



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4927

Introduced 1/27/2022, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Provides that a foreign national may not make, directly or indirectly, a contribution to a ballot initiative committee or an independent expenditure committee for the purpose of influencing any question of public policy to be submitted to the voters, and neither a ballot initiative committee nor an independent expenditure committee may knowingly solicit or accept a contribution from a foreign national for the purpose of influencing any question of public policy to be submitted to the voters. Provides that a foreign national may not make an independent expenditure for the purpose of influencing any question of public policy to be submitted to the voters. Effective immediately.

LRB102 22388 HLH 31527 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 accept contributions in any amount from a
17 political party committee except during an election cycle in
18 which the candidate seeks nomination at a primary election.
19 During an election cycle in which the candidate seeks
20 nomination at a primary election, a candidate political
21 committee may not accept contributions from political party
22 committees with an aggregate value over the following: (i)
23 \$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
10 First Judicial District, an office elected by all voters of a
11 county of fewer than 1,000,000 residents, and municipal and
12 county offices in Cook County other than those elected by all
13 voters of Cook County, and (iv) \$50,000 for a candidate
14 political committee established to support the nomination of a
15 candidate 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 (b-5) Judicial elections.

22 (1) In addition to any other provision of this
23 Section, a candidate political committee established to
24 support a candidate seeking nomination to the Supreme
25 Court, Appellate Court, or Circuit Court may not:

26 (A) accept contributions from any entity that does

1 not disclose the identity of those who make
2 contributions to the entity, except for contributions
3 that are not required to be itemized by this Code; or

4 (B) accept contributions from any out-of-state
5 person, as defined in this Article.

6 (2) As used in this subsection, "contribution" has the
7 meaning provided in Section 9-1.4 and also includes the
8 following that are subject to the limits of this Section:

9 (A) expenditures made by any person in concert or
10 cooperation with, or at the request or suggestion of,
11 a candidate, his or her designated committee, or their
12 agents; and

13 (B) the financing by any person of the
14 dissemination, distribution, or republication, in
15 whole or in part, of any broadcast or any written,
16 graphic, or other form of campaign materials prepared
17 by the candidate, his or her campaign committee, or
18 their designated agents.

19 (3) As to contributions to a candidate political
20 committee established to support a candidate seeking
21 nomination to the Supreme Court, Appellate Court, or
22 Circuit Court:

23 (A) No person shall make a contribution in the
24 name of another person or knowingly permit his or her
25 name to be used to effect such a contribution.

26 (B) No person shall knowingly accept a

1 contribution made by one person in the name of another
2 person.

3 (C) No person shall knowingly accept reimbursement
4 from another person for a contribution made in his or
5 her own name.

6 (D) No person shall make an anonymous
7 contribution.

8 (E) No person shall knowingly accept any anonymous
9 contribution.

10 (F) No person shall predicate (1) any benefit,
11 including, but not limited to, employment decisions,
12 including hiring, promotions, bonus compensation, and
13 transfers, or (2) any other gift, transfer, or
14 emolument upon:

15 (i) the decision by the recipient of that
16 benefit to donate or not to donate to a candidate;
17 or

18 (ii) the amount of any such donation.

19 (4) No judicial candidate or political committee
20 established to support a candidate seeking nomination to
21 the Supreme Court, Appellate Court, or Circuit Court shall
22 knowingly accept any contribution or make any expenditure
23 in violation of the provisions of this Section. No officer
24 or employee of a political committee established to
25 support a candidate seeking nomination to the Supreme
26 Court, Appellate Court, or Circuit Court shall knowingly

1 accept a contribution made for the benefit or use of a
2 candidate or knowingly make any expenditure in support of
3 or opposition to a candidate or for electioneering
4 communications in relation to a candidate in violation of
5 any limitation designated for contributions and
6 expenditures under this Section.

7 (5) Where the provisions of this subsection (b-5)
8 conflict with any other provision of this Code, this
9 subsection (b-5) shall control.

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

1 political party committee established by a legislative caucus.

