

1 AMENDMENT TO HOUSE BILL 1680

2 AMENDMENT NO. _____. Amend House Bill 1680 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 9-10 and by adding Sections 9-2.5 and 9-8.5 as
6 follows:

7 (10 ILCS 5/9-2.5 new)

8 Sec. 9-2.5. Single political committee.

9 (a) No public official or candidate for public office
10 may establish more than one political committee for each
11 office that public official or candidate occupies or is
12 seeking.

13 (b) Exploratory committee. A public official with
14 committees bound by the limits of subsection (b) of Section
15 9-8.5 considering a candidacy for an office covered by the
16 limits of subsection (c) of Section 9-8.5 must form a new
17 committee, to be termed an exploratory committee. A
18 pre-existing committee created for the primary purpose of
19 aiding that candidate's election to other offices that ceases
20 all fundraising after the creation of an exploratory
21 committee may transfer funds without limit to an exploratory
22 committee, but an exploratory committee may not transfer

1 funds to that candidate's pre-existing committees. Should the
2 candidate decide against running for the new office, fail to
3 qualify for the ballot at the next election, or lose the next
4 election, any remaining funds held by the exploratory
5 committee shall be returned to contributors or donated to
6 charity, and the committee closed, within 90 days.

7 (c) Caucus Committees. The public officials elected
8 President of the Senate, Minority Leader of the Senate,
9 Speaker of the House of Representatives, and Minority Leader
10 of the House of Representatives may each establish and
11 operate one additional political committee for the purpose of
12 supporting the election of candidates to the General
13 Assembly. The committees provided for in this subsection (c)
14 shall be not considered established by the President of the
15 Senate, Minority Leader of the Senate, Speaker of the House
16 of Representatives, and Minority Leader of the House of
17 Representatives for purposes of Section 9-8.5.

18 (10 ILCS 5/9-8.5 new)

19 Sec. 9-8.5. Contribution and transfer limits.

20 (a) Definitions.

21 (1) For the purpose of this Section, "direct
22 contribution" means a monetary donation, transfer of
23 funds, or loan. "Direct contribution" does not include
24 the value of an individual person's time.

25 (2) For the purpose of this Section, "in-kind
26 contribution" means a gift of goods or services.

27 (3) For the purpose of this Section, a
28 "contributor" means any natural person, or other entity
29 together with its affiliates, making a contribution to a
30 political committee. The State Board of Elections shall
31 by rule determine what it means to be an "affiliate" of a
32 contributing entity, considering such factors as common
33 ownership, leadership, membership, and donor base.

1 Married couples and other natural persons sharing a bank
2 account may each give up to the limit, even though their
3 contributions may be drawn on the same account.

4 (4) A "primary election period" begins July 1 of an
5 odd-numbered year and ends the day of the next primary
6 election. A "general election period" begins the day
7 after a primary election and ends June 30 of the next
8 odd-numbered year.

9 (5) "Non-itemized individual receipts" means
10 contributions reported according to Section 5/9-11(5) of
11 the Election Code.

12 (6) "Non-person" means any entity other than a
13 natural person.

14 (7) A "local election calendar" means the period
15 starting the day after a consolidated municipal election
16 and ending on the day of the next consolidated municipal
17 election.

18 (b) Unless explicitly authorized by this Section, no
19 political committee may accept contributions that, in
20 aggregate during either the primary election period or the
21 general election period, exceed:

22 (1) \$1,500 in direct and in-kind contributions from
23 any individual, corporation, union, or association, or
24 the recipient committee designated by that corporation,
25 union, or association

26 (2) \$5,000 in direct and in-kind contributions from
27 any other political committee;

28 (3) \$10,000 in direct contributions and \$10,000 in
29 in-kind contributions from any caucus committee, if the
30 political committee was established primarily to support
31 a candidate for legislative office; or

32 (4) \$10,000 in direct contributions and \$10,000 in
33 in-kind contributions from any party committee; provided
34 that no committee may accept contributions from more than

