



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2457

Introduced 5/29/2009, by Sen. John J. Millner - Kyle McCarter - David Luechtefeld - Dave Syverson - Christine Radogno, et al.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Makes changes with respect to: the number of political committees a candidate may organize; designation of political committees to receive campaign contributions; limits on campaign contributions; prohibitions against campaign contributions from certain persons and entities; disclosure of independent campaign expenditures; disclosure of coordinated campaign contributions; filing of campaign finance reports; State Board of Elections actions that require open meetings; and Internet posting of complaints of campaign finance violations and disposition of those complaints. Amends the Illinois Procurement Code. Makes the pay-to-play prohibition against campaign contributions from certain State contractors applicable with respect to General Assembly members, candidates, and agencies. Effective June 15, 2009, but the State Board of Elections has 120 days to implement electronic reporting requirements.

LRB096 13177 JAM 27705 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing 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, 9-1.23, 9-2.5, 9-2.7,
8 9-8.5, 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 9-1.23 ~~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" means-

20 (1) a gift, subscription, donation, dues, loan, advance, or
21 deposit of money or anything of value, knowingly received in

1 connection with the nomination for election, ~~or~~ election, or
2 retention of any person to or in public office, in connection
3 with the election of any person as ward or township
4 committeeman in counties of 3,000,000 or more population, or in
5 connection with any question of public policy;

6 (1.5) a gift, subscription, donation, dues, loan, advance,
7 deposit of money, or anything of value that constitutes an
8 electioneering communication regardless of whether the
9 communication is made in concert or cooperation with or at the
10 request, suggestion, or knowledge of a candidate, a candidate's
11 authorized local political committee, a State political
12 committee, a political committee in support of or opposition to
13 a question of public policy, or any of their agents;

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

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

23 (4) the services of an employee donated by an employer, in
24 which case the contribution shall be listed in the name of the
25 employer, except that any individual services provided
26 voluntarily and without promise or expectation of compensation

1 from any source shall not be deemed a contribution; but

2 (5) does not include--

3 (a) the use of real or personal property and the cost
4 of invitations, food, and beverages, voluntarily provided
5 by an individual in rendering voluntary personal services
6 on the individual's residential premises for
7 candidate-related activities; provided the value of the
8 service provided does not exceed an aggregate of \$150 in a
9 reporting period;

10 (b) the sale of any food or beverage by a vendor for
11 use in a candidate's campaign at a charge less than the
12 normal comparable charge, if such charge for use in a
13 candidate's campaign is at least equal to the cost of such
14 food or beverage to the vendor.

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

16 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

17 Sec. 9-1.5. Expenditure defined.

18 "Expenditure" means-

19 (1) a payment, distribution, purchase, loan, advance,
20 deposit, or gift of money or anything of value, in connection
21 with the nomination for election, ~~or~~ election, or retention of
22 any person to or in public office, in connection with the
23 election of any person as ward or township committeeman in
24 counties of 3,000,000 or more population, or in connection with
25 any question of public policy. "Expenditure" also includes a

1 payment, distribution, purchase, loan, advance, deposit, or
2 gift of money or anything of value that constitutes an
3 electioneering communication regardless of whether the
4 communication is made in concert or cooperation with or at the
5 request, suggestion, or knowledge of a candidate, a candidate's
6 authorized local political committee, a State political
7 committee, a political committee in support of or opposition to
8 a question of public policy, or any of their agents. However,
9 expenditure 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 (2) a transfer of funds between political committees.

23 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
24 93-847, eff. 7-30-04.)

25 (10 ILCS 5/9-1.16 new)

1 Sec. 9-1.16. Regular election period.

2 (a) "Regular election period" means, for purposes of (i)
3 contributions to political committees designated by
4 established political parties and candidates for nomination or
5 election to offices to be filled at a general election and (ii)
6 independent expenditures benefiting candidates for nomination
7 or election to offices to be filled at a general election, each
8 of the following:

9 (1) The period beginning on January 1 immediately
10 following the date of the most recent general election for
11 the office to which a candidate seeks nomination or
12 election and ending the day of the next general primary
13 election for that office.

14 (2) The period beginning on the day after the most
15 recent general primary election for the office to which the
16 candidate seeks nomination or election and ending on the
17 December 31 after the general election for that office.

18 (b) "Regular election period" means, for purposes of (i)
19 contributions to a political committee designated by an
20 incumbent judge seeking retention in office and (ii)
21 independent expenditures benefiting incumbent judges seeking
22 retention in office, the period beginning on the date on which
23 an incumbent judge declares his or her intention to seek
24 retention in office and ending 90 days after the retention
25 election.

26 (c) "Regular election period" means, for purposes of (i)

1 contributions made to political committees designated by
2 candidates for nomination or election to offices to be filled
3 at a consolidated primary or consolidated election and (ii)
4 independent expenditures benefiting candidates for nomination
5 or election to offices to be filled at a consolidated primary
6 or consolidated election, the period beginning on July 1
7 immediately following the date of the most recent consolidated
8 primary election or consolidated election at which the office
9 for which the candidate seeks nomination or election was filled
10 and ending on June 30 immediately after the date of the next
11 consolidated primary election or consolidated election for
12 that office.

