



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3497

Introduced 2/28/2007, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code with respect to campaign finance. Limits a candidate to the establishment of one political committee; permits a General Assembly caucus leader to establish an additional caucus committee. Requires candidates, and permits political parties and General Assembly caucus leaders, to designate a single political committee to accept campaign contributions and regulates the manner of designation. Sets limits on the amount of campaign contributions an individual, a corporation, a labor organization, and an association may make to political committees of public office candidates, established political parties, political party committeeperson candidates, and legislative caucuses. Regulates the solicitation by corporations, labor organizations, and associations of employees and employee families for campaign contributions.

LRB095 11358 JAM 32122 b

FISCAL NOTE ACT
MAY APPLY

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 the
5 heading of Article 9 and Sections 9-1, 9-1.4, and 9-1.5 and by
6 adding Sections 9-1.16, 9-1.17, 9-1.18, 9-1.19, 9-1.20,
7 9-1.21, 9-1.22, 9-1.23, 9-1.24, 9-2.5, 9-2.7, 9-8.5, and 9-8.7
8 as follows:

9 (10 ILCS 5/Art. 9 heading)

10 ARTICLE 9. DISCLOSURE AND REGULATION OF CAMPAIGN
11 CONTRIBUTIONS AND EXPENDITURES

12 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

13 Sec. 9-1. As used in this Article, unless the context
14 otherwise requires, the terms defined in Sections 9-1.1 through
15 9-1.24 ~~9-1.13~~, have the respective meanings as defined in those
16 Sections.

17 (Source: P.A. 86-873.)

18 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

19 Sec. 9-1.4. Contribution.

20 (A) "Contribution" means-

21 (1) a gift, subscription, donation, dues, loan,

1 advance, or deposit of money or anything of value,
2 knowingly received in connection with the nomination for
3 election, ~~or~~ election, or retention of any person to or in
4 public office, in connection with the election of any
5 person as ward or township committeeman in counties of
6 3,000,000 or more population, or in connection with any
7 question of public policy;

8 (1.5) a gift, subscription, donation, dues, loan,
9 advance, deposit of money, or anything of value that
10 constitutes an electioneering communication regardless of
11 whether the communication is made in concert or cooperation
12 with or at the request, suggestion, or knowledge of a
13 candidate, a candidate's authorized local political
14 committee, a State political committee, a political
15 committee in support of or opposition to a question of
16 public policy, or any of their agents;

17 (2) the purchase of tickets for fund-raising events,
18 including but not limited to dinners, luncheons, cocktail
19 parties, and rallies made in connection with the nomination
20 for election, ~~or~~ election, or retention of any person to or
21 in public office, in connection with the election of any
22 person as ward or township committeeman in counties of
23 3,000,000 or more population, or in connection with any
24 question of public policy;

25 (3) a transfer of funds between political committees;

26 ~~and~~

1 (4) the services of an employee donated by an employer,
2 in which case the contribution shall be listed in the name
3 of the employer, except that any individual services
4 provided voluntarily and without promise or expectation of
5 compensation from any source shall not be deemed a
6 contribution; and but

7 (5) any expenditure made in cooperation, consultation,
8 or concert with the committee, but

9 (6) ~~(5)~~ does not include--

10 (a) the use of real or personal property and the
11 cost of invitations, food, and beverages, voluntarily
12 provided by an individual in rendering voluntary
13 personal services on the individual's residential
14 premises for candidate-related activities; provided
15 the value of the service provided does not exceed an
16 aggregate of \$150 in a reporting period;

17 (b) (blank). ~~the sale of any food or beverage by a~~
18 ~~vendor for use in a candidate's campaign at a charge~~
19 ~~less than the normal comparable charge, if such charge~~
20 ~~for use in a candidate's campaign is at least equal to~~
21 ~~the cost of such food or beverage to the vendor.~~

22 (c) communications on any subject by a corporation
23 to its stockholders and executive or administrative
24 personnel and their families, by a labor organization
25 to its members and their families, or by an association
26 to its members and their families;

1 (d) voter registration and get-out-the-vote
2 campaigns that make no mention of any clearly
3 identified candidate, public question, or political
4 party, or group or combination thereof;

5 (e) the establishment, administration, and
6 solicitation of contributions to a separate segregated
7 fund to be used for political purposes by a
8 corporation, labor organization, or association; or

9 (f) a secured loan of money by a national or State
10 bank or credit union made in accordance with the
11 applicable banking laws and regulations and in the
12 ordinary course of business; however, the use,
13 ownership, or control of any security for such a loan,
14 if provided by a person other than the candidate or his
15 or her committee, qualifies as a contribution.

