



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1565

Introduced 2/9/2007, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

10 ILCS 5/Art. 9A heading new
10 ILCS 5/9A-5 new
10 ILCS 5/9A-15 new
10 ILCS 5/9A-17 new
10 ILCS 5/9A-20 new
10 ILCS 5/9A-25 new
10 ILCS 5/9A-30 new
10 ILCS 5/9A-35 new

Amends the Election Code. Establishes limits on campaign contributions and expenditures. Requires that each political committee subject to the limits donate moneys received before or on the bill's effective date to one or more charities, except that obligations for goods and services received before the bill's effective date may be paid for 15 days after the 2008 general election; those moneys not donated escheat to and become the property of the State and shall be deposited into the General Revenue Fund. Effective November 5, 2008.

LRB095 11007 JAM 31317 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 adding Article
5 heading 9A and Sections 9A-5, 9A-15, 9A-17, 9A-20, 9A-25,
6 9A-30, and 9A-35 as follows:

7 (10 ILCS 5/Art. 9A heading new)

8 ARTICLE 9A.

9 CLEAN ELECTIONS FOR CLEAN GOVERNMENT

10 (10 ILCS 5/9A-5 new)

11 Sec. 9A-5. Definitions. As used in this Article:

12 (1) "Election" means:

13 (A) "Election", "regular election", "special
14 election", and "general election" as those terms are
15 defined in Section 1-3, but only as applied to
16 elections for executive branch constitutional officers
17 and members of the General Assembly.

18 (B) A convention or caucus of a political party
19 that has authority to nominate a candidate.

20 (2) "Candidate" means any person who seeks nomination
21 for election, election to, or retention in public office as
22 an executive branch constitutional officer or as a member

1 of the General Assembly, whether or not the person is
2 elected. A person seeks nomination for election, election,
3 or retention if he or she (i) takes the action necessary
4 under the laws of this State to attempt to qualify for
5 nomination for election to, election to, or retention in
6 public office as an executive branch constitutional
7 officer or as a member of the General Assembly or (ii)
8 receives contributions or makes expenditures, or gives
9 consent for any other person to receive contributions or
10 make expenditures with a view to bringing about his or her
11 nomination for election to, election to, or retention in
12 public office as an executive branch constitutional
13 officer or as a member of the General Assembly.

14 (3) "Political committee" means any of the following:

15 (A) Any committee, club, association, or other
16 group of persons that receives contributions
17 aggregating in excess of \$1,000 during a calendar year
18 or that makes expenditures aggregating in excess of
19 \$1,000 during a calendar year.

20 (B) Any separate segregated fund established under
21 the provisions of this Article by a labor union or
22 corporation.

23 (C) Any local committee of a political party that
24 receives contributions aggregating in excess of \$5,000
25 during a calendar year, makes payments exempted from
26 the definition of contribution or expenditure

1 aggregating in excess of \$5,000 during a calendar year,
2 makes contributions aggregating in excess of \$1,000
3 during a calendar year, or makes expenditures
4 aggregating in excess of \$1,000 during a calendar year.

5 (4) "Principal campaign committee" means a political
6 committee designated and authorized by a candidate under
7 Section 9A-15.

8 (5) "Authorized committee" means the principal
9 campaign committee or any other political committee
10 authorized by a candidate under Section 9A-15 to receive
11 contributions or make expenditures on behalf of the
12 candidate.

13 (6) "Connected organization" means any organization
14 that is not a political committee but that directly or
15 indirectly establishes, administers, or financially
16 supports a political committee.

17 (7) Contribution.

18 (A) "Contribution" includes:

19 (i) Any gift, subscription, loan, advance, or
20 deposit of money or anything of value made by any
21 person for the purpose of influencing any election
22 for executive branch constitutional office.

23 (ii) The payment by any person of compensation
24 for the personal services of another person that
25 are rendered to a political committee without
26 charge for any purpose.

1 (iii) A transfer of funds between political
2 committees for any purpose.

3 (B) "Contribution" does not include:

4 (i) The value of services provided without
5 compensation by any individual who volunteers on
6 behalf of a candidate or political committee.