13 (10 ILCS 5/9-1.18 new)

14 Sec. 9-1.18. Labor organization. The term "labor
15 organization" means any organization of any kind or any agency
16 or employee representation committee or plan in which employees
17 participate and that exists for the purpose, in whole or in
18 part, of dealing with employers concerning grievances, labor
19 disputes, wages, rates of pay, hours of employment, or
20 conditions of work, including any parent, subsidiary,
21 affiliate, branch, division, department or local unit thereof.

22 (10 ILCS 5/9-1.19 new)

23 Sec. 9-1.19. Corporation. The term "corporation" includes
24 a corporation, limited liability company, partnership, limited

1 partnership, limited liability partnership, professional
2 association, professional corporation, professional practice,
3 cooperative, sole proprietorship, or any other
4 legally-recognized business entity, whether organized on a
5 for-profit or non-profit basis, whether organized under the
6 laws of Illinois or of another state. The term "corporation"
7 shall not include a labor organization as defined in Section
8 19-1.18.

9 (10 ILCS 5/9-1.20 new)

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

16 (10 ILCS 5/9-1.21 new)

17 Sec. 9-1.21. Affiliated person. "Affiliated person" means
18 (i) any person with any ownership interest or distributive
19 share of an affiliated entity in excess of 7.5% and (ii) for
20 each affiliated entity, any "executive employee" as that term
21 is defined in Section 50-37 of the Illinois Procurement Code.

22 (10 ILCS 5/9-1.22 new)

23 Sec. 9-1.22. Affiliated entity. "Affiliated entity" means

1 (i) any parent or subsidiary or local of the entity, (ii) any
2 member of the same unitary business group, (iii) any
3 organization recognized by the United States Internal Revenue
4 Service as a tax-exempt organization described in Section
5 501(c) of the Internal Revenue Code of 1986 (or any successor
6 provision of federal tax law) established by the entity, or
7 (iv) any political Committee for which any of the
8 aforementioned is the sponsoring entity.

9 (10 ILCS 5/9-1.23 new)

10 Sec. 9-1.23. Statewide office. For purposes of this Article
11 9, "statewide office" means the offices of Governor, Lieutenant
12 Governor, Attorney General, Secretary of State, Comptroller,
13 and Treasurer.

14 (10 ILCS 5/9-2.5 new)

15 Sec. 9-2.5. Single political committee.

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

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

1 pre-existing committee created for the primary purpose of
2 aiding that candidate's election to other offices that ceases
3 all fundraising after the creation of an exploratory committee
4 may transfer funds without limit to an exploratory committee.
5 If the candidate decides against running for the new office,
6 fails to qualify for the ballot at the next election, or loses
7 the next election, but remains in the office for which the
8 pre-existing committee was designated, the pre-existing
9 committee may be continued to be used as the designated
10 committee for that candidate. If the candidate decides against
11 running for the new office, fails to qualify for the ballot at
12 the next election, or loses the next election, then the
13 exploratory committee must return any remaining funds to
14 contributors, including returning funds to the candidate's
15 pre-existing designated committee in an amount not to exceed
16 the amount the pre-existing committee transferred to the
17 exploratory committee, or donate the funds to charity, and
18 close the exploratory committee within 90 days following the
19 candidate's decision not to run, failure to qualify, or loss.

20 (c) As described in 5/9-2.7(c), the President of the
21 Senate, Minority Leader of the Senate, Speaker of the House of
22 Representatives, and Minority Leader of the House of
23 Representatives may each establish and operate one additional
24 political committee for the purpose of supporting the election
25 of candidates to the General Assembly. The committees provided
26 for in this subsection (c) shall not be considered established

1 by the President of the Senate, Minority Leader of the Senate,
2 Speaker of the House of Representatives, or Minority Leader of
3 the House of Representatives for purposes of Section 9-2.5.

4 (10 ILCS 5/9-2.7 new)

5 Sec. 9-2.7. Designated Political Committees.

6 (a) Candidate committees.

7 (1) Each candidate shall designate in writing one and
8 only one political committee to serve as the political
9 committee of the candidate. The candidate shall file this
10 designation with the State Board of Elections no later than
11 15 business days after becoming a candidate or establishing
12 the committee. The designation shall become effective upon
13 filing with the State Board of Elections. Any committee so
14 designated may, within 10 business days after notification
15 of the designation, reject the designation. If a committee
16 rejects a candidate designation, the committee must return
17 to donors any funds raised as a result of the designation,
18 and the candidate must create and designate a new committee
19 within 5 business days after the rejection.

20 (2) The name of the designated committee shall include
21 the name of the candidate who authorized the committee
22 under paragraph (1). No political committee that is not a
23 designated candidate committee may include the full name of
24 that candidate in its name.

25 (b) Party committees.

