



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3579

Introduced 2/10/2010, by Sen. Dale E. Risinger

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
10 ILCS 5/9-10	from Ch. 46, par. 9-10
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the general primary election from the first Tuesday in February of even-numbered years to the first Tuesday in June of even-numbered years. Makes conforming changes with respect to (i) filing of declarations of judicial retention, (ii) filing of campaign finance reports, and (iii) printing and mailing of legislators' newsletters and brochures. Effective immediately.

LRB096 20764 JAM 36513 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Sections 2A-1.1, 7A-1, and 9-10 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be  
9 held on the first Tuesday after the first Monday of November;  
10 and an election to be known as the general primary election  
11 shall be held on the first Tuesday in June ~~February~~;

12 (b) In odd-numbered years, an election to be known as the  
13 consolidated election shall be held on the first Tuesday in  
14 April except as provided in Section 2A-1.1a of this Act; and an  
15 election to be known as the consolidated primary election shall  
16 be held on the last Tuesday in February.

17 (Source: P.A. 95-6, eff. 6-20-07.)

18 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

19 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has  
20 been elected to that office and who seeks to be retained in  
21 that office under subsection (d) of Section 12 of Article VI of  
22 the Constitution shall file a declaration of candidacy to

1 succeed himself in the office of the Secretary of State on or  
2 before the first Monday in April ~~December~~ before the general  
3 election preceding the expiration of his term of office. Within  
4 3 business days thereafter, the Secretary of State shall  
5 certify to the State Board of Elections the names of all  
6 incumbent judges who were eligible to stand for retention at  
7 the next general election but failed to timely file a  
8 declaration of candidacy to succeed themselves in office or,  
9 having timely filed such a declaration, withdrew it. The State  
10 Board of Elections may rely upon the certification from the  
11 Secretary of State (a) to determine when vacancies in judicial  
12 office exist and (b) to determine the judicial positions for  
13 which elections will be held. The Secretary of State, not less  
14 than 63 days before the election, shall certify the Judge's  
15 candidacy to the proper election officials. The names of Judges  
16 seeking retention shall be submitted to the electors,  
17 separately and without party designation, on the sole question  
18 whether each Judge shall be retained in office for another  
19 term. The retention elections shall be conducted at general  
20 elections in the appropriate Judicial District, for Supreme and  
21 Appellate Judges, and in the circuit for Circuit Judges. The  
22 affirmative vote of three-fifths of the electors voting on the  
23 question shall elect the Judge to the office for a term  
24 commencing on the first Monday in December following his  
25 election.

26 (Source: P.A. 86-1348.)

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

2 (Text of Section before amendment by P.A. 96-832)

3 Sec. 9-10. Financial reports.

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

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

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

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

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

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

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

21 (2) the number of days the contribution was reported  
22 late; and

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

25 (c) In addition to such reports the treasurer of every  
26 political committee shall file semi-annual reports of campaign

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

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



1 county clerk a copy of its statement of organization pursuant  
2 to Section 9-3.

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

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

8 (Text of Section after amendment by P.A. 96-832)

9 Sec. 9-10. Disclosure of contributions and expenditures.

10 (a) The treasurer of every political committee shall file  
11 with the Board reports of campaign contributions and  
12 expenditures as required by this Section on forms to be  
13 prescribed or approved by the Board.

14 (b) Every political committee shall file quarterly reports  
15 of campaign contributions, expenditures, and independent  
16 expenditures. The reports shall cover the period January 1  
17 through March 31, April 1 through June 30, July 1 through  
18 September 30, and October 1 through December 31 of each year. A  
19 political committee shall file quarterly reports no later than  
20 the 15th day of the month following each period. Reports of  
21 contributions and expenditures must be filed to cover the  
22 prescribed time periods even though no contributions or  
23 expenditures may have been received or made during the period.  
24 The Board shall assess a civil penalty not to exceed \$5,000 for  
25 failure to file a report required by this subsection. The fine,

1 however, shall not exceed \$1,000 for a first violation if the  
2 committee files less than 10 days after the deadline. There  
3 shall be no fine if the report is mailed and postmarked at  
4 least 72 hours prior to the filing deadline. When considering  
5 the amount of the fine to be imposed, the Board shall consider  
6 whether the violation was committed inadvertently,  
7 negligently, knowingly, or intentionally and any past  
8 violations of this Section.

