



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2968

Introduced 2/19/2021, by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Provides that a candidate political committee may not accept contributions with an aggregate value in excess of \$100,000 from a political party committee during an election cycle (rather than limiting amounts based on the office the candidate is seeking). Prohibits a candidate political committee established to elect a candidate to the General Assembly from transferring contributions to or accepting contributions from another candidate political committee established to elect a candidate to the General Assembly. Provides that if a candidate contributes or loans to his or her candidate political committee or to other political committees that transfer funds to the candidate's political committee or makes independent expenditures for the benefit of the candidate's campaign during the 12 months prior to an election in an aggregate amount of more than \$100,000, any person running against that candidate or a committee established to support a person running against that candidate is not subject to contribution restrictions provided in the Code.

LRB102 12566 SMS 17904 b

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 9-8.5 as follows:

6 (10 ILCS 5/9-8.5)

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

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

10 (b) During an election cycle, a candidate political
11 committee may not accept contributions with an aggregate value
12 over the following: (i) \$5,000 from any individual, (ii)
13 \$10,000 from any corporation, labor organization, or
14 association, or (iii) \$50,000 from a candidate political
15 committee or political action committee. A candidate political
16 committee may not accept contributions with an aggregate value
17 in excess of \$100,000 from a political party committee during
18 an election cycle. A candidate political committee may accept
19 contributions in any amount from a political party committee
20 except during an election cycle in which the candidate seeks
21 nomination at a primary election. During an election cycle in
22 which the candidate seeks nomination at a primary election, a
23 candidate political committee may not accept contributions

1 ~~from political party committees with an aggregate value over~~
2 ~~the following: (i) \$200,000 for a candidate political~~
3 ~~committee established to support a candidate seeking~~
4 ~~nomination to statewide office, (ii) \$125,000 for a candidate~~
5 ~~political committee established to support a candidate seeking~~
6 ~~nomination to the Senate, the Supreme Court or Appellate Court~~
7 ~~in the First Judicial District, or an office elected by all~~
8 ~~voters in a county with 1,000,000 or more residents, (iii)~~
9 ~~\$75,000 for a candidate political committee established to~~
10 ~~support a candidate seeking nomination to the House of~~
11 ~~Representatives, the Supreme Court or Appellate Court for a~~
12 ~~Judicial District other than the First Judicial District, an~~
13 ~~office elected by all voters of a county of fewer than~~
14 ~~1,000,000 residents, and municipal and county offices in Cook~~
15 ~~County other than those elected by all voters of Cook County,~~
16 ~~and (iv) \$50,000 for a candidate political committee~~
17 ~~established to support the nomination of a candidate to any~~
18 ~~other office. A candidate political committee established to~~
19 ~~elect a candidate to the General Assembly may accept~~
20 ~~contributions from only one legislative caucus committee. A~~
21 ~~candidate political committee established to elect a candidate~~
22 ~~to the General Assembly may not transfer contributions to or~~
23 ~~accept contributions from another candidate political~~
24 ~~committee established to elect a candidate to the General~~
25 ~~Assembly. A candidate political committee may not accept~~
26 ~~contributions from a ballot initiative committee or from an~~

1 independent expenditure committee.

2 (c) During an election cycle, a political party committee
3 may not accept contributions with an aggregate value over the
4 following: (i) \$10,000 from any individual, (ii) \$20,000 from
5 any corporation, labor organization, or association, or (iii)
6 \$50,000 from a political action committee. A political party
7 committee may accept contributions in any amount from another
8 political party committee or a candidate political committee,
9 except as provided in subsection (c-5). Nothing in this
10 Section shall limit the amounts that may be transferred
11 between a political party committee established under
12 subsection (a) of Section 7-8 of this Code and an affiliated
13 federal political committee established under the Federal
14 Election Code by the same political party. A political party
15 committee may not accept contributions from a ballot
16 initiative committee or from an independent expenditure
17 committee. A political party committee established by a
18 legislative caucus may not accept contributions from another
19 political party committee established by a legislative caucus.

20 (c-5) During the period beginning on the date candidates
21 may begin circulating petitions for a primary election and
22 ending on the day of the primary election, a political party
23 committee may not accept contributions with an aggregate value
24 over \$50,000 from a candidate political committee or political
25 party committee. A political party committee may accept
26 contributions in any amount from a candidate political

1 committee or political party committee if the political party
2 committee receiving the contribution filed a statement of
3 nonparticipation in the primary as provided in subsection
4 (c-10). The Task Force on Campaign Finance Reform shall study
5 and make recommendations on the provisions of this subsection
6 to the Governor and General Assembly by September 30, 2012.
7 This subsection becomes inoperative on July 1, 2013 and
8 thereafter no longer applies.

9 (c-10) A political party committee that does not intend to
10 make contributions to candidates to be nominated at a general
11 primary election or consolidated primary election may file a
12 Statement of Nonparticipation in a Primary Election with the
13 Board. The Statement of Nonparticipation shall include a
14 verification signed by the chairperson and treasurer of the
15 committee that (i) the committee will not make contributions
16 or coordinated expenditures in support of or opposition to a
17 candidate or candidates to be nominated at the general primary
18 election or consolidated primary election (select one) to be
19 held on (insert date), (ii) the political party committee may
20 accept unlimited contributions from candidate political
21 committees and political party committees, provided that the
22 political party committee does not make contributions to a
23 candidate or candidates to be nominated at the primary
24 election, and (iii) failure to abide by these requirements
25 shall deem the political party committee in violation of this
26 Article and subject the committee to a fine of no more than

1 150% of the total contributions or coordinated expenditures
2 made by the committee in violation of this Article. This
3 subsection becomes inoperative on July 1, 2013 and thereafter
4 no longer applies.