1 (1) Any political organization or party may designate
2 in writing one and only one political committee to support
3 candidates of a specific political party seeking elective
4 office within a specific jurisdiction. The designation
5 shall be made no later than 15 business days after the
6 effective date of this amendatory Act of the 96th General
7 Assembly, or 15 business days after formation of the
8 committee, and shall be filed with the State Board of
9 Election. The designation of a party committee may be
10 changed only upon the replacement of the party chairman.

11 (2) The name of the designated committee shall include
12 the name of the party that authorized the committee under
13 paragraph (1). No political committee that is not a
14 designated party committee may include the full name of
15 that party in its name.

16 (c) Caucus committees.

17 (1) The President of the Senate, Minority Leader of the
18 Senate, Speaker of the House of Representatives, and
19 Minority Leader of the House of Representatives may each
20 designate in writing one and only one political committee
21 to serve as the political committee of his or her caucus.
22 The designation shall be made no later than 15 business
23 days after the start of the General Assembly, and shall be
24 filed with the State Board of Election. The designation of
25 a caucus committee may not be changed, revoked, or altered
26 until the start of the next General Assembly unless the

1 person elected to the office authorized to designate the
2 caucus committee also changes; the new leader may designate
3 a new committee within 15 business days after taking
4 office.

5 (2) The name of the designated committee shall include
6 a clear and unambiguous reference to the caucus that
7 authorized the committee under paragraph (1). No political
8 committee that is not a designated caucus committee may
9 include the name of that caucus in its name.

10 (d) All designations, statements, and reports required to
11 be filed under this Section shall be filed with the Board. The
12 Board shall retain and make the designations, statements, and
13 reports received under this Section available for public
14 inspection and copying on-line in the same manner as statements
15 of organization.

16 (10 ILCS 5/9-8.5 new)

17 Sec. 9-8.5. Limitation on contributions.

18 (a) It shall be unlawful for any person to make
19 contributions to a political committee except as provided in
20 this Section.

21 (b) To political committees designated by a candidate for
22 the General Assembly:

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

25 (2) Political committees established by a State

1 political party may contribute no more than \$30,000 during
2 the regular election period. All committees established by
3 a State political party, under State or federal law, shall
4 be considered as one committee for the purpose of this
5 Section.

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

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

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

17 (c) To political committees designated by a candidate for a
18 (i) local office or (ii) for ward or township committeeman in
19 counties of 3,000,000 or more population:

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

22 (2) The candidate may designate one and only one
23 political party whose political committees may contribute
24 no more than \$10,000 during the regular election period.
25 All committees established by the political party, under
26 State or federal law, shall be considered as one committee

1 for the purpose of this Section.

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

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

11 (d) To political committees designated by a candidate for
12 judicial office:

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

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

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

24 (4) A corporation, labor organization, or association
25 may contribute from its own treasuries no more than \$5,000
26 during a regular election period. All contributions from

1 affiliated persons and affiliated entities shall be
2 aggregated for the purposes of this Section.

3 (e) To political committees designated by a candidate for
4 statewide office:

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

7 (2) The candidate may designate one and only one
8 political party whose political committees may contribute
9 no more than \$50,000 during the regular election period.
10 All committees established by the political party, under
11 State or federal law, shall be considered as one committee
12 for the purpose of this Section.

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

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

21 (f) To political committees designated by an established
22 political party:

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

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

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

6 (g) To political committees designated by a legislative
7 caucus:

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

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

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

21 (h) For any other political committee, natural persons may
22 contribute no more than \$2,400 during any period beginning on
23 January 1 of an odd-numbered year and ending on December 31 of
24 an even-numbered year. A corporation, labor organization,
25 association, or other political committee may contribute no
26 more than \$5,000 during a regular election period described in

1 subsection (a) of Section 9-1.16. All contributions from
2 affiliated persons and affiliated entities shall be aggregated
3 for the purposes of this Section.

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

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

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

24 (l) Expenditures.

25 (1) Expenditures made by any person in cooperation,
26 consultation, or concert with a candidate, his or her

1 designated committee, State party committee, legislative
2 caucus committee or their agents, shall be considered a
3 contribution to the relevant candidate's designated
4 political committee, State party committee, or legislative
5 caucus committee for the purpose of this Section.

6 (2) The financing by any person of the dissemination,
7 distribution, or republication, in whole or in part, of any
8 broadcast or any written, graphic, or other form of
9 campaign materials prepared by the candidate, his or her
10 political committee, State party committee, legislative
11 caucus committee, or their authorized agents shall be
12 considered to be a contribution to the candidate's
13 designated political committee for the purposes of this
14 Section if the amount spent exceeds \$150 in any regular
15 election period.

16 (m) No candidate or political committee shall knowingly
17 accept any contribution in violation of the provisions of this
18 Section.

19 (n) Multiple designations.

20 (1) No committee may accept donations larger than those
21 specified in this Section, regardless of the number of
22 candidates that may designate that committee under Section
23 9-2.7.

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

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

5 In addition to any other penalties authorized by this
6 Article, the State Board of Elections, any political committee,
7 or any person may apply to the circuit court for a temporary
8 restraining order or a preliminary or permanent injunction
9 against a political committee or any other entity to cease the
10 expenditure of contributions made or accepted in violation of
11 this Section and to cease operations until the Board determines
12 that the committee or entity is in compliance with this
13 Section.

