



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

#### SB1768

Introduced 2/19/2009, by Sen. Heather Steans - Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/Art. 9 heading	
10 ILCS 5/9-1	from Ch. 46, par. 9-1
10 ILCS 5/9-1.4	from Ch. 46, par. 9-1.4
10 ILCS 5/9-1.5	from Ch. 46, par. 9-1.5
10 ILCS 5/9-1.16 new	
10 ILCS 5/9-1.17 new	
10 ILCS 5/9-1.18 new	
10 ILCS 5/9-1.19 new	
10 ILCS 5/9-1.20 new	
10 ILCS 5/9-1.21 new	
10 ILCS 5/9-1.22 new	
10 ILCS 5/9-1.23 new	
10 ILCS 5/9-1.24 new	
10 ILCS 5/9-2.5 new	
10 ILCS 5/9-2.7 new	
10 ILCS 5/9-8.5 new	
10 ILCS 5/9-8.7 new	
10 ILCS 5/9-29 new	

Amends the Election Code with respect to campaign finance. Limits a candidate to the establishment of one political committee; permits a General Assembly caucus leader to establish an additional caucus committee. Requires candidates, and permits political parties and General Assembly caucus leaders, to designate a single political committee to accept campaign contributions and regulates the manner of designation. Prohibits campaign contributions to political committees of public office candidates, established political parties, political party committee person candidates, and legislative caucuses except in limited amounts from individuals and political committees. Regulates the solicitation by corporations, labor organizations, and associations of employees and employee families for campaign contributions. Requires political committees to furnish the State Board of Election with reports of audits of the committees.

LRB096 10909 JAM 21154 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 the  
5 heading of Article 9 and Sections 9-1, 9-1.4, and 9-1.5 and by  
6 adding Sections 9-1.16, 9-1.17, 9-1.18, 9-1.19, 9-1.20,  
7 9-1.21, 9-1.22, 9-1.23, 9-1.24, 9-2.5, 9-2.7, 9-8.5, 9-8.7, and  
8 9-29 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 9-1.24 ~~9-1.13~~, have the respective meanings as defined in those  
16 Sections.

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

18 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

19 Sec. 9-1.4. Contribution.

20 (A) "Contribution" means-

21 (1) a gift, subscription, donation, dues, loan,

1 advance, or deposit of money or anything of value,  
2 knowingly received in connection with the nomination for  
3 election, ~~or~~ election, or retention of any person to or in  
4 public office, in connection with the election of any  
5 person as ward or township committeeman in counties of  
6 3,000,000 or more population, or in connection with any  
7 question of public policy;

8 (1.5) a gift, subscription, donation, dues, loan,  
9 advance, deposit of money, or anything of value that  
10 constitutes an electioneering communication regardless of  
11 whether the communication is made in concert or cooperation  
12 with or at the request, suggestion, or knowledge of a  
13 candidate, a candidate's authorized local political  
14 committee, a State political committee, a political  
15 committee in support of or opposition to a question of  
16 public policy, or any of their agents;

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

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

26 ~~and~~

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

7 (5) any expenditure made in cooperation, consultation,  
8 or concert with the committee, but

9 (6) ~~(5)~~ does not include--

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

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

22 (c) communications on any subject by a corporation  
23 to its stockholders and executive or administrative  
24 personnel and their families, by a labor organization  
25 to its members and their families, or by an association  
26 to its members and their families;

1           (d) voter registration and get-out-the-vote  
2           campaigns that make no mention of any clearly  
3           identified candidate, public question, or political  
4           party, or group or combination thereof;

5           (e) the establishment, administration, and  
6           solicitation of contributions to a separate segregated  
7           fund to be used for political purposes by a  
8           corporation, labor organization, or association; or

9           (f) a secured loan of money by a national or State  
10           bank or credit union made in accordance with the  
11           applicable banking laws and regulations and in the  
12           ordinary course of business; however, the use,  
13           ownership, or control of any security for such a loan,  
14           if provided by a person other than the candidate or his  
15           or her committee, qualifies as a contribution.