16 (B) Interest or other investment income, earnings or
17 proceeds, and refunds or returns of all or part of a
18 committee's previous expenditures, shall not be considered
19 contributions for the purposes of Section 9-8.5 but shall be
20 listed with contributions on disclosure reports required by
21 this Article.

22 (Source: P.A. 94-645, eff. 8-22-05.)

23 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

24 Sec. 9-1.5. Expenditure defined.

25 "Expenditure" means-

1 (1) a payment, distribution, purchase, loan, advance,
2 deposit, or gift of money or anything of value, in connection
3 with the nomination for election, ~~or~~ election, or retention of
4 any person to or in public office, in connection with the
5 election of any person as ward or township committeeman in
6 counties of 3,000,000 or more population, or in connection with
7 any question of public policy. "Expenditure" also includes a
8 payment, distribution, purchase, loan, advance, deposit, or
9 gift of money or anything of value that constitutes an
10 electioneering communication regardless of whether the
11 communication is made in concert or cooperation with or at the
12 request, suggestion, or knowledge of a candidate, a candidate's
13 authorized local political committee, a State political
14 committee, a political committee in support of or opposition to
15 a question of public policy, or any of their agents. However,
16 expenditure does not include -

17 ~~(a)~~ the use of real or personal property and the cost
18 of invitations, food, and beverages, voluntarily provided
19 by an individual in rendering voluntary personal services
20 on the individual's residential premises for
21 candidate-related activities; provided the value of the
22 service provided does not exceed an aggregate of \$150 in a
23 reporting period. ~~+~~

24 ~~(b) the sale of any food or beverage by a vendor for~~
25 ~~use in a candidate's campaign at a charge less than the~~
26 ~~normal comparable charge, if such charge for use in a~~

1 ~~candidate's campaign is at least equal to the cost of such~~
2 ~~food or beverage to the vendor.~~

3 (2) a transfer of funds between political committees.

4 (3) a payment for electioneering communications.

5 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
6 93-847, eff. 7-30-04.)

7 (10 ILCS 5/9-1.16 new)

8 Sec. 9-1.16. Independent expenditure. "Independent
9 expenditure" means an expenditure by a person:

10 (a) expressly advocating the election or defeat of a
11 clearly identified candidate; and

12 (b) that is not made in cooperation, consultation, or
13 concert with or at the request or suggestion of the candidate,
14 the candidate's authorized political committee or agents, or
15 agents thereof.

16 (10 ILCS 5/9-1.17 new)

17 Sec. 9-1.17. Clearly identified or identifiable. "Clearly
18 identified" or "clearly identifiable" means that:

19 (a) the name, voice, image, or likeness of a candidate
20 appears; or

21 (b) the identify of the candidate is apparent by
22 unambiguous reference.

23 (10 ILCS 5/9-1.18 new)

1 Sec. 9-1.18. Regular election period. "Regular election
2 period" means any of:

3 (a) the period beginning on January 1 immediately following
4 the date of the general election for the office to which a
5 candidate seeks nomination or election and ending the day of
6 the General primary election for that office;

7 (b) the period beginning on the day after the general
8 primary election for the office to which the candidate seeks
9 nomination or election and ending on the December 31 after the
10 general election for that office;

11 (c) the period beginning on the date on which a sitting
12 judge declares for retention and ending 90 days after the
13 retention election.

14 (10 ILCS 5/9-1.19 new)

15 Sec. 9-1.19. Municipal election period. "Municipal
16 election period" means the period beginning on July 1
17 immediately following the date of the consolidated primary
18 election or consolidated election at which the office for which
19 the candidate seeks nomination or election is filled and ending
20 on June 30 immediately preceding the date of the next
21 consolidated primary election for that office, unless the
22 office is not filled at the consolidated primary election, in
23 which instance candidates who will seek office in the next
24 upcoming consolidated election may begin a new municipal
25 election period the day after the consolidated primary election

1 and ending on the next June 30.