9 (c) A political committee shall file a report of any  
10 contribution of \$1,000 or more electronically with the Board  
11 within 5 business days after receipt of the contribution,  
12 except that the report shall be filed within 2 business days  
13 after receipt if (i) the contribution is received 30 or fewer  
14 days before the date of an election and (ii) the political  
15 committee supports or opposes a candidate or public question on  
16 the ballot at that election or makes expenditures in excess of  
17 \$500 on behalf of or in opposition to a candidate, candidates,  
18 a public question, or public questions on the ballot at that  
19 election. The State Board shall allow filings of reports of  
20 contributions of \$1,000 or more by political committees that  
21 are not required to file electronically to be made by facsimile  
22 transmission. The Board shall assess a civil penalty for  
23 failure to file a report required by this subsection. Failure  
24 to report each contribution is a separate violation of this  
25 subsection. The Board shall impose fines for willful or wanton  
26 violations of this subsection (c) not to exceed 150% of the

1 total amount of the contributions that were untimely reported,  
2 but in no case shall it be less than 10% of the total amount of  
3 the contributions that were untimely reported. When  
4 considering the amount of the fine to be imposed for willful or  
5 wanton violations, the Board shall consider the number of days  
6 the contribution was reported late and past violations of this  
7 Section and Section 9-3. The Board may impose a fine for  
8 negligent or inadvertent violations of this subsection not to  
9 exceed 50% of the total amount of the contributions that were  
10 untimely reported, or the Board may waive the fine. When  
11 considering whether to impose a fine and the amount of the  
12 fine, the Board shall consider the following factors: (1)  
13 whether the political committee made an attempt to disclose the  
14 contribution and any attempts made to correct the violation,  
15 (2) whether the violation is attributed to a clerical or  
16 computer error, (3) the amount of the contribution, (4) whether  
17 the violation arose from a discrepancy between the date the  
18 contribution was reported transferred by a political committee  
19 and the date the contribution was received by a political  
20 committee, (5) the number of days the contribution was reported  
21 late, and (6) past violations of this Section and Section 9-3  
22 by the political committee.

23 (d) For the purpose of this Section, a contribution is  
24 considered received on the date (i) a monetary contribution was  
25 deposited in a bank, financial institution, or other repository  
26 of funds for the committee, (ii) the date a committee receives

1 notice a monetary contribution was deposited by an entity used  
2 to process financial transactions by credit card or other  
3 entity used for processing a monetary contribution that was  
4 deposited in a bank, financial institution, or other repository  
5 of funds for the committee, or (iii) the public official,  
6 candidate, or political committee receives the notification of  
7 contribution of goods or services as required under subsection  
8 (b) of Section 9-6.

9 (e) A political committee that makes independent  
10 expenditures of \$1,000 or more during the period 30 days or  
11 fewer before an election shall electronically file a report  
12 with the Board within 5 business days after making the  
13 independent expenditure. The report shall contain the  
14 information required in Section 9-11(c) of this Article.

15 (f) A copy of each report or statement filed under this  
16 Article shall be preserved by the person filing it for a period  
17 of two years from the date of filing.

18 (Source: P.A. 95-6, eff. 6-20-07; 95-957, eff. 1-1-09; 96-832,  
19 eff. 1-1-11.)

20 Section 10. The General Assembly Compensation Act is  
21 amended by changing Section 4 as follows:

22 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

23 Sec. 4. Office allowance. Beginning July 1, 2001, each  
24 member of the House of Representatives is authorized to approve

