



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### SB2470

Introduced 10/14/2009, by Sen. Michael Noland

#### 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 5/9-1.6	from Ch. 46, par. 9-1.6
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 5/9-1.25 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 5/9-10	from Ch. 46, par. 9-10
10 ILCS 5/9-14.5 new	
10 ILCS 5/9-29 new	

Amends the Election Code. Makes changes with respect to the disclosure and regulation of campaign finances, including the imposition of contribution limits.

LRB096 14876 JAM 29742 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, 9-1.6, and  
6 9-10 and by adding Sections 9-1.16, 9-1.17, 9-1.18, 9-1.19,  
7 9-1.20, 9-1.21, 9-1.22, 9-1.23, 9-1.24, 9-1.25, 9-2.5, 9-2.7,  
8 9-8.5, 9-8.7, 9-14.5, and 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 9-1.25 ~~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) any gift, subscription, donation, dues, loan,

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

8 (2) any 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 (3) 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, election, or retention of any person to or in  
21 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 (4) any transfer of funds between political  
26 committees;

1           (5) 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

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

9           (b) "Contribution" does not include:

10           (1) 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           (2) communications on any subject by a corporation to  
18           its stockholders and executive or administrative personnel  
19           and their families, by a labor organization to its members  
20           and their families, or by an association to its members and  
21           their families;

22           (3) voter registration and other get-out-the-vote  
23           campaigns that make no mention of any clearly identified  
24           candidate, public question, political party or group, or  
25           combination thereof;

26           (4) the establishment, administration, and

1 solicitation of contributions to a separate segregated  
2 fund to be used for political purposes by a corporation,  
3 labor organization, or association; or

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

11 (c) Interest or other investment income, earnings or  
12 proceeds, and refunds or returns of all or part of a  
13 committee's previous expenditures shall not be considered  
14 contributions for the purposes of Section 9-8.5 but shall be  
15 listed with contributions on disclosure reports required by  
16 this Article.

17 ~~"Contribution" means—~~

18 ~~(1) a gift, subscription, donation, dues, loan,~~  
19 ~~advance, or deposit of money or anything of value,~~  
20 ~~knowingly received in connection with the nomination for~~  
21 ~~election, or election, of any person to public office, in~~  
22 ~~connection with the election of any person as ward or~~  
23 ~~township committeeman in counties of 3,000,000 or more~~  
24 ~~population, or in connection with any question of public~~  
25 ~~policy;~~

26 ~~(1.5) a gift, subscription, donation, dues, loan,~~

1 ~~advance, deposit of money, or anything of value that~~  
2 ~~constitutes an electioneering communication regardless of~~  
3 ~~whether the communication is made in concert or cooperation~~  
4 ~~with or at the request, suggestion, or knowledge of a~~  
5 ~~candidate, a candidate's authorized local political~~  
6 ~~committee, a State political committee, a political~~  
7 ~~committee in support of or opposition to a question of~~  
8 ~~public policy, or any of their agents;~~

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

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

19 ~~(4) the services of an employee donated by an employer,~~  
20 ~~in which case the contribution shall be listed in the name~~  
21 ~~of the employer, except that any individual services~~  
22 ~~provided voluntarily and without promise or expectation of~~  
23 ~~compensation from any source shall not be deemed a~~  
24 ~~contribution; but~~

25 ~~(5) does not include—~~

26 ~~(a) the use of real or personal property and the~~

~~cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period;~~

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

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

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

Sec. 9-1.5. Expenditure ~~defined~~.

(a) "Expenditure" means:

(1) any payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value in connection with the nomination for election, election, or retention of any person to or in public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy.

(2) any payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value that

1 constitutes an electioneering communication, regardless of  
2 whether the communication is made in concert or in  
3 cooperation with or at the request, suggestion, or  
4 knowledge of a candidate, a candidate's authorized local  
5 political committee, a State political committee, a  
6 political committee in support of or in opposition to a  
7 question of public policy, or any of their agents.

8 (3) a payment, distribution, purchase, loan, advance,  
9 deposit, or gift of money or anything of value for any  
10 communication aimed at voters that is susceptible of no  
11 reasonable interpretation other than as an appeal to vote  
12 for or against a specific candidate. A communication is  
13 susceptible of no other reasonable interpretation if:

14 (i) it is made within (A) 60 days before a  
15 general election or consolidated election or (B)  
16 30 days before a primary election;

17 (ii) it includes a reference to or description  
18 of a clearly identified candidate; or

19 (iii) it includes statements that (A) refer to  
20 the personal qualities, character, or fitness of  
21 that candidate, (B) support or condemn that  
22 candidate's position or stance on issues, or (C)  
23 support or condemn that candidate's public record.

