



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1598

Introduced 02/16/05, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10
10 ILCS 5/9-28

from Ch. 46, par. 9-10

Amends the Election Code. Requires that all political committees use electronic means when reporting campaign contributions in excess of \$500 received in the interval between the last report of campaign contributions and the election (now, required only of committees that meet certain financial thresholds). Requires the State Board of Elections to post those reports on its website as soon as practical.

LRB094 07483 JAM 37647 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 changing
5 Sections 9-10 and 9-28 as follows:

6 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

7 Sec. 9-10. Financial reports.

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

21 (b) Reports of campaign contributions shall be filed no
22 later than the 15th day next preceding each election including
23 a primary election in connection with which the political
24 committee has accepted or is accepting contributions or has
25 made or is making expenditures. Such reports shall be complete
26 as of the 30th day next preceding each election including a
27 primary election. The Board shall assess a civil penalty not to
28 exceed \$5,000 for a violation of this subsection, except that
29 for State officers and candidates and political committees
30 formed for statewide office, the civil penalty may not exceed
31 \$10,000. The fine, however, shall not exceed \$500 for a first
32 filing violation for filing less than 10 days after the

1 deadline. There shall be no fine if the report is mailed and
2 postmarked at least 72 hours prior to the filing deadline. For
3 the purpose of this subsection, "statewide office" and "State
4 officer" means the Governor, Lieutenant Governor, Attorney
5 General, Secretary of State, Comptroller, and Treasurer.
6 However, a continuing political committee that neither accepts
7 contributions nor makes expenditures on behalf of or in
8 opposition to any candidate or public question on the ballot at
9 an election shall not be required to file the reports
10 heretofore prescribed but may file in lieu thereof a Statement
11 of Nonparticipation in the Election with the Board or the Board
12 and the county clerk.

13 (b-5) Notwithstanding the provisions of subsection (b) and
14 Section 1.25 of the Statute on Statutes, any contribution of
15 more than \$500 received in the interim between the last date of
16 the period covered by the last report filed under subsection
17 (b) prior to the election and the date of the election shall be
18 filed with and must actually be received by the State Board of
19 Elections within 2 business days after receipt of such
20 contribution. Reports ~~The State Board shall allow filings of~~
21 ~~reports~~ of contributions of more than \$500 under this
22 subsection (b-5) shall be filed electronically by political
23 ~~committees that are not required to file electronically to be~~
24 ~~made by facsimile transmission~~. For the purpose of this
25 subsection, a contribution is considered received on the date
26 the public official, candidate, or political committee (or
27 equivalent person in the case of a reporting entity other than
28 a political committee) actually receives it or, in the case of
29 goods or services, 2 business days after the date the public
30 official, candidate, committee, or other reporting entity
31 receives the certification required under subsection (b) of
32 Section 9-6. Failure to report each contribution is a separate
33 violation of this subsection. In the final disposition of any
34 matter by the Board on or after the effective date of this
35 amendatory Act of the 93rd General Assembly, the Board may
36 impose fines for violations of this subsection not to exceed

1 100% of the total amount of the contributions that were
2 untimely reported, but in no case when a fine is imposed shall
3 it be less than 10% of the total amount of the contributions
4 that were untimely reported. When considering the amount of the
5 fine to be imposed, the Board shall consider, but is not
6 limited to, the following factors:

7 (1) whether in the Board's opinion the violation was
8 committed inadvertently, negligently, knowingly, or
9 intentionally;

10 (2) the number of days the contribution was reported
11 late; and

12 (3) past violations of Sections 9-3 and 9-10 of this
13 Article by the committee.

14 (c) In addition to such reports the treasurer of every
15 political committee shall file semi-annual reports of campaign
16 contributions and expenditures no later than July 31st,
17 covering the period from January 1st through June 30th
18 immediately preceding, and no later than January 31st, covering
19 the period from July 1st through December 31st of the preceding
20 calendar year. Reports of contributions and expenditures must
21 be filed to cover the prescribed time periods even though no
22 contributions or expenditures may have been received or made
23 during the period. The Board shall assess a civil penalty not
24 to exceed \$5,000 for a violation of this subsection, except
25 that for State officers and candidates and political committees
26 formed for statewide office, the civil penalty may not exceed
27 \$10,000. The fine, however, shall not exceed \$500 for a first
28 filing violation for filing less than 10 days after the
29 deadline. There shall be no fine if the report is mailed and
30 postmarked at least 72 hours prior to the filing deadline. For
31 the purpose of this subsection, "statewide office" and "State
32 officer" means the Governor, Lieutenant Governor, Attorney
33 General, Secretary of State, Comptroller, and Treasurer.

34 (c-5) A political committee that acts as either (i) a State
35 and local political committee or (ii) a local political
36 committee and that files reports electronically under Section

1 9-28 is not required to file copies of the reports with the
2 appropriate county clerk if the county clerk has a system that
3 permits access to, and duplication of, reports that are filed
4 with the State Board of Elections. A State and local political
5 committee or a local political committee shall file with the
6 county clerk a copy of its statement of organization pursuant
7 to Section 9-3.

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

11 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
12 revised 12-17-03.)

13 (10 ILCS 5/9-28)

14 Sec. 9-28. Electronic filing and availability. The Board
15 shall by rule provide for the electronic filing of expenditure
16 and contribution reports as follows:

17 Beginning July 1, 1999, or as soon thereafter as the Board
18 has provided adequate software to the political committee,
19 electronic filing is required for all political committees that
20 during the reporting period (i) had at any time a balance or an
21 accumulation of contributions of \$25,000 or more, (ii) made
22 aggregate expenditures of \$25,000 or more, or (iii) received
23 loans of an aggregate of \$25,000 or more.

24 Beginning July 1, 2003, electronic filing is required for
25 all political committees that during the reporting period (i)
26 had at any time a balance or an accumulation of contributions
27 of \$10,000 or more, (ii) made aggregate expenditures of \$10,000
28 or more, or (iii) received loans of an aggregate of \$10,000 or
29 more.

30 Each report required under subsection (b-5) of Section 9-10
31 must be filed with the State Board electronically, whether or
32 not the political committee is otherwise required by this
33 Section to file reports electronically.

34 The Board may provide by rule for the optional electronic
35 filing of expenditure and contribution reports for all other

1 political committees. The Board shall promptly make all reports
2 filed under this Article by all political committees publicly
3 available by means of a searchable database that is accessible
4 through the World Wide Web.

5 The State Board shall post on its official website each
6 report filed pursuant to subsection (b-5) of Section 9-10 as
7 soon as practical after its receipt.

8 The Board shall provide all software necessary to comply
9 with this Section to candidates, public officials, political
10 committees, and election authorities.

11 The Board shall implement a plan to provide computer access
12 and assistance to candidates, public officials, political
13 committees, and election authorities with respect to
14 electronic filings required under this Article.

15 For the purposes of this Section, "political committees"
16 includes entities required to report to the Board under Section
17 9-7.5.

18 (Source: P.A. 90-495, eff. 8-18-97; 90-737, eff. 1-1-99.)