7 (ii) The use of real or personal property,
8 including a church or community room used on a
9 regular basis by members of a community for
10 noncommercial purposes, and the cost of
11 invitations, food, and beverages, voluntarily
12 provided by an individual to any candidate or any
13 political committee of a political party in
14 rendering voluntary personal services on the
15 individual's residential premises or in the church
16 or community room for candidate-related or
17 political party-related activities, to the extent
18 that the cumulative value of the invitations,
19 food, and beverages provided by the individual on
20 behalf of any single candidate does not exceed
21 \$2,000 with respect to any single election, and on
22 behalf of all political committees of a political
23 party does not exceed \$5,000 in any calendar year.

24 (iii) The sale of any food or beverage by a
25 vendor for use in any candidate's campaign or for
26 use by or on behalf of any political committee of a

1 political party at a charge less than the normal
2 comparable charge, if the charge is at least equal
3 to the cost of the food or beverage to the vendor,
4 to the extent that the cumulative value of the
5 activity by the vendor on behalf of any single
6 candidate does not exceed \$2,000 with respect to
7 any single election, and on behalf of all political
8 committees of a political party does not exceed
9 \$5,000 in any calendar year.

10 (iv) Any unreimbursed payment for travel
11 expenses made by any individual volunteering
12 personal services on behalf of any candidate or any
13 political committee of a political party.

14 (8) Expenditure.

15 (A) "Expenditure" includes:

16 (i) Any purchase, payment, distribution, loan,
17 advance, deposit, or gift of money or anything of
18 value made by any person for the purpose of
19 influencing any election of a State executive
20 branch constitutional officer or member of the
21 General Assembly.

22 (ii) A written contract, promise, or agreement
23 to make an expenditure.

24 (B) "Expenditure" does not include:

25 (i) Any news story, commentary, or editorial
26 distributed through the facilities of any

1 broadcasting station, newspaper, magazine, or
2 other periodical publication, unless the
3 facilities are owned or controlled by any
4 political party, political committee, or
5 candidate.

6 (ii) Nonpartisan activity designed to
7 encourage individuals to vote or to register to
8 vote.

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

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

23 (9) "Board" means the Illinois State Board of
24 Elections.

25 (10) "Person" includes an individual, trust,
26 partnership, committee, association, corporation, labor

1 organization, or any other organization or group of
2 persons.

3 (11) "Identification" means:

4 (A) In the case of any individual, the name, the
5 mailing address, and the occupation of the individual,
6 as well as the name of his or her employer.

7 (B) In the case of any other person, the full name
8 and address of the person.

9 (12) "State committee" means the organization that, by
10 virtue of the bylaws of a political party, is responsible
11 for the day-to-day operation of the political party at the
12 State level, as determined by the Board.

13 (13) "Political party" means an association,
14 committee, or organization that nominates a candidate for
15 election to any public office whose name appears on the
16 election ballot as the candidate of that association,
17 committee, or organization.

18 (14) "Independent expenditure" means an expenditure by
19 a person:

20 (A) Expressly advocating the election or defeat of
21 a clearly identified candidate; and

22 (B) That is not made in concert or cooperation with
23 or at the request or suggestion of the candidate, the
24 candidate's authorized political committee, agents, a
25 political party committee, or agents thereof.

26 (15) "Clearly identified" means that:

1 (A) The name of the candidate involved appears;

2 (B) A photograph or drawing of the candidate
3 appears; or

4 (C) The identity of the candidate is apparent by
5 unambiguous reference.

6 (16) "Election cycle" means the period beginning on the
7 day after the date of the most recent election for the
8 specific office or seat that a candidate is seeking and
9 ending on the date of the next election for that office or
10 seat. For purposes of this paragraph, a general primary
11 election and a general election shall be considered to be
12 separate elections.

13 (17) "Personal funds" means an amount that is derived
14 from:

15 (A) Any asset that, under applicable State law, at
16 the time the individual became a candidate, the
17 candidate had legal right of access to or control over,
18 and with respect to which the candidate had:

19 (i) Legal and rightful title; or

20 (ii) An equitable interest.

