

# HB0717



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0717

Introduced 2/6/2009, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Requires 2-day reporting by political committees of certain campaign contributions during the approximately 60 (now, approximately 30) days before a primary or election. Effective immediately.

LRB096 05678 JAM 15744 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 \$500 on behalf of or in opposition to any  
18 (i) candidate or candidates, (ii) public question or questions,  
19 or (iii) candidate or candidates and public question or  
20 questions on the ballot at an election shall not be required to  
21 file the reports prescribed in this subsection (b) and  
22 subsection (b-5) but may file in lieu thereof a Statement of  
23 Nonparticipation in the Election with the Board or the Board  
24 and the county clerk ; except that if the political committee,  
25 by the terms of its statement of organization filed in  
26 accordance with this Article, is organized to support or oppose

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

4 (b-5) Notwithstanding the provisions of subsection (b) and  
5 Section 1.25 of the Statute on Statutes, any contribution of  
6 more than \$500 received (i) with respect to elections other  
7 than the general primary election, in the interim between the  
8 30th day before the last date of the period covered by the last  
9 report filed under subsection (b) prior to the election and the  
10 date of the election or (ii) with respect to general primary  
11 elections, in the period beginning the December 1st before  
12 ~~January 1 of the year of~~ the general primary election and prior  
13 to the date of the general primary election shall be filed with  
14 and must actually be received by the State Board of Elections  
15 within 2 business days after receipt of such contribution. A  
16 continuing political committee that does not support or oppose  
17 a candidate or public question on the ballot at a general  
18 primary election and does not make expenditures in excess of  
19 \$500 on behalf of or in opposition to any candidate or public  
20 question on the ballot at the general primary election shall  
21 not be required to file the report prescribed in this  
22 subsection unless the committee makes an expenditure in excess  
23 of \$500 on behalf of or in opposition to any candidate or  
24 public question on the ballot at the general primary election.  
25 The committee shall timely file the report required under this  
26 subsection beginning with the date the expenditure that

1 triggered participation was made. The State Board shall allow  
2 filings of reports of contributions of more than \$500 under  
3 this subsection (b-5) by political committees that are not  
4 required to file electronically to be made by facsimile  
5 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; 95-957,  
13 eff. 1-1-09.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.