



Sen. Christine Radogno

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1 AMENDMENT TO SENATE BILL 350

2 AMENDMENT NO. _____. Amend Senate Bill 350 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing the
5 heading of Article 9 and Sections 9-1, 9-1.4, 9-1.5, 9-10,
6 9-18, 9-21, 9-23, and 9-28 and by adding Sections 9-1.16,
7 9-1.18, 9-1.19, 9-1.20, 9-1.21, 9-1.22, 9-2.5, 9-2.7, 9-8.5,
8 9-8.6, 9-8.7, 9-8.9, and 9-23.5 as follows:

9 (10 ILCS 5/Art. 9 heading)

10 ARTICLE 9. DISCLOSURE AND REGULATION OF CAMPAIGN
11 CONTRIBUTIONS AND EXPENDITURES

12 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

13 Sec. 9-1. As used in this Article, unless the context
14 otherwise requires, the terms defined in Sections 9-1.1 through
15 9-1.22 ~~9-1.13~~, have the respective meanings as defined in those

1 Sections.

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

3 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

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

5 (1) a gift, subscription, donation, dues, loan, advance, or
6 deposit of money or anything of value, knowingly received in
7 connection with the nomination for election, ~~or~~ election, or
8 retention of any person to or in public office, in connection
9 with the election of any person as ward or township
10 committeeman in counties of 3,000,000 or more population, or in
11 connection with any question of public policy;

12 (1.5) a gift, subscription, donation, dues, loan, advance,
13 deposit of money, or anything of value that constitutes an
14 electioneering communication regardless of whether the
15 communication is made in concert or cooperation with or at the
16 request, suggestion, or knowledge of a candidate, a candidate's
17 authorized local political committee, a State political
18 committee, a political committee in support of or opposition to
19 a question of public policy, or any of their agents;

20 (2) the purchase of tickets for fund-raising events,
21 including but not limited to dinners, luncheons, cocktail
22 parties, and rallies made in connection with the nomination for
23 election, ~~or~~ election, or retention of any person to or in
24 public office, in connection with the election of any person as
25 ward or township committeeman in counties of 3,000,000 or more

1 population, or in connection with any question of public
2 policy;

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

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

9 (5) does not include--

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

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

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

23 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

24 Sec. 9-1.5. Expenditure defined.

25 "Expenditure" means-

1 (1) a payment, distribution, purchase, loan, advance,
2 deposit, or gift of money or anything of value, in connection
3 with the nomination for election, ~~or~~ election, or retention of
4 any person to or in public office, in connection with the
5 election of any person as ward or township committeeman in
6 counties of 3,000,000 or more population, or in connection with
7 any question of public policy. "Expenditure" also includes a
8 payment, distribution, purchase, loan, advance, deposit, or
9 gift of money or anything of value that constitutes an
10 electioneering communication regardless of whether the
11 communication is made in concert or cooperation with or at the
12 request, suggestion, or knowledge of a candidate, a candidate's
13 authorized local political committee, a State political
14 committee, a political committee in support of or opposition to
15 a question of public policy, or any of their agents. However,
16 expenditure does not include -

17 (a) the use of real or personal property and the cost
18 of invitations, food, and beverages, voluntarily provided
19 by an individual in rendering voluntary personal services
20 on the individual's residential premises for
21 candidate-related activities; provided the value of the
22 service provided does not exceed an aggregate of \$150 in a
23 reporting period;

24 (b) the sale of any food or beverage by a vendor for
25 use in a candidate's campaign at a charge less than the
26 normal comparable charge, if such charge for use in a

1 candidate's campaign is at least equal to the cost of such
2 food or beverage to the vendor.

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

4 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
5 93-847, eff. 7-30-04.)

6 (10 ILCS 5/9-1.16 new)

7 Sec. 9-1.16. Regular election period.

8 (a) "Regular election period" means, for purposes of (i)
9 contributions to political committees designated by
10 established political parties and candidates for nomination or
11 election to offices to be filled at a general election and (ii)
12 independent expenditures benefiting candidates for nomination
13 or election to offices to be filled at a general election, each
14 of the following:

15 (1) The period beginning on January 1 immediately
16 following the date of the most recent general election for
17 the office to which a candidate seeks nomination or
18 election and ending the day of the next general primary
19 election for that office.

20 (2) The period beginning on the day after the most
21 recent general primary election for the office to which the
22 candidate seeks nomination or election and ending on the
23 December 31 after the general election for that office.

24 (b) "Regular election period" means, for purposes of (i)
25 contributions to a political committee designated by an

1 incumbent judge seeking retention in office and (ii)
2 independent expenditures benefiting incumbent judges seeking
3 retention in office, the period beginning on the date on which
4 an incumbent judge declares his or her intention to seek
5 retention in office and ending 90 days after the retention
6 election.

7 (c) "Regular election period" means, for purposes of (i)
8 contributions made to political committees designated by
9 candidates for nomination or election to offices to be filled
10 at a consolidated primary or consolidated election and (ii)
11 independent expenditures benefiting candidates for nomination
12 or election to offices to be filled at a consolidated primary
13 or consolidated election, the period beginning on July 1
14 immediately following the date of the most recent consolidated
15 primary election or consolidated election at which the office
16 for which the candidate seeks nomination or election was filled
17 and ending on June 30 immediately after the date of the next
18 consolidated primary election or consolidated election for
19 that office.

