



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4007

Introduced 2/26/2009, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
10 ILCS 5/9-10	from Ch. 46, par. 9-10
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the 2010 general primary election from the first Tuesday in February 2010 to the second Tuesday in September 2010 (September 14). Makes conforming changes with respect to (i) filing of declarations of judicial retention, (ii) filing of campaign finance reports, and (iii) printing and mailing of legislators' newsletters and brochures. Effective immediately.

LRB096 04878 JAM 14944 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 2A-1.1, 7A-1, and 9-10 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be
9 held on the first Tuesday after the first Monday of November;
10 and an election to be known as the general primary election
11 shall be held on the first Tuesday in February, except that in
12 2010 it shall be held on Tuesday, September 14;

13 (b) In odd-numbered years, an election to be known as the
14 consolidated election shall be held on the first Tuesday in
15 April except as provided in Section 2A-1.1a of this Act; and an
16 election to be known as the consolidated primary election shall
17 be held on the last Tuesday in February.

18 (Source: P.A. 95-6, eff. 6-20-07.)

19 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

20 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has
21 been elected to that office and who seeks to be retained in
22 that office under subsection (d) of Section 12 of Article VI of

1 the Constitution shall file a declaration of candidacy to
2 succeed himself in the office of the Secretary of State on or
3 before the first Monday in December before the general election
4 preceding the expiration of his term of office, except that,
5 with respect to the 2010 general election, the declaration
6 shall be filed on or before July 6, 2010. Within 3 business
7 days thereafter, the Secretary of State shall certify to the
8 State Board of Elections the names of all incumbent judges who
9 were eligible to stand for retention at the next general
10 election but failed to timely file a declaration of candidacy
11 to succeed themselves in office or, having timely filed such a
12 declaration, withdrew it. The State Board of Elections may rely
13 upon the certification from the Secretary of State (a) to
14 determine when vacancies in judicial office exist and (b) to
15 determine the judicial positions for which elections will be
16 held. The Secretary of State, not less than 63 days before the
17 election, shall certify the Judge's candidacy to the proper
18 election officials. The names of Judges seeking retention shall
19 be submitted to the electors, separately and without party
20 designation, on the sole question whether each Judge shall be
21 retained in office for another term. The retention elections
22 shall be conducted at general elections in the appropriate
23 Judicial District, for Supreme and Appellate Judges, and in the
24 circuit for Circuit Judges. The affirmative vote of
25 three-fifths of the electors voting on the question shall elect
26 the Judge to the office for a term commencing on the first

1 Monday in December following his election.

2 (Source: P.A. 86-1348.)

3 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

4 Sec. 9-10. Financial reports.

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

18 (b) This subsection does not apply with respect to any
19 general primary election other than the 2010 general primary
20 election 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 on behalf of or in opposition to any
14 (i) candidate or candidates, (ii) public question or questions,
15 or (iii) candidate or candidates and public question or
16 questions on the ballot at an election shall not be required to
17 file the reports prescribed in this subsection (b) and
18 subsection (b-5) but may file in lieu thereof a Statement of
19 Nonparticipation in the Election with the Board or the Board
20 and the county clerk ; except that if the political committee,
21 by the terms of its statement of organization filed in
22 accordance with this Article, is organized to support or oppose
23 a candidate or public question on the ballot at the next
24 election or primary, that committee must file reports required
25 by this subsection (b) and by subsection (b-5).

26 (b-5) Notwithstanding the provisions of subsection (b) and

1 Section 1.25 of the Statute on Statutes, any contribution of
2 more than \$500 received (i) with respect to the 2010 general
3 primary election and with respect to all other elections except
4 ~~other than~~ the general primary election in years other than
5 2010, in the interim between the last date of the period
6 covered by the last report filed under subsection (b) prior to
7 the election and the date of the election or (ii) with respect
8 to general primary elections other than in 2010, in the period
9 beginning January 1 of the year of the general primary election
10 and prior to the date of the general primary election shall be
11 filed with and must actually be received by the State Board of
12 Elections within 2 business days after receipt of such
13 contribution. A continuing political committee that does not
14 support or oppose a candidate or public question on the ballot
15 at a general primary election and does not make expenditures in
16 excess of \$500 on behalf of or in opposition to any candidate
17 or public question on the ballot at the general primary
18 election shall not be required to file the report prescribed in
19 this subsection unless the committee makes an expenditure in
20 excess of \$500 on behalf of or in opposition to any candidate
21 or public question on the ballot at the general primary
22 election. The committee shall timely file the report required
23 under this subsection beginning with the date the expenditure
24 that triggered participation was made. The State Board shall
25 allow filings of reports of contributions of more than \$500
26 under this subsection (b-5) by political committees that are