24 (4) any transfer of funds between political  
25 committees.

26 (5) a payment for an independent expenditure as defined



1 in Section 9-1.16.

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

9 ~~"Expenditure" means-~~

10 ~~(1) a payment, distribution, purchase, loan, advance,~~  
11 ~~deposit, or gift of money or anything of value, in connection~~  
12 ~~with the nomination for election, or election, of any person to~~  
13 ~~public office, in connection with the election of any person as~~  
14 ~~ward or township committeeman in counties of 3,000,000 or more~~  
15 ~~population, or in connection with any question of public~~  
16 ~~policy.~~

17 ~~"Expenditure" also includes a payment, distribution,~~  
18 ~~purchase, loan, advance, deposit, or gift of money or anything~~  
19 ~~of value that constitutes an electioneering communication~~  
20 ~~regardless of whether the communication is made in concert or~~  
21 ~~cooperation with or at the request, suggestion, or knowledge of~~  
22 ~~a candidate, a candidate's authorized local political~~  
23 ~~committee, a State political committee, a political committee~~  
24 ~~in support of or opposition to a question of public policy, or~~  
25 ~~any of their agents.~~

26 ~~However, expenditure does not include (a) the use of real~~

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

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

12 ~~(2) a transfer of funds between political committees.~~

13 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
14 93-847, eff. 7-30-04.)

15 (10 ILCS 5/9-1.6) (from Ch. 46, par. 9-1.6)

16 Sec. 9-1.6. Person; whoever. "Person" or "whoever" means an  
17 individual, trust, partnership, committee, association,  
18 corporation, or any other organization or group of persons as  
19 required by the context; however, "natural person" means one  
20 human being.

21 (Source: P.A. 78-1183.)

22 (10 ILCS 5/9-1.16 new)

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

1           (1) expressly advocating the election or defeat of a  
2           clearly identified candidate, and

3           (2) that is not made in cooperation, consultation, or  
4           concert with or at the request or suggestion of the  
5           candidate, candidate's authorized political committee or  
6           agents, or agents thereof.

7           For the purpose of this Section, "expressly advocating"  
8           includes, but is not limited to, disseminating messages by any  
9           means that feature words like "vote for", "vote against",  
10           "elect", "support", "cast your ballot for", "Smith for  
11           (office)", "defeat", "reject", "retain", or "remove".

12           (10 ILCS 5/9-1.17 new)

13           Sec. 9-1.17. Clearly identified or identifiable. "Clearly  
14           identified" or "clearly identifiable" means that:

15           (1) the name, voice, image, or likeness of a candidate  
16           appears; or

17           (2) the identity of the candidate is apparent by  
18           unambiguous reference.

19           (10 ILCS 5/9-1.18 new)

20           Sec. 9-1.18. Regular election period. "Regular election  
21           period" means any of:

22           (1) the period beginning on January 1 immediately  
23           following the date of the general election for the office  
24           to which a candidate seeks nomination or election and

1 ending the day of the general primary election for that  
2 office;

3 (2) the period beginning on the day after the general  
4 primary election for the office to which the candidate  
5 seeks nomination or election and ending on the December 31  
6 after the general election for that office; or

7 (3) the period beginning on the date on which a sitting  
8 judge declares for retention and ending 90 days after the  
9 retention election.

10 (10 ILCS 5/9-1.19 new)

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

23 (10 ILCS 5/9-1.20 new)

24 Sec. 9-1.20. Labor organization. For the purpose of this

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

7 (10 ILCS 5/9-1.21 new)

8 Sec. 9-1.21. Corporation. For the purpose of this Article,  
9 the term "corporation" includes a limited liability company,  
10 partnership, professional practice, cooperative, sole  
11 proprietorship, or any incorporated entity or corporation,  
12 whether organized on a for-profit or non-profit basis.

13 (10 ILCS 5/9-1.22 new)

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

21 (10 ILCS 5/9-1.23 new)

22 Sec. 9-1.23. Earmarked. The term "earmarked" means a  
23 designation, instruction, or encumbrance, whether direct or

1 indirect, express or implied, oral or written, that results in  
2 all or any part of a contribution or expenditure being made to,  
3 or expended on behalf of, a clearly identified candidate, a  
4 candidate's designated committee, or a committee in support of  
5 or opposition to a public question.

6 (10 ILCS 5/9-1.24 new)

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

11 (10 ILCS 5/9-1.25 new)

12 Sec. 9-1.25. Affiliated entity. "Affiliated entity" means  
13 (i) any parent or subsidiary of the entity, (ii) any member of  
14 the same unitary business group, (iii) any organization  
15 recognized by the United States Internal Revenue Service as a  
16 tax-exempt organization described in Section 501(c) of the  
17 Internal Revenue Code of 1986 (or any successor provision of  
18 federal tax law) established by the entity, or (iv) any  
19 political committee for which any of the aforementioned is the  
20 sponsoring entity.