20 (10 ILCS 5/9-1.18 new)

21 Sec. 9-1.18. Labor organization. The term "labor
22 organization" means any organization of any kind or any agency
23 or employee representation committee or plan in which employees
24 participate and that exists for the purpose, in whole or in
25 part, of dealing with employers concerning grievances, labor

1 disputes, wages, rates of pay, hours of employment, or
2 conditions of work, including any parent, subsidiary,
3 affiliate, branch, division, department or local unit thereof.

4 (10 ILCS 5/9-1.19 new)

5 Sec. 9-1.19. Corporation. The term "corporation" includes
6 a limited liability company, partnership, limited partnership,
7 limited liability partnership, professional association,
8 professional corporation, professional practice, cooperative,
9 sole proprietorship, or any other legally-recognized business
10 entity, whether organized on a for-profit or non-profit basis.

11 (10 ILCS 5/9-1.20 new)

12 Sec. 9-1.20. Association. The term "association" means any
13 group, club, collective, membership organization, collection
14 of persons, entity organized under Section 501 or 527 of the
15 Internal Revenue Code, or other entity other than a natural
16 person; except that an association does not include a political
17 committee organized under this Article.

18 (10 ILCS 5/9-1.21 new)

19 Sec. 9-1.21. Affiliated person. "Affiliated person" has
20 the meaning given to that term in Section 50-37 of the Illinois
21 Procurement Code.

22 (10 ILCS 5/9-1.22 new)

1 Sec. 9-1.22. Affiliated entity. "Affiliated entity" has
2 the meaning given to that term in Section 50-37 of the Illinois
3 Procurement Code.

4 (10 ILCS 5/9-2.5 new)

5 Sec. 9-2.5. Single political committee.

6 (a) Except as provided by this Section, no public official
7 or candidate for public office may establish more than one
8 political committee for each office that public official or
9 candidate occupies or is seeking.

10 (b) A public official with one or more pre-existing
11 committees bound by the limits of any subsection of Section
12 9-8.5 considering a candidacy for any office covered by the
13 limits of any different subsection of Section 9-8.5 must form a
14 new committee, to be termed an exploratory committee. A
15 pre-existing committee created for the primary purpose of
16 aiding that candidate's election to other offices that ceases
17 all fundraising after the creation of an exploratory committee
18 may transfer funds without limit to an exploratory committee.
19 If the candidate decides against running for the new office,
20 fails to qualify for the ballot at the next election, or loses
21 the next election, then the exploratory committee must return
22 any remaining funds to contributors or donate the funds to
23 charity, and close the committee within 90 days following the
24 candidate's decision not to run, failure to qualify or loss.

25 (c) As described in 5/9-2.7(c), the President of the

1 Senate, Minority Leader of the Senate, Speaker of the House of
2 Representatives, and Minority Leader of the House of
3 Representatives may each establish and operate one additional
4 political committee for the purpose of supporting the election
5 of candidates to the General Assembly. The committees provided
6 for in this subsection (c) shall not be considered established
7 by the President of the Senate, Minority Leader of the Senate,
8 Speaker of the House of Representatives, or Minority Leader of
9 the House of Representatives for purposes of Section 9-2.5.

10 (10 ILCS 5/9-2.7 new)

11 Sec. 9-2.7. Designated Political Committees.

12 (a) Candidate committees.

13 (1) Each candidate shall designate in writing one and
14 only one political committee to serve as the political
15 committee of the candidate. The candidate shall file this
16 designation with the State Board of Elections no later than
17 15 days after becoming a candidate or establishing the
18 committee. The designation shall become effective upon
19 filing with the State Board of Elections. Any committee so
20 designated may, within 10 business days after notification
21 of the designation, reject the designation. If a committee
22 rejects a candidate designation, the committee must return
23 to donors any funds raised as a result of the designation,
24 and the candidate must create and designate a new committee
25 within 5 business days after the rejection.

1 (2) The name of the designated committee shall include
2 the name of the candidate who authorized the committee
3 under paragraph (1). No political committee that is not a
4 designated candidate committee may include the full name of
5 that candidate in its name.

6 (b) Party committees.

7 (1) Any political organization or party may designate
8 in writing one and only one political committee to serve as
9 the political committee of the party for elections to State
10 or local office. The designation shall be made no later
11 than 15 days after the effective date of this amendatory
12 Act of the 96th General Assembly, or 15 days after
13 formation of the committee, and shall be filed with the
14 State Board of Election. The designation of a party
15 committee may be changed only upon the replacement of the
16 party chairman.

17 (2) The name of the designated committee shall include
18 the name of the party that authorized the committee under
19 paragraph (1). No political committee that is not a
20 designated party committee may include the full name of
21 that party in its name.

22 (c) Caucus committees.

23 (1) The President of the Senate, Minority Leader of the
24 Senate, Speaker of the House of Representatives, and
25 Minority Leader of the House of Representatives may each
26 designate in writing one and only one political committee

1 to serve as the political committee of his or her caucus.
2 The designation shall be made no later than 15 days after
3 the start of the General Assembly, and shall be filed with
4 the State Board of Election. The designation of a caucus
5 committee may not be changed, revoked, or altered until the
6 start of the next General Assembly unless the person
7 elected to the office authorized to designate the caucus
8 committee also changes; the new leader may designate a new
9 committee within 15 days after taking office. All
10 contributions from all committees designated the caucus
11 committee for a particular caucus made during a single
12 regular election period shall be aggregated for the
13 purposes of Section 9-8.5.