14 (p) Penalties.

15 (1) Any person, corporation, labor organization,
16 association, or political committee, that knowingly
17 violates this Section of contributing more than amounts
18 allowed under this Section 9-8.5, shall be fined the
19 greater of \$5,000 or 3 times the value of the unlawful
20 contribution.

21 (2) The State Board of Elections shall assess a penalty
22 of up to \$5,000 for each violation against the recipient
23 political committee of any contribution in violation of
24 this Section if the recipient political committee knew that
25 the contribution was in violation of this Section. For
26 purposes of this Section, a recipient political committee

1 knew that the contribution was in violation of this Section
2 if the candidate, the committee chairman or treasurer, or
3 any natural person paid to perform regular campaign tasks
4 knew that the contribution was in violation of this
5 Section.

6 (10 ILCS 5/9-8.6 new)

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

8 (a) As used in this Article:

9 "Benefiting public official or candidate" means the public
10 official or candidate whose nomination or election or whose
11 opponent's defeat is expressly advocated by the person making
12 the independent expenditure.

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

22 (b) A person that makes an independent expenditure with
23 respect to a benefiting public official or candidate that,
24 alone or in combination with any other independent expenditure
25 made by that person with respect to that benefiting public

1 official or candidate during the same regular election period,
2 equals an aggregate value of at least \$5,000 must file a
3 written disclosure with the benefiting public official or
4 candidate and the State Board of Elections within 5 business
5 days after making each expenditure that results in the person
6 meeting or exceeding the \$5,000 threshold. Each disclosure must
7 identify the person, his or her occupation and employer, the
8 benefiting public official or candidate, and the date, amount,
9 recipient, and nature of each independent expenditure.

10 (c) Penalties.

11 (1) Any person, corporation, labor organization,
12 association, or political committee, that knowingly
13 violates this Section by contributing more than amounts
14 allowed under this Section 9-8.6, shall be fined the
15 greater of \$5,000 or 3 times the value of the unlawful
16 contribution.

17 (2) The State Board of Elections shall assess a penalty
18 of up to \$5,000 for each violation against the recipient
19 political committee of any contribution in violation of
20 this Section if the recipient political committee knew that
21 the contribution was in violation of this Section. For
22 purposes of this Section, a recipient political committee
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 political committee subject to the reporting requirements of
12 Section 9-10, or an employee of the political committee that:
13 (i) physically or electronically forwards contributions from
14 one or more other persons to a political committee; (ii) is
15 credited by a candidate, public official, or political
16 committee, through records, designations, or other means of
17 recognition, with raising contributions made by one or more
18 other persons to that candidate, public official, or political
19 committee; or (iii) a candidate, public official, or political
20 committee knows, or reasonably should know, has raised
21 contributions made by one or more other persons to the
22 candidate, public official, or political committee.

23 "Contribution coordinator" shall not mean any common carrier,
24 bank, other regulated financial institution, money
25 transmitter, or other person that transmits the contribution in

1 physical or electronic form in the ordinary course of its
2 business of transporting or transferring money or other
3 property.

4 (b) Contribution coordinators must include a written
5 disclosure identifying their name, occupation, and employer
6 with each contribution they forward physically or
7 electronically to a political committee.

8 (c) The political committee must disclose the name,
9 occupation, and employer of the individual contributor, the
10 date and amount of the individual contribution, and the
11 contribution coordinator's name, occupation, and employer for
12 every contribution bundle received during any regular election
13 period.

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

22 (e) For the purpose of the contribution limits established
23 by this Article, each contribution in a contribution bundle is
24 attributed to the person that made the contribution to the
25 contribution coordinator and is not attributed to the
26 contribution coordinator unless the contribution coordinator

1 personally made that contribution.

2 (f) A political committee that accepts a contribution in
3 violation of this Section shall return the contribution to the
4 contribution coordinator, or donate the contribution to a
5 charitable organization approved by the State Board of
6 elections, within 10 business days after receipt. A
7 contribution accepted in violation of this Section and not
8 disposed of as provided in this subsection shall escheat to the
9 General Revenue Fund.

10 (g) Penalties.

11 (1) Any person, corporation, labor organization,
12 association, or political committee, that knowingly
13 violates this Section by contributing more than amounts
14 allowed under this Section 9-8.7, shall be fined the
15 greater of \$5,000 or 3 times the value of the unlawful
16 contribution.

17 (2) The State Board of Elections shall assess a penalty
18 of up to \$5,000 for each violation against the recipient
19 political committee of any contribution in violation of
20 this Section if the recipient political committee knew that
21 the contribution was in violation of this Section. For
22 purposes of this Section, a recipient political committee
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 5/9-8.9 new)

3 Sec. 9-8.9. Certain contributions prohibited.

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

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

21 (c) A person that engages in an activity (i) subject to
22 regulation by the Illinois Commerce Commission or the Division
23 of Insurance or Division of Financial Institutions of the
24 Department of Financial and Professional Regulation or (ii)
25 subject to the Illinois Horse Racing Act of 1975 or the

1 Riverboat Gambling Act, and that person's affiliated persons
2 and affiliated entities, may not make a contribution to an
3 executive branch constitutional officer, a General Assembly
4 member, a candidate for an executive branch constitutional
5 office or the General Assembly, or a designated political
6 committee established to promote the candidacy of that officer,
7 member, or candidate, the designated State party committee, or
8 the designated legislative caucus committees.