21 (10 ILCS 5/9-2.5 new)

22 Sec. 9-2.5. Single political committee.

23 (a) Except as provided by this Section, no public official

1 or candidate for public office may establish more than one  
2 political committee for each office that public official or  
3 candidate occupies or is seeking.

4 (b) A public official with one or more pre-existing  
5 committees bound by the limits of any subsection of Section  
6 9-8.5 considering a candidacy for any office covered by the  
7 limits of any different subsection of Section 9-8.5 must form a  
8 new committee. A pre-existing committee created for the primary  
9 purpose of aiding that candidate's election to other offices  
10 that ceases all fundraising after the creation of an  
11 exploratory committee may transfer funds without limit to an  
12 exploratory committee. If the candidate decides against  
13 running for the new office, fails to qualify for the ballot at  
14 the next election, or loses the next election, then any  
15 remaining funds held by the exploratory committee shall be  
16 returned to contributors or donated to charity, and the  
17 committee shall be closed, within 90 days.

18 (c) The public officials elected President of the Senate,  
19 Minority Leader of the Senate, Speaker of the House of  
20 Representatives, and Minority Leader of the House of  
21 Representatives may each establish and operate one additional  
22 political committee for the purpose of supporting the election  
23 of candidates to the General Assembly. The committees provided  
24 for in this subsection (c) shall not be considered established  
25 by the President of the Senate, Minority Leader of the Senate,  
26 Speaker of the House of Representatives, or Minority Leader of

1 the House of Representatives for the purposes of Section 9-8.5.

2 (10 ILCS 5/9-2.7 new)

3 Sec. 9-2.7. Political committee designations.

4 (a) Candidate committees.

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

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

22 (b) Party committees.

23 (1) Any political organization or party may designate  
24 in writing one and only one political committee to serve as  
25 the political committee of that organization or party for



1 elections to State or local office. The designation shall  
2 be made no later than 15 days after the effective date of  
3 this amendatory Act of the 96th General Assembly, or 15  
4 days after formation of the committee, whichever occurs  
5 later, and shall be filed with the State Board of  
6 Elections. The designation of a party or organization  
7 committee may be changed only upon the replacement of the  
8 party or organization chairman.

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

14 (c) Caucus committees.

15 (1) The public officials elected President of the  
16 Senate, Minority Leader of the Senate, Speaker of the House  
17 of Representatives, and Minority Leader of the House of  
18 Representatives may each designate in writing one and only  
19 one political committee to serve as the political committee  
20 of his or her caucus. The designation shall be made no  
21 later than 15 days after the second Wednesday in January of  
22 each odd-numbered year and shall be filed with the State  
23 Board of Elections. The designation of a caucus committee  
24 may not be changed, revoked, or altered until the second  
25 Wednesday in January of the next odd-numbered year unless a  
26 different person is elected to the office authorized to

1 designate the caucus committee; the new leader may  
2 designate a new committee within 15 days after taking the  
3 leadership office. All contributions from all committees  
4 designated for the caucus committee for a particular caucus  
5 made during a single election period shall be aggregated  
6 for the purpose of Section 9-8.5.

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

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

18 (10 ILCS 5/9-8.5 new)

19 Sec. 9-8.5. Limitation on contributions.

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

23 (b) For political committees designated by a candidate for  
24 legislative office:

25 (1) Natural persons may contribute no more than \$2,400

1 during any regular election period in which the candidate  
2 who designated the committee is seeking nomination or  
3 election.

4 (2) Political committees established by a State  
5 political party may contribute not more than \$30,000 during  
6 the regular election period that includes the general  
7 election at which the candidate who designated the  
8 committee is seeking election; provided that all  
9 committees established by a State political party, under  
10 State or federal law, shall be considered as one committee  
11 for the purpose of this Section.

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

17 (4) Any other political committee not designated or  
18 controlled by the candidate may contribute no more than  
19 \$5,000 during a regular election period in which the  
20 candidate who designated the committee is seeking  
21 nomination or election.

22 (5) Any corporation, labor organization, or  
23 association may contribute from its own treasuries no more  
24 than \$5,000 during each election period. All contributions  
25 from associated entities, including political committees  
26 for which the corporation, labor organization, or

1 association is the sponsoring entity, shall be aggregated  
2 for the purpose of this Section.

3 (c) For political committees designated by a candidate for  
4 ward or township committeeman in counties of 3,000,000 or more  
5 population or for local office;

6 (1) Natural persons may contribute no more than \$2,4000  
7 during any regular election period in which the candidate  
8 who designated the committee is seeking nomination or  
9 election.