2 (10 ILCS 5/9-1.20 new)

3 Sec. 9-1.20. Labor organization. The term "labor
4 organization" means any organization of any kind or any agency
5 or employee representation committee or plan in which employees
6 participate and that exists for the purpose, in whole or in
7 part, of dealing with employers concerning grievances, labor
8 disputes, wages, rates of pay, hours of employment, or
9 conditions of work.

10 (10 ILCS 5/9-1.21 new)

11 Sec. 9-1.21. Corporation. The term "corporation" includes
12 a limited liability company, partnership, professional
13 practice, cooperative, or sole proprietorship, whether
14 organized on a for-profit or non-profit basis.

15 (10 ILCS 5/9-1.22 new)

16 Sec. 9-1.22. Association. The term "association" means any
17 group, club, meeting, collective, membership organization,
18 collection of persons, any entity organized under Section 501
19 or 527 of the Internal Revenue Code, or any other entity other
20 than a natural person, except that an association does not
21 include a political committee organized under this Article.

22 (10 ILCS 5/9-1.23 new)

1 Sec. 9-1.23. Earmarked. The term "earmarked" means a
2 designation, instruction, or encumbrance, whether direct or
3 indirect, express or implied, oral or written, that results in
4 all or any part of a contribution or expenditure being made to,
5 or expended on behalf of, a clearly identified candidate a
6 candidate's designated committee, or a committee in support of
7 or opposition to a public question.

8 (10 ILCS 5/9-1.24 new)

9 Sec. 9-1.24. Conduit and intermediary. The terms "conduit"
10 and "intermediary" are interchangeable and mean any person who
11 receives a contribution earmarked by the contributor to be
12 forwarded or transmitted to another.

13 (10 ILCS 5/9-2.5 new)

14 Sec. 9-2.5. Single political committee.

15 (a) Except as provided by this Section, no public official
16 or candidate for public office may establish more than one
17 political committee for each office that public official or
18 candidate occupies or is seeking.

19 (b) A public official with one or more pre-existing
20 committees bound by the limits of any subsection of Section
21 9-8.5 considering a candidacy for any office covered by the
22 limits of any different subsection of Section 9-8.5 must form a
23 new committee, to be termed an exploratory committee. A
24 pre-existing committee created for the primary purpose of

1 aiding that candidate's election to other offices that ceases
2 all fundraising after the creation of an exploratory committee
3 may transfer funds without limit to an exploratory committee.
4 Should the candidate decide against running for the new office,
5 fail to qualify for the ballot at the next election, or lose
6 the next election, any remaining funds held by the exploratory
7 committee shall be returned to contributors or donated to
8 charity, and the committee shall be closed, within 90 days.

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

19 (10 ILCS 5/9-2.7 new)

20 Sec. 9-2.7. Political committee designations.

21 (a) Candidate committees.

22 (1) Each candidate shall designate in writing one and
23 only one political committee to serve as the political
24 committee of the candidate. The designation shall be made
25 no later than 15 days after becoming a candidate or

1 establishing the committee and shall be filed with the
2 State Board of Election. Any committee so designated may,
3 within 10 business days after notification of the
4 designation, reject the designation. If a committee
5 rejects a candidate designation, the committee must return
6 to donors any funds raised as a result of the designation,
7 and the candidate must create and designate a new committee
8 within 5 business days after the rejection.

9 (2) The name of the designated committee shall include
10 the name of the candidate who authorized the committee
11 under paragraph (1). No political committee that is not an
12 authorized candidate committee may include the full name of
13 that candidate in its name.

14 (b) Party committees.

15 (1) Any political organization or party may designate
16 in writing one and only one political committee to serve as
17 the political committee of the party for elections to State
18 or local office. The designation shall be made no later
19 than 15 days after the effective date of this amendatory
20 Act of the 95th General Assembly, or 15 days after
21 formation of the committee, and shall be filed with the
22 State Board of Election. The designation of a party
23 committee may be changed only upon the replacement of the
24 party chairman.