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

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

14 (f) A candidate, public official, or political committee
15 that accepts a contribution made in violation of this Section
16 shall return the contribution to the contributor, or donate the
17 contribution to a charitable organization approved by the State
18 Board of Elections, within 10 business days after receipt. A
19 contribution made in violation of this Section and not disposed
20 of as provided in this subsection shall escheat to the State
21 treasury.

22 (g) Penalties.

23 (1) Any person, corporation, labor organization,
24 association, or political committee, that knowingly
25 violates this Section by contributing more than amounts
26 allowed under this Section 9-8.9, shall be fined the

1 greater of \$5,000 or 3 times the value of the unlawful
2 contribution.

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

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

15 Sec. 9-10. Financial reports.

16 (a) The treasurer of every state political committee and
17 the treasurer of every local political committee shall file
18 with the Board, and the treasurer of every local political
19 committee shall file with the county clerk, reports of campaign
20 contributions, and semi-annual reports of campaign
21 contributions and expenditures on forms to be prescribed or
22 approved by the Board. The treasurer of every political
23 committee that acts as both a state political committee and a
24 local political committee shall file a copy of each report with
25 the State Board of Elections and the county clerk. Entities

1 subject to Section 9-7.5 shall file reports required by that
2 Section at times provided in this Section and are subject to
3 the penalties provided in this Section.

4 (b) This subsection does not apply with respect to general
5 primary elections. Reports of campaign contributions shall be
6 filed no later than the 15th day next preceding each election
7 in connection with which the political committee has accepted
8 or is accepting contributions or has made or is making
9 expenditures. Such reports shall be complete as of the 30th day
10 next preceding each election. The Board shall assess a civil
11 penalty not to exceed \$5,000 for a violation of this
12 subsection, except that for State officers and candidates and
13 political committees formed for statewide office, the civil
14 penalty may not exceed \$10,000. The fine, however, shall not
15 exceed \$500 for a first filing violation for filing less than
16 10 days after the deadline. There shall be no fine if the
17 report is mailed and postmarked at least 72 hours prior to the
18 filing deadline. For the purpose of this subsection and
19 subsection (b-5), "statewide office" and "State officer" means
20 the Governor, Lieutenant Governor, Attorney General, Secretary
21 of State, Comptroller, and Treasurer. However, a continuing
22 political committee that does not make an expenditure or
23 expenditures in an aggregate amount of more than \$500 on behalf
24 of or in opposition to any (i) candidate or candidates, (ii)
25 public question or questions, or (iii) candidate or candidates
26 and public question or questions on the ballot at an election

1 shall not be required to file the reports prescribed in this
2 subsection (b) and subsection (b-5) but may file in lieu
3 thereof a Statement of Nonparticipation in the Election with
4 the Board or the Board and the county clerk ; except that if
5 the political committee, by the terms of its statement of
6 organization filed in accordance with this Article, is
7 organized to support or oppose a candidate or public question
8 on the ballot at the next election or primary, that committee
9 must file reports required by this subsection (b) and by
10 subsection (b-5).

11 (b-5) Notwithstanding the provisions of subsection (b) and
12 Section 1.25 of the Statute on Statutes, any contribution of
13 more than \$500 received (i) with respect to elections other
14 than the general primary election, in the interim between the
15 last date of the period covered by the last report filed under
16 subsection (b) prior to the election and the date of the
17 election or (ii) with respect to general primary elections, in
18 the period beginning January 1 of the year of the general
19 primary election and prior to the date of the general primary
20 election shall be filed electronically with and must actually
21 be received by the State Board of Elections within 2 business
22 days after receipt of such contribution. A report of any
23 contribution received at any other time in the amount of more
24 than \$500, or more than \$1,000 in the case of a State officer
25 or a candidate for statewide office or political committee
26 formed for a State officer or candidate for statewide office,

1 in the interim between the last date of the period covered by
2 the last report filed under subsections (b) and (c) shall be
3 filed electronically with and must actually be received by the
4 State Board of Elections within 5 business days after receipt
5 of the contribution. For the purpose of this subsection,
6 "statewide office" and "State officer" means the Governor,
7 Lieutenant Governor, Attorney General, Secretary of State,
8 Comptroller, and Treasurer. ~~A continuing political committee~~
9 ~~that does not support or oppose a candidate or public question~~
10 ~~on the ballot at a general primary election and does not make~~
11 ~~expenditures in excess of \$500 on behalf of or in opposition to~~
12 ~~any candidate or public question on the ballot at the general~~
13 ~~primary election shall not be required to file the report~~
14 ~~prescribed in this subsection unless the committee makes an~~
15 ~~expenditure in excess of \$500 on behalf of or in opposition to~~
16 ~~any candidate or public question on the ballot at the general~~
17 ~~primary election. The committee shall timely file the report~~
18 ~~required under this subsection beginning with the date the~~
19 ~~expenditure that triggered participation was made. The State~~
20 ~~Board shall allow filings of reports of contributions of more~~
21 ~~than \$500 under this subsection (b-5) by political committees~~
22 ~~that are not required to file electronically to be made by~~
23 ~~facsimile transmission.~~ For the purpose of this subsection, a
24 contribution is considered received on the date the public
25 official, candidate, or political committee (or equivalent
26 person in the case of a reporting entity other than a political