21 (B) Income received during the current election
22 cycle by the candidate, including:

23 (i) A salary and other earned income from bona
24 fide employment.

25 (ii) Dividends and proceeds from the sale of
26 the candidate's stocks or other investments.

1 (iii) Bequests to the candidate.

2 (iv) Income from trusts established before the
3 beginning of the election cycle.

4 (v) Income from trusts established by bequest
5 after the beginning of the election cycle of which
6 the candidate is the beneficiary.

7 (vi) Gifts of a personal nature that had been
8 customarily received by the candidate prior to the
9 beginning of the election cycle.

10 (vii) Proceeds from lotteries and similar
11 legal games of chance.

12 (C) A portion of assets that are jointly owned by
13 the candidate and the candidate's spouse equal to the
14 candidate's share of the asset under the instrument of
15 conveyance or ownership, but if no specific share is
16 indicated by an instrument of conveyance or ownership,
17 the value of one-half of the property.

18 (10 ILCS 5/9A-15 new)

19 Sec. 9A-15. Limitations on contributions and expenditures.

20 (a) Limits.

21 (1) No political committee, multicandidate committee,
22 or PAC may engage in a joint fundraiser.

23 (1.5) Except as provided in subsection (c), no person
24 other than a multicandidate political committee shall make
25 contributions:

1 (A) To any candidate and his or her authorized
2 political committees with respect to any election for
3 State office that, in the aggregate, exceed \$2,000.

4 (B) To the political committees established and
5 maintained by a State political party, that are not the
6 authorized political committees of any candidate, in
7 any election that, in the aggregate, exceed \$5,000.

8 (C) To any other political committee in any
9 election that, in the aggregate, exceed \$5,000.

10 (2) No multicandidate political committee shall make
11 contributions:

12 (A) To any candidate and his or her authorized
13 political committees with respect to any election for
14 State office that, in the aggregate, exceed \$5,000.

15 (B) To the political committees established and
16 maintained by a State political party, that are not the
17 authorized political committees of any candidate, in
18 any election, that, in the aggregate, exceed \$5,000.

19 (C) To any other political committee in any
20 election that, in the aggregate, exceed \$5,000.

21 (3) During the period that begins on January 1 of an
22 odd-numbered year and ends on December 31 of the next
23 even-numbered year, no individual may make contributions
24 aggregating more than \$40,000, in the case of contributions
25 to candidates and the authorized committees of candidates.

26 (4) For purposes of paragraph (2), the term

1 "multicandidate political committee" means a political
2 committee that has been registered for a period of not less
3 than 6 months, that has received contributions from more
4 than 50 persons, and that has made contributions to 5 or
5 more candidates for public office. The State political
6 parties shall be considered "multicandidate political
7 committees" for the purposes of paragraph (2).

8 (5) For purposes of the limitations provided by
9 paragraph (1) and paragraph (2), all contributions made by
10 political committees established, financed, maintained, or
11 controlled by any corporation, labor organization, or any
12 other person, including any parent, subsidiary, branch,
13 division, department, or local unit of the corporation,
14 labor organization, or any other person, or by any group of
15 such persons, shall be considered to have been made by a
16 single political committee.

17 In any case in which a corporation and any of its
18 subsidiaries, branches, divisions, departments, or local
19 units, or a labor organization and any of its subsidiaries,
20 branches, divisions, departments, or local units
21 establish, finance, maintain, or control more than one
22 separate segregated fund, all the separate segregated
23 funds shall be treated as a single separate segregated fund
24 for purposes of the limitations provided by paragraph (1)
25 and paragraph (2).

26 (6) For the purposes of the limitations provided by

1 paragraph (1) and paragraph (2), a candidate's authorized
2 political committee and any committee directly or
3 indirectly established, financed, maintained, or
4 controlled by that candidate shall be considered to be a
5 single political committee.

6 (7) The limitations on contributions to a candidate
7 imposed by paragraphs (1) and (2) of this subsection shall
8 apply separately with respect to each election.