25 (2) The name of the designated committee shall include
26 the name of the party that authorized the committee under

1 paragraph (1). No political committee that is not an
2 authorized party committee may include the full name of
3 that party in its name.

4 (c) Caucus committees.

5 (1) The public officials elected President of the
6 Senate, Minority Leader of the Senate, Speaker of the House
7 of Representatives, and Minority Leader of the House of
8 Representatives may each designate in writing one and only
9 one political committee to serve as the political committee
10 of his or her caucus. The designation shall be made no
11 later than 15 days after the start of the General Assembly,
12 and shall be filed with the State Board of Election. The
13 designation of a caucus committee may not be changed,
14 revoked, or altered until the start of the next General
15 Assembly unless the person elected to the office authorized
16 to designate the caucus committee also changes; the new
17 leader may designate a new committee within 15 days after
18 taking office. All contributions from all committees
19 designated the caucus committee for a particular caucus
20 made during a single election period shall be aggregated
21 for the purposes of Section 9-8.5.

22 (2) The name of the designated committee shall include
23 a clear and unambiguous reference to the caucus that
24 authorized the committee under paragraph (1). No political
25 committee that is not an authorized caucus committee may
26 include the name of that caucus in its name.

1 (d) All designations, statements, and reports required to
2 be filed under this Section shall be filed with the Board. The
3 Board shall retain and make the designations, statements, and
4 reports received under this Section available for public
5 inspection and copying in the same manner as statements of
6 organization.

7 (10 ILCS 5/9-8.5 new)

8 Sec. 9-8.5. Limitation on contributions.

9 (a) It shall be unlawful for any person to make
10 contributions to a political committee except as provided in
11 this Section.

12 (b) For political committees designated by a candidate for
13 legislative office:

14 (1) Natural persons may contribute no more than \$1,500
15 during any regular election period in which the candidate
16 who designated the committee is seeking nomination or
17 election.

18 (2) Political committees established by a State
19 political party may contribute not more than \$20,000 during
20 the regular election period that includes the general
21 election in which the candidate who designated the
22 committee is seeking election; provided that all
23 committees established by a State political party, under
24 State or federal law, shall be considered as one committee
25 for the purpose of this Section.

1 (3) Political committees established by a partisan
2 legislative caucus may contribute not more than \$20,000
3 during any regular election period in which the candidate
4 who designated the committee is seeking nomination or
5 election.

6 (4) Any other political committee not designated or
7 controlled by the candidate may contribute no more than
8 \$5,000 during a regular election period in which the
9 candidate who designated the committee is seeking
10 nomination or election.

11 (5) A corporation, labor organization, or association
12 may contribute from its own treasuries no more than \$5,000
13 during each election period. All contributions from
14 associated entities, including political committees for
15 which the corporation, labor organization, or association
16 is the sponsoring entity, shall be aggregated for the
17 purposes of this Section.

18 (c) For political committees designated by a candidate for
19 a local office or for ward or township committeeman in counties
20 of 3,000,000 or more population:

21 (1) Natural persons may contribute no more than \$1,500
22 during any regular election period in which the candidate
23 who designated the committee is seeking nomination or
24 election.

25 (2) The candidate may designate one and only one
26 political party whose political committees may contribute

1 not more than \$10,000 during the regular election period
2 that includes the general election in which the candidate
3 who designated the committee is seeking election; provided
4 that all committees established by the political party,
5 under State or federal law, shall be considered as one
6 committee for the purpose of this Section.

7 (3) Any other political committee not designated or
8 controlled by the candidate may contribute no more than
9 \$5,000 during a regular election period in which the
10 candidate who designated the committee is seeking
11 nomination or election.

12 (3.5) A corporation, labor organization, or
13 association may contribute from its own treasuries no more
14 than \$5,000 during each election period. All contributions
15 from associated entities, including political committees
16 for which the corporation, labor organization, or
17 association is the sponsoring entity, shall be aggregated
18 for the purposes of this Section.