16           (B) Interest or other investment income, earnings or  
17           proceeds, and refunds or returns of all or part of a  
18           committee's previous expenditures, shall not be considered  
19           contributions for the purposes of Section 9-8.5 but shall be  
20           listed with contributions on disclosure reports required by  
21           this Article.

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 (3) a payment for electioneering communications.

5 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
6 93-847, eff. 7-30-04.)

7 (10 ILCS 5/9-1.16 new)

8 Sec. 9-1.16. Independent expenditure. "Independent  
9 expenditure" means an expenditure by a person:

10 (a) expressly advocating the election or defeat of a  
11 clearly identified candidate; and

12 (b) that is not made in cooperation, consultation, or  
13 concert with or at the request or suggestion of the candidate,  
14 the candidate's authorized political committee or agents, or  
15 agents thereof.

16 (10 ILCS 5/9-1.17 new)

17 Sec. 9-1.17. Clearly identified or identifiable. "Clearly  
18 identified" or "clearly identifiable" means that:

19 (a) the name, voice, image, or likeness of a candidate  
20 appears; or

21 (b) the identify of the candidate is apparent by  
22 unambiguous reference.

23 (10 ILCS 5/9-1.18 new)

1       Sec. 9-1.18. Regular election period. "Regular election  
2 period" means any of:

3       (a) the period beginning on January 1 immediately following  
4 the date of the general election for the office to which a  
5 candidate seeks nomination or election and ending the day of  
6 the General primary election for that office;

7       (b) the period beginning on the day after the general  
8 primary election for the office to which the candidate seeks  
9 nomination or election and ending on the December 31 after the  
10 general election for that office;

11       (c) the period beginning on the date on which a sitting  
12 judge declares for retention and ending 90 days after the  
13 retention election.

14       (10 ILCS 5/9-1.19 new)

15       Sec. 9-1.19. Municipal election period. "Municipal  
16 election period" means the period beginning on July 1  
17 immediately following the date of the consolidated primary  
18 election or consolidated election at which the office for which  
19 the candidate seeks nomination or election is filled and ending  
20 on June 30 immediately preceding the date of the next  
21 consolidated primary election for that office, unless the  
22 office is not filled at the consolidated primary election, in  
23 which instance candidates who will seek office in the next  
24 upcoming consolidated election may begin a new municipal  
25 election period the day after the consolidated primary election



1 and ending on the next June 30.

2 (10 ILCS 5/9-1.20 new)

3 Sec. 9-1.20. Labor organization. The term "labor  
4 organization" means any organization of any kind or any agency  
5 or employee representation committee or plan in which employees  
6 participate and that exists for the purpose, in whole or in  
7 part, of dealing with employers concerning grievances, labor  
8 disputes, wages, rates of pay, hours of employment, or  
9 conditions of work.

10 (10 ILCS 5/9-1.21 new)

11 Sec. 9-1.21. Corporation. The term "corporation" includes  
12 a limited liability company, partnership, professional  
13 practice, cooperative, or sole proprietorship, whether  
14 organized on a for-profit or non-profit basis.

15 (10 ILCS 5/9-1.22 new)

16 Sec. 9-1.22. Association. The term "association" means any  
17 group, club, meeting, collective, membership organization,  
18 collection of persons, any entity organized under Section 501  
19 or 527 of the Internal Revenue Code, or any other entity other  
20 than a natural person, except that an association does not  
21 include a political committee organized under this Article.

22 (10 ILCS 5/9-1.23 new)

1       Sec. 9-1.23. Earmarked. The term "earmarked" means a  
2 designation, instruction, or encumbrance, whether direct or  
3 indirect, express or implied, oral or written, that results in  
4 all or any part of a contribution or expenditure being made to,  
5 or expended on behalf of, a clearly identified candidate a  
6 candidate's designated committee, or a committee in support of  
7 or opposition to a public question.

8           (10 ILCS 5/9-1.24 new)

9       Sec. 9-1.24. Conduit and intermediary. The terms "conduit"  
10 and "intermediary" are interchangeable and mean any person who  
11 receives a contribution earmarked by the contributor to be  
12 forwarded or transmitted to another.