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

18 (3) Any other political committee not designated or  
19 controlled by the candidate may contribute no more than  
20 \$5,000 during a regular election period in which the  
21 candidate who designated the committee is seeking  
22 nomination or election.

23 (4) Any corporation, labor organization, or  
24 association may contribute from its own treasuries no more  
25 than \$5,000 during each election period. All contributions  
26 from associated entities, including political committees

1 for which the corporation, labor organization, or  
2 association is the sponsoring entity, shall be aggregated  
3 for the purpose of this Section.

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

14 (A) Natural persons may contribute no more than  
15 \$2,400 during any Municipal election period in which  
16 the candidate who designated the committee is seeking  
17 nomination or election.

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

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

6           (D) Any corporation, labor organization, or  
7           association may contribute from its own treasuries no  
8           more than \$5,000 during each election period. All  
9           contributions from associated entities, including  
10           political committees for which the corporation, labor  
11           organization, or association is the sponsoring entity,  
12           shall be aggregated for the purpose of this Section.

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

15           (1) Natural persons may contribute no more than \$2,400  
16           during any regular election period in which the candidate  
17           who designated the committee is seeking nomination,  
18           election, or retention.

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

1           (3) And other political committee not designated or  
2           controlled by the candidate may contribute no more than  
3           \$5,000 during a regular election period in which the  
4           candidate who designated the committee is seeking  
5           nomination, election, or retention.

6           (4) A corporation, labor organization, or association  
7           may contribute from its own treasuries no more than \$5,000  
8           during each election period. All contributions from  
9           associated entities, including political committees for  
10           which the corporation, labor organization, or association  
11           is the sponsoring entity, shall be aggregated for the  
12           purposes of this Section.

13           (e) For political committees designated by a candidate for  
14           statewide office:

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

17           (2) The candidate may designate one and only one  
18           political party whose political committees may contribute  
19           not more than \$125,000 during the regular election period  
20           in which the candidate who designated the committee is  
21           seeking election; provided that all committees established  
22           by the political party, under State or federal law, shall  
23           be considered as one committee for the purpose of this  
24           Section.

25           (3) Any other political committee not designated or  
26           controlled by the candidate may contribute no more than

1       \$5,000 during a regular election period.

2       (4) Any corporation, labor organization, or  
3       association may contribute from its own treasuries no more  
4       than \$5,000 during each election period. All contributions  
5       from associated entities, including political committees  
6       for which the corporation, labor organization, or  
7       association is the sponsoring entity, shall be aggregated  
8       for the purposes of this Section.

9       (f) For political committees designated by an established  
10      political party;

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

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

19       (3) Any corporation, labor organization, or  
20       association may contribute from its own treasuries no more  
21       than \$5,000 during each election period. All contributions  
22       from associated entities, including political committees  
23       for which the corporation, labor organization, or  
24       association is the sponsoring entity, shall be aggregated  
25       for the purposes of this Section.

26       (g) For political committees designated by a legislative



1 caucus:

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

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

10 (3) Any corporation, labor organization, or  
11 association may contribute from its own treasuries no more  
12 than \$5,000 during each election period. All contributions  
13 from associated entities, including political committees  
14 for which the corporation, labor organization, or  
15 association is the sponsoring entity, shall be aggregated  
16 for the purposes of this Section.

17 (h) For any other political committee:

18 (1) Natural persons may contribute no more than \$4,800  
19 during any period beginning on January 1 of an odd-numbered  
20 year and ending on December 31 of the next even-numbered  
21 year.

22 (2) Any corporation, labor organization, association,  
23 or other political committee may contribute no more than  
24 \$5,000 during each election period. All contributions from  
25 associated entities, including political committees for  
26 which the corporation, labor organization, or association

1       is the sponsoring entity, shall be aggregated for the  
2       purposes of this Section.

3       (i) Nothing in this Section shall prohibit political  
4       committees from dividing the proceeds of joint fun raising  
5       efforts; provided that no political committee may receive more  
6       than the limit from any one donor and all donations shall be  
7       listed from their true origin.

8       (j) No natural person, corporation, labor organization, or  
9       association may contribute in the aggregate more than \$80,000  
10      to political committees during any period beginning on January  
11      1 of an odd-numbered year and ending on December 31 of the next  
12      even-numbered year.

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

19      (l) When a corporation and any of its subsidiaries,  
20      branches, divisions, departments, or local units; a labor  
21      organization and any of its subsidiaries, branches, divisions,  
22      departments, or local units; or an association and any of its  
23      affiliates, subsidiaries, branches, divisions, departments, or  
24      local units contribute to one or more political committees or  
25      establish, maintain, or control more than one separate  
26      segregated fund qualified as a political committee, all of the

1 related contributing entities shall be treated as a single  
2 contributing entity for the purposes of the limitations  
3 provided by this Section.