14 (2) The name of the designated committee shall include
15 a clear and unambiguous reference to the caucus that
16 authorized the committee under paragraph (1). No political
17 committee that is not a designated caucus committee may
18 include the name of that caucus in its name.

19 (d) All designations, statements, and reports required to
20 be filed under this Section shall be filed with the Board. The
21 Board shall retain and make the designations, statements, and
22 reports received under this Section available for public
23 inspection and copying on-line in the same manner as statements
24 of organization.

1 Sec. 9-8.5. Limitation on contributions.

2 (a) It shall be unlawful for any person to make
3 contributions to a political committee except as provided in
4 this Section.

5 (b) To political committees designated by a candidate for
6 legislative office:

7 (1) Natural persons may contribute no more than \$2,400
8 during any regular election period.

9 (2) Political committees established by a State
10 political party may contribute no more than \$30,000 during
11 the regular election period. All committees established by
12 a State political party, under State or federal law, shall
13 be considered as one committee for the purpose of this
14 Section.

15 (3) Political committees established by a partisan
16 legislative caucus may contribute no more than \$30,000
17 during any regular election period.

18 (4) Any other political committee not designated by the
19 candidate may contribute no more than \$5,000 during a
20 regular election period.

21 (5) A corporation, labor organization, or association
22 may contribute from its own treasuries no more than \$5,000
23 during a regular election period. All contributions from
24 affiliated persons and affiliated entities shall be
25 aggregated for the purposes of this Section.

26 (c) To political committees designated by a candidate for a

1 local office or for ward or township committeeman in counties
2 of 3,000,000 or more population:

3 (1) Natural persons may contribute no more than \$2,400
4 during any regular election period.

5 (2) The candidate may designate one and only one
6 political party whose political committees may contribute
7 no more than \$10,000 during the regular election period.
8 All committees established by the political party, under
9 State or federal law, shall be considered as one committee
10 for the purpose of this Section.

11 (3) Any other political committee not designated by the
12 candidate may contribute no more than \$5,000 during any
13 regular election period.

14 (3.5) A corporation, labor organization, or
15 association may contribute from its own treasuries no more
16 than \$5,000 during any regular election period. All
17 contributions from affiliated persons and affiliated
18 entities shall be aggregated for the purposes of this
19 Section.

20 (d) To political committees designated by a candidate for
21 State office, other than for legislative or statewide office:

22 (1) Natural persons may contribute no more than \$2,400
23 during any regular election period.

24 (2) The candidate may designate one and only one
25 political party whose political committees may contribute
26 no more than \$10,000 during the regular election period.

1 All committees established by the political party, under
2 State or federal law, shall be considered as one committee
3 for the purpose of this Section.

4 (3) Any other political committee not designated by the
5 candidate may contribute no more than \$5,000 during a
6 regular election period.

7 (4) A corporation, labor organization, or association
8 may contribute from its own treasuries no more than \$5,000
9 during a regular election period. All contributions from
10 affiliated persons and affiliated entities shall be
11 aggregated for the purposes of this Section.

12 (e) To political committees designated by a candidate for
13 statewide office:

14 (1) Natural persons may contribute no more than \$2,400
15 during any regular election period.

16 (2) The candidate may designate one and only one
17 political party whose political committees may contribute
18 no more than \$50,000 during the regular election period.

19 All committees established by the political party, under
20 State or federal law, shall be considered as one committee
21 for the purpose of this Section.

22 (3) Any other political committee not designated by the
23 candidate may contribute no more than \$5,000 during a
24 regular election period.

25 (4) A corporation, labor organization, or association
26 may contribute from its own treasuries no more than \$5,000

1 during a regular election period. All contributions from
2 affiliated persons and affiliated entities shall be
3 aggregated for the purposes of this Section.

4 (f) To political committees designated by an established
5 political party:

6 (1) Natural persons may contribute no more than \$2,400
7 during any regular election period.

8 (2) Any other political committee may contribute no
9 more than \$5,000 during any regular election period.

10 (3) A corporation, labor organization, or association
11 may contribute from its own treasuries no more than \$5,000
12 during a regular election period. All contributions from
13 affiliated persons and affiliated entities, shall be
14 aggregated for the purposes of this Section.

15 (g) To political committees designated by a legislative
16 caucus:

17 (1) Natural persons may contribute no more than \$2,400
18 during any regular election period during which any
19 candidate actively supported by the caucus is seeking
20 nomination or election.

21 (2) Any other political committee may contribute no
22 more than \$5,000 during any regular election period during
23 which any candidate actively supported by the caucus is
24 seeking nomination or election.

25 (3) A corporation, labor organization, or association
26 may contribute from its own treasuries no more than \$5,000

1 during any regular election period. All contributions from
2 affiliated persons and affiliated entities shall be
3 aggregated for the purposes of this Section.

4 (h) For any other political committee, natural persons may
5 contribute no more than \$2,400 during any period beginning on
6 January 1 of an odd-numbered year and ending on December 31 of
7 an even-numbered year. A corporation, labor organization,
8 association, or other political committee may contribute no
9 more than \$5,000 during a regular election period described in
10 subsection (a) of Section 9-1.16. All contributions from
11 affiliated persons and affiliated entities shall be aggregated
12 for the purposes of this Section.

13 (i) Political committees may divide the proceeds of joint
14 fundraising efforts but must disclose all donations as from
15 their true origin, and no political committee may receive more
16 than the aggregate limit from any one donor.

