

HB6200



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6200

Introduced 2/11/2010, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Sets limits on contributions from political party committees to candidate political committees during an election cycle at which candidates seek election at a general election. Effective January 1, 2011.

LRB096 20889 JAM 36675 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 9-8.5 as follows:

6 (10 ILCS 5/9-8.5)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 9-8.5. Limitations on campaign contributions.

10 (a) It is unlawful for a political committee to accept
11 contributions except as provided in this Section.

12 (b) During an election cycle, a candidate political
13 committee may not accept contributions with an aggregate value
14 over the following: (i) \$5,000 from any individual, (ii)
15 \$10,000 from any corporation, labor organization, or
16 association, or (iii) \$50,000 from a candidate political
17 committee or political action committee. ~~A candidate political
18 committee may accept contributions in any amount from a
19 political party committee except during an election cycle in
20 which the candidate seeks nomination at a primary election.~~

21 During an election cycle in which the candidate seeks
22 nomination at a primary election, a candidate political
23 committee may not accept contributions from political party

1 committees with an aggregate value over the following: (i)
2 \$200,000 for a candidate political committee established to
3 support a candidate seeking nomination to statewide office,
4 (ii) \$125,000 for a candidate political committee established
5 to support a candidate seeking nomination to the Senate, the
6 Supreme Court or Appellate Court in the First Judicial
7 District, or an office elected by all voters in a county with
8 1,000,000 or more residents, (iii) \$75,000 for a candidate
9 political committee established to support a candidate seeking
10 nomination to the House of Representatives, the Supreme Court
11 or Appellate Court for a Judicial District other than the First
12 Judicial District, an office elected by all voters of a county
13 of fewer than 1,000,000 residents, and municipal and county
14 offices in Cook County other than those elected by all voters
15 of Cook County, and (iv) \$50,000 for a candidate political
16 committee established to support the nomination of a candidate
17 to any other office. During an election cycle in which the
18 candidate seeks election at a general election, a candidate
19 political committee may not accept contributions from
20 political party committees with an aggregate value over the
21 following: (i) \$300,000 for a candidate political committee
22 established to support a candidate seeking election to
23 statewide office, (ii) \$175,000 for a candidate political
24 committee established to support a candidate seeking election
25 to the Senate, the Supreme Court or Appellate Court in the
26 First Judicial District, or an office elected by all voters in

1 a county with 1,000,000 or more residents, (iii) \$125,000 for a
2 candidate political committee established to support a
3 candidate seeking election to the House of Representatives, the
4 Supreme Court or Appellate Court for a Judicial District other
5 than the First Judicial District, an office elected by all
6 voters of a county of fewer than 1,000,000 residents, and
7 municipal and county offices in Cook County other than those
8 elected by all voters of Cook County, and (iv) \$85,000 for a
9 candidate political committee established to support the
10 election of a candidate to any other office. A candidate
11 political committee established to elect a candidate to the
12 General Assembly may accept contributions from only one
13 legislative caucus committee. A candidate political committee
14 may not accept contributions from a ballot initiative
15 committee.

16 (c) During an election cycle, a political party committee
17 may not accept contributions with an aggregate value over the
18 following: (i) \$10,000 from any individual, (ii) \$20,000 from
19 any corporation, labor organization, or association, or (iii)
20 \$50,000 from a political action committee. A political party
21 committee may accept contributions in any amount from another
22 political party committee or a candidate political committee,
23 except as provided in subsection (c-5). Nothing in this Section
24 shall limit the amounts that may be transferred between a State
25 political committee and federal political committee. A
26 political party committee may not accept contributions from a

1 ballot initiative committee. A political party committee
2 established by a legislative caucus may not accept
3 contributions from another political party committee
4 established by a legislative caucus.

5 (c-5) During the period beginning on the date candidates
6 may begin circulating petitions for a primary election and
7 ending on the day of the primary election, a political party
8 committee may not accept contributions with an aggregate value
9 over \$50,000 from a candidate political committee or political
10 party committee. A political party committee may accept
11 contributions in any amount from a candidate political
12 committee or political party committee if the political party
13 committee receiving the contribution filed a statement of
14 nonparticipation in the primary as provided in subsection
15 (c-10). The Task Force on Campaign Finance Reform shall study
16 and make recommendations on the provisions of this subsection
17 to the Governor and General Assembly by September 30, 2012.
18 This subsection becomes inoperative on July 1, 2013 and
19 thereafter no longer applies.

20 (c-10) A political party committee that does not intend to
21 make contributions to candidates to be nominated at a general
22 primary election or consolidated primary election may file a
23 Statement of Nonparticipation in a Primary Election with the
24 Board. The Statement of Nonparticipation shall include a
25 verification signed by the chairperson and treasurer of the
26 committee that (i) the committee will not make contributions or

1 coordinated expenditures in support of or opposition to a
2 candidate or candidates to be nominated at the general primary
3 election or consolidated primary election (select one) to be
4 held on (insert date), (ii) the political party committee may
5 accept unlimited contributions from candidate political
6 committees and political party committees, provided that the
7 political party committee does not make contributions to a
8 candidate or candidates to be nominated at the primary
9 election, and (iii) failure to abide by these requirements
10 shall deem the political party committee in violation of this
11 Article and subject the committee to a fine of no more than
12 150% of the total contributions or coordinated expenditures
13 made by the committee in violation of this Article. This
14 subsection becomes inoperative on July 1, 2013 and thereafter
15 no longer applies.