1 not required to file electronically to be made by facsimile
2 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 10. The General Assembly Compensation Act is
12 amended by changing Section 4 as follows:

13 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

14 Sec. 4. Office allowance. Beginning July 1, 2001, each
15 member of the House of Representatives is authorized to approve
16 the expenditure of not more than \$61,000 per year and each
17 member of the Senate is authorized to approve the expenditure
18 of not more than \$73,000 per year to pay for "personal
19 services", "contractual services", "commodities", "printing",
20 "travel", "operation of automotive equipment",
21 "telecommunications services", as defined in the State Finance
22 Act, and the compensation of one or more legislative assistants
23 authorized pursuant to this Section, in connection with his or
24 her legislative duties and not in connection with any political

1 campaign. On July 1, 2002 and on July 1 of each year
2 thereafter, the amount authorized per year under this Section
3 for each member of the Senate and each member of the House of
4 Representatives shall be increased by a percentage increase
5 equivalent to the lesser of (i) the increase in the designated
6 cost of living index or (ii) 5%. The designated cost of living
7 index is the index known as the "Employment Cost Index, Wages
8 and Salaries, By Occupation and Industry Groups: State and
9 Local Government Workers: Public Administration" as published
10 by the Bureau of Labor Statistics of the U.S. Department of
11 Labor for the calendar year immediately preceding the year of
12 the respective July 1st increase date. The increase shall be
13 added to the then current amount, and the adjusted amount so
14 determined shall be the annual amount beginning July 1 of the
15 increase year until July 1 of the next year. No increase under
16 this provision shall be less than zero.

17 A member may purchase office equipment if the member
18 certifies to the Secretary of the Senate or the Clerk of the
19 House, as applicable, that the purchase price, whether paid in
20 lump sum or installments, amounts to less than would be charged
21 for renting or leasing the equipment over its anticipated
22 useful life. All such equipment must be purchased through the
23 Secretary of the Senate or the Clerk of the House, as
24 applicable, for proper identification and verification of
25 purchase.

26 Each member of the General Assembly is authorized to employ

1 one or more legislative assistants, who shall be solely under
2 the direction and control of that member, for the purpose of
3 assisting the member in the performance of his or her official
4 duties. A legislative assistant may be employed pursuant to
5 this Section as a full-time employee, part-time employee, or
6 contractual employee, at the discretion of the member. If
7 employed as a State employee, a legislative assistant shall
8 receive employment benefits on the same terms and conditions
9 that apply to other employees of the General Assembly. Each
10 member shall adopt and implement personnel policies for
11 legislative assistants under his or her direction and control
12 relating to work time requirements, documentation for
13 reimbursement for travel on official State business,
14 compensation, and the earning and accrual of State benefits for
15 those legislative assistants who may be eligible to receive
16 those benefits. The policies shall also require legislative
17 assistants to periodically submit time sheets documenting, in
18 quarter-hour increments, the time spent each day on official
19 State business. The policies shall require the time sheets to
20 be submitted on paper, electronically, or both and to be
21 maintained in either paper or electronic format by the
22 applicable fiscal office for a period of at least 2 years.
23 Contractual employees may satisfy the time sheets requirement
24 by complying with the terms of their contract, which shall
25 provide for a means of compliance with this requirement. A
26 member may satisfy the requirements of this paragraph by

1 adopting and implementing the personnel policies promulgated
2 by that member's legislative leader under the State Officials
3 and Employees Ethics Act with respect to that member's
4 legislative assistants.

5 As used in this Section the term "personal services" shall
6 include contributions of the State under the Federal Insurance
7 Contribution Act and under Article 14 of the Illinois Pension
8 Code. As used in this Section the term "contractual services"
9 shall not include improvements to real property unless those
10 improvements are the obligation of the lessee under the lease
11 agreement. Beginning July 1, 1989, as used in the Section, the
12 term "travel" shall be limited to travel in connection with a
13 member's legislative duties and not in connection with any
14 political campaign. Beginning on the effective date of this
15 amendatory Act of the 93rd General Assembly, as used in this
16 Section, the term "printing" includes, but is not limited to,
17 newsletters, brochures, certificates, congratulatory mailings,
18 greeting or welcome messages, anniversary or birthday cards,
19 and congratulations for prominent achievement cards. As used in
20 this Section, the term "printing" includes fees for
21 non-substantive resolutions charged by the Clerk of the House
22 of Representatives under subsection (c-5) of Section 1 of the
23 Legislative Materials Act. No newsletter or brochure that is
24 paid for, in whole or in part, with funds provided under this
25 Section may be printed or mailed (i) during a period beginning
26 December 15 of the year preceding a general primary election

