

# HB5448



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB5448**

Introduced 1/31/2022, by Rep. Kambium Buckner

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Makes a technical change in a Section concerning limitations on campaign contributions.

LRB102 26081 AWJ 35548 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 9-8.5 as follows:

6 (10 ILCS 5/9-8.5)

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

8 (a) It is unlawful for ~~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) A ballot initiative committee may accept contributions  
23 in any amount from any source, provided that the committee  
24 files the document required by Section 9-3 of this Article and  
25 files the disclosure reports required by the provisions of  
26 this Article.



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

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

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

23 (g) On January 1 of each odd-numbered year, the State  
24 Board of Elections shall adjust the amounts of the  
25 contribution limitations established in this Section for  
26 inflation as determined by the Consumer Price Index for All

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

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

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

19 (h-5) If a natural person or independent expenditure  
20 committee makes independent expenditures in support of or in  
21 opposition to the campaign of a particular public official or  
22 candidate in an aggregate amount of more than (i) \$250,000 for  
23 statewide office or (ii) \$100,000 for all other elective  
24 offices in an election cycle, as reported in a written  
25 disclosure filed under subsection (a) of Section 9-8.6 or  
26 subsection (e-5) of Section 9-10, then the State Board of

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

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

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

13 (i) For the purposes of this Section, a corporation, labor  
14 organization, association, or a political action committee  
15 established by a corporation, labor organization, or  
16 association may act as a conduit in facilitating the delivery  
17 to a political action committee of contributions made through  
18 dues, levies, or similar assessments and the political action  
19 committee may report the contributions in the aggregate,  
20 provided that: (i) contributions made through dues, levies, or  
21 similar assessments paid by any natural person, corporation,  
22 labor organization, or association in a calendar year may not  
23 exceed the limits set forth in this Section; (ii) the  
24 corporation, labor organization, association, or a political  
25 action committee established by a corporation, labor  
26 organization, or association facilitating the delivery of

1 contributions maintains a list of natural persons,  
2 corporations, labor organizations, and associations that paid  
3 the dues, levies, or similar assessments from which the  
4 contributions comprising the aggregate amount derive; and  
5 (iii) contributions made through dues, levies, or similar  
6 assessments paid by any natural person, corporation, labor  
7 organization, or association that exceed \$1,000 in a quarterly  
8 reporting period shall be itemized on the committee's  
9 quarterly report and may not be reported in the aggregate. A  
10 political action committee facilitating the delivery of  
11 contributions or receiving contributions shall disclose the  
12 amount of contributions made through dues delivered or  
13 received and the name of the corporation, labor organization,  
14 association, or political action committee delivering the  
15 contributions, if applicable. On January 1 of each  
16 odd-numbered year, the State Board of Elections shall adjust  
17 the amounts of the contribution limitations established in  
18 this subsection for inflation as determined by the Consumer  
19 Price Index for All Urban Consumers as issued by the United  
20 States Department of Labor and rounded to the nearest \$100.  
21 The State Board shall publish this information on its official  
22 website.

23 (j) A political committee that receives a contribution or  
24 transfer in violation of this Section shall dispose of the  
25 contribution or transfer by returning the contribution or  
26 transfer, or an amount equal to the contribution or transfer,

1 to the contributor or transferor or donating the contribution  
2 or transfer, or an amount equal to the contribution or  
3 transfer, to a charity. A contribution or transfer received in  
4 violation of this Section that is not disposed of as provided  
5 in this subsection within 30 days after the Board sends  
6 notification to the political committee of the excess  
7 contribution by certified mail shall escheat to the General  
8 Revenue Fund and the political committee shall be deemed in  
9 violation of this Section and subject to a civil penalty not to  
10 exceed 150% of the total amount of the contribution.

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

14 (l) This Section is repealed if and when the United States  
15 Supreme Court invalidates contribution limits on committees  
16 formed to assist candidates, political parties, corporations,  
17 associations, or labor organizations established by or  
18 pursuant to federal law.

19 (Source: P.A. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21.)