16 (d) During an election cycle, a political action committee
17 may not accept contributions with an aggregate value over the
18 following: (i) \$10,000 from any individual, (ii) \$20,000 from
19 any corporation, labor organization, political party
20 committee, or association, or (iii) \$50,000 from a political
21 action committee or candidate political committee. A political
22 action committee may not accept contributions from a ballot
23 initiative committee.

24 (e) A ballot initiative committee may accept contributions
25 in any amount from any source, provided that the committee
26 files the document required by Section 9-3 of this Article.

1 (f) Nothing in this Section shall prohibit a political
2 committee from dividing the proceeds of joint fundraising
3 efforts; provided that no political committee may receive more
4 than the limit from any one contributor.

5 (g) On January 1 of each odd-numbered year, the State Board
6 of Elections shall adjust the amounts of the contribution
7 limitations established in this Section for inflation as
8 determined by the Consumer Price Index for All Urban Consumers
9 as issued by the United States Department of Labor and rounded
10 to the nearest \$100. The State Board shall publish this
11 information on its official website.

12 (h) Self-funding candidates. If a public official, a
13 candidate, or the public official's or candidate's immediate
14 family contributes or loans to the public official's or
15 candidate's political committee or to other political
16 committees that transfer funds to the public official's or
17 candidate's political committee or makes independent
18 expenditures for the benefit of the public official's or
19 candidate's campaign during the 12 months prior to an election
20 in an aggregate amount of more than (i) \$250,000 for statewide
21 office or (ii) \$100,000 for all other elective offices, then
22 the public official or candidate shall file with the State
23 Board of Elections, within one day, a Notification of
24 Self-funding that shall detail each contribution or loan made
25 by the public official, the candidate, or the public official's
26 or candidate's immediate family. Within 2 business days after

1 the filing of a Notification of Self-funding, the notification
2 shall be posted on the Board's website and the Board shall give
3 official notice of the filing to each candidate for the same
4 office as the public official or candidate making the filing,
5 including the public official or candidate filing the
6 Notification of Self-funding. Upon receiving notice from the
7 Board, all candidates for that office, including the public
8 official or candidate who filed a Notification of Self-funding,
9 shall be permitted to accept contributions in excess of any
10 contribution limits imposed by subsection (b). For the purposes
11 of this subsection, "immediate family" means the spouse,
12 parent, or child of a public official or candidate.

13 (i) For the purposes of this Section, a corporation, labor
14 organization, association, or a political action committee
15 established by a corporation, labor organization, or
16 association may act as a conduit in facilitating the delivery
17 to a political action committee of contributions made through
18 dues, levies, or similar assessments and the political action
19 committee may report the contributions in the aggregate,
20 provided that: (i) the dues, levies, or similar assessments
21 paid by any natural person, corporation, labor organization, or
22 association in a calendar year may not exceed the limits set
23 forth in this Section and (ii) the corporation, labor
24 organization, association, or a political action committee
25 established by a corporation, labor organization, or
26 association facilitating the delivery of contributions

1 maintains a list of natural persons, corporations, labor
2 organizations, and associations that paid the dues, levies, or
3 similar assessments from which the contributions comprising
4 the aggregate amount derive. A political action committee
5 facilitating the delivery of contributions or receiving
6 contributions shall disclose the amount of dues delivered or
7 received and the name of the corporation, labor organization,
8 association, or political action committee delivering the
9 contributions, if applicable.

10 (j) A political committee that receives a contribution or
11 transfer in violation of this Section shall dispose of the
12 contribution or transfer by returning the contribution or
13 transfer, or an amount equal to the contribution or transfer,
14 to the contributor or transferor or donating the contribution
15 or transfer, or an amount equal to the contribution or
16 transfer, to a charity. A contribution or transfer received in
17 violation of this Section that is not disposed of as provided
18 in this subsection within 15 days after its receipt shall
19 escheat to the General Revenue Fund and the political committee
20 shall be deemed in violation of this Section and subject to a
21 civil penalty not to exceed 150% of the total amount of the
22 contribution.

23 (k) For the purposes of this Section, "statewide office"
24 means the Governor, Lieutenant Governor, Attorney General,
25 Secretary of State, Comptroller, and Treasurer.

26 (l) This Section is repealed if and when the United States

1 Supreme Court invalidates contribution limits on committees
2 formed to assist candidates, political parties, corporations,
3 associations, or labor organizations established by or
4 pursuant to federal law.

5 (Source: P.A. 96-832, eff. 1-1-11.)

6 Section 99. Effective date. This Act takes effect January
7 1, 2011.