1 committee) actually receives it or, in the case of goods or
2 services, 2 business days after the date the public official,
3 candidate, committee, or other reporting entity receives the
4 certification required under subsection (b) of Section 9-6.
5 Failure to report each contribution is a separate violation of
6 this subsection. In the final disposition of any matter by the
7 Board on or after the effective date of this amendatory Act of
8 the 93rd General Assembly, the Board may impose fines for
9 violations of this subsection not to exceed 100% of the total
10 amount of the contributions that were untimely reported, but in
11 no case when a fine is imposed shall it be less than 10% of the
12 total amount of the contributions that were untimely reported.
13 When considering the amount of the fine to be imposed, the
14 Board shall consider, but is not limited to, the following
15 factors:

16 (1) whether in the Board's opinion the violation was
17 committed inadvertently, negligently, knowingly, or
18 intentionally;

19 (2) the number of days the contribution was reported
20 late; and

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

23 (c) In addition to such reports the treasurer of every
24 political committee shall file semi-annual reports of campaign
25 contributions and expenditures no later than July 20th,
26 covering the period from January 1st through June 30th

1 immediately preceding, and no later than January 20th, covering
2 the period from July 1st through December 31st of the preceding
3 calendar year. Reports of contributions and expenditures must
4 be filed to cover the prescribed time periods even though no
5 contributions or expenditures may have been received or made
6 during the period. The Board shall assess a civil penalty not
7 to exceed \$5,000 for a violation of this subsection, except
8 that for State officers and candidates and political committees
9 formed for statewide office, the civil penalty may not exceed
10 \$10,000. The fine, however, shall not exceed \$500 for a first
11 filing violation for filing less than 10 business days after
12 the deadline. There shall be no fine if the report is mailed
13 and postmarked at least 72 hours prior to the filing deadline.
14 For the purpose of this subsection, "statewide office" and
15 "State officer" means the Governor, Lieutenant Governor,
16 Attorney General, Secretary of State, Comptroller, and
17 Treasurer.

18 (c-5) A political committee that acts as either (i) a State
19 and local political committee or (ii) a local political
20 committee and that files reports electronically under Section
21 9-28 is not required to file copies of the reports with the
22 appropriate county clerk if the county clerk has a system that
23 permits access to, and duplication of, reports that are filed
24 with the State Board of Elections. A State and local political
25 committee or a local political committee shall file with the
26 county clerk a copy of its statement of organization pursuant

1 to Section 9-3.

2 (d) A copy of each report or statement filed under this
3 Article shall be preserved by the person filing it for a period
4 of two years from the date of filing. Within 5 business days
5 after the Board imposes or waives fines under this Section, the
6 Board shall publish on its website a summary of fines
7 considered and imposed, identifying the person, candidate, or
8 political committee subject to the determination, the total
9 amount of contributions that were untimely reported, and the
10 amount of penalties assessed in each instance.

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

13 (10 ILCS 5/9-18) (from Ch. 46, par. 9-18)

14 Sec. 9-18. The Board shall ~~may~~ hold investigations,
15 inquiries, and hearings concerning any matter covered by this
16 Article in which the Board has reason to believe this Article
17 has been knowingly violated, subject to such rules and
18 regulations as the Board may establish. In the process of
19 holding such investigations, inquiries, and hearings, the
20 Board may administer oaths and affirmations, certify to all
21 official acts, issue subpoenas ~~to be authorized by a vote of 5~~
22 ~~members of the Board~~, compel the attendance and testimony of
23 witnesses, and the production of papers, books, accounts, and
24 documents. Hearings conducted by the Board shall be open to the
25 public.

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

2 (10 ILCS 5/9-21) (from Ch. 46, par. 9-21)

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

14 Whenever ~~in the judgment of~~ the Board in an open meeting
15 determines, after affording due notice and an opportunity for a
16 public hearing, any person has engaged or is about to engage in
17 an act or practice which constitutes or will constitute a
18 violation of any provision of this Article or any regulation or
19 order issued thereunder, the Board shall issue an order
20 directing such person to take such action as the Board
21 determines may be necessary in the public interest to correct
22 the violation. In addition, if the act or practice engaged in
23 consists of the failure to file any required report within the
24 time prescribed by this Article, the Board, as part of its
25 order, shall further provide that if, within the 12-month

1 period following the issuance of the order, such person fails
2 to file within the time prescribed by this Article any
3 subsequent report as may be required, such person may be
4 subject to a civil penalty pursuant to Section 9-23. The Board
5 shall render its final judgment within 60 days of the date the
6 complaint is filed; except that during the 60 days preceding
7 the date of the election in reference to which the complaint is
8 filed, the Board shall render its final judgment within 7 days
9 of the date the complaint is filed, and during the 7 days
10 preceding such election, the Board shall render such judgment
11 before the date of such election, if possible.