9 (8) For purposes of this subsection:

10 (A) Contributions to a named candidate made to any
11 political committee authorized by the candidate to
12 accept contributions on his or her behalf shall be
13 considered to be contributions made to the candidate.

14 (B) Expenditures.

15 (i) Expenditures made by any person in
16 cooperation, consultation, or concert with, or at
17 the request or suggestion of, a candidate, his or
18 her authorized political committees, or their
19 agents, shall be considered to be a contribution to
20 the candidate.

21 (ii) Expenditures made by any person (other
22 than a candidate or candidate's authorized
23 committee) in cooperation, consultation, or
24 concert with, or at the request or suggestion of, a
25 national, State, or local committee of a political
26 party, shall be considered to be contributions

1 made to the party committee.

2 (iii) The financing by any person of the
3 dissemination, distribution, or republication, in
4 whole or in part, of any broadcast or any written,
5 graphic, or other form of campaign materials
6 prepared by the candidate, his or her campaign
7 committees, or their authorized agents shall be
8 considered to be an expenditure for purposes of
9 this paragraph.

10 (C) If any person makes or contracts to make any
11 disbursement for any electioneering communication and
12 if the disbursement is coordinated with a candidate or
13 an authorized committee of the candidate, a Federal,
14 State, or local political party or committee thereof,
15 or an agent or official of the candidate, party, or
16 committee, then the disbursement or contracting shall
17 be treated as a contribution to the candidate supported
18 by the electioneering communication or that
19 candidate's party and as an expenditure by that
20 candidate or that candidate's party.

21 (9) For purposes of the limitations imposed by this
22 Section, all contributions made by a person, either
23 directly or indirectly, on behalf of a particular
24 candidate, including contributions that are in any way
25 earmarked or otherwise directed through an intermediary or
26 conduit to the candidate, shall be treated as contributions

1 from the person to the candidate. The intermediary or
2 conduit shall report the original source and the intended
3 recipient of the contribution to the Board and to the
4 intended recipient.

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

13 (c) Personal funds.

14 (1) Increase.

15 (A) Subject to paragraph (2), if the opposition
16 personal funds amount with respect to a candidate for
17 election to executive branch constitutional office or
18 the General Assembly exceeds the threshold amount, the
19 limit under subsection (a)(1)(A) (in this subsection
20 referred to as the "applicable limit") with respect to
21 that candidate shall be the increased limit.

22 (B) Threshold amount.

23 (i) In this subsection, the threshold amount
24 with respect to an election cycle of a candidate
25 described in subparagraph (A) is an amount equal to
26 the sum of:

1 (I) \$150,000; and
2 (II) \$0.04 multiplied by the voting age
3 population.

4 (ii) In this subparagraph, the term "voting
5 age population" means that certified under 2 USCS
6 441a Section (e) for the State of Illinois and
7 published in the Federal Register.

8 (C) Except as provided in clause (ii), for purposes
9 of subparagraph (A), if the opposition personal funds
10 amount is over:

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

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

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

20 (D) The opposition personal funds amount is an
21 amount equal to the excess (if any) of:

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

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

1 to the election.

2 (E) Candidate's campaign funds.

3 (i) For purposes of determining the aggregate
4 amount of expenditures from personal funds under
5 subparagraph (D) (ii), the amount shall include the
6 gross receipts advantage of the candidate's
7 authorized committee.

8 (ii) For purposes of clause (i), the term
9 "gross receipts advantage" means the excess, if
10 any, of:

11 (I) The aggregate amount of 50% of gross
12 receipts of a candidate's authorized committee
13 during any election cycle (not including
14 contributions from personal funds of the
15 candidate) that may be expended in connection
16 with the election, as determined on June 30 and
17 December 31 of the year preceding the year in
18 which a general election is held, over

19 (II) The aggregate amount of 50% of gross
20 receipts of the opposing candidate's
21 authorized committee during any election cycle
22 (not including contributions from personal
23 funds of the candidate) that may be expended in
24 connection with the election, as determined on
25 June 30 and December 31 of the year preceding
26 the year in which a general election is held.