13           (10 ILCS 5/9-2.5 new)

14       Sec. 9-2.5. Single political committee.

15       (a) Except as provided by this Section, no public official  
16 or candidate for public office may establish more than one  
17 political committee for each office that public official or  
18 candidate occupies or is seeking.

19       (b) A public official with one or more pre-existing  
20 committees bound by the limits of any subsection of Section  
21 9-8.5 considering a candidacy for any office covered by the  
22 limits of any different subsection of Section 9-8.5 must form a  
23 new committee, to be termed an exploratory committee. A  
24 pre-existing committee created for the primary purpose of

1 aiding that candidate's election to other offices that ceases  
2 all fundraising after the creation of an exploratory committee  
3 may transfer funds without limit to an exploratory committee.  
4 Should the candidate decide against running for the new office,  
5 fail to qualify for the ballot at the next election, or lose  
6 the next election, any remaining funds held by the exploratory  
7 committee shall be returned to contributors or donated to  
8 charity, and the committee shall be closed, within 90 days.

9 (c) The public officials elected President of the Senate,  
10 Minority Leader of the Senate, Speaker of the House of  
11 Representatives, and Minority Leader of the House of  
12 Representatives may each establish and operate one additional  
13 political committee for the purpose of supporting the election  
14 of candidates to the General Assembly. The committees provided  
15 for in this subsection (c) shall not be considered established  
16 by the President of the Senate, Minority Leader of the Senate,  
17 Speaker of the House of Representatives, or Minority Leader of  
18 the House of Representatives for purposes of Section 9-8.5.

19 (10 ILCS 5/9-2.7 new)

20 Sec. 9-2.7. Political committee designations.

21 (a) Candidate committees.

22 (1) Each candidate shall designate in writing one and  
23 only one political committee to serve as the political  
24 committee of the candidate. The designation shall be made  
25 no later than 15 days after becoming a candidate or

1 establishing the committee and shall be filed with the  
2 State Board of Election. Any committee so designated may,  
3 within 10 business days after notification of the  
4 designation, reject the designation. If a committee  
5 rejects a candidate designation, the committee must return  
6 to donors any funds raised as a result of the designation,  
7 and the candidate must create and designate a new committee  
8 within 5 business days after the rejection.

9 (2) The name of the designated committee shall include  
10 the name of the candidate who authorized the committee  
11 under paragraph (1). No political committee that is not an  
12 authorized candidate committee may include the full name of  
13 that candidate in its name.

14 (b) Party committees.

15 (1) Any political organization or party may designate  
16 in writing one and only one political committee to serve as  
17 the political committee of the party for elections to State  
18 or local office. The designation shall be made no later  
19 than 15 days after the effective date of this amendatory  
20 Act of the 96th General Assembly, or 15 days after  
21 formation of the committee, and shall be filed with the  
22 State Board of Election. The designation of a party  
23 committee may be changed only upon the replacement of the  
24 party chairman.

25 (2) The name of the designated committee shall include  
26 the name of the party that authorized the committee under

1 paragraph (1). No political committee that is not an  
2 authorized party committee may include the full name of  
3 that party in its name.

4 (c) Caucus committees.

5 (1) The public officials elected President of the  
6 Senate, Minority Leader of the Senate, Speaker of the House  
7 of Representatives, and Minority Leader of the House of  
8 Representatives may each designate in writing one and only  
9 one political committee to serve as the political committee  
10 of his or her caucus. The designation shall be made no  
11 later than 15 days after the start of the General Assembly,  
12 and shall be filed with the State Board of Election. The  
13 designation of a caucus committee may not be changed,  
14 revoked, or altered until the start of the next General  
15 Assembly unless the person elected to the office authorized  
16 to designate the caucus committee also changes; the new  
17 leader may designate a new committee within 15 days after  
18 taking office. All contributions from all committees  
19 designated the caucus committee for a particular caucus  
20 made during a single election period shall be aggregated  
21 for the purposes of Section 9-8.5.

22 (2) The name of the designated committee shall include  
23 a clear and unambiguous reference to the caucus that  
24 authorized the committee under paragraph (1). No political  
25 committee that is not an authorized caucus committee may  
26 include the name of that caucus in its name.