12 At any time prior to the issuance of the Board's final
13 judgment, the parties may dispose of the complaint by a written
14 stipulation, agreed settlement or consent order. Any such
15 stipulation, settlement or order shall, however, be submitted
16 in writing to the Board and shall become effective only if
17 approved by the Board in an open meeting. If the act or
18 practice complained of consists of the failure to file any
19 required report within the time prescribed by this Article,
20 such stipulation, settlement or order may provide that if,
21 within the 12-month period following the approval of such
22 stipulation, agreement or order, the person complained of fails
23 to file within the time prescribed by this Article any
24 subsequent reports as shall ~~may~~ be required, such person may be
25 subject to a civil penalty pursuant to Section 9-23.

26 Any person filing a complaint pursuant to Section 9-20 may,

1 upon written notice to the other parties and to the Board,
2 voluntarily withdraw the complaint at any time prior to the
3 issuance of the Board's final determination.

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

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

6 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
7 has issued an order, or has approved a written stipulation,
8 agreed settlement or consent order, directing a person
9 determined by the Board to be in violation of any provision of
10 this Article or any regulation adopted thereunder, to cease or
11 correct such violation or otherwise comply with this Article
12 and such person fails or refuses to comply with such order,
13 stipulation, settlement or consent order within the time
14 specified by the Board, the Board in an open meeting, after
15 affording notice and an opportunity for a public hearing, may
16 impose a civil penalty on such person in an amount not to
17 exceed \$5,000; except that for State officers and candidates
18 and political committees formed for statewide office, the civil
19 penalty may not exceed \$10,000. For the purpose of this
20 Section, "statewide office" and "State officer" means the
21 Governor, Lieutenant Governor, Attorney General, Secretary of
22 State, Comptroller, and Treasurer.

23 Civil penalties imposed on any such person by the Board
24 shall be enforceable in the Circuit Court. The Board shall
25 petition the Court for an order to enforce collection of the

1 penalty and, if the Court finds it has jurisdiction over the
2 person against whom the penalty was imposed, the Court shall
3 issue the appropriate order. Any civil penalties collected by
4 the Court shall be forwarded to the State Treasurer.

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

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

10 (10 ILCS 5/9-23.5 new)

11 Sec. 9-23.5. Public database of complaints. The State Board
12 of Elections shall establish and maintain on its official
13 website a searchable database, freely accessible to the public,
14 of each complaint filed with the Board under this Article and
15 the disposition of that complaint, including all board actions
16 and penalties imposed, if any. The Board must update the
17 database within 5 business days after a complaint is filed, an
18 action taken, or a penalty imposed to include that complaint,
19 action, or penalty in the database.

20 (10 ILCS 5/9-28)

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

24 Beginning July 1, 1999, or as soon thereafter as the Board

1 has provided adequate software to the political committee,
2 electronic filing is required for all political committees that
3 during the reporting period (i) had at any time a balance or an
4 accumulation of contributions of \$25,000 or more, (ii) made
5 aggregate expenditures of \$25,000 or more, or (iii) received
6 loans of an aggregate of \$25,000 or more.

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

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

16 The Board may provide by rule for the optional electronic
17 filing of expenditure and contribution reports for all other
18 political committees. The Board shall promptly make all reports
19 filed under this Article by all political committees publicly
20 available by means of a searchable database that is accessible
21 through the World Wide Web.

22 The Board shall provide all software necessary to comply
23 with this Section to candidates, public officials, political
24 committees, and election authorities.

25 The Board shall implement a plan to provide computer access
26 and assistance to candidates, public officials, political

1 committees, and election authorities with respect to
2 electronic filings required under this Article.

3 For the purposes of this Section, "political committees"
4 includes entities required to report to the Board under Section
5 9-7.5.

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

7 Section 10. The Illinois Procurement Code is amended by
8 changing Section 50-37 as follows:

9 (30 ILCS 500/50-37)

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

11 (a) As used in this Section:

12 The terms "contract", "State contract", and "contract
13 with a State agency" each mean any contract, as defined in
14 this Code, between a business entity and a State agency ~~let~~
15 ~~or awarded pursuant to this Code~~. The terms "contract",
16 "State contract", and "contract with a State agency" do not
17 include cost reimbursement contracts; purchase of care
18 agreements as defined in Section 1-15.68 of this Code;
19 contracts for projects eligible for full or partial
20 federal-aid funding reimbursements authorized by the
21 Federal Highway Administration; grants, including but are
22 not limited to grants for job training or transportation;
23 and grants, loans, or tax credit agreements for economic
24 development purposes.

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

3 "Declared candidate" means a person who has filed a
4 statement of candidacy and petition for nomination or
5 election in the principal office of the State Board of
6 Elections.