17 (j) On January 1 of every odd-numbered year, the State
18 Board of Elections shall adjust the limits established in this
19 Section for inflation as determined by the Consumer Price Index
20 for All Urban Consumers as issued by the United States
21 Department of Labor and rounded to the nearest \$100.

22 (k) In any instance when a corporation and any of its
23 subsidiaries, branches, divisions, departments, or local
24 units; a labor organization and any of its subsidiaries,
25 branches, divisions, departments, or local units; or an
26 association or any of its affiliates, subsidiaries, branches,

1 divisions, departments, or local units contribute to one or
2 more political committees or establish, maintain, or control
3 more than one separate segregated fund qualified as a political
4 committee, all of the related contributing entities shall be
5 treated as a single contributing entity for the purposes of the
6 limitations provided by this Section.

7 (1) Expenditures.

8 (1) Expenditures made by any person in cooperation,
9 consultation, or concert with a candidate, his or her
10 designated committee, State party committee, legislative
11 caucus committee or their agents, shall be considered a
12 contribution to the relevant candidate's designated
13 political committee, State party committee, or legislative
14 caucus committee for the purpose of this Section.

15 (2) The financing by any person of the dissemination,
16 distribution, or republication, in whole or in part, of any
17 broadcast or any written, graphic, or other form of
18 campaign materials prepared by the candidate, his or her
19 political committee, State party committee, legislative
20 caucus committee, or their authorized agents shall be
21 considered to be a contribution to the candidate's
22 designated political committee for the purposes of this
23 Section.

24 (m) No candidate or political committee shall knowingly
25 accept any contribution in violation of the provisions of this
26 Section.

1 (n) Multiple designations.

2 (1) No committee may accept donations larger than those
3 specified in this Section, regardless of the number of
4 candidates that may designate that committee under Section
5 9-2.7.

6 (2) Any committee designated by candidates who
7 individually qualify under different subsections of this
8 Section shall be bound by the lower limit.

9 (o) The Board shall bring complaints and investigations on
10 its own initiative when the Board has reason to believe that a
11 person, candidate, or political committee has knowingly
12 violated this Section.

13 In addition to any other penalties authorized by this
14 Article, the State Board of Elections, any political committee,
15 or any person may apply to the circuit court for a temporary
16 restraining order or a preliminary or permanent injunction
17 against a political committee or any other entity to cease the
18 expenditure of contributions made or accepted in violation of
19 this Section and to cease operations until the Board determines
20 that the committee or entity is in compliance with this
21 Section.

22 (p) Penalties.

23 (1) Any person who knowingly violates this Section
24 shall be fined the greater of \$5,000 or 3 times the value
25 of the unlawful contribution.

26 (2) The State Board of Elections shall assess a penalty

1 of up to \$5,000 for each violation against the recipient of
2 any contribution in violation of this Section if the
3 recipient knew that the contribution was in violation of
4 this Section. For purposes of this Section, a recipient
5 knew that the contribution was in violation of this Section
6 if the candidate, the committee chairman or treasurer, or
7 any natural person paid to perform regular campaign tasks
8 knew that the contribution was in violation of this
9 Section.

10 (10 ILCS 5/9-8.6 new)

11 Sec. 9-8.6. Disclosure of independent expenditures.

12 (a) As used in this Article:

13 "Benefiting public official or candidate" means the public
14 official or candidate whose nomination or election or whose
15 opponent's defeat is expressly advocated by the person making
16 the independent expenditure.

17 "Independent expenditure" means an expenditure (i) that is
18 made by a person expressly advocating the nomination, election,
19 or defeat of a clearly identifiable public official or
20 candidate and (ii) that is not made in connection,
21 consultation, or concert with or at the request or suggestion
22 of the public official or candidate, the public official's or
23 candidate's designated political committee, or the agent or
24 agents of the public official, candidate, or political
25 committee.

1 (b) A person that makes an independent expenditure with
2 respect to a benefiting public official or candidate that,
3 alone or in combination with any other independent expenditure
4 made by that person with respect to that benefiting public
5 official or candidate during the same regular election period,
6 equals an aggregate value of at least \$5,000 must file a
7 written disclosure with the benefiting public official or
8 candidate and the State Board of Elections within 5 business
9 days after making each expenditure that results in the person
10 meeting or exceeding the \$5,000 threshold. Each disclosure must
11 identify the person, his or her occupation and employer, the
12 benefiting public official or candidate, and the date, amount,
13 recipient, and nature of each independent expenditure.

14 (c) Penalties.

15 (1) Any person who knowingly violates this Section
16 shall be fined the greater of \$5,000 or 3 times the value
17 of the unlawful contribution.

18 (2) The State Board of Elections shall assess a penalty
19 of up to \$5,000 for each violation against the recipient of
20 any contribution in violation of this Section if the
21 recipient knew that the contribution was in violation of
22 this Section. For purposes of this Section, a recipient
23 knew that the contribution was in violation of this Section
24 if the candidate, the committee chairman or treasurer, or
25 any natural person paid to perform regular campaign tasks
26 knew that the contribution was in violation of this

1 Section.

2 (10 ILCS 5/9-8.7 new)

3 Sec. 9-8.7. Disclosure by contribution coordinator.

4 (a) As used in this Section:

5 "Contribution bundle" means one or more contributions (i)
6 made by at least one contributor other than the contribution
7 coordinator and (ii) with an aggregate value of at least
8 \$16,000 during any regular election period (this amount to be
9 indexed for inflation).