1       (d) All designations, statements, and reports required to  
2 be filed under this Section shall be filed with the Board. The  
3 Board shall retain and make the designations, statements, and  
4 reports received under this Section available for public  
5 inspection and copying in the same manner as statements of  
6 organization.

7           (10 ILCS 5/9-8.5 new)

8       Sec. 9-8.5. Limitation on contributions.

9       (a) It shall be unlawful for any person to make  
10 contributions to a political committee except as provided in  
11 this Section.

12       (b) For political committees designated by a candidate for  
13 legislative office:

14           (1) Natural persons may contribute no more than \$2,300  
15 during any regular election period in which the candidate  
16 who designated the committee is seeking nomination or  
17 election.

18           (2) Political committees established by a State  
19 political party may contribute not more than \$30,000 during  
20 the regular election period that includes the general  
21 election in which the candidate who designated the  
22 committee is seeking election; provided that all  
23 committees established by a State political party, under  
24 State or federal law, shall be considered as one committee  
25 for the purpose of this Section.

1           (3) Political committees established by a partisan  
2           legislative caucus may contribute not more than \$30,000  
3           during any regular election period in which the candidate  
4           who designated the committee is seeking nomination or  
5           election.

6           (4) Any other political committee not designated or  
7           controlled by the candidate may contribute no more than  
8           \$5,000 during a regular election period in which the  
9           candidate who designated the committee is seeking  
10           nomination or election.

11           (c) For political committees designated by a candidate for  
12           a local office or for ward or township committeeman in counties  
13           of 3,000,000 or more population:

14           (1) Natural persons may contribute no more than \$2,300  
15           during any regular election period in which the candidate  
16           who designated the committee is seeking nomination or  
17           election.

18           (2) The candidate may designate one and only one  
19           political party whose political committees may contribute  
20           not more than \$10,000 during the regular election period  
21           that includes the general election in which the candidate  
22           who designated the committee is seeking election; provided  
23           that all committees established by the political party,  
24           under State or federal law, shall be considered as one  
25           committee for the purpose of this Section.

26           (3) Any other political committee not designated or

1 controlled by the candidate may contribute no more than  
2 \$5,000 during a regular election period in which the  
3 candidate who designated the committee is seeking  
4 nomination or election.

5 (4) Committees designated by one or more candidates for  
6 any office required to file a statement of economic  
7 interests with a county clerk may select to follow the  
8 municipal election calendar. Committees that select to  
9 follow the municipal election calendar must make that  
10 decision at least 18 months prior to the next consolidated  
11 primary election or within 30 days after creation. The  
12 selection to follow the municipal election calendar is  
13 irrevocable. For committees that select to follow the  
14 municipal election calendar:

15 (A) Natural persons may contribute no more than  
16 \$2,300 during any Municipal election period in which  
17 the candidate who designated the committee is seeking  
18 nomination or election.

19 (B) The candidate may designate one and only one  
20 political party whose political committees may  
21 contribute not more than \$10,000 during the regular  
22 election period that includes the consolidated  
23 election in which the candidate who designated the  
24 committee is seeking election; provided that all  
25 committees established by the political party, under  
26 State or federal law, shall be considered as one



1 committee for the purpose of this Section.

2 (C) Any other political committee not designated  
3 or controlled by the candidate may contribute no more  
4 than \$5,000 during any municipal election period in  
5 which the candidate who designated the committee is  
6 seeking nomination or election.

7 (d) For political committees designated by a candidate for  
8 State office, other than for legislative or statewide office:

9 (1) Natural persons may contribute no more than \$2,300  
10 during any regular election period in which the candidate  
11 who designated the committee is seeking nomination,  
12 election, or retention.

13 (2) The candidate may designate one and only one  
14 political party whose political committees may contribute  
15 not more than \$10,000 during the regular election period  
16 that includes the general election in which the candidate  
17 who designated the committee is seeking election; provided  
18 that all committees established by the political party,  
19 under State or federal law, shall be considered as one  
20 committee for the purpose of this Section.

21 (3) Any other political committee not designated or  
22 controlled by the candidate may contribute no more than  
23 \$5,000 during a regular election period in which the  
24 candidate who designated the committee is seeking  
25 nomination, election, or retention.