1 the expenditure of not more than \$61,000 per year and each  
2 member of the Senate is authorized to approve the expenditure  
3 of not more than \$73,000 per year to pay for "personal  
4 services", "contractual services", "commodities", "printing",  
5 "travel", "operation of automotive equipment",  
6 "telecommunications services", as defined in the State Finance  
7 Act, and the compensation of one or more legislative assistants  
8 authorized pursuant to this Section, in connection with his or  
9 her legislative duties and not in connection with any political  
10 campaign. On July 1, 2002 and on July 1 of each year  
11 thereafter, the amount authorized per year under this Section  
12 for each member of the Senate and each member of the House of  
13 Representatives shall be increased by a percentage increase  
14 equivalent to the lesser of (i) the increase in the designated  
15 cost of living index or (ii) 5%. The designated cost of living  
16 index is the index known as the "Employment Cost Index, Wages  
17 and Salaries, By Occupation and Industry Groups: State and  
18 Local Government Workers: Public Administration" as published  
19 by the Bureau of Labor Statistics of the U.S. Department of  
20 Labor for the calendar year immediately preceding the year of  
21 the respective July 1st increase date. The increase shall be  
22 added to the then current amount, and the adjusted amount so  
23 determined shall be the annual amount beginning July 1 of the  
24 increase year until July 1 of the next year. No increase under  
25 this provision shall be less than zero.

26 A member may purchase office equipment if the member

1 certifies to the Secretary of the Senate or the Clerk of the  
2 House, as applicable, that the purchase price, whether paid in  
3 lump sum or installments, amounts to less than would be charged  
4 for renting or leasing the equipment over its anticipated  
5 useful life. All such equipment must be purchased through the  
6 Secretary of the Senate or the Clerk of the House, as  
7 applicable, for proper identification and verification of  
8 purchase.

9 Each member of the General Assembly is authorized to employ  
10 one or more legislative assistants, who shall be solely under  
11 the direction and control of that member, for the purpose of  
12 assisting the member in the performance of his or her official  
13 duties. A legislative assistant may be employed pursuant to  
14 this Section as a full-time employee, part-time employee, or  
15 contractual employee, at the discretion of the member. If  
16 employed as a State employee, a legislative assistant shall  
17 receive employment benefits on the same terms and conditions  
18 that apply to other employees of the General Assembly. Each  
19 member shall adopt and implement personnel policies for  
20 legislative assistants under his or her direction and control  
21 relating to work time requirements, documentation for  
22 reimbursement for travel on official State business,  
23 compensation, and the earning and accrual of State benefits for  
24 those legislative assistants who may be eligible to receive  
25 those benefits. The policies shall also require legislative  
26 assistants to periodically submit time sheets documenting, in

1 quarter-hour increments, the time spent each day on official  
2 State business. The policies shall require the time sheets to  
3 be submitted on paper, electronically, or both and to be  
4 maintained in either paper or electronic format by the  
5 applicable fiscal office for a period of at least 2 years.  
6 Contractual employees may satisfy the time sheets requirement  
7 by complying with the terms of their contract, which shall  
8 provide for a means of compliance with this requirement. A  
9 member may satisfy the requirements of this paragraph by  
10 adopting and implementing the personnel policies promulgated  
11 by that member's legislative leader under the State Officials  
12 and Employees Ethics Act with respect to that member's  
13 legislative assistants.

14 As used in this Section the term "personal services" shall  
15 include contributions of the State under the Federal Insurance  
16 Contribution Act and under Article 14 of the Illinois Pension  
17 Code. As used in this Section the term "contractual services"  
18 shall not include improvements to real property unless those  
19 improvements are the obligation of the lessee under the lease  
20 agreement. Beginning July 1, 1989, as used in the Section, the  
21 term "travel" shall be limited to travel in connection with a  
22 member's legislative duties and not in connection with any  
23 political campaign. Beginning on the effective date of this  
24 amendatory Act of the 93rd General Assembly, as used in this  
25 Section, the term "printing" includes, but is not limited to,  
26 newsletters, brochures, certificates, congratulatory mailings,

1 greeting or welcome messages, anniversary or birthday cards,  
2 and congratulations for prominent achievement cards. As used in  
3 this Section, the term "printing" includes fees for  
4 non-substantive resolutions charged by the Clerk of the House  
5 of Representatives under subsection (c-5) of Section 1 of the  
6 Legislative Materials Act. No newsletter or brochure that is  
7 paid for, in whole or in part, with funds provided under this  
8 Section may be printed or mailed during a period beginning  
9 April ~~December~~ 15 of the year of ~~preceding~~ a general primary  
10 election and ending the day after the general primary election  
11 and during a period beginning September 1 of the year of a  
12 general election and ending the day after the general election,  
13 except that such a newsletter or brochure may be mailed during  
14 those times if it is mailed to a constituent in response to  
15 that constituent's inquiry concerning the needs of that  
16 constituent or questions raised by that constituent. Nothing in  
17 this Section shall be construed to authorize expenditures for  
18 lodging and meals while a member is in attendance at sessions  
19 of the General Assembly.