4 (m) Expenditures.

5 (1) Expenditures made by any person in cooperation,  
6 consultation, or concert with a candidate, his or her  
7 authorized committee, or the their agents shall be  
8 considered a contribution to the candidate's designated  
9 political committee for the purpose of this Section.

10 (2) The financing by any person of the dissemination,  
11 distribution, or republication, in whole or in part, of any  
12 broadcast or any written, graphic, or other form of  
13 campaign materials prepared by the candidate, his or her  
14 political committee, or their authorized agents shall be  
15 considered to be a contribution to the candidate's  
16 designated political committee for the purposes of this  
17 Section.

18 (n) For the purposes of the limitations designated by this  
19 Section, all contributions made by a person, either directly or  
20 indirectly, to a particular committee, including contributions  
21 that are in any way earmarked or otherwise directed through an  
22 intermediary or conduit to a committee, shall be treated as  
23 contributions from the person to the committee. A conduit's or  
24 intermediary's contribution limits are not affected by the  
25 forwarding of an earmarked contribution except where the  
26 conduit or intermediary exercises any direction or control over

1 the choice of the recipient.

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

10 (p) Multiple designations.

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

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

18 (q) Complaints.

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

24 (2) Upon receipt of a complaint, the Board shall hold a  
25 closed preliminary hearing to determine whether or not the  
26 complaint appears to have been filed on justifiable

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

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

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

23 (r) Penalties.

24 (1) Any person or entity that knowingly violates this  
25 Section shall be fined the greater of \$10,000 or 3 times  
26 the value of the excess contribution or expenditure.

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

10           (10 ILCS 5/9-8.7 new)

11           Sec. 9-8.7. Soliciting of contributions by associations,  
12           corporations, or labor organizations.

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

23           (b) It is unlawful for any person affiliated in any way  
24           with a corporation to knowingly solicit an employee of that  
25           corporation for a contribution to a political committee and

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

9 (c) Complaints.

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

15 (2) Upon receipt of a complaint, the Board shall hold a  
16 closed preliminary hearing to determine whether or not the  
17 complaint appears to have been filed on justifiable  
18 grounds. The closed preliminary hearing shall be conducted  
19 as soon as practicable after affording reasonable notice, a  
20 copy of the complaint, and an opportunity to testify at the  
21 hearing to both the person making the complaint and the  
22 person against whom the complaint is directed. If the Board  
23 determines that the complaint has not been filed on  
24 justifiable grounds, it shall issue a written order to  
25 dismiss the complaint without further hearing, specifying  
26 the defect in the original complaint.

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

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

14          (d) Any person who violates this Section shall be fined  
15          \$200 for each person improperly solicited. Contributions  
16          received from any donor within 6 months after an improper  
17          solicitation of that donor must be returned to the donor.

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

19           Sec. 9-10. Financial reports.

20          (a) The treasurer of every State political committee, and  
21          the treasurer of every local political committee shall file  
22          with the Board, and the treasurer of every local political  
23          committee shall file with the county clerk, reports of campaign  
24          contributions and quarterly reports of campaign contributions  
25          and expenditures on forms to be prescribed or approved by the



1 Board. The treasurer of every political committee that acts as  
2 both a State political committee and a local political  
3 committee shall file a copy of each report with the State Board  
4 of Elections and the county clerk. Entities subject to Section  
5 9-7.5 shall file reports required by that Section at the times  
6 provided in this Section and are subject to the penalties  
7 provided in this Section.

8 (b) A political committee that does not make an expenditure  
9 or expenditures in an aggregate amount of more than \$500 on  
10 behalf of or in opposition to any (i) candidate or candidates,  
11 (ii) public question or questions, or (iii) candidate or  
12 candidates and public question or questions on the ballot at an  
13 election shall not be required to file reports prescribed in  
14 subsection (c) but may file in lieu thereof a Statement of  
15 Nonparticipation in the Election with the Board or the Board  
16 and the county clerk; except that if the political committee,  
17 by the terms of its statement of organization filed in  
18 accordance with this Article, is organized to support or oppose  
19 a candidate or public question on the ballot at the next  
20 election or primary, that committee must file reports required  
21 by subsection (c). If a political committee is not organized to  
22 support or oppose a candidate or public question on the ballot  
23 at the next election or primary and the political committee  
24 does not file a Statement of Nonparticipation, then the  
25 committee shall be deemed to have filed a Statement of  
26 Nonparticipation. If that political committee participates in

1 that election then the committee shall be considered in  
2 violation of this subsection as if it had filed a Statement of  
3 Nonparticipation, unless the political committee files the  
4 required reports within 5 days after the political committee  
5 makes the contribution or, during the 5 days prior to the  
6 election, within 24 hours after the committee makes the  
7 contribution.