1 (2) Time to accept contributions under increased
2 limit.

3 (A) Subject to subparagraph (B), a candidate and
4 the candidate's authorized committee shall not accept
5 any contribution, and a party committee shall not make
6 any expenditure, under the increased limit under
7 paragraph (1):

8 (i) Until the candidate has received
9 notification of the opposition personal funds
10 amount; and

11 (ii) To the extent that the contribution, when
12 added to the aggregate amount of contributions
13 previously accepted and party expenditures
14 previously made under the increased limits under
15 this subsection for the election cycle, exceeds
16 110% of the opposition personal funds amount.

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

24 (3) Disposal of excess contributions.

25 (A) The aggregate amount of contributions accepted
26 by a candidate or a candidate's authorized committee

1 under the increased limit under paragraph (1) and not
2 otherwise expended in connection with the election
3 with respect to which the contributions relate shall,
4 not later than 50 days after the date of the election,
5 be used in the manner described in subparagraph (B).

6 (B) A candidate or a candidate's authorized
7 committee shall return the excess contribution to the
8 person who made the contribution.

9 (d) Any candidate who incurs personal loans made after the
10 effective date of this amendatory Act of the 95th General
11 Assembly in connection with the candidate's campaign for
12 election shall not repay (directly or indirectly), to the
13 extent the loans exceed \$250,000, the loans from any
14 contributions made to the candidate or any authorized committee
15 of the candidate after the date of the election.

16 (e) Each July 1, the dollar amounts established in this
17 Section shall be adjusted for inflation as determined by the
18 Consumer Price Index for All Urban Consumers as determined by
19 the United States Department of Labor and rounded to the
20 nearest \$100, except that each adjustment may not exceed 5% of
21 the dollar amount adjusted.

22 (10 ILCS 5/9A-17 new)

23 Sec. 9A-17. Transfer prohibition. Notwithstanding any
24 other law to the contrary, no candidate or political committee
25 shall make any transfer of funds between that candidate or

1 political committee and any other candidate or political
2 committee whatsoever.

3 (10 ILCS 5/9A-20 new)

4 Sec. 9A-20. Contributions or expenditures by corporations
5 or labor organizations.

6 (a) It is unlawful for any corporation or labor
7 organization to make a contribution or expenditure in
8 connection with any election to any executive branch
9 constitutional office or to any seat in the General Assembly or
10 in connection with any primary election or political convention
11 or caucus held to select candidates for any executive branch
12 constitutional office or any seat in the General Assembly. It
13 is unlawful for any candidate, political committee, or other
14 person knowingly to accept or receive any contribution
15 prohibited by this Section. It is unlawful any officer or any
16 director of any corporation or any officer of any labor
17 organization to consent to any contribution or expenditure by
18 the corporation or labor organization, as the case may be,
19 prohibited by this Section.

20 (b) Definitions and additional prohibitions.

21 (1) For the purposes of this Section, the term "labor
22 organization" means any organization of any kind or any
23 agency or employee representation committee or plan in
24 which employees participate and that exists for the
25 purpose, in whole or in part, of dealing with employers

1 concerning grievances, labor disputes, wages, rates of
2 pay, hours of employment, or conditions of work.

3 (2) For purposes of this Section, the term
4 "contribution or expenditure" includes a contribution or
5 expenditure as those terms are defined in Section 9A-10 and
6 also includes any direct or indirect payment,
7 distribution, loan, advance, deposit, or gift of money, any
8 services, or anything of value (except a loan of money by a
9 national or State bank made in accordance with the
10 applicable banking laws and regulations and in the ordinary
11 course of business) to any candidate, campaign committee,
12 or political party or organization in connection with any
13 election to any of the offices referred to in this Section
14 or for any applicable electioneering communication. The
15 term shall not include:

16 (A) Communications by a corporation to its
17 stockholders and executive or administrative personnel
18 and their families or by a labor organization to its
19 members and their families on any subject.