10 "Contribution coordinator" means a person, other than a
11 committee subject to the reporting requirements of Section
12 9-10, that: (i) physically or electronically forwards
13 contributions from one or more other persons to a candidate,
14 public official, or political committee; (ii) is credited by a
15 candidate, public official, or political committee, through
16 records, designations, or other means of recognition, with
17 raising contributions made by one or more other persons to that
18 candidate, public official, or political committee; or (iii) a
19 candidate, public official, or political committee knows, or
20 reasonably should know, has raised contributions made by one or
21 more other persons to the candidate, public official, or
22 political committee.

23 (b) Contribution coordinators must include a written
24 disclosure identifying their name, occupation, and employer
25 with each contribution they forward physically or

1 electronically to a candidate, public official, or a political
2 committee.

3 (c) Each candidate, public official, and political
4 committee must disclose the name, occupation, and employer of
5 the individual contributor, the date and amount of the
6 individual contribution, and the contribution coordinator's
7 name, occupation, and employer for every contribution bundle
8 received during any regular election period.

9 (d) Each candidate, public official, or political
10 committee that receives a contribution bundle must
11 electronically file the disclosure under subsection (c) with
12 the State Board of Elections within 5 business days after the
13 candidate, public official, or political committee receives
14 the contribution that causes the aggregate amount of
15 contributions raised through the contribution coordinator's
16 efforts to exceed \$16,000 (as indexed for inflation) and become
17 a contribution bundle.

18 (e) For the purpose of the contribution limits established
19 by this Article, each contribution in a contribution bundle is
20 attributed to the person that made the contribution to the
21 contribution coordinator and is not attributed to the
22 contribution coordinator unless the contribution coordinator
23 made that contribution.

24 (f) A candidate, public official, or political committee
25 that accepts a contribution in violation of this Section shall
26 return the contribution to the contribution coordinator, or

1 donate the contribution to a charitable organization approved
2 by the State Board of elections, within 10 business days after
3 receipt. A contribution accepted in violation of this Section
4 and not disposed of as provided in this subsection shall
5 escheat to the State treasury.

6 (g) Penalties.

7 (1) Any person who knowingly violates this Section
8 shall be fined the greater of \$5,000 or 3 times the value
9 of the unlawful contribution.

10 (2) The State Board of Elections shall assess a penalty
11 of up to \$5,000 for each violation against the recipient of
12 any contribution in violation of this Section if the
13 recipient knew that the contribution was in violation of
14 this Section. For purposes of this Section, a recipient
15 knew that the contribution was in violation of this Section
16 if the candidate, the committee chairman or treasurer, or
17 any natural person paid to perform regular campaign tasks
18 knew that the contribution was in violation of this
19 Section.

20 (10 ILCS 5/9-8.9 new)

21 Sec. 9-8.9. Certain contributions prohibited.

22 (a) For the purpose of this Section, "State employee" and
23 "executive branch constitutional officer" are defined as in the
24 State Officials and Employees Ethics Act.

25 (b) A State employee of the executive branch of State

1 government may not make a contribution to (i) the executive
2 branch constitutional officer with authority to appoint the
3 Executive Inspector General with jurisdiction over that State
4 employee, (ii) a candidate for that executive branch
5 constitutional office, or (iii) a political committee
6 established to promote the candidacy of a person described in
7 (i) or (ii). A State employee of the legislative branch of
8 State government may not make a contribution to a member of the
9 General Assembly, a General Assembly candidate, or the
10 designated political committees established to promote the
11 candidacy of a General Assembly member or General Assembly
12 candidate, the designated State party committee, or the
13 designated legislative caucus committees.

14 (c) A person that engages in an activity (i) subject to
15 regulation by the Illinois Commerce Commission or the Division
16 of Insurance or Division of Financial Institutions of the
17 Department of Financial and Professional Regulation or (ii)
18 subject to the Illinois Horse Racing Act of 1975 or the
19 Riverboat Gambling Act, and that person's affiliated persons
20 and affiliated entities, may not make a contribution to an
21 executive branch constitutional officer, a General Assembly
22 member, a candidate for an executive branch constitutional
23 office or the General Assembly, or a designated political
24 committee established to promote the candidacy of that officer,
25 member, or candidate, the designated State party committee, or
26 the designated legislative caucus committees.

1 (d) A person required to register under the Lobbyist
2 Registration Act may not make a contribution to a public
3 official, candidate, political committee, or other person.

4 (e) A trust may not make a contribution to a public
5 official, candidate, political committee, or other person.

6 (f) A candidate, public official, or political committee
7 that accepts a contribution made in violation of this Section
8 shall return the contribution to the contributor, or donate the
9 contribution to a charitable organization approved by the State
10 Board of Elections, within 10 business days after receipt. A
11 contribution made in violation of this Section and not disposed
12 of as provided in this subsection shall escheat to the State
13 treasury.

14 (g) Penalties.

15 (1) Any person who knowingly violates this Section
16 shall be fined the greater of \$5,000 or 3 times the value
17 of the unlawful contribution.

