

HB2477



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2477

Introduced 02/17/05, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Makes a technical change in a provision concerning campaign finance disclosure reports.

LRB094 10012 JAM 40270 b

A BILL FOR

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 Section
5 9-10 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 ~~every~~ state political committee
9 and 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. The State Board shall allow filings of reports of
21 contributions of more than \$500 under this subsection (b-5) by
22 political committees that are not required to file
23 electronically to be made by facsimile transmission. For the
24 purpose of this subsection, a contribution is considered
25 received on the date the public official, candidate, or
26 political committee (or equivalent person in the case of a
27 reporting entity other than a political committee) actually
28 receives it or, in the case of goods or services, 2 business
29 days after the date the public official, candidate, committee,
30 or other reporting entity receives the certification required
31 under subsection (b) of Section 9-6. Failure to report each
32 contribution is a separate violation of this subsection. In the
33 final disposition of any matter by the Board on or after the
34 effective date of this amendatory Act of the 93rd General
35 Assembly, the Board may impose fines for violations of this
36 subsection not to exceed 100% of the total amount of the

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

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

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

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

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

33 (c-5) A political committee that acts as either (i) a State
34 and local political committee or (ii) a local political
35 committee and that files reports electronically under Section
36 9-28 is not required to file copies of the reports with the

1 appropriate county clerk if the county clerk has a system that
2 permits access to, and duplication of, reports that are filed
3 with the State Board of Elections. A State and local political
4 committee or a local political committee shall file with the
5 county clerk a copy of its statement of organization pursuant
6 to Section 9-3.

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

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