8 (c) Every committee shall file a report of any contribution  
9 of more than \$500 received (i) with respect to elections other  
10 than the consolidated election, in the interim between the last  
11 date of the period covered by the last report filed under  
12 subsection (b) prior to the election and the date of the  
13 election or (ii) with respect to the consolidated election, in  
14 the period beginning January 1 of the year of the consolidated  
15 election through the date of the election. Each report under  
16 this subsection shall be filed with and must actually be  
17 received by the State Board of Elections within 2 business days  
18 after receipt of the contribution.

19 (d) Every committee shall file a report of any contribution  
20 or contributions aggregating more than \$1,000 received in the  
21 interim since the last quarterly report with the State Board of  
22 Elections within 5 business days.

23 (e) For the purpose of this Section, a contribution is  
24 considered received on the date the public official, candidate,  
25 or political committee (or equivalent person in the case of a  
26 reporting entity other than a political committee) actually

1 receives it or, in the case of goods or services, 2 business  
2 days after the date the public official, candidate, committee,  
3 or other reporting entity receives the certification required  
4 under subsection (b) of Section 9-6.

5 (f) Failure to report each contribution is a separate  
6 violation of this Section. In the final disposition of any  
7 matter by the Board on or after the effective date of this  
8 amendatory Act of the 96th General Assembly, the Board may  
9 impose fines for violations of this Section not to exceed 150%  
10 of the total amount of the contributions that were untimely  
11 reported, but in no case when a fine is imposed shall it be  
12 less than 10% of the total amount of the contributions that  
13 were untimely reported. When considering the amount of the fine  
14 to be imposed, the Board shall consider , but is not limited  
15 to, the following factors:

16 (1) the amount by which a contribution exceeded the  
17 threshold;

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

20 (3) past violations of this Section or Section 9-3 by  
21 the committee.

22 (g) The Board may impose fines for negligent, inadvertent,  
23 or technical violations of this Section of not more than 50%,  
24 nor less than 5%, of the total amount of the contributions that  
25 were untimely Reported. When considering the amount of the fine  
26 to be imposed, the Board shall consider, but is not limited to,

1 the following factors:

2 (1) whether the violation was negligent or inadvertent  
3 in nature;

4 (2) whether the contribution at issue was disclosed but  
5 a violation arose because the disclosure was incorrectly  
6 characterized or reported inadvertently by another related  
7 committee;

8 (3) whether the violation arose from an apparent  
9 discrepancy between the date of the contribution reported  
10 by the transferring committee and the date reported by the  
11 receiving committee, if there appears to be no attempt to  
12 delay disclosure;

13 (4) the amount by which a contribution exceeded the  
14 threshold;

15 (5) the number of days the contribution was reported  
16 late; and

17 (6) past violations of this Section or Section 9-3 by  
18 the committee.

19 (h) In addition to such reports the treasurer of every  
20 political committee shall file quarterly reports of campaign  
21 contributions and expenditures. The reports shall cover the  
22 period January 1 through March 31, April 1 through June 30,  
23 July 1 through September 30, and October 1 through December 31  
24 of each year. Reports shall be filed no later than 20 days  
25 after the close of the reporting period. Reports of  
26 contributions and expenditures must be filed to cover the

1 prescribed time periods even though no contributions or  
2 expenditures may have been received or made during the period.  
3 The Board shall assess a civil penalty not to exceed \$5,000 for  
4 a violation of this subsection, except that for State officers  
5 and candidates and political committees formed for statewide  
6 office, the civil penalty may not exceed \$10,000. The fine,  
7 however, shall not exceed \$500 for a first filing violation for  
8 filing less than 10 days after the deadline. There shall be no  
9 fine if the report is mailed and postmarked at least 72 hours  
10 prior to the filing deadline. For the purpose of this  
11 subsection, "statewide office" and State officer" mean the  
12 Governor, Lieutenant Governor, Attorney General, Secretary of  
13 State, Comptroller, and Treasurer. In addition to any fine  
14 imposed under this subsection, the State Board of Elections may  
15 order any political committee that has failed to file 2  
16 successive quarterly reports within 30 days after the day the  
17 report was due to conduct an audit of all financial records  
18 required to be maintained by the committee at the time the  
19 audit is ordered. The committee ordered to conduct an audit  
20 shall deliver a certified copy of the audit to the Board within  
21 90 calendar days after the day the audit was ordered. If the  
22 committee fails to deliver a certified audit in the time  
23 required, the Board shall assess a civil penalty of \$250 per  
24 day that the audit is late, not to exceed \$5,000.

