

HB2975



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2975

Introduced 2/16/2023, by Rep. Christopher "C.D" Davidsmeyer

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Removes a provision that provides that the State Board of Elections shall adjust the amounts of the contribution limits for inflation.

LRB103 28265 BMS 54644 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 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 or oppose a candidate seeking nomination to the
25 Supreme 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 (1.1) In addition to any other provision of this
7 Section, a political committee that is self-funding, as
8 described in subsection (h) of this Section, and is
9 established to support or oppose a candidate seeking
10 nomination, election, or retention to the Supreme Court,
11 the Appellate Court, or the Circuit Court may not accept
12 contributions from any single person, other than the
13 judicial candidate or the candidate's immediate family, in
14 a cumulative amount that exceeds \$500,000 in any election
15 cycle. Any contribution in excess of the limits in this
16 paragraph (1.1) shall escheat to the State of Illinois.
17 Any political committee that receives such a contribution
18 shall immediately forward the amount that exceeds \$500,000
19 to the State Treasurer who shall deposit the funds into
20 the State Treasury.

21 (1.2) In addition to any other provision of this
22 Section, an independent expenditure committee established
23 to support or oppose a candidate seeking nomination,
24 election, or retention to the Supreme Court, the Appellate
25 Court, or the Circuit Court may not accept contributions
26 from any single person in a cumulative amount that exceeds

1 \$500,000 in any election cycle. Any contribution in excess
2 of the limits in this paragraph (1.2) shall escheat to the
3 State of Illinois. Any independent expenditure committee
4 that receives such a contribution shall immediately
5 forward the amount that exceeds \$500,000 to the State
6 Treasurer who shall deposit the funds into the State
7 Treasury.

8 (1.3) In addition to any other provision of this
9 Section, if a political committee established to support
10 or oppose a candidate seeking nomination, election, or
11 retention to the Supreme Court, the Appellate Court, or
12 the Circuit Court receives a contribution in excess of
13 \$500 from: (i) any committee that is not required to
14 disclose its contributors under this Act; (ii) any
15 association that is not required to disclose its
16 contributors under this Act; or (iii) any other
17 organization or group of persons that is not required to
18 disclose its contributors under this Act, then that
19 contribution shall be considered an anonymous contribution
20 that shall escheat to the State, unless the political
21 committee reports to the State Board of Elections all
22 persons who have contributed in excess of \$500 during the
23 same election cycle to the committee, association,
24 organization, or group making the contribution. Any
25 political committee that receives such a contribution and
26 fails to report this information shall forward the

1 contribution amount immediately to the State Treasurer who
2 shall deposit the funds into the State Treasury.

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

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

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

16 (3) As to contributions to a candidate political
17 committee established to support a candidate seeking
18 nomination to the Supreme Court, Appellate Court, or
19 Circuit Court:

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

23 (B) No person shall knowingly accept a
24 contribution made by one person in the name of another
25 person.

26 (C) No person shall knowingly accept reimbursement

1 from another person for a contribution made in his or
2 her own name.

3 (D) No person shall make an anonymous
4 contribution.

5 (E) No person shall knowingly accept any anonymous
6 contribution.

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

12 (i) the decision by the recipient of that
13 benefit to donate or not to donate to a candidate;

14 or

15 (ii) the amount of any such donation.

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

1 communications in relation to a candidate in violation of
2 any limitation designated for contributions and
3 expenditures under this Section.

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

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

25 (c-5) During the period beginning on the date candidates
26 may begin circulating petitions for a primary election and

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

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

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

10 (d) During an election cycle, a political action 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, political party
14 committee, or association, or (iii) \$50,000 from a political
15 action committee or candidate political committee. A political
16 action committee may not accept contributions from a ballot
17 initiative committee or from an independent expenditure
18 committee.

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

24 (e-5) An independent expenditure committee may accept
25 contributions in any amount from any source, provided that the
26 committee files the document required by Section 9-3 of this

1 Article and files the disclosure reports required by the
2 provisions of this Article.

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

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

20 (g) (Blank). ~~On January 1 of each odd-numbered year, the~~
21 ~~State Board of Elections shall adjust the amounts of the~~
22 ~~contribution limitations established in this Section for~~
23 ~~inflation as determined by the Consumer Price Index for All~~
24 ~~Urban Consumers as issued by the United States Department of~~
25 ~~Labor and rounded to the nearest \$100. The State Board shall~~
26 ~~publish this information on its official website.~~

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

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

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

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

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

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

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

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

20 (j) A political committee that receives a contribution or
21 transfer in violation of this Section shall dispose of the
22 contribution or transfer by returning the contribution or
23 transfer, or an amount equal to the contribution or transfer,
24 to the contributor or transferor or donating the contribution
25 or transfer, or an amount equal to the contribution or
26 transfer, to a charity. A contribution or transfer received in

1 violation of this Section that is not disposed of as provided
2 in this subsection within 30 days after the Board sends
3 notification to the political committee of the excess
4 contribution by certified mail shall escheat to the General
5 Revenue Fund and the political committee shall be deemed in
6 violation of this Section and subject to a civil penalty not to
7 exceed 150% of the total amount of the contribution.

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

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

16 (Source: P.A. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21;
17 102-909, eff. 5-27-22.)