1 one party committee,

2 (c) Unless explicitly authorized by this Section, no
3 political committees established for the primary purpose of
4 supporting a candidate for statewide office may accept
5 contributions that, in aggregate during either the primary
6 election period or the general election period, exceed:

7 (1) \$3,000 in direct and in-kind contributions from
8 any individual, corporation, union, or association, or
9 the recipient committee designated by that corporation,
10 union, or association;

11 (2) \$5,000 in direct and in-kind contributions from
12 any political committee; or

13 (3) \$25,000 in direct contributions and \$100,000 in
14 in-kind contributions from any Party Committee; provided
15 that no committee may accept contributions from more than
16 one Party Committee,

17 (d) No corporation, union, association, or other
18 non-person may contribute to a political committee or spend
19 funds in relation to a candidate except through a Recipient
20 Committee. Recipient committees may accept funds directly
21 from the corporation, union, association or other non-person
22 without limit. No corporation, union, association, or
23 non-person may designate more than one recipient committee

24 (e) Political parties may designate a party committee to
25 accept direct and in-kind contributions that, in aggregate,
26 do not exceed \$10,000 from any contributor during either the
27 primary election period or the general election period.
28 Political parties may not designate more than one party
29 committee. Party committees may not contribute to a candidate
30 without that candidate's express permission.

31 (f) With respect to contributions to political
32 committees established by a candidate for public office or a
33 public official, the limitations established in subsection
34 (b) apply in the aggregate to all political committees

1 established by that candidate for public office or public
2 official that do not qualify for the limits in subsection (c)
3 or are not exploratory committees.

4 (g) Committees established primarily to support
5 candidates for an office required to file a statement of
6 economic interest with a local authority may elect to follow
7 the local election calendar. Committees that elect to follow
8 the local election calendar must do so at least 18 months
9 before the next consolidated municipal election. Candidates
10 who elect to follow the local election calendar may accept up
11 to \$3,000 from any one source during any local election
12 calendar period.

13 (h) Exceptions to contribution and transfer limits.

14 (1) A candidate facing an opponent who has
15 contributed more than \$100,000 of his or her own funds to
16 his political committee, directly or in-kind, may accept
17 contributions without regard to the limits imposed above.

18 (2) A political committee may transfer its
19 non-itemized individual receipts, up to twice the limit
20 established in subsections (b) and (c), to any candidate.
21 The receiving candidate shall treat the transferred funds
22 as itemized receipts.

23 (i) Penalty. The State Board of Elections may assess a
24 penalty against the contributor of the greater of \$5,000 or
25 the gross value of the contribution for each violation of
26 this section. Contributions in violation of this Section
27 escheat to the State.

28 The State Board of Elections may assess a penalty of up
29 to \$1,000 for each violation against the recipient of any
30 contribution in violation of this section if it finds
31 convincing evidence of active collusion between the donor and
32 the recipient to evade the limits set by this Section.

1 Sec. 9-10. Financial reports.

2 (a) The treasurer of every state political committee and
3 the treasurer of every local political committee shall file
4 with the Board, and the treasurer of every local political
5 committee shall file with the county clerk, reports of
6 campaign contributions, and semi-annual reports of campaign
7 contributions and expenditures on forms to be prescribed or
8 approved by the Board. The treasurer of every political
9 committee that acts as both a state political committee and a
10 local political committee shall file a copy of each report
11 with the State Board of Elections and the county clerk.
12 Entities subject to Section 9-7.5 shall file reports required
13 by that Section at times provided in this Section and are
14 subject to the penalties provided in this Section.

