



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0007

Introduced 1/14/2009, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-1	from Ch. 46, par. 9-1
10 ILCS 5/9-1.4	from Ch. 46, par. 9-1.4
10 ILCS 5/9-1.5	from Ch. 46, par. 9-1.5
10 ILCS 5/9-1.7	from Ch. 46, par. 9-1.7
10 ILCS 5/9-1.8	from Ch. 46, par. 9-1.8
10 ILCS 5/9-1.9	from Ch. 46, par. 9-1.9
10 ILCS 5/9-1.15 new	
10 ILCS 5/9-10	from Ch. 46, par. 9-10

Amends the Election Code. With respect to the disclosure of campaign finances, redefines contributions and expenditures that must be reported to include those accepted or made in connection with the legal defense of a candidate for or holder of a State or local elective office. Defines legal defense as relating to various offenses against public officials, employees, and entities at any level of government, infamous crimes, and offenses reflecting upon the candidate's or official's character, honesty, integrity, and ability. Effective immediately.

LRB096 02943 JAM 12957 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 9-1, 9-1.4, 9-1.5, 9-1.7, 9-1.8, 9-1.9, and 9-10 and  
6 by adding Section 9-1.15 as follows:

7 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

8 Sec. 9-1. As used in this Article, unless the context  
9 otherwise requires, the terms defined in Sections 9-1.1 through  
10 9-1.15 ~~9-1.13~~, have the respective meanings as defined in those  
11 Sections.

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

13 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

14 Sec. 9-1.4. "Contribution" means-

15 (1) a gift, subscription, donation, dues, loan, advance, or  
16 deposit of money or anything of value, knowingly received in  
17 connection with the nomination for election, or election, of  
18 any person to public office, in connection with the election of  
19 any person as ward or township committeeman in counties of  
20 3,000,000 or more population, in connection with the legal  
21 defense of a candidate or public official, or in connection  
22 with any question of public policy;

1 (1.5) a gift, subscription, donation, dues, loan, advance,  
2 deposit of money, or anything of value that constitutes an  
3 electioneering communication regardless of whether the  
4 communication is made in concert or cooperation with or at the  
5 request, suggestion, or knowledge of a candidate, a candidate's  
6 authorized local political committee, a State political  
7 committee, a political committee in support of or opposition to  
8 a question of public policy, or any of their agents;

9 (2) the purchase of tickets for fund-raising events,  
10 including but not limited to dinners, luncheons, cocktail  
11 parties, and rallies made in connection with the nomination for  
12 election, or election, of any person to public office, in  
13 connection with the election of any person as ward or township  
14 committeeman in counties of 3,000,000 or more population, in  
15 connection with the legal defense of a candidate or public  
16 official, or in connection with any question of public policy;

17 (3) a transfer of funds between political committees; and

18 (4) the services of an employee donated by an employer, in  
19 which case the contribution shall be listed in the name of the  
20 employer, except that any individual services provided  
21 voluntarily and without promise or expectation of compensation  
22 from any source shall not be deemed a contribution; but

23 (5) does not include--

24 (a) the use of real or personal property and the cost  
25 of invitations, food, and beverages, voluntarily provided  
26 by an individual in rendering voluntary personal services

1 on the individual's residential premises for  
2 candidate-related activities; provided the value of the  
3 service provided does not exceed an aggregate of \$150 in a  
4 reporting period;

5 (b) the sale of any food or beverage by a vendor for  
6 use in a candidate's campaign at a charge less than the  
7 normal comparable charge, if such charge for use in a  
8 candidate's campaign is at least equal to the cost of such  
9 food or beverage to the vendor.

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

11 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

12 Sec. 9-1.5. Expenditure defined.

13 "Expenditure" means-

14 (1) a payment, distribution, purchase, loan, advance,  
15 deposit, or gift of money or anything of value, in connection  
16 with the nomination for election, or election, of any person to  
17 public office, in connection with the election of any person as  
18 ward or township committeeman in counties of 3,000,000 or more  
19 population, in connection with the legal defense of a candidate  
20 or public official, or in connection with any question of  
21 public policy. "Expenditure" also includes a payment,  
22 distribution, purchase, loan, advance, deposit, or gift of  
23 money or anything of value that constitutes an electioneering  
24 communication regardless of whether the communication is made  
25 in concert or cooperation with or at the request, suggestion,

1 or knowledge of a candidate, a candidate's authorized local  
2 political committee, a State political committee, a political  
3 committee in support of or opposition to a question of public  
4 policy, or any of their agents. However, expenditure does not  
5 include -

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

13 (b) the sale of any food or beverage by a vendor for  
14 use in a candidate's campaign at a charge less than the  
15 normal comparable charge, if such charge for use in a  
16 candidate's campaign is at least equal to the cost of such  
17 food or beverage to the vendor.

