



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2990

Introduced 1/20/2006, by Sen. Christine Radogno - Dale A. Righter - Cheryl Axley

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Requires that political committees of State executive branch constitutional officers report campaign contributions of \$1,000 or more to the State Board of Elections within 2 business days after receipt, regardless of when the contribution is received (now, during the period between the last contribution report and an election). Requires that political committees of General Assembly members report campaign contributions of \$1,000 or more, received during a week the member's legislative house is or is scheduled to be in session, to the State Board of Elections within 2 business days after receipt (now, during the period between the last contribution report and an election). Specifies fines for violations. Effective immediately.

LRB094 15943 JAM 51171 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 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 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 does not make  
7 expenditures in excess of \$500 on behalf of or in opposition to  
8 any candidate or public question on the ballot at an election  
9 shall not be required to file the reports heretofore prescribed  
10 but may file in lieu thereof a Statement of Nonparticipation in  
11 the Election with the Board or the Board and the county clerk;  
12 except that if the political committee, by the terms of its  
13 statement of organization filed in accordance with this  
14 Article, is organized to support or oppose a candidate or  
15 public question on the ballot at the next election or primary,  
16 that committee must file reports required by this subsection  
17 (b) and by subsection (b-5).

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

1 contribution is a separate violation of this subsection. In the  
2 final disposition of any matter by the Board on or after the  
3 effective date of this amendatory Act of the 93rd General  
4 Assembly, the Board may impose fines for violations of this  
5 subsection not to exceed 100% of the total amount of the  
6 contributions that were untimely reported, but in no case when  
7 a fine is imposed shall it be less than 10% of the total amount  
8 of the contributions that were untimely reported. When  
9 considering the amount of the fine to be imposed, the Board  
10 shall consider, but is not limited to, the following factors:

11 (1) whether in the Board's opinion the violation was  
12 committed inadvertently, negligently, knowingly, or  
13 intentionally;

14 (2) the number of days the contribution was reported  
15 late; and

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

18 (b-10) Notwithstanding the provisions of subsection (b)  
19 and Section 1.25 of the Statute on Statutes, a report of any  
20 contribution of \$1,000 or more received at any time by a State  
21 executive branch constitutional officer or a political  
22 committee organized by or on behalf of that officer that is not  
23 otherwise required to be reported under subsection (b-5) shall  
24 be filed with and must actually be received by the State Board  
25 of Elections within 2 business days after the receipt of such  
26 contribution. As used in this subsection, "State executive  
27 branch constitutional officer" means the Governor, Lieutenant  
28 Governor, Attorney General, Secretary of State, State  
29 Comptroller, and State Treasurer. For the purpose of this  
30 subsection, a contribution is considered received on the date  
31 the officer or political committee actually receives it or, in  
32 the case of goods or services, 2 business days after the date  
33 the officer or committee receives the certification required  
34 under subsection (b) of Section 9-6. Failure to report each  
35 contribution is a separate violation of this subsection. In the  
36 final disposition of any matter by the Board on or after the

1 effective date of this amendatory Act of the 94th General  
2 Assembly, the Board may impose fines for violations of this  
3 subsection not to exceed 100% of the total amount of the  
4 contributions that were untimely reported, but in no case when  
5 a fine is imposed shall it be less than 10% of the total amount  
6 of the contributions that were untimely reported. When  
7 considering the amount of the fine to be imposed, the Board  
8 shall consider, but is not limited to, the following factors:

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

12 (2) the number of days the contribution was reported  
13 late; and

14 (3) past violations of this Section and Section 9-3 by  
15 the committee.

16 (b-15) Notwithstanding the provisions of subsection (b)  
17 and Section 1.25 of the Statute on Statutes, a report of any  
18 contribution of \$1,000 or more received by a member of the  
19 General Assembly or a political committee organized by or on  
20 behalf of that member at any time during a week in which that  
21 member's house of the General Assembly is scheduled to be in  
22 session or is in session that is not otherwise required to be  
23 reported under subsection (b-5) shall be filed with and must  
24 actually be received by the State Board of Elections within 2  
25 business days after receipt of such contribution. For the  
26 purpose of this subsection, a contribution is considered  
27 received on the date the General Assembly member or political  
28 committee actually receives it or, in the case of goods or  
29 services, 2 business days after the date the General Assembly  
30 member or committee receives the certification required under  
31 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 94th 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 this Section and Section 9-3 by  
12 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 94-645, eff. 8-22-05.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.