18 (2) The State Board of Elections shall assess a penalty
19 of up to \$5,000 for each violation against the recipient of
20 any contribution in violation of this Section if the
21 recipient knew that the contribution was in violation of
22 this Section. For purposes of this Section, a recipient
23 knew that the contribution was in violation of this Section
24 if the candidate, the committee chairman or treasurer, or
25 any natural person paid to perform regular campaign tasks
26 knew that the contribution was in violation of this

1 Section.

2 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

3 Sec. 9-10. Financial reports.

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

17 (b) This subsection does not apply with respect to general
18 primary elections. Reports of campaign contributions shall be
19 filed no later than the 15th day next preceding each election
20 in connection with which the political committee has accepted
21 or is accepting contributions or has made or is making
22 expenditures. Such reports shall be complete as of the 30th day
23 next preceding each election. The Board shall assess a civil
24 penalty not to exceed \$5,000 for a violation of this
25 subsection, except that for State officers and candidates and

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

25 (b-5) Notwithstanding the provisions of subsection (b) and
26 Section 1.25 of the Statute on Statutes, a report of any

1 contribution of more than \$500 received (i) with respect to
2 elections other than the general primary election, in the
3 interim between the last date of the period covered by the last
4 report filed under subsection (b) prior to the election and the
5 date of the election or (ii) with respect to general primary
6 elections, in the period beginning January 1 of the year of the
7 general primary election and prior to the date of the general
8 primary election shall be filed electronically with and must
9 actually be received by the State Board of Elections within 2
10 business days after receipt of such contribution. A report of
11 contributions received since the most recent report filed under
12 this Section in an aggregate amount of at least \$500, or at
13 least \$1,000 in the case of a State officer or a candidate or
14 political committee formed for State office, shall be filed
15 electronically with and must actually be received by the State
16 Board of Elections within 5 business days after receipt of the
17 contribution that causes that aggregate amount to be met or
18 exceeded. ~~A continuing political committee that does not~~
19 ~~support or oppose a candidate or public question on the ballot~~
20 ~~at a general primary election and does not make expenditures in~~
21 ~~excess of \$500 on behalf of or in opposition to any candidate~~
22 ~~or public question on the ballot at the general primary~~
23 ~~election shall not be required to file the report prescribed in~~
24 ~~this subsection unless the committee makes an expenditure in~~
25 ~~excess of \$500 on behalf of or in opposition to any candidate~~
26 ~~or public question on the ballot at the general primary~~

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

26 (1) whether in the Board's opinion the violation was

1 committed inadvertently, negligently, knowingly, or
2 intentionally;

3 (2) the number of days the contribution was reported
4 late; and

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

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

1 (c-5) A political committee that acts as either (i) a State
2 and local political committee or (ii) a local political
3 committee and that files reports electronically under Section
4 9-28 is not required to file copies of the reports with the
5 appropriate county clerk if the county clerk has a system that
6 permits access to, and duplication of, reports that are filed
7 with the State Board of Elections. A State and local political
8 committee or a local political committee shall file with the
9 county clerk a copy of its statement of organization pursuant
10 to Section 9-3.

11 (d) A copy of each report or statement filed under this
12 Article shall be preserved by the person filing it for a period
13 of two years from the date of filing. Within 5 business days
14 after the Board imposes or waives fines under this Section, the
15 Board shall publish on its website a summary of fines
16 considered and imposed, identifying the person, candidate, or
17 political committee subject to the determination, the total
18 amount of contributions that were untimely reported, and the
19 amount of penalties assessed in each instance.

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

22 (10 ILCS 5/9-18) (from Ch. 46, par. 9-18)

23 Sec. 9-18. The Board shall ~~may~~ hold investigations,
24 inquiries, and hearings concerning any matter covered by this
25 Article in which the Board has reason to believe this Article

1 has been knowingly violated, subject to such rules and
2 regulations as the Board may establish. In the process of
3 holding such investigations, inquiries, and hearings, the
4 Board may administer oaths and affirmations, certify to all
5 official acts, issue subpoenas ~~to be authorized by a vote of 5~~
6 ~~members of the Board~~, compel the attendance and testimony of
7 witnesses, and the production of papers, books, accounts, and
8 documents. Hearings conducted by the Board shall be open to the
9 public.

10 (Source: P.A. 81-1117.)

11 (10 ILCS 5/9-21) (from Ch. 46, par. 9-21)

12 Sec. 9-21. Upon receipt of a such complaint as provided in
13 Section 9-20, the Board shall hold a public ~~closed~~ preliminary
14 hearing to determine whether or not the complaint appears to
15 have been filed on justifiable grounds. Such ~~closed~~ preliminary
16 hearing shall be conducted as soon as practicable after
17 affording reasonable notice, a copy of the complaint, and an
18 opportunity to testify at such hearing to both the person
19 making the complaint and the person against whom the complaint
20 is directed. If the Board fails to determine that the complaint
21 has been filed on justifiable grounds, it shall dismiss the
22 complaint without further hearing.

23 Whenever ~~in the judgment of~~ the Board in an open meeting
24 determines, after affording due notice and an opportunity for a
25 public hearing, any person has engaged or is about to engage in

1 an act or practice which constitutes or will constitute a
2 violation of any provision of this Article or any regulation or
3 order issued thereunder, the Board shall issue an order
4 directing such person to take such action as the Board
5 determines may be necessary in the public interest to correct
6 the violation. In addition, if the act or practice engaged in
7 consists of the failure to file any required report within the
8 time prescribed by this Article, the Board, as part of its
9 order, shall further provide that if, within the 12-month
10 period following the issuance of the order, such person fails
11 to file within the time prescribed by this Article any
12 subsequent report as may be required, such person may be
13 subject to a civil penalty pursuant to Section 9-23. The Board
14 shall render its final judgment within 60 days of the date the
15 complaint is filed; except that during the 60 days preceding
16 the date of the election in reference to which the complaint is
17 filed, the Board shall render its final judgment within 7 days
18 of the date the complaint is filed, and during the 7 days
19 preceding such election, the Board shall render such judgment
20 before the date of such election, if possible.