25 (i) A political committee that acts as either (i) a State  
26 and local political committee or (ii) a local political

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

9 (j) A copy of each report or statement filed under this  
10 Article shall be preserved by the person filing it for a period  
11 of 2 years from the date of filing.

12 ~~(a) The treasurer of every state political committee and~~  
13 ~~the treasurer of every local political committee shall file~~  
14 ~~with the Board, and the treasurer of every local political~~  
15 ~~committee shall file with the county clerk, reports of campaign~~  
16 ~~contributions, and semi annual reports of campaign~~  
17 ~~contributions and expenditures on forms to be prescribed or~~  
18 ~~approved by the Board. The treasurer of every political~~  
19 ~~committee that acts as both a state political committee and a~~  
20 ~~local political committee shall file a copy of each report with~~  
21 ~~the State Board of Elections and the county clerk. Entities~~  
22 ~~subject to Section 9-7.5 shall file reports required by that~~  
23 ~~Section at times provided in this Section and are subject to~~  
24 ~~the penalties provided in this Section.~~

25 ~~(b) This subsection does not apply with respect to general~~  
26 ~~primary elections. Reports of campaign contributions shall be~~

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

1 ~~accordance with this Article, is organized to support or oppose~~  
2 ~~a candidate or public question on the ballot at the next~~  
3 ~~election or primary, that committee must file reports required~~  
4 ~~by this subsection (b) and by subsection (b-5).~~

5 ~~(b-5) Notwithstanding the provisions of subsection (b) and~~  
6 ~~Section 1.25 of the Statute on Statutes, any contribution of~~  
7 ~~more than \$500 received (i) with respect to elections other~~  
8 ~~than the general primary election, in the interim between the~~  
9 ~~last date of the period covered by the last report filed under~~  
10 ~~subsection (b) prior to the election and the date of the~~  
11 ~~election or (ii) with respect to general primary elections, in~~  
12 ~~the period beginning January 1 of the year of the general~~  
13 ~~primary election and prior to the date of the general primary~~  
14 ~~election shall be filed with and must actually be received by~~  
15 ~~the State Board of Elections within 2 business days after~~  
16 ~~receipt of such contribution.~~

17 ~~A continuing political committee that does not support or~~  
18 ~~oppose a candidate or public question on the ballot at a~~  
19 ~~general primary election and does not make expenditures in~~  
20 ~~excess of \$500 on behalf of or in opposition to any candidate~~  
21 ~~or public question on the ballot at the general primary~~  
22 ~~election shall not be required to file the report prescribed in~~  
23 ~~this subsection unless the committee makes an expenditure in~~  
24 ~~excess of \$500 on behalf of or in opposition to any candidate~~  
25 ~~or public question on the ballot at the general primary~~  
26 ~~election. The committee shall timely file the report required~~



1 ~~under this subsection beginning with the date the expenditure~~  
2 ~~that triggered participation was made. The State Board shall~~  
3 ~~allow filings of reports of contributions of more than \$500~~  
4 ~~under this subsection (b-5) by political committees that are~~  
5 ~~not required to file electronically to be made by facsimile~~  
6 ~~transmission.~~

7 ~~For the purpose of this subsection, a contribution is~~  
8 ~~considered received on the date the public official, candidate,~~  
9 ~~or political committee (or equivalent person in the case of a~~  
10 ~~reporting entity other than a political committee) actually~~  
11 ~~receives it or, in the case of goods or services, 2 business~~  
12 ~~days after the date the public official, candidate, committee,~~  
13 ~~or other reporting entity receives the certification required~~  
14 ~~under subsection (b) of Section 9-6.~~

15 ~~Failure to report each contribution is a separate violation~~  
16 ~~of this subsection. In the final disposition of any matter by~~  
17 ~~the Board on or after the effective date of this amendatory Act~~  
18 ~~of the 93rd General Assembly, the Board may impose fines for~~  
19 ~~violations of this subsection not to exceed 100% of the total~~  
20 ~~amount of the contributions that were untimely reported, but in~~  
21 ~~no case when a fine is imposed shall it be less than 10% of the~~  
22 ~~total amount of the contributions that were untimely reported.~~  
23 ~~When considering the amount of the fine to be imposed, the~~  
24 ~~Board shall consider, but is not limited to, the following~~  
25 ~~factors:~~

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

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

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

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

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

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

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

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

16 (10 ILCS 5/9-14.5 new)

17 Sec. 9-14.5. Disclosure by contribution coordinator.

18 (a) As used in this Section:

19 (1) "Contribution bundle" means one or more  
20 contributions earmarked for a committee, other than the  
21 contribution coordinator, that are made by at least one  
22 contributor other than the contribution coordinator and  
23 that are delivered by or credited by the recipient to the  
24 contribution coordinator with an aggregate value of at  
25 least \$3,000 during the interim since the last quarterly

1 disclosure period.