20 (B) Nonpartisan registration and get-out-the-vote
21 campaigns by a corporation aimed at its stockholders
22 and executive or administrative personnel and their
23 families or by a labor organization aimed at its
24 members and their families.

25 (C) The establishment, administration, and
26 solicitation of contributions to a separate segregated

1 fund to be utilized for political purposes by a
2 corporation, labor organization, membership
3 organization, cooperative, or corporation without
4 capital stock.

5 (3) It is unlawful:

6 (A) For a fund described in paragraph (2)(C) to
7 make a contribution or expenditure by utilizing money
8 or anything of value secured by physical force, job
9 discrimination, or financial reprisals; by the threat
10 of force, job discrimination, or financial reprisal;
11 by dues, fees, or other moneys required as a condition
12 of membership in a labor organization or as a condition
13 of employment; or by moneys obtained in any commercial
14 transaction.

15 (B) For any person soliciting an employee for a
16 contribution to a fund described in paragraph (2)(C) to
17 fail to inform the employee of the political purposes
18 of the fund at the time of solicitation.

19 (C) For any person soliciting an employee for a
20 contribution to a fund described in paragraph (2)(C) to
21 fail to inform the employee, at the time of
22 solicitation, of his or her right to refuse to
23 contribute without any reprisal.

24 (4) Solicitations.

25 (A) Except as provided in subparagraphs (B), (C),
26 and (D), it is unlawful:

1 (i) For a corporation, or a separate
2 segregated fund established by a corporation, to
3 solicit contributions to the fund from any person
4 other than its stockholders and their families and
5 its executive or administrative personnel and
6 their families.

7 (ii) For a labor organization, or a separate
8 segregated fund established by a labor
9 organization, to solicit contributions to the fund
10 from any person other than its members and their
11 families.

12 (B) It is not unlawful under this Section for a
13 corporation, a labor organization, or a separate
14 segregated fund established by a corporation or labor
15 organization to make 2 written solicitations for
16 contributions during the calendar year from any
17 stockholder, executive or administrative personnel, or
18 employee of a corporation or the families of those
19 persons. A solicitation under this subparagraph may be
20 made only by mail addressed to stockholders, executive
21 or administrative personnel, or employees at their
22 residence and shall be so designed that the
23 corporation, labor organization, or separate
24 segregated fund conducting the solicitation cannot
25 determine who makes a contribution of \$50 or less as a
26 result of the solicitation and who does not make such a

1 contribution.

2 (C) This paragraph shall not prevent a membership
3 organization, cooperative, or corporation without
4 capital stock, or a separate segregated fund
5 established by a membership organization, cooperative,
6 or corporation without capital stock, from soliciting
7 contributions to the fund from members of the
8 organization, cooperative, or corporation without
9 capital stock.

10 (5) Notwithstanding any other law, any method of
11 soliciting voluntary contributions or of facilitating the
12 making of voluntary contributions to a separate segregated
13 fund established by a corporation, permitted by law to
14 corporations with regard to stockholders and executive or
15 administrative personnel, is also permitted to labor
16 organizations with regard to their members.

17 (6) Any corporation, including its subsidiaries,
18 branches, divisions, and affiliates, that utilizes a
19 method of soliciting voluntary contributions or
20 facilitating the making of voluntary contributions shall
21 make available that method, on written request and at a
22 cost sufficient only to reimburse the corporation for the
23 expenses incurred thereby, to a labor organization
24 representing any members working for the corporation or its
25 subsidiaries, branches, divisions, and affiliates.

26 (7) For purposes of this Section, the term "executive

1 or administrative personnel" means individuals employed by
2 a corporation who are paid on a salary, rather than hourly,
3 basis and who have policymaking, managerial, professional,
4 or supervisory responsibilities.

5 (c) Electioneering communications.

6 (1) For purposes of this Section, the term "applicable
7 electioneering communication" means an electioneering
8 communication, as defined in Section 9-1.14, that is made
9 by any entity described in subsection (a) of this Section
10 or by any other person using funds donated by an entity
11 described in subsection (a) of this Section.