19 (4) Committees designated by one or more candidates for
20 any office required to file a statement of economic
21 interests with a county clerk may select to follow the
22 municipal election calendar. Committees that select to
23 follow the municipal election calendar must make that
24 decision at least 18 months prior to the next consolidated
25 primary election or within 30 days after creation. The
26 selection to follow the municipal election calendar is

1 irrevocable. For committees that select to follow the
2 municipal election calendar:

3 (A) Natural persons may contribute no more than
4 \$1,500 during any Municipal election period in which
5 the candidate who designated the committee is seeking
6 nomination or election.

7 (B) The candidate may designate one and only one
8 political party whose political committees may
9 contribute not more than \$10,000 during the regular
10 election period that includes the consolidated
11 election in which the candidate who designated the
12 committee is seeking election; provided that all
13 committees established by the political party, under
14 State or federal law, shall be considered as one
15 committee for the purpose of this Section.

16 (C) Any other political committee not designated
17 or controlled by the candidate may contribute no more
18 than \$5,000 during any municipal election period in
19 which the candidate who designated the committee is
20 seeking nomination or election.

21 (D) A corporation, labor organization, or
22 association may contribute from its own treasuries no
23 more than \$5,000 during each election period. All
24 contributions from associated entities, including
25 political committees for which the corporation, labor
26 organization, or association is the sponsoring entity,

1 shall be aggregated for the purposes of this Section.

2 (d) For political committees designated by a candidate for
3 State office, other than for legislative or statewide office:

4 (1) Natural persons may contribute no more than \$1,500
5 during any regular election period in which the candidate
6 who designated the committee is seeking nomination,
7 election, or retention.

8 (2) The candidate may designate one and only one
9 political party whose political committees may contribute
10 not more than \$10,000 during the regular election period
11 that includes the general election in which the candidate
12 who designated the committee is seeking election; provided
13 that all committees established by the political party,
14 under State or federal law, shall be considered as one
15 committee for the purpose of this Section.

16 (3) Any other political committee not designated or
17 controlled by the candidate may contribute no more than
18 \$5,000 during a regular election period in which the
19 candidate who designated the committee is seeking
20 nomination, election, or retention.

21 (4) A corporation, labor organization, or association
22 may contribute from its own treasuries no more than \$5,000
23 during each election period. All contributions from
24 associated entities, including political committees for
25 which the corporation, labor organization, or association
26 is the sponsoring entity, shall be aggregated for the

1 purposes of this Section.

2 (e) For political committees designated by a candidate for
3 statewide office:

4 (1) Natural persons may contribute no more than \$3,000
5 during any regular election period.

6 (2) The candidate may designate one and only one
7 political party whose political committees may contribute
8 not more than \$125,000 during the regular election period
9 that includes the general election in which the candidate
10 who designated the committee is seeking election; provided
11 that all committees established by the political party,
12 under State or federal law, shall be considered as one
13 committee for the purpose of this Section.

14 (3) Any other political committee not designated or
15 controlled by the candidate may contribute no more than
16 \$5,000 during a regular election period.

17 (4) A corporation, labor organization, or association
18 may contribute from its own treasuries no more than \$5,000
19 during each election period. All contributions from
20 associated entities, including political committees for
21 which the corporation, labor organization, or association
22 is the sponsoring entity, shall be aggregated for the
23 purposes of this Section.

24 (f) For political committees designated by an established
25 political party:

26 (1) Natural persons may contribute no more than \$10,000

1 during any regular election period during which any
2 candidate actively supported by the party is seeking
3 nomination or election.

4 (2) Any other political committee may contribute no
5 more than \$5,000 during any regular election period during
6 which any candidate actively supported by the party is
7 seeking nomination or election.

8 (3) A corporation, labor organization, or association
9 may contribute from its own treasuries no more than \$5,000
10 during each election period. All contributions from
11 associated entities, including political committees for
12 which the corporation, labor organization, or association
13 is the sponsoring entity, shall be aggregated for the
14 purposes of this Section.

15 (g) For political committees designated by a legislative
16 caucus:

17 (1) Natural persons may contribute no more than \$1,500
18 during any regular election period during which any
19 candidate actively supported by the caucus is seeking
20 nomination or election.

21 (2) Any other political committee may contribute no
22 more than \$5,000 during any regular election period during
23 which any candidate actively supported by the caucus is
24 seeking nomination or election.