26 (e) For political committees designated by a candidate for

1 statewide office:

2 (1) Natural persons may contribute no more than \$2,300  
3 during any regular election period.

4 (2) The candidate may designate one and only one  
5 political party whose political committees may contribute  
6 not more than \$125,000 during the regular election period  
7 that includes the general election in which the candidate  
8 who designated the committee is seeking election; provided  
9 that all committees established by the political party,  
10 under State or federal law, shall be considered as one  
11 committee for the purpose of this Section.

12 (3) Any other political committee not designated or  
13 controlled by the candidate may contribute no more than  
14 \$5,000 during a regular election period.

15 (f) For political committees designated by an established  
16 political party:

17 (1) Natural persons may contribute no more than \$2,300  
18 during any regular election period during which any  
19 candidate actively supported by the party 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 party is  
24 seeking nomination or election.

25 (g) For political committees designated by a legislative  
26 caucus:

1           (1) Natural persons may contribute no more than \$2,300  
2           during any regular election period during which any  
3           candidate actively supported by the caucus is seeking  
4           nomination or election.

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

9           (h) For any other political committee, natural persons may  
10          contribute no more than \$2,300 during any period beginning on  
11          January 1 of an odd-numbered year and ending on December 31 of  
12          an even-numbered year. A corporation, labor organization,  
13          association, or other political committee may contribute no  
14          more than \$5,000 during each election period. All contributions  
15          from associated entities, including political committees for  
16          which the corporation, labor organization, or association is  
17          the sponsoring entity, shall be aggregated for the purposes of  
18          this Section.

19          (i) Nothing in this Section shall prohibit political  
20          committees from dividing the proceeds of joint fund raising  
21          efforts; provided that no political committee may receive more  
22          than the limit from any one donor and all donations shall be  
23          listed as from their true origin.

24          (j) No natural person may contribute in aggregate more than  
25          \$80,000 to political committees during any period beginning on  
26          January 1 of an odd-numbered year and ending on December 31 of

1 an even-numbered year.

2 (k) On January 1 of every odd-numbered year, the State  
3 Board of Elections shall adjust the limits established in  
4 subsections (b), (c), (d), (f), (g), (h), and (j) for inflation  
5 as determined by the Consumer Price Index for All Urban  
6 Consumers as issued by the United States Department of Labor  
7 and rounded to the nearest \$100.

8 (l) In any instance where a corporation and any of its  
9 subsidiaries, branches, divisions, departments, or local  
10 units; a labor organization and any of its subsidiaries,  
11 branches, divisions, departments, or local units; or an  
12 association or any of its affiliates, subsidiaries, branches,  
13 divisions, departments, or local units contribute to one or  
14 more political committees or establish, maintain, or control  
15 more than one separate segregated fund qualified as a political  
16 committee, all of the related contributing entities shall be  
17 treated as a single contributing entity for the purposes of the  
18 limitations provided by this Section.

19 (m) Expenditures.

20 (1) Expenditures made by any person in cooperation,  
21 consultation, or concert with a candidate, his or her  
22 authorized committee, or their agents, shall be considered  
23 a contribution to the candidate's designated political  
24 committee for the purpose of this Section.

25 (2) The financing by any person of the dissemination,  
26 distribution, or republication, in whole or in part, of any

1 broadcast or any written, graphic, or other form of  
2 campaign materials prepared by the candidate, his or her  
3 political committee, or their authorized agents shall be  
4 considered to be a contribution to the candidate's  
5 designated political committee for the purposes of this  
6 Section.

7 (n) For the purposes of the limitations designated by this  
8 Section, all contributions made by a person, either directly or  
9 indirectly, to a particular candidate, including contributions  
10 that are in any way earmarked or otherwise directed through an  
11 intermediary or conduit to a candidate's committee, shall be  
12 treated as contributions from the person to the candidate's  
13 committee. The intermediary or conduit shall report the  
14 original source and the intended recipient of the contribution  
15 to the Board and to the intended recipient within 10 days after  
16 the person made the contribution, or upon transmittal to the  
17 candidate, whichever is earlier. A conduit's or intermediary's  
18 contribution limits are not affected by the forwarding of an  
19 earmarked contribution except where the conduit or  
20 intermediary exercises any direction or control over the choice  
21 of the recipient. Any person who is prohibited from making  
22 contributions or expenditures in connection with a candidate or  
23 public question shall be prohibited from acting as a conduit  
24 for contributions earmarked for that candidate or public  
25 question, and any person who is prohibited from acting as a  
26 conduit who receives an earmarked contribution shall return

1 that contribution to the contributor without transmitting or  
2 forwarding it to the committee of the candidate or public  
3 question.