1 (other than the 2010 general primary election) and ending the
2 day after the general primary election (other than the 2010
3 general primary election) and during a period beginning
4 September 1 of the year of a general election (other than the
5 2010 general election) and ending the day after the general
6 election (other than the 2010 general election) and (ii) in
7 2010 only, on and after June 22, 2010 through November 3, 2010,
8 except that such a newsletter or brochure may be mailed during
9 those times if it is mailed to a constituent in response to
10 that constituent's inquiry concerning the needs of that
11 constituent or questions raised by that constituent. Nothing in
12 this Section shall be construed to authorize expenditures for
13 lodging and meals while a member is in attendance at sessions
14 of the General Assembly.

15 Any utility bill for service provided to a member's
16 district office for a period including portions of 2
17 consecutive fiscal years may be paid from funds appropriated
18 for such expenditure in either fiscal year.

19 If a vacancy occurs in the office of Senator or
20 Representative in the General Assembly, any office equipment in
21 the possession of the vacating member shall transfer to the
22 member's successor; if the successor does not want such
23 equipment, it shall be transferred to the Secretary of the
24 Senate or Clerk of the House of Representatives, as the case
25 may be, and if not wanted by other members of the General
26 Assembly then to the Department of Central Management Services

1 for treatment as surplus property under the State Property
2 Control Act. Each member, on or before June 30th of each year,
3 shall conduct an inventory of all equipment purchased pursuant
4 to this Act. Such inventory shall be filed with the Secretary
5 of the Senate or the Clerk of the House, as the case may be.
6 Whenever a vacancy occurs, the Secretary of the Senate or the
7 Clerk of the House, as the case may be, shall conduct an
8 inventory of equipment purchased.

9 In the event that a member leaves office during his or her
10 term, any unexpended or unobligated portion of the allowance
11 granted under this Section shall lapse. The vacating member's
12 successor shall be granted an allowance in an amount, rounded
13 to the nearest dollar, computed by dividing the annual
14 allowance by 365 and multiplying the quotient by the number of
15 days remaining in the fiscal year.

16 From any appropriation for the purposes of this Section for
17 a fiscal year which overlaps 2 General Assemblies, no more than
18 1/2 of the annual allowance per member may be spent or
19 encumbered by any member of either the outgoing or incoming
20 General Assembly, except that any member of the incoming
21 General Assembly who was a member of the outgoing General
22 Assembly may encumber or spend any portion of his annual
23 allowance within the fiscal year.

24 The appropriation for the annual allowances permitted by
25 this Section shall be included in an appropriation to the
26 President of the Senate and to the Speaker of the House of

1 Representatives for their respective members. The President of
2 the Senate and the Speaker of the House shall voucher for
3 payment individual members' expenditures from their annual
4 office allowances to the State Comptroller, subject to the
5 authority of the Comptroller under Section 9 of the State
6 Comptroller Act.

7 (Source: P.A. 95-6, eff. 6-20-07.)

8 Section 15. The Legislative Commission Reorganization Act
9 of 1984 is amended by changing Section 9-2.5 as follows:

10 (25 ILCS 130/9-2.5)

11 Sec. 9-2.5. Newsletters and brochures. The Legislative
12 Printing Unit may not print for any member of the General
13 Assembly any newsletters or brochures (i) during the period
14 beginning December 15 of the year preceding a general primary
15 election (other than the 2010 general primary election) and
16 ending the day after the general primary election (other than
17 the 2010 general primary election) and during a period
18 beginning September 1 of the year of a general election (other
19 than the 2010 general election) and ending the day after the
20 general election (other than the 2010 general election) and
21 (ii) in 2010 only, on and after June 22, 2010 through November
22 3, 2010. A member of the General Assembly may not mail, (i)
23 during a period beginning December 15 of the year preceding a
24 general primary election (other than the 2010 general primary

1 election) and ending the day after the general primary election
2 (other than the 2010 general primary election) and during a
3 period beginning September 1 of the year of a general election
4 (other than the 2010 general election) and ending the day after
5 the general election (other than the 2010 general election) and
6 (ii) in 2010 only, on and after June 22, 2010 through November
7 3, 2010, any newsletters or brochures that were printed, at any
8 time, by the Legislative Printing Unit, except that such a
9 newsletter or brochure may be mailed during those times if it
10 is mailed to a constituent in response to that constituent's
11 inquiry concerning the needs of that constituent or questions
12 raised by that constituent.

13 (Source: P.A. 95-6, eff. 6-20-07.)

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