



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4032

Introduced 4/19/2023, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-25.1	from Ch. 46, par. 9-25.1; formerly Ch. 46, pars. 102, 103 and 104
10 ILCS 5/9-25.2	
10 ILCS 5/9-26	from Ch. 46, par. 9-26

Amends the Disclosure and Regulation of Campaign Contributions and Expenditures Article of the Election Code. In provisions concerning criminal penalties for election interference, provides that, in addition to criminal penalties, the State Board of Elections may impose a civil penalty of up to \$5,000 for the first violation of the provisions and up to \$10,000 for a second or subsequent violation of the provisions. In provisions concerning criminal penalties for unlawful contributions to a candidate or treasurer of a political committee, provides that, in addition to criminal penalties, the State Board of Elections may impose upon a person or political committee found to have violated the provisions a civil penalty of up to \$500 for each contribution of \$500 or less and up to the amount of the contribution plus \$500 for each contribution greater than \$500. Provides that the appropriate State's Attorney or the Attorney General, if prosecuting a violation of the Article, shall bring the action in the name of the people of the State of Illinois (rather than the State's Attorney or the Attorney General shall bring the action).

LRB103 31647 BMS 60113 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 Sections 9-25.1, 9-25.2, and 9-26 as follows:

6 (10 ILCS 5/9-25.1) (from Ch. 46, par. 9-25.1; formerly Ch.
7 46, pars. 102, 103 and 104)

8 Sec. 9-25.1. Election interference.

9 (a) As used in this Section, "public funds" means any
10 funds appropriated by the Illinois General Assembly or by any
11 political subdivision of the State of Illinois.

12 (b) No public funds shall be used to urge any elector to
13 vote for or against any candidate or proposition, or be
14 appropriated for political or campaign purposes to any
15 candidate or political organization. This Section shall not
16 prohibit the use of public funds for dissemination of factual
17 information relative to any proposition appearing on an
18 election ballot, or for dissemination of information and
19 arguments published and distributed under law in connection
20 with a proposition to amend the Constitution of the State of
21 Illinois.

22 (c) The first time any person violates any provision of
23 this Section, that person shall be guilty of a Class B

1 misdemeanor. Upon the second or any subsequent violation of
2 any provision of this Section, the person violating any
3 provision of this Section shall be guilty of a Class A
4 misdemeanor.

5 (d) In addition to the criminal penalties set forth in
6 subsection (c), the State Board of Elections may impose a
7 civil penalty of up to \$5,000 for the first violation of this
8 Section and up to \$10,000 for a second or subsequent violation
9 of this Section.

10 (Source: P.A. 87-1052.)

11 (10 ILCS 5/9-25.2)

12 Sec. 9-25.2. Contributions; candidate or treasurer of
13 political committee.

14 (a) No candidate may knowingly receive any contribution
15 solicited or received in violation of Section 33-3.1 or
16 Section 33-3.2 of the Criminal Code of 2012.

17 (b) The receipt of political contributions in violation of
18 this Section shall constitute a Class A misdemeanor.

19 The appropriate State's Attorney or the Attorney General
20 shall bring actions in the name of the people of the State of
21 Illinois.

22 (c) In addition to the criminal penalties set forth in
23 subsection (b), the State Board of Elections may impose upon a
24 person or political committee found to have violated this
25 Section a civil penalty of (i) up to \$500 for each contribution

1 of \$500 or less and (ii) up to the amount of the contribution
2 plus \$500 for each contribution greater than \$500.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (10 ILCS 5/9-26) (from Ch. 46, par. 9-26)

5 Sec. 9-26. The State Board of Elections may impose a civil
6 penalty for willful ~~Willful~~ failure to file or willful filing
7 of false or incomplete information required by this Article in
8 an amount ~~shall constitute a business offense subject to a~~
9 ~~fine~~ of up to \$5,000.

10 Willful filing of a false complaint under this Article
11 shall constitute a Class B misdemeanor.

12 A prosecution for any offense designated by this Article
13 shall be commenced no later than 18 months after the
14 commission of the offense.

15 The appropriate State's Attorney or the Attorney General,
16 if prosecuting a violation of this Article, shall bring the
17 action ~~such actions~~ in the name of the people of the State of
18 Illinois.

19 (Source: P.A. 90-737, eff. 1-1-99.)