4 (o) No candidate or political committee shall knowingly  
5 accept any contribution or make any expenditure in violation of  
6 the provisions of this Section. No officer or employee of a  
7 political committee shall knowingly accept a contribution made  
8 for the benefit or use of a candidate or knowingly make any  
9 expenditure on behalf of a candidate in violation of any  
10 limitation designated for contributions and expenditures under  
11 this Section.

12 (p) Multiple designations.

13 (1) No committee may accept donations larger than those  
14 specified in this Section, regardless of the number of  
15 candidates that may designate that committee under Section  
16 9-2.7.

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

20 (q) Complaints.

21 (1) The Board shall receive complaints alleging  
22 violations of this Section. The Board may bring complaints  
23 and investigations on its own initiative when the Board has  
24 reason to believe that a violation of this Section has  
25 occurred.

26 (2) Upon receipt of a complaint, the Board shall hold a

1 closed preliminary hearing to determine whether or not the  
2 complaint appears to have been filed on justifiable  
3 grounds. Such closed preliminary hearing shall be  
4 conducted as soon as practicable after affording  
5 reasonable notice, a copy of the complaint, and an  
6 opportunity to testify at such hearing to both the person  
7 making the complaint and the person against whom the  
8 complaint is directed. If the Board determines that the  
9 complaint has not been filed on justifiable grounds, it  
10 shall issue a written order to dismiss the complaint  
11 without further hearing, specifying the defect in the  
12 original complaint.

13 (3) The Board shall have the authority to promulgate  
14 procedural rules governing the filing and hearing of  
15 complaints under this Section that are not inconsistent  
16 with this Section.

17 (4) In addition to any other penalties authorized by  
18 this Article, the State Board of Elections, any political  
19 committee, or any person may apply to the circuit court for  
20 a temporary restraining order or a preliminary or permanent  
21 injunction against a political committee or any other  
22 entity to cease the expenditure of funds in violation of  
23 this Section and to cease operations until the Board  
24 determines that the committee or entity is in compliance  
25 with this Section.

26 (r) Penalties.

1           (1) Any person who violates this Section shall be fined  
2           the greater of \$10,000 or 3 times the value of the excess  
3           contribution or expenditure.

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

13           (10 ILCS 5/9-8.7 new)

14           Sec. 9-8.7. Soliciting of contributions by associations,  
15           corporations, or labor organizations.

16           (a) It is unlawful for any person affiliated in any way  
17           with a corporation knowingly soliciting an employee of that  
18           corporation for a contribution to a political committee to fail  
19           to inform the employee at the time of the solicitation of the  
20           political purposes of the fund. It is unlawful for any person  
21           affiliated in any way with a labor organization or association  
22           knowingly soliciting an member of that labor organization or  
23           association for a contribution to a political committee to fail  
24           to inform the member at the time of the solicitation of the  
25           political purposes of the fund.



1       (b) It is unlawful for any person affiliated in any way  
2 with a corporation knowingly soliciting an employee of that  
3 corporation for a contribution to a political committee to fail  
4 to inform the employee at the time of the solicitation of the  
5 employee's right to refuse to contribute without any reprisal.  
6 It is unlawful for any person affiliated in any way with a  
7 labor organization or association knowingly soliciting any  
8 member of the same labor organization or association for a  
9 contribution to a political committee to fail to inform the  
10 employee at the time of the solicitation of the employee's  
11 right to refuse to contribute without any reprisal.

12       (c) Complaints.

13       (1) The Board shall receive complaints alleging  
14 violations of this Section. The Board may bring complaints  
15 and investigations on its own initiative when the Board has  
16 reason to believe that a violation of this Section has  
17 occurred.