25 (3) A corporation, labor organization, or association
26 may contribute from its own treasuries no more than \$5,000

1 during each election period. All contributions from
2 associated entities, including political committees for
3 which the corporation, labor organization, or association
4 is the sponsoring entity, shall be aggregated for the
5 purposes of this Section.

6 (h) For any other political committee, natural persons may
7 contribute no more than \$3,000 during any period beginning on
8 January 1 of an odd-numbered year and ending on December 31 of
9 an even-numbered year. A corporation, labor organization,
10 association, or other political committee may contribute no
11 more than \$5,000 during each election period. All contributions
12 from associated entities, including political committees for
13 which the corporation, labor organization, or association is
14 the sponsoring entity, shall be aggregated for the purposes of
15 this Section.

16 (i) Nothing in this Section shall prohibit political
17 committees from dividing the proceeds of joint fund raising
18 efforts; provided that no political committee may receive more
19 than the limit from any one donor and all donations shall be
20 listed as from their true origin.

21 (j) No natural person, corporation, labor organization, or
22 association may contribute in aggregate more than \$80,000 to
23 political committees during any period beginning on January 1
24 of an odd-numbered year and ending on December 31 of an
25 even-numbered year.

26 (k) On January 1 of every odd-numbered year, the State

1 Board of Elections shall adjust the limits established in
2 subsections (b), (c), (d), (f), (g), (h), and (j) for inflation
3 as determined by the Consumer Price Index for All Urban
4 Consumers as issued by the United States Department of Labor
5 and rounded to the nearest \$100.

6 (l) In any instance where a corporation and any of its
7 subsidiaries, branches, divisions, departments, or local
8 units; a labor organization and any of its subsidiaries,
9 branches, divisions, departments, or local units; or an
10 association or any of its affiliates, subsidiaries, branches,
11 divisions, departments, or local units contribute to one or
12 more political committees or establish, maintain, or control
13 more than one separate segregated fund qualified as a political
14 committee, all of the related contributing entities shall be
15 treated as a single contributing entity for the purposes of the
16 limitations provided by this Section.

17 (m) Expenditures.

18 (1) Expenditures made by any person in cooperation,
19 consultation, or concert with a candidate, his or her
20 authorized committee, or their agents, shall be considered
21 a contribution to the candidate's designated political
22 committee for the purpose of this Section.

23 (2) The financing by any person of the dissemination,
24 distribution, or republication, in whole or in part, of any
25 broadcast or any written, graphic, or other form of
26 campaign materials prepared by the candidate, his or her

1 political committee, or their authorized agents shall be
2 considered to be a contribution to the candidate's
3 designated political committee for the purposes of this
4 Section.

5 (n) For the purposes of the limitations designated by this
6 Section, all contributions made by a person, either directly or
7 indirectly, to a particular candidate, including contributions
8 that are in any way earmarked or otherwise directed through an
9 intermediary or conduit to a candidate's committee, shall be
10 treated as contributions from the person to the candidate's
11 committee. The intermediary or conduit shall report the
12 original source and the intended recipient of the contribution
13 to the Board and to the intended recipient within 10 days after
14 the person made the contribution, or upon transmittal to the
15 candidate, whichever is earlier. A conduit's or intermediary's
16 contribution limits are not affected by the forwarding of an
17 earmarked contribution except where the conduit or
18 intermediary exercises any direction or control over the choice
19 of the recipient. Any person who is prohibited from making
20 contributions or expenditures in connection with a candidate or
21 public question shall be prohibited from acting as a conduit
22 for contributions earmarked for that candidate or public
23 question, and any person who is prohibited from acting as a
24 conduit who receives an earmarked contribution shall return
25 that contribution to the contributor without transmitting or
26 forwarding it to the committee of the candidate or public

1 question.

2 (o) No candidate or political committee shall knowingly
3 accept any contribution or make any expenditure in violation of
4 the provisions of this Section. No officer or employee of a
5 political committee shall knowingly accept a contribution made
6 for the benefit or use of a candidate or knowingly make any
7 expenditure on behalf of a candidate in violation of any
8 limitation designated for contributions and expenditures under
9 this Section.

10 (p) Multiple designations.