20 Any utility bill for service provided to a member's  
21 district office for a period including portions of 2  
22 consecutive fiscal years may be paid from funds appropriated  
23 for such expenditure in either fiscal year.

24 If a vacancy occurs in the office of Senator or  
25 Representative in the General Assembly, any office equipment in  
26 the possession of the vacating member shall transfer to the



1 member's successor; if the successor does not want such  
2 equipment, it shall be transferred to the Secretary of the  
3 Senate or Clerk of the House of Representatives, as the case  
4 may be, and if not wanted by other members of the General  
5 Assembly then to the Department of Central Management Services  
6 for treatment as surplus property under the State Property  
7 Control Act. Each member, on or before June 30th of each year,  
8 shall conduct an inventory of all equipment purchased pursuant  
9 to this Act. Such inventory shall be filed with the Secretary  
10 of the Senate or the Clerk of the House, as the case may be.  
11 Whenever a vacancy occurs, the Secretary of the Senate or the  
12 Clerk of the House, as the case may be, shall conduct an  
13 inventory of equipment purchased.

14 In the event that a member leaves office during his or her  
15 term, any unexpended or unobligated portion of the allowance  
16 granted under this Section shall lapse. The vacating member's  
17 successor shall be granted an allowance in an amount, rounded  
18 to the nearest dollar, computed by dividing the annual  
19 allowance by 365 and multiplying the quotient by the number of  
20 days remaining in the fiscal year.

21 From any appropriation for the purposes of this Section for  
22 a fiscal year which overlaps 2 General Assemblies, no more than  
23 1/2 of the annual allowance per member may be spent or  
24 encumbered by any member of either the outgoing or incoming  
25 General Assembly, except that any member of the incoming  
26 General Assembly who was a member of the outgoing General

1 Assembly may encumber or spend any portion of his annual  
2 allowance within the fiscal year.

3 The appropriation for the annual allowances permitted by  
4 this Section shall be included in an appropriation to the  
5 President of the Senate and to the Speaker of the House of  
6 Representatives for their respective members. The President of  
7 the Senate and the Speaker of the House shall voucher for  
8 payment individual members' expenditures from their annual  
9 office allowances to the State Comptroller, subject to the  
10 authority of the Comptroller under Section 9 of the State  
11 Comptroller Act.

12 Nothing in this Section prohibits the expenditure of  
13 personal funds or the funds of a political committee controlled  
14 by an officeholder to defray the customary and reasonable  
15 expenses of an officeholder in connection with the performance  
16 of governmental and public service functions.

17 (Source: P.A. 95-6, eff. 6-20-07; 96-555, eff. 8-18-09.)

18 Section 15. The Legislative Commission Reorganization Act  
19 of 1984 is amended by changing Section 9-2.5 as follows:

20 (25 ILCS 130/9-2.5)

21 Sec. 9-2.5. Newsletters and brochures. The Legislative  
22 Printing Unit may not print for any member of the General  
23 Assembly any newsletters or brochures during the period  
24 beginning December 15 of the year preceding a general primary

1 election and ending the day after the general primary election  
2 and during a period beginning September 1 of the year of a  
3 general election and ending the day after the general election.  
4 A member of the General Assembly may not mail, during a period  
5 beginning April ~~December~~ 15 of the year of ~~preceding~~ a general  
6 primary election and ending the day after the general primary  
7 election and during a period beginning September 1 of the year  
8 of a general election and ending the day after the general  
9 election, any newsletters or brochures that were printed, at  
10 any time, by the Legislative Printing Unit, except that such a  
11 newsletter or brochure may be mailed during those times if it  
12 is mailed to a constituent in response to that constituent's  
13 inquiry concerning the needs of that constituent or questions  
14 raised by that constituent.

15 (Source: P.A. 95-6, eff. 6-20-07.)

16 Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.