7 "State agency" means and includes all boards,
8 commissions, agencies, institutions, authorities, and
9 bodies politic and corporate of the State, created by or in
10 accordance with the Illinois Constitution or State
11 statute, of the executive or legislative branch of State
12 government and does include colleges, universities, public
13 employee retirement systems, and institutions under the
14 jurisdiction of the governing boards of the University of
15 Illinois, Southern Illinois University, Illinois State
16 University, Eastern Illinois University, Northern Illinois
17 University, Western Illinois University, Chicago State
18 University, Governors State University, Northeastern
19 Illinois University, and the Illinois Board of Higher
20 Education.

21 "Officeholder" means the Governor, Lieutenant
22 Governor, Attorney General, Secretary of State,
23 Comptroller, or Treasurer or a member of the General
24 Assembly. The Governor shall be considered the
25 officeholder responsible for awarding all contracts by all
26 officers and employees of, and vendors and others doing

1 business with, executive branch State agencies under the
2 jurisdiction of the Executive Ethics Commission and not
3 within the jurisdiction of the Attorney General, the
4 Secretary of State, the Comptroller, or the Treasurer.

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

7 "Affiliated person" means (i) any person with any
8 ownership interest or distributive share of the bidding or
9 contracting business entity in excess of 7.5%, (ii)
10 executive employees of the bidding or contracting business
11 entity, and (iii) the spouse and minor children of any such
12 persons.

13 "Affiliated entity" means (i) any subsidiary of the
14 bidding or contracting business entity, (ii) any member of
15 the same unitary business group, (iii) any organization
16 recognized by the United States Internal Revenue Service as
17 a tax-exempt organization described in Section 501(c) of
18 the Internal Revenue Code of 1986 (or any successor
19 provision of federal tax law) established by the bidding or
20 contracting business entity, any affiliated entity of that
21 business entity, or any affiliated person of that business
22 entity, or (iv) any political committee for which the
23 bidding or contracting business entity, or any 501(c)
24 organization described in item (iii) related to that
25 business entity, is the sponsoring entity.

26 "Business entity" means any entity doing business for

1 profit, whether organized as a corporation, partnership,
2 sole proprietorship, limited liability company or
3 partnership, or otherwise.

4 "Executive employee" means the President, Chairman,
5 Chief Executive Officer, or other employee with executive
6 decision-making authority over the long-term and
7 day-to-day affairs of the entity employing the employee, or
8 an employee whose compensation is determined directly, in
9 whole or in part, by the award or payment of contracts by a
10 State agency to the entity employing the employee.

11 (b) Any business entity whose contracts with State
12 agencies, in the aggregate, annually total more than \$50,000,
13 and any affiliated entities or affiliated persons of such
14 business entity, are prohibited from making any contributions
15 to any political committees established to promote the
16 candidacy of (i) the officeholder responsible for awarding the
17 contracts, ~~or~~ (ii) any other declared candidate for that
18 office, (iii) any State or statewide officer or candidate for
19 that office, and (iv) any legislative member of the General
20 Assembly. This prohibition shall be effective for the duration
21 of the term of office of the incumbent officeholder awarding
22 the contracts or for a period of 2 years following the
23 expiration or termination of the contracts, whichever is
24 longer.

25 (c) Any business entity whose aggregate pending bids and
26 proposals on State contracts total more than \$50,000, or whose

1 aggregate pending bids and proposals on State contracts
2 combined with the business entity's aggregate annual total
3 value of State contracts exceed \$50,000, and any affiliated
4 entities or affiliated persons of such business entity, are
5 prohibited from making any contributions to any political
6 committee established to promote the candidacy of the
7 officeholder responsible for awarding the contract on which the
8 business entity has submitted a bid or proposal, any
9 constitutional officer, or any legislative member of the
10 General Assembly, during the period beginning on the date the
11 invitation for bids or request for proposals is issued and
12 ending on the day after the date the contract is awarded.

13 (d) All contracts between State agencies and a business
14 entity that violate subsection (b) or (c) shall be voidable
15 under Section 50-60. If a business entity violates subsection
16 (b) 3 or more times within a 36-month period, then all
17 contracts between State agencies and that business entity shall
18 be void, and that business entity shall not bid or respond to
19 any invitation to bid or request for proposals from any State
20 agency or otherwise enter into any contract with any State
21 agency for 3 years from the date of the last violation. A
22 notice of each violation and the penalty imposed shall be
23 published in both the Procurement Bulletin and the Illinois
24 Register.

25 (e) Any political committee that has received a
26 contribution in violation of subsection (b) or (c) shall pay an

1 amount equal to the value of the contribution to the State no
2 more than 30 days after notice of the violation concerning the
3 contribution appears in the Illinois Register. Payments
4 received by the State pursuant to this subsection shall be
5 deposited into the general revenue fund.

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

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

9 Section 99. Effective date. This Act takes effect on June
10 15, 2009, but the State Board of Elections shall have 120 days
11 to implement new electronic reporting requirements and any
12 needed regulations.

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