15 (b) Reports of campaign contributions shall be filed no
16 later than the 15th day next preceding each election
17 including a primary election in connection with which the
18 political committee has accepted or is accepting
19 contributions or has made or is making expenditures. Such
20 reports shall be complete as of the 30th day next preceding
21 each election including a primary election. The Board shall
22 assess a civil penalty not to exceed \$5,000 for a violation
23 of this subsection, except that for State officers and
24 candidates and political committees formed for statewide
25 office, the civil penalty may not exceed \$10,000. The fine,
26 however, shall not exceed \$500 for a first filing violation
27 for filing less than 10 days after the deadline. There shall
28 be no fine if the report is mailed and postmarked at least 72
29 hours prior to the filing deadline. For the purpose of this
30 subsection, "statewide office" and "State officer" means the
31 Governor, Lieutenant Governor, Attorney General, Secretary of
32 State, Comptroller, and Treasurer. However, a continuing
33 political committee that neither accepts contributions nor
34 makes expenditures on behalf of or in opposition to any

1 candidate or public question on the ballot at an election
2 shall not be required to file the reports heretofore
3 prescribed but may file in lieu thereof a Statement of
4 Nonparticipation in the Election with the Board or the Board
5 and the county clerk.

6 (b-5) Notwithstanding the provisions of subsection (b),
7 any contribution of \$500 or more received in the interim
8 between the last date of the period covered by the last
9 report filed under subsection (b) prior to the election and
10 the date of the election shall be reported within 2 business
11 days after its receipt. The State Board shall allow filings
12 under this subsection (b-5) to be made by facsimile
13 transmission. For the purpose of this subsection, a
14 contribution is considered received on the date the public
15 official, candidate, or political committee (or equivalent
16 person in the case of a reporting entity other than a
17 political committee) actually receives it or, in the case of
18 goods or services, 2 days after the date the public official,
19 candidate, committee, or other reporting entity receives the
20 certification required under subsection (b) of Section 9-6.
21 Failure to report each contribution is a separate violation
22 of this subsection. The Board shall impose fines for
23 violations of this subsection as follows:

24 (1) if the political committee's or other reporting
25 entity's total receipts, total expenditures, and balance
26 remaining at the end of the last reporting period were
27 each \$5,000 or less, then \$100 per business day for the
28 first violation, \$200 per business day for the second
29 violation, and \$300 per business day for the third and
30 subsequent violations.

31 (2) if the political committee's or other reporting
32 entity's total receipts, total expenditures, and balance
33 remaining at the end of the last reporting period were
34 each more than \$5,000, then \$200 per business day for the

1 first violation, \$400 per business day for the second
2 violation, and \$600 per business day for the third and
3 subsequent violations.

4 (b-7) Notwithstanding the provisions of subsection (b),
5 any contribution received from the candidate or the
6 candidate's immediate family during a semi-annual reporting
7 period that contains an election shall be reported within 2
8 business days after its receipt. The State Board shall allow
9 filings under this subsection to be made by facsimile
10 transmission. For the purpose of this subsection, a
11 contribution is considered received on the date the public
12 official, candidate, or political committee (or equivalent
13 person in the case of a reporting entity other than a
14 political committee) actually receives it. Failure to report
15 each contribution is a separate violation of this subsection.
16 The Board shall impose fines for violations of this
17 subsection of up to the value of the contribution plus \$1,000
18 for every violation during any reporting period.

19 (c) In addition to such reports the treasurer of every
20 political committee shall file semi-annual reports of
21 campaign contributions and expenditures no later than July
22 31st, covering the period from January 1st through June 30th
23 immediately preceding, and no later than January 31st,
24 covering the period from July 1st through December 31st of
25 the preceding calendar year. Reports of contributions and
26 expenditures must be filed to cover the prescribed time
27 periods even though no contributions or expenditures may have
28 been received or made during the period. The Board shall
29 assess a civil penalty not to exceed \$5,000 for a violation
30 of this subsection, except that for State officers and
31 candidates and political committees formed for statewide
32 office, the civil penalty may not exceed \$10,000. The fine,
33 however, shall not exceed \$500 for a first filing violation
34 for filing less than 10 days after the deadline. There shall

1 be no fine if the report is mailed and postmarked at least 72
2 hours prior to the filing deadline. For the purpose of this
3 subsection, "statewide office" and "State officer" means the
4 Governor, Lieutenant Governor, Attorney General, Secretary of
5 State, Comptroller, and Treasurer.

6 (d) A copy of each report or statement filed under this
7 Article shall be preserved by the person filing it for a
8 period of two years from the date of filing.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."