21 At any time prior to the issuance of the Board's final
22 judgment, the parties may dispose of the complaint by a written
23 stipulation, agreed settlement or consent order. Any such
24 stipulation, settlement or order shall, however, be submitted
25 in writing to the Board and shall become effective only if
26 approved by the Board in an open meeting. If the act or

1 practice complained of consists of the failure to file any
2 required report within the time prescribed by this Article,
3 such stipulation, settlement or order may provide that if,
4 within the 12-month period following the approval of such
5 stipulation, agreement or order, the person complained of fails
6 to file within the time prescribed by this Article any
7 subsequent reports as shall ~~may~~ be required, such person may be
8 subject to a civil penalty pursuant to Section 9-23.

9 Any person filing a complaint pursuant to Section 9-20 may,
10 upon written notice to the other parties and to the Board,
11 voluntarily withdraw the complaint at any time prior to the
12 issuance of the Board's final determination.

13 (Source: P.A. 93-574, eff. 8-21-03.)

14 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

15 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
16 has issued an order, or has approved a written stipulation,
17 agreed settlement or consent order, directing a person
18 determined by the Board to be in violation of any provision of
19 this Article or any regulation adopted thereunder, to cease or
20 correct such violation or otherwise comply with this Article
21 and such person fails or refuses to comply with such order,
22 stipulation, settlement or consent order within the time
23 specified by the Board, the Board in an open meeting, after
24 affording notice and an opportunity for a public hearing, may
25 impose a civil penalty on such person in an amount not to

1 exceed \$5,000; except that for State officers and candidates
2 and political committees formed for statewide office, the civil
3 penalty may not exceed \$10,000. For the purpose of this
4 Section, "statewide office" and "State officer" means the
5 Governor, Lieutenant Governor, Attorney General, Secretary of
6 State, Comptroller, and Treasurer.

7 Civil penalties imposed on any such person by the Board
8 shall be enforceable in the Circuit Court. The Board shall
9 petition the Court for an order to enforce collection of the
10 penalty and, if the Court finds it has jurisdiction over the
11 person against whom the penalty was imposed, the Court shall
12 issue the appropriate order. Any civil penalties collected by
13 the Court shall be forwarded to the State Treasurer.

14 In addition to or in lieu of the imposition of a civil
15 penalty, the board may report such violation and the failure or
16 refusal to comply with the order of the Board to the Attorney
17 General and the appropriate State's Attorney.

18 (Source: P.A. 93-615, eff. 11-19-03.)

19 (10 ILCS 5/9-23.5 new)

20 Sec. 9-23.5. Public database of complaints. The State Board
21 of Elections shall establish and maintain on its official
22 website a searchable database, freely accessible to the public,
23 of each complaint filed with the Board under this Article and
24 the disposition of that complaint, including all board actions
25 and penalties imposed, if any. The Board must update the

1 database within 5 business days after a complaint is filed, an
2 action taken, or a penalty imposed to include that complaint,
3 action, or penalty in the database.

4 (10 ILCS 5/9-28)

5 Sec. 9-28. Electronic filing and availability. The Board
6 shall by rule provide for the electronic filing of expenditure
7 and contribution reports as follows:

8 Beginning July 1, 1999, or as soon thereafter as the Board
9 has provided adequate software to the political committee,
10 electronic filing is required for all political committees that
11 during the reporting period (i) had at any time a balance or an
12 accumulation of contributions of \$25,000 or more, (ii) made
13 aggregate expenditures of \$25,000 or more, or (iii) received
14 loans of an aggregate of \$25,000 or more.

15 Beginning July 1, 2003, electronic filing is required for
16 all political committees that during the reporting period (i)
17 had at any time a balance or an accumulation of contributions
18 of \$10,000 or more, (ii) made aggregate expenditures of \$10,000
19 or more, or (iii) received loans of an aggregate of \$10,000 or
20 more.

21 Notwithstanding any other provision of this Section, a
22 political committee filing a report under subsection (b-5) of
23 Section 9-10 must file that report electronically.

24 The Board may provide by rule for the optional electronic
25 filing of expenditure and contribution reports for all other

1 political committees. The Board shall promptly make all reports
2 filed under this Article by all political committees publicly
3 available by means of a searchable database that is accessible
4 through the World Wide Web.

5 The Board shall provide all software necessary to comply
6 with this Section to candidates, public officials, political
7 committees, and election authorities.

8 The Board shall implement a plan to provide computer access
9 and assistance to candidates, public officials, political
10 committees, and election authorities with respect to
11 electronic filings required under this Article.

12 For the purposes of this Section, "political committees"
13 includes entities required to report to the Board under Section
14 9-7.5.

15 (Source: P.A. 90-495, eff. 8-18-97; 90-737, eff. 1-1-99.)

16 Section 20. The Illinois Procurement Code is amended by
17 changing Section 50-37 as follows:

18 (30 ILCS 500/50-37)

19 Sec. 50-37. Prohibition of political contributions.

20 (a) As used in this Section:

21 The terms "contract", "State contract", and "contract
22 with a State agency" each mean any contract, as defined in
23 this Code, between a business entity and a State agency ~~let~~
24 ~~or awarded pursuant to this Code~~. The terms "contract",

1 "State contract", and "contract with a State agency" do not
2 include cost reimbursement contracts; purchase of care
3 agreements as defined in Section 1-15.68 of this Code;
4 contracts for projects eligible for full or partial
5 federal-aid funding reimbursements authorized by the
6 Federal Highway Administration; grants, including but are
7 not limited to grants for job training or transportation;
8 and grants, loans, or tax credit agreements for economic
9 development purposes.