12 (2) Notwithstanding paragraph (A), the term
13 "applicable electioneering communication" does not include
14 a communication by an unincorporated Section 501(c)(4)
15 organization or a political organization (as defined in
16 Section 527(e)(1) of the Internal Revenue Code of 1986 [26
17 USCS § 527(e)(1)]) if the communication is paid for
18 exclusively by funds provided directly by individuals who
19 are United States citizens or nationals or are lawfully
20 admitted for permanent residence (as defined in Section
21 101(a)(20) of the Immigration and Nationality Act (8 U.S.C.
22 1101(a)(20))). For purposes of this paragraph, the term
23 "provided directly by individuals" does not include funds
24 the source of which is an entity described in subsection
25 (a) of this Section.

26 (3) Source of communications.

1 (A) An electioneering communication shall be
2 treated as made by an entity described in subsection
3 (a) if an entity described in subsection (a) directly
4 or indirectly disburses any amount for any of the costs
5 of the communication.

6 (B) A Section 501(c)(4) organization that derives
7 amounts from business activities or receives funds
8 from any entity described in subsection (a) shall be
9 considered to have paid for any communication out of
10 those amounts unless the organization paid for the
11 communication out of a segregated account.

12 (4) For purposes of this subsection:

13 (A) The term "Section 501(c)(4) organization"
14 means:

15 (i) An organization described in Section
16 501(c)(4) of the Internal Revenue Code of 1986 [26
17 USCS § 501(c)(4)] and exempt from taxation under
18 Section 501(a) of that Code [26 USCS § 501(a)]; or

19 (ii) An organization that has submitted an
20 application to the Internal Revenue Service for
21 determination of its status as an organization
22 described in clause (i).

23 (B) A person shall be treated as having made a
24 disbursement if the person has executed a contract to
25 make the disbursement.

26 (5) Nothing in this subsection shall be construed to

1 authorize an organization exempt from taxation under
2 Section 501(a) of the Internal Revenue Code of 1986 [26
3 USCS § 501(a)] to carry out any activity that is prohibited
4 under that Code.

5 (10 ILCS 5/9A-25 new)

6 Sec. 9A-25. Prohibition of contributions in name of
7 another. No person shall make a contribution in the name of
8 another person or knowingly permit his or her name to be used
9 to effect such a contribution. No person shall knowingly accept
10 a contribution made by one person in the name of another
11 person.

12 (10 ILCS 5/9A-30 new)

13 Sec. 9A-30. Complaints. The Board may receive complaints
14 from any entity regulated under this Article, alleging with
15 specificity on the basis of facts known to that entity, that a
16 violation of this Article has occurred. The Board may bring
17 complaints and investigations on its own initiative when the
18 Board has a reasonable basis to believe that a violation of
19 this Article has occurred. The Board shall have the authority
20 to promulgate procedural rules governing the filing and hearing
21 of complaints under this Section.

22 (10 ILCS 5/9A-35 new)

23 Sec. 9A-35. 2008 disposition of committee moneys. On and

1 after the effective date of this amendatory Act of the 95th
2 General Assembly, a political committee may not expend,
3 transfer, or otherwise dispose of moneys received by that
4 committee from any source before or on that effective date,
5 except as provided in this Section. For a period of 15 days
6 after the day of the 2008 general election, each political
7 committee may use moneys received before or on the effective
8 date of this amendatory Act of the 95th General Assembly to pay
9 bills for or otherwise discharge or satisfy obligations
10 incurred for goods or services received by the committee before
11 the effective date of this amendatory Act of the 95th General
12 Assembly. Within 30 days after the effective date of this
13 amendatory Act of the 95th General Assembly, each political
14 committee must donate all moneys possessed in any way by the
15 committee that the committee received from any source before or
16 on the effective date of this amendatory Act of the 95th
17 General Assembly to one or more charitable organizations
18 approved by the State Board of Elections. Any moneys so
19 described not donated as provided in this Section shall escheat
20 to and become the property of the State and shall be deposited
21 into the General Revenue Fund.

22 Section 99. Effective date. This Act takes effect November
23 5, 2008.