

SB2191



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2191

Introduced 2/14/2008, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. With respect to campaign finance reports, permits certain political committees to file statements of nonparticipation in an election if they do not make one or more expenditures in the aggregate of more than \$500 on behalf of or in opposition to (i) one or more candidates, (ii) one or more public questions, or (iii) one or more candidates and public questions (now, do not make expenditures in excess of \$500 in support of or in opposition to a candidate or question).

LRB095 15841 JAM 41850 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) This subsection does not apply with respect to general
22 primary elections. Reports of campaign contributions shall be
23 filed no later than the 15th day next preceding each election

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

1 organized to support or oppose a candidate or public question
2 on the ballot at the next election or primary, that committee
3 must file reports required by this subsection (b) and by
4 subsection (b-5).

5 (b-5) Notwithstanding the provisions of subsection (b) and
6 Section 1.25 of the Statute on Statutes, any contribution of
7 more than \$500 received (i) with respect to elections other
8 than the general primary election, in the interim between the
9 last date of the period covered by the last report filed under
10 subsection (b) prior to the election and the date of the
11 election or (ii) with respect to general primary elections, in
12 the period beginning January 1 of the year of the general
13 primary election and prior to the date of the general primary
14 election shall be filed with and must actually be received by
15 the State Board of Elections within 2 business days after
16 receipt of such contribution. A continuing political committee
17 that does not support or oppose a candidate or public question
18 on the ballot at a general primary election and does not make
19 expenditures in excess of \$500 on behalf of or in opposition to
20 any candidate or public question on the ballot at the general
21 primary election shall not be required to file the report
22 prescribed in this subsection unless the committee makes an
23 expenditure in excess of \$500 on behalf of or in opposition to
24 any candidate or public question on the ballot at the general
25 primary election. The committee shall timely file the report
26 required under this subsection beginning with the date the

1 expenditure that triggered participation was made. The State
2 Board shall allow filings of reports of contributions of more
3 than \$500 under this subsection (b-5) by political committees
4 that are not required to file electronically to be made by
5 facsimile transmission. For the purpose of this subsection, a
6 contribution is considered received on the date the public
7 official, candidate, or political committee (or equivalent
8 person in the case of a reporting entity other than a political
9 committee) actually receives it or, in the case of goods or
10 services, 2 business days after the date the public official,
11 candidate, committee, or other reporting entity receives the
12 certification required under subsection (b) of Section 9-6.
13 Failure to report each contribution is a separate violation of
14 this subsection. In the final disposition of any matter by the
15 Board on or after the effective date of this amendatory Act of
16 the 93rd General Assembly, the Board may impose fines for
17 violations of this subsection not to exceed 100% of the total
18 amount of the contributions that were untimely reported, but in
19 no case when a fine is imposed shall it be less than 10% of the
20 total amount of the contributions that were untimely reported.
21 When considering the amount of the fine to be imposed, the
22 Board shall consider, but is not limited to, the following
23 factors:

24 (1) whether in the Board's opinion the violation was
25 committed inadvertently, negligently, knowingly, or
26 intentionally;

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

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

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

25 (c-5) A political committee that acts as either (i) a State
26 and local political committee or (ii) a local political

1 committee and that files reports electronically under Section
2 9-28 is not required to file copies of the reports with the
3 appropriate county clerk if the county clerk has a system that
4 permits access to, and duplication of, reports that are filed
5 with the State Board of Elections. A State and local political
6 committee or a local political committee shall file with the
7 county clerk a copy of its statement of organization pursuant
8 to Section 9-3.

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

12 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07.)