



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0743

Introduced 2/1/2005, by Rep. Elizabeth Coulson

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-2.5 new  
10 ILCS 5/9-8.5 new  
10 ILCS 5/9-29 new

Amends the Election Code. Limits public officials and candidates to one political committee per office held or sought. Permits exploratory committees. Permits each legislative leader to have one caucus political committee. Sets limits on contributions that a political committee may receive from individuals, non-person entities, caucus committees, other political committees, and party committees. Prohibits a non-person entity from making contributions or expanding funds in relation to a candidate except through its designated recipient committee. Authorizes a political party to designate a party committee that may receive a limited amount of contributions. Makes exceptions to the limits with respect to candidates facing opponents using personal funds and with respect to transfers by political committees. Authorizes the State Board of Elections to assess penalties against contributors and recipients for violations of the contribution restrictions. Authorizes the State Board, upon the affirmative vote of 4 of its members, to audit a political committee's records.

LRB094 06367 JAM 36448 b

FISCAL NOTE ACT  
MAY APPLY

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 adding Sections  
5 9-2.5, 9-8.5, and 9-29 as follows:

6 (10 ILCS 5/9-2.5 new)

7 Sec. 9-2.5. Single political committee.

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

11 (b) A public official with committees bound by the limits  
12 of Section 9-8.5(b) considering a candidacy for an office  
13 covered by the limits of Section 9-8.5(c) must form a new  
14 committee, to be termed an exploratory committee. A  
15 pre-existing committee created for the primary purpose of  
16 aiding that candidate's election to other offices that ceases  
17 all fundraising after the creation of an exploratory committee  
18 may transfer funds without limit to an exploratory committee,  
19 but an exploratory committee may not transfer funds to that  
20 candidate's pre-existing committees. Should the candidate  
21 decide against running for the new office, fail to qualify for  
22 the ballot at the next election, or lose the next election, any  
23 remaining funds held by the exploratory committee shall be  
24 returned to contributors or donated to charity, and the  
25 committee closed, within 90 days.

26 (c) The public officials elected President of the Senate,  
27 Minority Leader of the Senate, Speaker of the House of  
28 Representatives, and Minority Leader of the House of  
29 Representatives may each establish and operate one additional  
30 political committee for the purpose of supporting the election  
31 of candidates to the General Assembly. The committees provided  
32 for in this subsection (c) shall not be considered established

1 by the President of the Senate, Minority Leader of the Senate,  
2 Speaker of the House of Representatives, and Minority Leader of  
3 the House of Representatives for purposes of Section 9-8.5.

4 (10 ILCS 5/9-8.5 new)

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

6 (a) As used in this Section:

7 (1) "Direct contribution" means a monetary donation,  
8 transfer of funds, or loan. "Direct contribution" does not  
9 include the value of an individual person's time.

10 (2) "In-kind contribution" means a gift of goods or  
11 services.

12 (3) "Contributor" means any natural person, or other  
13 entity together with its affiliates, making a contribution  
14 to a political committee. The State Board of Elections  
15 shall by rule determine what it means to be an "affiliate"  
16 of a contributing entity, considering such factors as  
17 common ownership, leadership, membership, and donor base.  
18 Married couples and other natural persons sharing a bank  
19 account may each give up to the limit, even though their  
20 contributions may be drawn on the same account.

21 (4) "Primary election period" means the period that  
22 begins July 1 of an odd-numbered year and ends the day of  
23 the next primary election.

24 (5) "General election period" means the period that  
25 begins the day after a primary election and ends June 30 of  
26 the next odd-numbered year.

27 (6) "Non-itemized individual receipts" means  
28 contributions reported according to Section 9-11(5) of  
29 this Code.

30 (7) "Non-person" means any entity other than a natural  
31 person.

32 (8) "Local election calendar" means the period  
33 starting the day after a consolidated election and ending  
34 on the day of the next consolidated election.