2 (2) "Contribution coordinator" means a Natural person  
3 or entity that: (i) functions as a conduit or intermediary  
4 with respect to a political committee; (ii) is credited by  
5 a candidate, public official, or political committee,  
6 through records, designations, or other means of  
7 recognition, with raising contributions made by one or more  
8 other persons to benefit that candidate, public official,  
9 or political committee; or (iii) a political committee  
10 knows, or reasonably should know, has raised contributions  
11 earmarked by one or more other persons to the political  
12 committee. "Contribution coordinator" does not include any  
13 person who is an officer or paid employee of a committee  
14 with respect to that committee, nor does it include any  
15 form of electronic clearinghouse used solely for  
16 processing financial transactions by credit card or other  
17 means.

18 (b) No political committee shall accept from a contribution  
19 coordinator a contribution bundle unless the bundle is  
20 accompanied by the coordinator's written disclosure, with  
21 respect to each contribution in the contribution bundle, of all  
22 of the contribution information required for reports filed  
23 under Section 9-10, and the original date of each individual  
24 contribution, together with the name, address, occupation, and  
25 employer of the contribution coordinator. That disclosure  
26 shall be filed with the State Board of Elections within 5 days

1 after receipt, or upon transmittal to the intended recipient,  
2 whichever is earlier.

3 (c) A political committee that receives a disclosure under  
4 subsection (b) must electronically file the disclosure with the  
5 State Board of Elections within 5 business days after receipt.  
6 During the 30 days before a general or consolidated election,  
7 or in the period beginning January 1 of the year of a general  
8 primary election and prior to the date of the general primary  
9 election, the disclosures must be made within 2 working days.

10 (d) For the purpose of the contribution limits established  
11 by this Article, each contribution in a contribution bundle is  
12 attributed to the person that made the contribution through the  
13 contribution coordinator and is not attributed to the  
14 contribution coordinator unless the contribution coordinator  
15 made that contribution or unless the coordinator exercised  
16 direction or control over the destination of the contribution.

17 (e) A candidate, public official, or political committee  
18 that accepts a contribution in violation of this Section shall  
19 return the contribution to the contribution coordinator, or  
20 donate the contribution to a charitable organization approved  
21 by the State Board of Elections, within 5 business days after  
22 receipt. A contribution accepted in violation of this Section  
23 and not disposed of as provided in this subsection shall  
24 escheat to the State treasury.

25 (f) No person or entity that is prohibited from making  
26 contributions to a committee may serve as a contribution

1 coordinator with respect to that committee, and any person or  
2 entity that is prohibited from contributing to a committee and  
3 that receives an earmarked contribution to that committee,  
4 shall return the contribution to the contributor and shall not  
5 transmit the contribution or any report of the contribution to  
6 the committee.

7 (10 ILCS 5/9-29 new)

8 Sec. 9-29. Audit.

9 (a) As part of the verification required of each report  
10 filed under Section 9-14, political committees organized under  
11 this Article shall conduct audits of their finances and reports  
12 when directed to do so by the State Board of Elections. An  
13 audit shall be paid for by the committee and shall cover all  
14 financial records required to be maintained by the committee at  
15 the time the audit is ordered.

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

18 (1) Twice a year, within 30 days after the filing  
19 deadline for quarterly reports, the Board shall divide  
20 committees into groups based on the sum total of reported  
21 receipts. The groups shall include committees that have (A)  
22 less than \$3,000; (B) at least \$3,000 but not more than  
23 \$10,000; (C) more than \$10,000 but not more than \$25,000;  
24 (D) more than \$25,000 but not more than \$100,000; and (E)  
25 more than \$100,000 or have not filed reports by the 30th

1 day after the filing deadline. The Board shall, by a random  
2 method of its choosing, select 1.0% of the committees in  
3 Group (A), 2.0% of the committees in Group (B), 3.0% of the  
4 committees in Group (C), 4.0% of the committees in Group  
5 (D), and 5.0% of the committees in Group (E) and order that  
6 they conduct audits.

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

11 (c) Audits shall conform to generally accepted accounting  
12 principles.

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

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

1           Section 97. Severability. The provisions of this Act are  
2 severable. If any provision of this Act is held invalid by a  
3 court of competent jurisdiction, the invalidity does not affect  
4 other provisions of the Act that can be given effect without  
5 the invalid provision.