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

19 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
20 93-847, eff. 7-30-04.)

21 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

22 Sec. 9-1.7. "Local political committee" means the  
23 candidate himself or any individual, trust, partnership,  
24 committee, association, corporation, or other organization or  
25 group of persons which:

1           (a) accepts contributions or grants or makes  
2 expenditures during any 12-month period in an aggregate  
3 amount exceeding \$3,000 on behalf of or in opposition to a  
4 candidate or candidates for public office who are required  
5 by the Illinois Governmental Ethics Act to file statements  
6 of economic interests with the county clerk, ~~or~~ on behalf  
7 of or in opposition to a candidate or candidates for  
8 election to the office of ward or township committeeman in  
9 counties of 3,000,000 or more population, or in connection  
10 with the legal defense of a candidate or public official  
11 who is required by the Illinois Governmental Ethics Act to  
12 file a statement of economic interests with the county  
13 clerk;

14           (b) accepts contributions or makes expenditures during  
15 any 12-month period in an aggregate amount exceeding \$3,000  
16 in support of or in opposition to any question of public  
17 policy to be submitted to the electors of an area  
18 encompassing no more than one county. The \$3,000 threshold  
19 established in this paragraph (b) applies to any receipts  
20 or expenditures received or made with the purpose of  
21 securing a place on the ballot for, advocating the defeat  
22 or passage of, or engaging in electioneering communication  
23 regarding the question of public policy regardless of the  
24 method of initiation of the question of public policy and  
25 regardless of whether petitions have been circulated or  
26 filed with the appropriate office or whether the question

1 has been adopted and certified by the governing body;

2 (c) accepts contributions or makes expenditures during  
3 any 12-month period in an aggregate amount exceeding \$3,000  
4 and has as its primary purpose the furtherance of  
5 governmental, political or social values, is organized on a  
6 not-for-profit basis, and which publicly endorses or  
7 publicly opposes a candidate or candidates for public  
8 office who are required by the Illinois Governmental Ethics  
9 Act to file statements of economic interest with the County  
10 Clerk or a candidate or candidates for the office of ward  
11 or township committeeman in counties of 3,000,000 or more  
12 population; or

13 (d) accepts contributions or makes expenditures during  
14 any 12-month period in an aggregate amount exceeding \$3,000  
15 for electioneering communications relating to any  
16 candidate or candidates described in paragraph (a) or any  
17 question of public policy described in paragraph (b).

18 (Source: P.A. 95-963, eff. 1-1-09.)

19 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

20 Sec. 9-1.8. "State political committee" means the  
21 candidate himself or any individual, trust, partnership,  
22 committee, association, corporation, or any other organization  
23 or group of persons which--

24 (a) accepts contributions or grants or makes expenditures  
25 during any 12-month period in an aggregate amount exceeding

1 \$3,000 (i) on behalf of or in opposition to a candidate or  
2 candidates for public office who are required by the Illinois  
3 Governmental Ethics Act to file statements of economic  
4 interests with the Secretary of State or (ii) in connection  
5 with the legal defense of a candidate or public official who is  
6 required by the Illinois Governmental Ethics Act to file a  
7 statement of economic interests with the Secretary of State,

8 (b) accepts contributions or makes expenditures during any  
9 12-month period in an aggregate amount exceeding \$3,000 in  
10 support of or in opposition to any question of public policy to

11 be submitted to the electors of an area encompassing more than  
12 one county. The \$3,000 threshold established in this paragraph

13 (b) applies to any receipts or expenditures received or made  
14 with the purpose of securing a place on the ballot for,  
15 advocating the defeat or passage of, or engaging in  
16 electioneering communication regarding the question of public  
17 policy regardless of the method of initiation of the question  
18 of public policy and regardless of whether petitions have been  
19 circulated or filed with the appropriate office or whether the  
20 question has been adopted and certified by the governing body,

21 (c) accepts contributions or makes expenditures during any  
22 12-month period in an aggregate amount exceeding \$3,000 and has  
23 as its primary purpose the furtherance of governmental,  
24 political or social values, is organized on a not-for-profit  
25 basis, and which publicly endorses or publicly opposes a  
26 candidate or candidates for public office who are required by



1 the Illinois Governmental Ethics Act to file statements of  
2 economic interest with the Secretary of State, or

3 (d) accepts contributions or makes expenditures during any  
4 12-month period in an aggregate amount exceeding \$3,000 for  
5 electioneering communications relating to any candidate or  
6 candidates described in paragraph (a) or any question of public  
7 policy described in paragraph (b).

