

HB4571



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4571

by Rep. Elizabeth Coulson - Tom Cross

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. During any period when a political committee is not required to report to the State Board of Elections certain contributions within 2 business days after their receipt, requires political committees to report to the State Board of Elections contributions of (i) \$1,000 or more, in the case of a statewide political committee, or (ii) \$500 or more, in the case of other political committees, within 5 business days after their receipt.

LRB096 13097 JAM 27459 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 and
13 subsection (b-5), "statewide office" and "State officer" means
14 the Governor, Lieutenant Governor, Attorney General, Secretary
15 of State, Comptroller, and Treasurer. However, a continuing
16 political committee that does not make an expenditure or
17 expenditures in an aggregate amount of more than \$500 on behalf
18 of or in opposition to any (i) candidate or candidates, (ii)
19 public question or questions, or (iii) candidate or candidates
20 and public question or questions on the ballot at an election
21 shall 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, a report of (A) any
7 contribution of more than \$500 received (i) with respect to
8 elections other than the general primary election, in the
9 interim between the last date of the period covered by the last
10 report filed under subsection (b) prior to the election and the
11 date of the election or (ii) with respect to general primary
12 elections, in the period beginning January 1 of the year of the
13 general primary election and prior to the date of the general
14 primary election shall be filed with and must actually be
15 received by the State Board of Elections within 2 business days
16 after receipt of such contribution and (B) any contribution of
17 \$1,000 or more, in the case of a political committee organized
18 for a State officer or candidate for statewide office, or \$500
19 or more, in the case of any other political committee, received
20 at any other time shall be filed with and must actually be
21 received by the State Board of Elections within 5 business days
22 after receipt of that contribution. A continuing political
23 committee that does not support or oppose a candidate or public
24 question on the ballot at a general primary election and does
25 not make expenditures in excess of \$500 on behalf of or in
26 opposition to any candidate or public question on the ballot at

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

1 total amount of the contributions that were untimely reported.
2 When considering the amount of the fine to be imposed, the
3 Board shall consider, but is not limited to, the following
4 factors:

5 (1) whether in the Board's opinion the violation was
6 committed inadvertently, negligently, knowingly, or
7 intentionally;

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

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

12 (c) In addition to such reports the treasurer of every
13 political committee shall file semi-annual reports of campaign
14 contributions and expenditures no later than July 20th,
15 covering the period from January 1st through June 30th
16 immediately preceding, and no later than January 20th, covering
17 the period from July 1st through December 31st of the preceding
18 calendar year. Reports of contributions and expenditures must
19 be filed to cover the prescribed time periods even though no
20 contributions or expenditures may have been received or made
21 during the period. The Board shall assess a civil penalty not
22 to exceed \$5,000 for a violation of this subsection, except
23 that for State officers and candidates and political committees
24 formed for statewide office, the civil penalty may not exceed
25 \$10,000. The fine, however, shall not exceed \$500 for a first
26 filing violation for filing less than 10 days after the

1 deadline. There shall be no fine if the report is mailed and
2 postmarked at least 72 hours prior to the filing deadline. For
3 the purpose of this subsection, "statewide office" and "State
4 officer" means the Governor, Lieutenant Governor, Attorney
5 General, Secretary of State, Comptroller, and Treasurer.

6 (c-5) A political committee that acts as either (i) a State
7 and local political committee or (ii) a local political
8 committee and that files reports electronically under Section
9 9-28 is not required to file copies of the reports with the
10 appropriate county clerk if the county clerk has a system that
11 permits access to, and duplication of, reports that are filed
12 with the State Board of Elections. A State and local political
13 committee or a local political committee shall file with the
14 county clerk a copy of its statement of organization pursuant
15 to Section 9-3.

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

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