18       (2) Upon receipt of a complaint, the Board shall hold a  
19 closed preliminary hearing to determine whether or not the  
20 complaint appears to have been filed on justifiable  
21 grounds. Such closed preliminary hearing shall be  
22 conducted as soon as practicable after affording  
23 reasonable notice, a copy of the complaint, and an  
24 opportunity to testify at such hearing to both the person  
25 making the complaint and the person against whom the  
26 complaint is directed. If the Board determines that the

1 complaint has not been filed on justifiable grounds, it  
2 shall issue a written order to dismiss the complaint  
3 without further hearing, specifying the defect in the  
4 original complaint.

5 (3) The Board shall have the authority to promulgate  
6 procedural rules governing the filing and hearing of  
7 complaints under this Section that are not inconsistent  
8 with this Section.

9 (4) In addition to any other penalties authorized by  
10 this Article, the State Board of Elections, any political  
11 committee, or any person may apply to the circuit court for  
12 a temporary restraining order or a preliminary or permanent  
13 injunction against a political committee or any other  
14 entity to cease the expenditure of funds in violation of  
15 this Section and to cease operations until the Board  
16 determines that the committee or entity is in compliance  
17 with this Section.

18 (d) Penalties. Any person who violates this Section shall  
19 be fined \$200 for each person improperly solicited.  
20 Contributions received from any donor within 6 months after an  
21 improper solicitation of that donor must be returned to the  
22 donor.

23 (10 ILCS 5/9-29 new)

24 Sec. 9-29. Audit.

25 (a) As part of the verification required of each report

1 filed under Section 9-14, political committees organized under  
2 this Article shall conduct audits of their finances and reports  
3 when directed to do so by the State Board of Elections. An  
4 audit shall be paid for by the committee and shall cover all  
5 financial records required to be maintained by the committee at  
6 the time the audit is ordered.

7 (b) The State Board of Elections shall order political  
8 committees to conduct an audit under this Section as follows:

9 (1) Twice a year, within 30 days after the filing  
10 deadline for semi-annual reports, the Board shall divide  
11 committees into groups based on the sum total of reported  
12 receipts. The groups shall include committees that have (A)  
13 less than \$3,000; (B) at least \$3,000 but not more than  
14 \$10,000; (C) more than \$10,000 but not more than \$25,000;  
15 (D) more than \$25,000 but not more than \$100,000; and (E)  
16 more than \$100,000 or have not filed reports by the 30th  
17 day after the filing deadline. The Board shall, by a random  
18 method of its choosing, select 1.0% of the committees in  
19 Group (A), 2.0% of the committees in Group (B), 3.0% of the  
20 committees in Group (C), 4.0% of the committees in Group  
21 (D), and 5.0% of the committees in Group (E) and order that  
22 they conduct audits.

23 (2) By affirmative vote of any 4 of the Board members.  
24 Board members voting to order an audit shall publicly state  
25 their reasons for so doing and may limit the audit to a  
26 particular matter or time frame.

1       (c) Audits shall conform to generally accepted accounting  
2 principles.

3       (d) Committees ordered to conduct audits shall deliver a  
4 certified copy of the audit to the Board within 45 calendar  
5 days after the date of the Board meeting at which the audit was  
6 ordered. The Board by affirmative vote of any 4 of its members  
7 may grant one 45-day extension to complete the audit. Copies  
8 shall be delivered in both written and electronic formats. The  
9 Board shall post copies of all audits on its website.

10       (e) Failure to deliver a certified audit in a timely manner  
11 is a business offense punishable by a fine of \$250 per day that  
12 the audit is late, up to a maximum of \$5,000. In the event that  
13 a committee dissolves before paying any part of a fine issued  
14 under this Section, the chairman and the treasurer of the  
15 committee shall be personally, jointly, and severably liable  
16 for any outstanding balance.

17       Section 97. Severability. The provisions of this Act are  
18 severable. If any provision of this Act is held invalid by a  
19 court of competent jurisdiction, the invalidity does not affect  
20 other provisions of the Act that can be given effect without  
21 the invalid provision.