10 "Contribution" means a contribution as defined in
11 Section 9-1.4 of the Election Code.

12 "Declared candidate" means a person who has filed a
13 statement of candidacy and petition for nomination or
14 election in the principal office of the State Board of
15 Elections.

16 "State agency" means and includes all boards,
17 commissions, agencies, institutions, authorities, and
18 bodies politic and corporate of the State, created by or in
19 accordance with the Illinois Constitution or State
20 statute, of the executive or legislative branch of State
21 government and does include colleges, universities, public
22 employee retirement systems, and institutions under the
23 jurisdiction of the governing boards of the University of
24 Illinois, Southern Illinois University, Illinois State
25 University, Eastern Illinois University, Northern Illinois
26 University, Western Illinois University, Chicago State

1 University, Governors State University, Northeastern
2 Illinois University, and the Illinois Board of Higher
3 Education.

4 "Officeholder" means the Governor, Lieutenant
5 Governor, Attorney General, Secretary of State,
6 Comptroller, or Treasurer or a member of the General
7 Assembly. The Governor shall be considered the
8 officeholder responsible for awarding all contracts by all
9 officers and employees of, and vendors and others doing
10 business with, executive branch State agencies under the
11 jurisdiction of the Executive Ethics Commission and not
12 within the jurisdiction of the Attorney General, the
13 Secretary of State, the Comptroller, or the Treasurer.

14 "Sponsoring entity" means a sponsoring entity as
15 defined in Section 9-3 of the Election Code.

16 "Affiliated person" means (i) any person with any
17 ownership interest or distributive share of the bidding or
18 contracting business entity in excess of 7.5%, (ii)
19 executive employees of the bidding or contracting business
20 entity, and (iii) the spouse and minor children of any such
21 persons.

22 "Affiliated entity" means (i) any subsidiary of the
23 bidding or contracting business entity, (ii) any member of
24 the same unitary business group, (iii) any organization
25 recognized by the United States Internal Revenue Service as
26 a tax-exempt organization described in Section 501(c) of

1 the Internal Revenue Code of 1986 (or any successor
2 provision of federal tax law) established by the bidding or
3 contracting business entity, any affiliated entity of that
4 business entity, or any affiliated person of that business
5 entity, or (iv) any political committee for which the
6 bidding or contracting business entity, or any 501(c)
7 organization described in item (iii) related to that
8 business entity, is the sponsoring entity.

9 "Business entity" means any entity doing business for
10 profit, whether organized as a corporation, partnership,
11 sole proprietorship, limited liability company or
12 partnership, or otherwise.

13 "Executive employee" means the President, Chairman,
14 Chief Executive Officer, or other employee with executive
15 decision-making authority over the long-term and
16 day-to-day affairs of the entity employing the employee, or
17 an employee whose compensation is determined directly, in
18 whole or in part, by the award or payment of contracts by a
19 State agency to the entity employing the employee.

20 (b) Any business entity whose contracts with State
21 agencies, in the aggregate, annually total more than \$50,000,
22 and any affiliated entities or affiliated persons of such
23 business entity, are prohibited from making any contributions
24 to any political committees established to promote the
25 candidacy of (i) the officeholder responsible for awarding the
26 contracts, ~~or~~ (ii) any other declared candidate for that

1 office, (iii) any State or statewide officer or candidate for
2 that office, and (iv) any legislative member of the General
3 Assembly. This prohibition shall be effective for the duration
4 of the term of office of the incumbent officeholder awarding
5 the contracts or for a period of 2 years following the
6 expiration or termination of the contracts, whichever is
7 longer.

8 (c) Any business entity whose aggregate pending bids and
9 proposals on State contracts total more than \$50,000, or whose
10 aggregate pending bids and proposals on State contracts
11 combined with the business entity's aggregate annual total
12 value of State contracts exceed \$50,000, and any affiliated
13 entities or affiliated persons of such business entity, are
14 prohibited from making any contributions to any political
15 committee established to promote the candidacy of the
16 officeholder responsible for awarding the contract on which the
17 business entity has submitted a bid or proposal, any
18 constitutional officer, or any legislative member of the
19 General Assembly, during the period beginning on the date the
20 invitation for bids or request for proposals is issued and
21 ending on the day after the date the contract is awarded.

22 (d) All contracts between State agencies and a business
23 entity that violate subsection (b) or (c) shall be voidable
24 under Section 50-60. If a business entity violates subsection
25 (b) 3 or more times within a 36-month period, then all
26 contracts between State agencies and that business entity shall

1 be void, and that business entity shall not bid or respond to
2 any invitation to bid or request for proposals from any State
3 agency or otherwise enter into any contract with any State
4 agency for 3 years from the date of the last violation. A
5 notice of each violation and the penalty imposed shall be
6 published in both the Procurement Bulletin and the Illinois
7 Register.

8 (e) Any political committee that has received a
9 contribution in violation of subsection (b) or (c) shall pay an
10 amount equal to the value of the contribution to the State no
11 more than 30 days after notice of the violation concerning the
12 contribution appears in the Illinois Register. Payments
13 received by the State pursuant to this subsection shall be
14 deposited into the general revenue fund.

15 (Source: P.A. 95-971, eff. 1-1-09; 95-1038, eff. 3-11-09.)

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."