

SB0106



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0106

Introduced 1/31/2007, by Sen. Christine Radogno

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.

LRB095 04983 JAM 25049 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 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

1 committee has accepted or is accepting contributions or has
2 made or is making expenditures. Such reports shall be complete
3 as of the 30th day next preceding each election including a
4 primary election. The Board shall assess a civil penalty not to
5 exceed \$5,000 for a violation of this subsection, except that
6 for State officers and candidates and political committees
7 formed for statewide office, the civil penalty may not exceed
8 \$10,000. The fine, however, shall not exceed \$500 for a first
9 filing violation for filing less than 10 days after the
10 deadline. There shall be no fine if the report is mailed and
11 postmarked at least 72 hours prior to the filing deadline. For
12 the purpose of this subsection, "statewide office" and "State
13 officer" means the Governor, Lieutenant Governor, Attorney
14 General, Secretary of State, Comptroller, and Treasurer.
15 However, a continuing political committee that does not make
16 expenditures in excess of \$500 on behalf of or in opposition to
17 any candidate or public question on the ballot at an election
18 shall not be required to file the reports heretofore prescribed
19 but may file in lieu thereof a Statement of Nonparticipation in
20 the Election with the Board or the Board and the county clerk;
21 except that if the political committee, by the terms of its
22 statement of organization filed in accordance with this
23 Article, is organized to support or oppose a candidate or
24 public question on the ballot at the next election or primary,
25 that committee must file reports required by this subsection
26 (b) and by subsection (b-5).

1 (b-5) Notwithstanding the provisions of subsection (b) and
2 Section 1.25 of the Statute on Statutes, any contribution of
3 more than \$500 received in the interim between the last date of
4 the period covered by the last report filed under subsection
5 (b) prior to the election and the date of the election shall be
6 filed with and must actually be received by the State Board of
7 Elections within 2 business days after receipt of such
8 contribution. The State Board shall allow filings of reports of
9 contributions of more than \$500 under this subsection (b-5) by
10 political committees that are not required to file
11 electronically to be made by facsimile transmission. For the
12 purpose of this subsection, a contribution is considered
13 received on the date the public official, candidate, or
14 political committee (or equivalent person in the case of a
15 reporting entity other than a political committee) actually
16 receives it or, in the case of goods or services, 2 business
17 days after the date the public official, candidate, committee,
18 or other reporting entity receives the certification required
19 under subsection (b) of Section 9-6. Failure to report each
20 contribution is a separate violation of this subsection. In the
21 final disposition of any matter by the Board on or after the
22 effective date of this amendatory Act of the 93rd General
23 Assembly, the Board may impose fines for violations of this
24 subsection not to exceed 100% of the total amount of the
25 contributions that were untimely reported, but in no case when
26 a fine is imposed shall it be less than 10% of the total amount

1 of the contributions that were untimely reported. When
2 considering the amount of the fine to be imposed, the Board
3 shall consider, but is not limited to, the following factors:

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

7 (2) the number of days the contribution was reported
8 late; and

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

11 (b-10) Notwithstanding the provisions of subsection (b)
12 and Section 1.25 of the Statute on Statutes, a report of any
13 contribution of \$1,000 or more received at any time by a State
14 executive branch constitutional officer or a political
15 committee organized by or on behalf of that officer that is not
16 otherwise required to be reported under subsection (b-5) shall
17 be filed with and must actually be received by the State Board
18 of Elections within 2 business days after the receipt of such
19 contribution. As used in this subsection, "State executive
20 branch constitutional officer" means the Governor, Lieutenant
21 Governor, Attorney General, Secretary of State, State
22 Comptroller, and State Treasurer. For the purpose of this
23 subsection, a contribution is considered received on the date
24 the officer or political committee actually receives it or, in
25 the case of goods or services, 2 business days after the date
26 the officer or committee receives the certification required

1 under subsection (b) of Section 9-6. Failure to report each
2 contribution is a separate violation of this subsection. In the
3 final disposition of any matter by the Board on or after the
4 effective date of this amendatory Act of the 95th General
5 Assembly, the Board may impose fines for violations of this
6 subsection not to exceed 100% of the total amount of the
7 contributions that were untimely reported, but in no case when
8 a fine is imposed shall it be less than 10% of the total amount
9 of the contributions that were untimely reported. When
10 considering the amount of the fine to be imposed, the Board
11 shall consider, but is not limited to, the following factors:

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

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

17 (3) past violations of this Section and Section 9-3 by
18 the committee.

19 (b-15) Notwithstanding the provisions of subsection (b)
20 and Section 1.25 of the Statute on Statutes, a report of any
21 contribution of \$1,000 or more received by a member of the
22 General Assembly or a political committee organized by or on
23 behalf of that member at any time during a week in which that
24 member's house of the General Assembly is scheduled to be in
25 session or is in session that is not otherwise required to be
26 reported under subsection (b-5) shall be filed with and must

1 actually be received by the State Board of Elections within 2
2 business days after receipt of such contribution. For the
3 purpose of this subsection, a contribution is considered
4 received on the date the General Assembly member or political
5 committee actually receives it or, in the case of goods or
6 services, 2 business days after the date the General Assembly
7 member or committee receives the certification required under
8 subsection (b) of Section 9-6. Failure to report each
9 contribution is a separate violation of this subsection. In the
10 final disposition of any matter by the Board on or after the
11 effective date of this amendatory Act of the 95th General
12 Assembly, the Board may impose fines for violations of this
13 subsection not to exceed 100% of the total amount of the
14 contributions that were untimely reported, but in no case when
15 a fine is imposed shall it be less than 10% of the total amount
16 of the contributions that were untimely reported. When
17 considering the amount of the fine to be imposed, the Board
18 shall consider, but is not limited to, the following factors:

19 (1) whether in the Board's opinion the violation was
20 committed inadvertently, negligently, knowingly, or
21 intentionally;

22 (2) the number of days the contribution was reported
23 late; and

24 (3) past violations of this Section and Section 9-3 by
25 the committee.

26 (c) In addition to such reports the treasurer of every

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

20 (c-5) A political committee that acts as either (i) a State
21 and local political committee or (ii) a local political
22 committee and that files reports electronically under Section
23 9-28 is not required to file copies of the reports with the
24 appropriate county clerk if the county clerk has a system that
25 permits access to, and duplication of, reports that are filed
26 with the State Board of Elections. A State and local political

1 committee or a local political committee shall file with the
2 county clerk a copy of its statement of organization pursuant
3 to Section 9-3.

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

7 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
8 94-645, eff. 8-22-05.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.