11 (1) No committee may accept donations larger than those
12 specified in this Section, regardless of the number of
13 candidates that may designate that committee under Section
14 9-2.7.

15 (2) Any committee designated by candidates who
16 individually qualify under different subsections of this
17 Section shall be bound by the lower limit.

18 (q) Complaints.

19 (1) The Board shall receive complaints alleging
20 violations of this Section. The Board may bring complaints
21 and investigations on its own initiative when the Board has
22 reason to believe that a violation of this Section has
23 occurred.

24 (2) Upon receipt of a complaint, the Board shall hold a
25 closed preliminary hearing to determine whether or not the
26 complaint appears to have been filed on justifiable

1 grounds. Such closed preliminary hearing shall be
2 conducted as soon as practicable after affording
3 reasonable notice, a copy of the complaint, and an
4 opportunity to testify at such hearing to both the person
5 making the complaint and the person against whom the
6 complaint is directed. If the Board determines that the
7 complaint has not been filed on justifiable grounds, it
8 shall issue a written order to dismiss the complaint
9 without further hearing, specifying the defect in the
10 original complaint.

11 (3) The Board shall have the authority to promulgate
12 procedural rules governing the filing and hearing of
13 complaints under this Section that are not inconsistent
14 with this Section.

15 (4) In addition to any other penalties authorized by
16 this Article, the State Board of Elections, any political
17 committee, or any person may apply to the circuit court for
18 a temporary restraining order or a preliminary or permanent
19 injunction against a political committee or any other
20 entity to cease the expenditure of funds in violation of
21 this Section and to cease operations until the Board
22 determines that the committee or entity is in compliance
23 with this Section.

24 (r) Penalties.

25 (1) Any person who violates this Section shall be fined
26 the greater of \$10,000 or 3 times the value of the excess

1 contribution or expenditure.

2 (2) The State Board of Elections shall assess a penalty
3 of up to \$5,000 for each violation against the recipient of
4 any contribution in violation of this Section if the
5 recipient knew that the donation was in violation of this
6 Section. For purposes of this Section, a recipient knew
7 that the donation was in violation of this Section if the
8 candidate, the committee chairman or treasurer, or any
9 natural person paid to perform regular campaign tasks knew
10 that the donation was in violation of this Section.

11 (s) Increase in the limits under special circumstances.

12 (1) Subject to paragraph (5), if the opposing
13 candidate's personal funds amount with respect to a
14 candidate for nomination to or election to judicial office
15 exceeds the threshold amount, the limit under this Section
16 shall be increased in accordance with the formula in
17 subsection (s) (3).

18 (2) Threshold amount.

19 (A) In this subsection, for all elections other
20 than in subcircuits, the threshold amount with respect
21 to an election period of a candidate described in
22 subparagraph (c) (1) is an amount equal to the sum of:

23 (i) \$150,000; and

24 (ii) \$0.04 multiplied by the voting age
25 population of the district or circuit in which the
26 candidates are seeking office.

1 (B) For the purpose of subparagraph (c) (2) (A),
2 the term "voting age population" means the number of
3 adults over the age of 18 found residing in every
4 county in the district or circuit by the U.S. Census
5 Bureau at the last preceding decennial census.

6 (C) In this subsection, for all elections in
7 subcircuits, the threshold amount with respect to an
8 election period of a candidate described in
9 subparagraph (c) (1) is \$150,000.

10 (3) If the opposing candidate's personal funds amount
11 is over:

12 (A) 2 times the threshold amount, but not over 4
13 times the amount, then the increased limit shall be 3
14 times the applicable limit.

15 (B) 4 times the threshold amount, but not over 10
16 times the amount, then the increased limit shall be 6
17 times the applicable limit.

18 (C) 10 times the threshold amount, then the
19 increased limit shall be 6 times the applicable limit.

20 (4) The opposing candidate's personal funds amount is
21 an amount equal to the excess (if any) of:

22 (A) The greatest aggregate amount of expenditures
23 from personal funds that an opposing candidate in the
24 same election makes, over

25 (B) The aggregate amount of expenditures from
26 personal funds made by the candidate with respect to

1 the election.

2 (5) Time to accept contributions under increased
3 limit.