5 (d) During an election cycle, a political action committee
6 may not accept contributions with an aggregate value over the
7 following: (i) \$10,000 from any individual, (ii) \$20,000 from
8 any corporation, labor organization, political party
9 committee, or association, or (iii) \$50,000 from a political
10 action committee or candidate political committee. A political
11 action committee may not accept contributions from a ballot
12 initiative committee or from an independent expenditure
13 committee.

14 (e) A ballot initiative committee may accept contributions
15 in any amount from any source, provided that the committee
16 files the document required by Section 9-3 of this Article and
17 files the disclosure reports required by the provisions of
18 this Article.

19 (e-5) An independent expenditure committee may accept
20 contributions in any amount from any source, provided that the
21 committee files the document required by Section 9-3 of this
22 Article and files the disclosure reports required by the
23 provisions of this Article.

24 (f) Nothing in this Section shall prohibit a political
25 committee from dividing the proceeds of joint fundraising
26 efforts; provided that no political committee may receive more

1 than the limit from any one contributor, and provided that an
2 independent expenditure committee may not conduct joint
3 fundraising efforts with a candidate political committee or a
4 political party committee.

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

12 (h) Self-funding candidates. If a public official, a
13 candidate, or the public official's or candidate's immediate
14 family contributes or loans to the public official's or
15 candidate's political committee or to other political
16 committees that transfer funds to the public official's or
17 candidate's political committee or makes independent
18 expenditures for the benefit of the public official's or
19 candidate's campaign during the 12 months prior to an election
20 in an aggregate amount of more than (i) \$250,000 for statewide
21 office or (ii) \$100,000 for all other elective offices, then
22 the public official or candidate shall file with the State
23 Board of Elections, within one day, a Notification of
24 Self-funding that shall detail each contribution or loan made
25 by the public official, the candidate, or the public
26 official's or candidate's immediate family. Within 2 business

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

1 or a candidate contributes or loans to the public official's
2 or candidate's political committee or to other political
3 committees that transfer funds to the public official's or
4 candidate's political committee or makes independent
5 expenditures for the benefit of the public official's or
6 candidate's campaign during the 12 months prior to an election
7 in an aggregate amount of more than \$100,000, any person
8 running against that public official or candidate or a
9 committee established to support a person running against that
10 public official or candidate is not subject to contribution
11 restrictions provided in this Code.

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

1 for that office in that election, including the public
2 official or candidate for whose benefit or detriment the
3 natural person or independent expenditure committee made
4 independent expenditures, shall be permitted to accept
5 contributions in excess of any contribution limits imposed by
6 subsection (b).

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

1 notice on the Board's website, all candidates of that office
2 in that election, including the public official or candidate
3 for whose benefit or detriment the independent expenditures
4 were made, may accept contributions in excess of any
5 contribution limits imposed by subsection (b).

6 (i) For the purposes of this Section, a corporation, labor
7 organization, association, or a political action committee
8 established by a corporation, labor organization, or
9 association may act as a conduit in facilitating the delivery
10 to a political action committee of contributions made through
11 dues, levies, or similar assessments and the political action
12 committee may report the contributions in the aggregate,
13 provided that: (i) contributions made through dues, levies, or
14 similar assessments paid by any natural person, corporation,
15 labor organization, or association in a calendar year may not
16 exceed the limits set forth in this Section; (ii) the
17 corporation, labor organization, association, or a political
18 action committee established by a corporation, labor
19 organization, or association facilitating the delivery of
20 contributions maintains a list of natural persons,
21 corporations, labor organizations, and associations that paid
22 the dues, levies, or similar assessments from which the
23 contributions comprising the aggregate amount derive; and
24 (iii) contributions made through dues, levies, or similar
25 assessments paid by any natural person, corporation, labor
26 organization, or association that exceed \$500 in a quarterly

1 reporting period shall be itemized on the committee's
2 quarterly report and may not be reported in the aggregate. A
3 political action committee facilitating the delivery of
4 contributions or receiving contributions shall disclose the
5 amount of contributions made through dues delivered or
6 received and the name of the corporation, labor organization,
7 association, or political action committee delivering the
8 contributions, if applicable. On January 1 of each
9 odd-numbered year, the State Board of Elections shall adjust
10 the amounts of the contribution limitations established in
11 this subsection for inflation as determined by the Consumer
12 Price Index for All Urban Consumers as issued by the United
13 States Department of Labor and rounded to the nearest \$100.
14 The State Board shall publish this information on its official
15 website.

16 (j) A political committee that receives a contribution or
17 transfer in violation of this Section shall dispose of the
18 contribution or transfer by returning the contribution or
19 transfer, or an amount equal to the contribution or transfer,
20 to the contributor or transferor or donating the contribution
21 or transfer, or an amount equal to the contribution or
22 transfer, to a charity. A contribution or transfer received in
23 violation of this Section that is not disposed of as provided
24 in this subsection within 30 days after the Board sends
25 notification to the political committee of the excess
26 contribution by certified mail shall escheat to the General

1 Revenue Fund and the political committee shall be deemed in
2 violation of this Section and subject to a civil penalty not to
3 exceed 150% of the total amount of the contribution.

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

7 (l) This Section is repealed if and when the United States
8 Supreme Court invalidates contribution limits on committees
9 formed to assist candidates, political parties, corporations,
10 associations, or labor organizations established by or
11 pursuant to federal law.

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