2 (c-5) During the period beginning on the date candidates
3 may begin circulating petitions for a primary election and
4 ending on the day of the primary election, a political party
5 committee may not accept contributions with an aggregate value
6 over \$50,000 from a candidate political committee or political
7 party committee. A political party committee may accept
8 contributions in any amount from a candidate political
9 committee or political party committee if the political party
10 committee receiving the contribution filed a statement of
11 nonparticipation in the primary as provided in subsection
12 (c-10). The Task Force on Campaign Finance Reform shall study
13 and make recommendations on the provisions of this subsection
14 to the Governor and General Assembly by September 30, 2012.
15 This subsection becomes inoperative on July 1, 2013 and
16 thereafter no longer applies.

17 (c-10) A political party committee that does not intend to
18 make contributions to candidates to be nominated at a general
19 primary election or consolidated primary election may file a
20 Statement of Nonparticipation in a Primary Election with the
21 Board. The Statement of Nonparticipation shall include a
22 verification signed by the chairperson and treasurer of the
23 committee that (i) the committee will not make contributions
24 or coordinated expenditures in support of or opposition to a
25 candidate or candidates to be nominated at the general primary
26 election or consolidated primary election (select one) to be

1 held on (insert date), (ii) the political party committee may
2 accept unlimited contributions from candidate political
3 committees and political party committees, provided that the
4 political party committee does not make contributions to a
5 candidate or candidates to be nominated at the primary
6 election, and (iii) failure to abide by these requirements
7 shall deem the political party committee in violation of this
8 Article and subject the committee to a fine of no more than
9 150% of the total contributions or coordinated expenditures
10 made by the committee in violation of this Article. This
11 subsection becomes inoperative on July 1, 2013 and thereafter
12 no longer applies.

13 (d) During an election cycle, a political action committee
14 may not accept contributions with an aggregate value over the
15 following: (i) \$10,000 from any individual, (ii) \$20,000 from
16 any corporation, labor organization, political party
17 committee, or association, or (iii) \$50,000 from a political
18 action committee or candidate political committee. A political
19 action committee may not accept contributions from a ballot
20 initiative committee or from an independent expenditure
21 committee.

22 (e) Except as otherwise provided in subsection (h-15), a A
23 ballot initiative committee may accept contributions in any
24 amount from any source, provided that the committee files the
25 document required by Section 9-3 of this Article and files the
26 disclosure reports required by the provisions of this Article.

1 (e-5) Except as otherwise provided in subsection (h-15),
2 an ~~An~~ independent expenditure committee may accept
3 contributions in any amount from any source, provided that the
4 committee files the document required by Section 9-3 of this
5 Article and files the disclosure reports required by the
6 provisions of this Article.

7 (e-10) A limited activity committee shall not accept
8 contributions, except that the officer or a candidate the
9 committee has designated to support may contribute personal
10 funds in order to pay for maintenance expenses. A limited
11 activity committee may only make expenditures that are: (i)
12 necessary for maintenance of the committee; (ii) for rent or
13 lease payments until the end of the lease in effect at the time
14 the officer or candidate is confirmed by the Senate; (iii)
15 contributions to 501(c)(3) charities; or (iv) returning
16 contributions to original contributors.

17 (f) Nothing in this Section shall prohibit a political
18 committee from dividing the proceeds of joint fundraising
19 efforts; provided that no political committee may receive more
20 than the limit from any one contributor, and provided that an
21 independent expenditure committee may not conduct joint
22 fundraising efforts with a candidate political committee or a
23 political party committee.

