ballot at that election. The State Board shall allow filings
20 of reports of contributions of \$1,000 or more by political
21 committees that are not required to file electronically to be
22 made by facsimile transmission. The Board shall assess a civil
23 penalty for failure to file a report required by this
24 subsection. Failure to report each contribution is a separate
25 violation of this subsection. The Board shall impose fines for
26 willful or wanton violations of this subsection (c) not to

1 exceed 150% of the total amount of the contributions that were
2 untimely reported, but in no case shall it be less than 10% of
3 the total amount of the contributions that were untimely
4 reported. When considering the amount of the fine to be
5 imposed for willful or wanton violations, the Board shall
6 consider the number of days the contribution was reported late
7 and past violations of this Section and Section 9-3. The Board
8 may impose a fine for negligent or inadvertent violations of
9 this subsection not to exceed 50% of the total amount of the
10 contributions that were untimely reported, or the Board may
11 waive the fine. When considering whether to impose a fine and
12 the amount of the fine, the Board shall consider the following
13 factors: (1) whether the political committee made an attempt
14 to disclose the contribution and any attempts made to correct
15 the violation, (2) whether the violation is attributed to a
16 clerical or computer error, (3) the amount of the
17 contribution, (4) whether the violation arose from a
18 discrepancy between the date the contribution was reported
19 transferred by a political committee and the date the
20 contribution was received by a political committee, (5) the
21 number of days the contribution was reported late, and (6)
22 past violations of this Section and Section 9-3 by the
23 political committee.

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

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

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

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

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

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

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

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

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