



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5768

Introduced 3/7/2024, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Provides that an appointed or elected supervisor of assessments or county assessor is prohibited from making a contribution to any political committee established to promote the candidacy of a person who is a candidate for the Board of Review of the county in which the supervisor of assessments or county assessor serves. Provides that it is unlawful for a political committee to accept contributions that violate those provisions.

LRB103 39640 HLH 70001 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 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 (b-10) Notwithstanding any other provision of law, an
8 appointed or elected supervisor of assessments or county
9 assessor is prohibited from making a contribution to any
10 political committee established to promote the candidacy of a
11 person who is a candidate for the Board of Review of the county
12 in which the supervisor of assessments or county assessor
13 serves. It is unlawful for a political committee to accept
14 contributions that violate this subsection.

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

1 Election Code by the same political party. A political party
2 committee may not accept contributions from a ballot
3 initiative committee or from an independent expenditure
4 committee. A political party committee established by a
5 legislative caucus may not accept contributions from another
6 political party committee established by a legislative caucus.

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

22 (c-10) A political party committee that does not intend to
23 make contributions to candidates to be nominated at a general
24 primary election or consolidated primary election may file a
25 Statement of Nonparticipation in a Primary Election with the
26 Board. The Statement of Nonparticipation shall include a

1 verification signed by the chairperson and treasurer of the
2 committee that (i) the committee will not make contributions
3 or coordinated expenditures in support of or opposition to a
4 candidate or candidates to be nominated at the general primary
5 election or consolidated primary election (select one) to be
6 held on (insert date), (ii) the political party committee may
7 accept unlimited contributions from candidate political
8 committees and political party committees, provided that the
9 political party committee does not make contributions to a
10 candidate or candidates to be nominated at the primary
11 election, and (iii) failure to abide by these requirements
12 shall deem the political party committee in violation of this
13 Article and subject the committee to a fine of no more than
14 150% of the total contributions or coordinated expenditures
15 made by the committee in violation of this Article. This
16 subsection becomes inoperative on July 1, 2013 and thereafter
17 no longer applies.

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

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

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

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

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

1 political party committee.

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

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

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

24 (h-5) If a natural person or independent expenditure
25 committee makes independent expenditures in support of or in
26 opposition to the campaign of a particular public official or

1 candidate in an aggregate amount of more than (i) \$250,000 for
2 statewide office or (ii) \$100,000 for all other elective
3 offices in an election cycle, as reported in a written
4 disclosure filed under subsection (a) of Section 9-8.6 or
5 subsection (e-5) of Section 9-10, then the State Board of
6 Elections shall, within 2 business days after the filing of
7 the disclosure, post the disclosure on the Board's website and
8 give official notice of the disclosure to each candidate for
9 the same office as the public official or candidate for whose
10 benefit or detriment the natural person or independent
11 expenditure committee made independent expenditures. Upon
12 posting of the notice on the Board's website, all candidates
13 for that office in that election, including the public
14 official or candidate for whose benefit or detriment the
15 natural person or independent expenditure committee made
16 independent expenditures, shall be permitted to accept
17 contributions in excess of any contribution limits imposed by
18 subsection (b).

19 (h-10) If the State Board of Elections receives
20 notification or determines that a natural person or persons,
21 an independent expenditure committee or committees, or
22 combination thereof has made independent expenditures in
23 support of or in opposition to the campaign of a particular
24 public official or candidate in an aggregate amount of more
25 than (i) \$250,000 for statewide office or (ii) \$100,000 for
26 all other elective offices in an election cycle, then the

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

18 (i) For the purposes of this Section, a corporation, labor
19 organization, association, or a political action committee
20 established by a corporation, labor organization, or
21 association may act as a conduit in facilitating the delivery
22 to a political action committee of contributions made through
23 dues, levies, or similar assessments and the political action
24 committee may report the contributions in the aggregate,
25 provided that: (i) contributions made through dues, levies, or
26 similar assessments paid by any natural person, corporation,

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

1 website.

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

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

19 (l) This Section is repealed if and when the United States
20 Supreme Court invalidates contribution limits on committees
21 formed to assist candidates, political parties, corporations,
22 associations, or labor organizations established by or
23 pursuant to federal law.

24 (Source: P.A. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21;
25 102-909, eff. 5-27-22.)