24 (g) On January 1 of each odd-numbered year, the State
25 Board of Elections shall adjust the amounts of the
26 contribution limitations established in this Section for

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

5 (h) Self-funding candidates. If a public official, a
6 candidate, or the public official's or candidate's immediate
7 family contributes or loans to the public official's or
8 candidate's political committee or to other political
9 committees that transfer funds to the public official's or
10 candidate's political committee or makes independent
11 expenditures for the benefit of the public official's or
12 candidate's campaign during the 12 months prior to an election
13 in an aggregate amount of more than (i) \$250,000 for statewide
14 office or (ii) \$100,000 for all other elective offices, then
15 the public official or candidate shall file with the State
16 Board of Elections, within one day, a Notification of
17 Self-funding that shall detail each contribution or loan made
18 by the public official, the candidate, or the public
19 official's or candidate's immediate family. Within 2 business
20 days after the filing of a Notification of Self-funding, the
21 notification shall be posted on the Board's website and the
22 Board shall give official notice of the filing to each
23 candidate for the same office as the public official or
24 candidate making the filing, including the public official or
25 candidate filing the Notification of Self-funding. Notice
26 shall be sent via first class mail to the candidate and the

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

20 (h-5) If a natural person or independent expenditure
21 committee makes independent expenditures in support of or in
22 opposition to the campaign of a particular public official or
23 candidate in an aggregate amount of more than (i) \$250,000 for
24 statewide office or (ii) \$100,000 for all other elective
25 offices in an election cycle, as reported in a written
26 disclosure filed under subsection (a) of Section 9-8.6 or

1 subsection (e-5) of Section 9-10, then the State Board of
2 Elections shall, within 2 business days after the filing of
3 the disclosure, post the disclosure on the Board's website and
4 give official notice of the disclosure to each candidate for
5 the same office as the public official or candidate for whose
6 benefit or detriment the natural person or independent
7 expenditure committee made independent expenditures. Upon
8 posting of the notice on the Board's website, all candidates
9 for that office in that election, including the public
10 official or candidate for whose benefit or detriment the
11 natural person or independent expenditure committee made
12 independent expenditures, shall be permitted to accept
13 contributions in excess of any contribution limits imposed by
14 subsection (b).

15 (h-10) If the State Board of Elections receives
16 notification or determines that a natural person or persons,
17 an independent expenditure committee or committees, or
18 combination thereof has made independent expenditures in
19 support of or in opposition to the campaign of a particular
20 public official or candidate in an aggregate amount of more
21 than (i) \$250,000 for statewide office or (ii) \$100,000 for
22 all other elective offices in an election cycle, then the
23 Board shall, within 2 business days after discovering the
24 independent expenditures that, in the aggregate, exceed the
25 threshold set forth in (i) and (ii) of this subsection, post
26 notice of this fact on the Board's website and give official

1 notice to each candidate for the same office as the public
2 official or candidate for whose benefit or detriment the
3 independent expenditures were made. Notice shall be sent via
4 first class mail to the candidate and the treasurer of the
5 candidate's committee. Notice shall also be sent by e-mail to
6 the candidate and the treasurer of the candidate's committee
7 if the candidate and the treasurer, as applicable, have
8 provided the Board with an e-mail address. Upon posting of the
9 notice on the Board's website, all candidates of that office
10 in that election, including the public official or candidate
11 for whose benefit or detriment the independent expenditures
12 were made, may accept contributions in excess of any
13 contribution limits imposed by subsection (b).

14 (h-15) Notwithstanding any other provision of law, a
15 foreign national may not make, directly or indirectly, a
16 contribution to a ballot initiative committee or an
17 independent expenditure committee for the purpose of
18 influencing any question of public policy to be submitted to
19 the voters, and neither a ballot initiative committee nor an
20 independent expenditure committee may knowingly solicit or
21 accept a contribution from a foreign national for the purpose
22 of influencing any question of public policy to be submitted
23 to the voters. Additionally, a foreign national may not make
24 an independent expenditure for the purpose of influencing any
25 question of public policy to be submitted to the voters. As
26 used in this subsection, "foreign national" means a foreign

1 national as defined in 52 U.S.C. 30121(b) and an entity with
2 respect to which a foreign national holds, owns, controls, or
3 otherwise has direct or indirect beneficial ownership of 50%
4 or more of the total equity, outstanding voting shares,
5 membership units, or other applicable ownership interests.

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 \$1,000 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. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.