8 (Source: P.A. 95-963, eff. 1-1-09.)

9 (10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

10 Sec. 9-1.9. "Political committee" includes State central  
11 and county central committees of any political party, and also  
12 includes local political committees and state political  
13 committees, but does not include any candidate who does not  
14 accept contributions or make expenditures during any 12-month  
15 period in an aggregate amount exceeding \$3,000, nor does it  
16 include, with the exception of State central and county central  
17 committees of any political party, any individual, trust,  
18 partnership, committee, association, corporation, or any other  
19 organization or group of persons which does not (i) accept  
20 contributions or make expenditures during any 12-month period  
21 in an aggregate amount exceeding \$3,000 on behalf of or in  
22 opposition to a candidate or candidates or to any question of  
23 public policy, ~~or~~ (ii) accept contributions or make  
24 expenditures during any 12-month period in an aggregate amount  
25 exceeding \$3,000 for electioneering communications relating to

1 any candidate or candidates described in paragraph (a) of  
2 Section 9-1.7 or 9-1.8 or any question of public policy  
3 described in paragraph (b) of Section 9-1.7 or 9-1.8, or (iii)  
4 accept contributions or make expenditures during any 12-month  
5 period in an aggregate amount exceeding \$3,000 in connection  
6 with the legal defense of a candidate or public official, and  
7 such candidates and persons shall not be required to comply  
8 with any filing provisions in this Article.

9 (Source: P.A. 93-847, eff. 7-30-04.)

10 (10 ILCS 5/9-1.15 new)

11 Sec. 9-1.15. Legal defense of a candidate or public  
12 official. "Legal defense of a candidate or public official"  
13 means the obtaining, providing, or financially assisting with  
14 the obtaining or providing of legal counsel, representation,  
15 services, advice, opinion, or guidance for a candidate or  
16 public official in connection with: (i) an offense involving  
17 fraud against a public entity, bribery of an officer or  
18 employee of a public entity, official misconduct, or inducement  
19 of an officer or employee of a public entity to commit official  
20 misconduct; (ii) any other infamous crime under State or  
21 federal law; or (iii) any other offense that reflects upon the  
22 candidate's or official's character, honesty, integrity, or  
23 ability to qualify for or hold public office.

24 For the purpose of this Section, "public entity" means any  
25 entity authorized or established by constitution, law,

1 executive order, resolution, or ordinance in the executive,  
2 legislative, or judicial branch of government at the federal,  
3 State, or local level.

4 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

5 Sec. 9-10. Financial reports.

6 (a) The treasurer of every state political committee and  
7 the treasurer of every local political committee shall file  
8 with the Board, and the treasurer of every local political  
9 committee shall file with the county clerk, reports of campaign  
10 contributions, and semi-annual reports of campaign  
11 contributions and expenditures on forms to be prescribed or  
12 approved by the Board. The treasurer of every political  
13 committee that acts as both a state political committee and a  
14 local political committee shall file a copy of each report with  
15 the State Board of Elections and the county clerk. Entities  
16 subject to Section 9-7.5 shall file reports required by that  
17 Section at times provided in this Section and are subject to  
18 the penalties provided in this Section.

19 (b) This subsection does not apply with respect to general  
20 primary elections. Reports of campaign contributions shall be  
21 filed no later than the 15th day next preceding each election  
22 in connection with which the political committee has accepted  
23 or is accepting contributions or has made or is making  
24 expenditures. Such reports shall be complete as of the 30th day  
25 next preceding each election. The Board shall assess a civil

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

1 subsection (b-5).

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

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

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

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

26 (3) past violations of Sections 9-3 and 9-10 of this

1 Article by the committee.

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

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

1 permits access to, and duplication of, reports that are filed  
2 with the State Board of Elections. A State and local political  
3 committee or a local political committee shall file with the  
4 county clerk a copy of its statement of organization pursuant  
5 to Section 9-3.

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

9 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-957,  
10 eff. 1-1-09.)

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