4 (A) Subject to subparagraph (B), a candidate and
5 the candidate's authorized committee shall not accept
6 any contribution under the increased limit under
7 paragraph (3):

8 (i) Until the candidate has received
9 notification from the Board of the opposing
10 candidate's personal funds amount, and

11 (ii) To the extent that the contribution, when
12 added to the aggregate amount of contributions
13 previously accepted under the increased limits
14 under this subsection for the election period,
15 exceeds 110% of the opposing candidate's personal
16 funds amount.

17 (B) A candidate and a candidate's authorized committee
18 shall not accept any contribution under the increased
19 limit after the date on which an opposing candidate
20 ceases to be a candidate to the extent that the amount
21 of the increased limit is attributable to such an
22 opposing candidate.

23 (6) On January 1 of each odd-numbered year, the State
24 Board of Election shall adjust the dollar figures in
25 paragraph (c) (2) for inflation as determined by the
26 Consumer Price Index for All Urban Consumers as determined

1 by the United States Department of Labor. Figures expressed
2 in dollars in paragraph (c) (2) shall be rounded to the
3 nearest \$100, and figures expressed in one-hundredths of a
4 dollar shall be rounded to the nearest one-hundredth of a
5 dollar.

6 (10 ILCS 5/9-8.7 new)

7 Sec. 9-8.7. Soliciting of contributions by associations,
8 corporations, or labor organizations.

9 (a) It is unlawful for any person affiliated in any way
10 with a corporation knowingly soliciting an employee of that
11 corporation for a contribution to a political committee to fail
12 to inform the employee at the time of the solicitation of the
13 political purposes of the fund. It is unlawful for any person
14 affiliated in any way with a labor organization or association
15 knowingly soliciting an member of that labor organization or
16 association for a contribution to a political committee to fail
17 to inform the member at the time of the solicitation of the
18 political purposes of the fund.

19 (b) It is unlawful for any person affiliated in any way
20 with a corporation knowingly soliciting an employee of that
21 corporation for a contribution to a political committee to fail
22 to inform the employee at the time of the solicitation of the
23 employee's right to refuse to contribute without any reprisal.
24 It is unlawful for any person affiliated in any way with a
25 labor organization or association knowingly soliciting any

1 member of the same labor organization or association for a
2 contribution to a political committee to fail to inform the
3 employee at the time of the solicitation of the employee's
4 right to refuse to contribute without any reprisal.

5 (c) Complaints.

6 (1) The Board shall receive complaints alleging
7 violations of this Section. The Board may bring complaints
8 and investigations on its own initiative when the Board has
9 reason to believe that a violation of this Section has
10 occurred.

11 (2) Upon receipt of a complaint, the Board shall hold a
12 closed preliminary hearing to determine whether or not the
13 complaint appears to have been filed on justifiable
14 grounds. Such closed preliminary hearing shall be
15 conducted as soon as practicable after affording
16 reasonable notice, a copy of the complaint, and an
17 opportunity to testify at such hearing to both the person
18 making the complaint and the person against whom the
19 complaint is directed. If the Board determines that the
20 complaint has not been filed on justifiable grounds, it
21 shall issue a written order to dismiss the complaint
22 without further hearing, specifying the defect in the
23 original complaint.

24 (3) The Board shall have the authority to promulgate
25 procedural rules governing the filing and hearing of
26 complaints under this Section that are not inconsistent

1 with this Section.

2 (4) In addition to any other penalties authorized by
3 this Article, the State Board of Elections, any political
4 committee, or any person may apply to the circuit court for
5 a temporary restraining order or a preliminary or permanent
6 injunction against a political committee or any other
7 entity to cease the expenditure of funds in violation of
8 this Section and to cease operations until the Board
9 determines that the committee or entity is in compliance
10 with this Section.

11 (d) Penalties. Any person who violates this Section shall
12 be fined \$200 for each person improperly solicited.
13 Contributions received from any donor within 6 months after an
14 improper solicitation of that donor must be returned to the
15 donor.

16 Section 97. Severability. The provisions of this Act are
17 severable. If any provision of this Act is held invalid by a
18 court of competent jurisdiction, the invalidity does not affect
19 other provisions of the Act that can be given effect without
20 the invalid provision.

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