35 (b) Unless explicitly authorized by this Section, no

1 political committee may accept contributions that, in  
2 aggregate during either the primary election period or the  
3 general election period, exceed:

4 (1) \$1,500 in direct and in-kind contributions from any  
5 individual, corporation, union, or association, or the  
6 Recipient Committee designated by that corporation, union,  
7 or association;

8 (2) \$5,000 in direct and in-kind contributions from any  
9 other political committee;

10 (3) \$20,000 in direct and in-kind contributions from  
11 any Caucus Committee, if the political committee was  
12 established primarily to support a candidate for  
13 legislative office; or

14 (4) \$20,000 in direct and in-kind contributions from  
15 any Party Committee; provided that no committee may accept  
16 contributions from more than one Party Committee.

17 (c) Unless explicitly authorized by this Section, no  
18 political committees established for the primary purpose of  
19 supporting a candidate for statewide office may accept  
20 contributions that, in aggregate during either the primary  
21 election period or the general election period, exceed:

22 (1) \$3,000 in direct and in-kind contributions from any  
23 individual, corporation, union, or association, or the  
24 Recipient Committee designated by that corporation, union,  
25 or association;

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

28 (3) \$25,000 in direct contributions and \$100,000 in  
29 in-kind contributions from any Party Committee; provided  
30 that no committee may accept contributions from more than  
31 one Party Committee.

32 (d) No corporation, union, association, or other  
33 non-person may contribute to a political committee or spend  
34 funds in relation to a candidate except through a Recipient  
35 Committee. Recipient Committees may accept funds directly from  
36 the corporation, union, association, or other non-person

1 without limit. No corporation, union, association, or  
2 non-person may designate more than one Recipient Committee.

3 (e) Political parties may designate a Party Committee to  
4 accept direct and in-kind contributions that, in aggregate, do  
5 not exceed \$10,000 from any contributor during either the  
6 primary election period or the general election period.  
7 Political parties may not designate more than one Party  
8 Committee. Party Committees may not contribute to a candidate  
9 without that candidate's express permission.

10 (f) With respect to contributions to political committees  
11 established by a candidate for public office or a public  
12 official, the limitations established in subsection (b) apply  
13 in the aggregate to all political committees established by  
14 that candidate for public office or public official that do not  
15 qualify for the limits in subsection (c) or are not exploratory  
16 committees.

17 (g) Committees established primarily to support candidates  
18 for an office required to file a statement of economic interest  
19 with a county clerk may opt to follow the local election  
20 calendar. Committees that opt to follow the local election  
21 calendar must make that decision at least 18 months before the  
22 next consolidated election or within 30 days of creation.  
23 Committees who opt to follow the local election calendar may  
24 accept up to \$3,000 from any one source during any local  
25 election calendar period. Once a committee has opted to follow  
26 the local election calendar, it may not rescind that decision.

27 (h) A candidate facing an opponent who has contributed more  
28 than \$100,000 of his or her own funds to his or her political  
29 committee, directly or in-kind, may accept contributions  
30 without regard to the limits imposed in this Section.

31 A political committee may transfer its non-itemized  
32 individual receipts, up to twice the limit established in  
33 subsections (b) and (c) of this Section, to any candidate. The  
34 receiving candidate shall treat the transferred funds as  
35 itemized receipts.

36 (i) The State Board of Elections may assess a penalty

1 against the contributor of the greater of \$5,000 or the gross  
2 value of the contribution for each violation of this Section.  
3 Contributions in violation of this Section escheat to the  
4 State.

5 The State Board of Elections may assess a penalty of up to  
6 \$1,000 for each violation against the recipient of any  
7 contribution in violation of this Section if it finds  
8 convincing evidence of active collusion between the donor and  
9 the recipient to evade the limits set by this Section.

10 (10 ILCS 5/9-29 new)

11 Sec. 9-29. Audit. The State Board of Elections, by  
12 affirmative vote of any 4 of its members, may conduct an audit  
13 of the records of any committee to ensure compliance with any  
14 Section of this Article. An audit shall be paid for by the  
15 committee and shall be limited to the records required to be  
16 maintained by the committee at the time the audit is ordered.