

HB5835



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5835

Introduced 2/16/2012, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. With respect to campaign contributions to a candidate political committee from a political party political committees, makes the limits that apply during a general primary election cycle apply during any election cycle. Effective immediately.

LRB097 18826 PJG 64063 b

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 Section
5 9-8.5 as follows:

6 (10 ILCS 5/9-8.5)

7 Sec. 9-8.5. Limitations on campaign contributions.

8 (a) It is unlawful for a political committee to accept
9 contributions except as provided in this Section.

10 (b) During an election cycle, a candidate political
11 committee may not accept contributions with an aggregate value
12 over the following: (i) \$5,000 from any individual, (ii)
13 \$10,000 from any corporation, labor organization, or
14 association, or (iii) \$50,000 from a candidate political
15 committee or political action committee. ~~A candidate political~~
16 ~~committee may accept contributions in any amount from a~~
17 ~~political party committee except during an election cycle in~~
18 ~~which the candidate seeks nomination at a primary election.~~
19 During an election cycle ~~in which the candidate seeks~~
20 ~~nomination at a primary election,~~ a candidate political
21 committee may not accept contributions from political party
22 committees with an aggregate value over the following: (i)
23 \$200,000 for a candidate political committee established to

1 support a candidate seeking nomination or election to statewide
2 office, (ii) \$125,000 for a candidate political committee
3 established to support a candidate seeking nomination or
4 election to the Senate, the Supreme Court or Appellate Court in
5 the First Judicial District, or an office elected by all voters
6 in a county with 1,000,000 or more residents, (iii) \$75,000 for
7 a candidate political committee established to support a
8 candidate seeking nomination or election to the House of
9 Representatives, the Supreme Court or Appellate Court for a
10 Judicial District other than the First Judicial District, an
11 office elected by all voters of a county of fewer than
12 1,000,000 residents, and municipal and county offices in Cook
13 County other than those elected by all voters of Cook County,
14 and (iv) \$50,000 for a candidate political committee
15 established to support the nomination or election of a
16 candidate to any other office. A candidate political committee
17 established to elect a candidate to the General Assembly may
18 accept contributions from only one legislative caucus
19 committee. A candidate political committee may not accept
20 contributions from a ballot initiative committee.

21 (c) During an election cycle, a political party committee
22 may not accept contributions with an aggregate value over the
23 following: (i) \$10,000 from any individual, (ii) \$20,000 from
24 any corporation, labor organization, or association, or (iii)
25 \$50,000 from a political action committee. A political party
26 committee may accept contributions in any amount from another

1 political party committee or a candidate political committee,
2 except as provided in subsection (c-5). Nothing in this Section
3 shall limit the amounts that may be transferred between a State
4 political committee and federal political committee. A
5 political party committee may not accept contributions from a
6 ballot initiative committee. A political party committee
7 established by a legislative caucus may not accept
8 contributions from another political party committee
9 established by a legislative caucus.

10 (c-5) During the period beginning on the date candidates
11 may begin circulating petitions for a primary election and
12 ending on the day of the primary election, a political party
13 committee may not accept contributions with an aggregate value
14 over \$50,000 from a candidate political committee or political
15 party committee. A political party committee may accept
16 contributions in any amount from a candidate political
17 committee or political party committee if the political party
18 committee receiving the contribution filed a statement of
19 nonparticipation in the primary as provided in subsection
20 (c-10). The Task Force on Campaign Finance Reform shall study
21 and make recommendations on the provisions of this subsection
22 to the Governor and General Assembly by September 30, 2012.
23 This subsection becomes inoperative on July 1, 2013 and
24 thereafter no longer applies.

25 (c-10) A political party committee that does not intend to
26 make contributions to candidates to be nominated at a general

1 primary election or consolidated primary election may file a
2 Statement of Nonparticipation in a Primary Election with the
3 Board. The Statement of Nonparticipation shall include a
4 verification signed by the chairperson and treasurer of the
5 committee that (i) the committee will not make contributions or
6 coordinated expenditures in support of or opposition to a
7 candidate or candidates to be nominated at the general primary
8 election or consolidated primary election (select one) to be
9 held on (insert date), (ii) the political party committee may
10 accept unlimited contributions from candidate political
11 committees and political party committees, provided that the
12 political party committee does not make contributions to a
13 candidate or candidates to be nominated at the primary
14 election, and (iii) failure to abide by these requirements
15 shall deem the political party committee in violation of this
16 Article and subject the committee to a fine of no more than
17 150% of the total contributions or coordinated expenditures
18 made by the committee in violation of this Article. This
19 subsection becomes inoperative on July 1, 2013 and thereafter
20 no longer applies.

21 (d) During an election cycle, a political action committee
22 may not accept contributions with an aggregate value over the
23 following: (i) \$10,000 from any individual, (ii) \$20,000 from
24 any corporation, labor organization, political party
25 committee, or association, or (iii) \$50,000 from a political
26 action committee or candidate political committee. A political

1 action committee may not accept contributions from a ballot
2 initiative committee.

3 (e) A ballot initiative committee may accept contributions
4 in any amount from any source, provided that the committee
5 files the document required by Section 9-3 of this Article.

6 (f) Nothing in this Section shall prohibit a political
7 committee from dividing the proceeds of joint fundraising
8 efforts; provided that no political committee may receive more
9 than the limit from any one contributor.

10 (g) On January 1 of each odd-numbered year, the State Board
11 of Elections shall adjust the amounts of the contribution
12 limitations established in this Section for inflation as
13 determined by the Consumer Price Index for All Urban Consumers
14 as issued by the United States Department of Labor and rounded
15 to the nearest \$100. The State Board shall publish this
16 information on its official website.

17 (h) Self-funding candidates. If a public official, a
18 candidate, or the public official's or candidate's immediate
19 family contributes or loans to the public official's or
20 candidate's political committee or to other political
21 committees that transfer funds to the public official's or
22 candidate's political committee or makes independent
23 expenditures for the benefit of the public official's or
24 candidate's campaign during the 12 months prior to an election
25 in an aggregate amount of more than (i) \$250,000 for statewide
26 office or (ii) \$100,000 for all other elective offices, then

1 the public official or candidate shall file with the State
2 Board of Elections, within one day, a Notification of
3 Self-funding that shall detail each contribution or loan made
4 by the public official, the candidate, or the public official's
5 or candidate's immediate family. Within 2 business days after
6 the filing of a Notification of Self-funding, the notification
7 shall be posted on the Board's website and the Board shall give
8 official notice of the filing to each candidate for the same
9 office as the public official or candidate making the filing,
10 including the public official or candidate filing the
11 Notification of Self-funding. Upon receiving notice from the
12 Board, all candidates for that office, including the public
13 official or candidate who filed a Notification of Self-funding,
14 shall be permitted to accept contributions in excess of any
15 contribution limits imposed by subsection (b). For the purposes
16 of this subsection, "immediate family" means the spouse,
17 parent, or child of a public official or candidate.

18 (i) For the purposes of this Section, a corporation, labor
19 organization, association, or a political action committee
20 established by a corporation, labor organization, or
21 association may act as a conduit in facilitating the delivery
22 to a political action committee of contributions made through
23 dues, levies, or similar assessments and the political action
24 committee may report the contributions in the aggregate,
25 provided that: (i) the dues, levies, or similar assessments
26 paid by any natural person, corporation, labor organization, or

1 association in a calendar year may not exceed the limits set
2 forth in this Section and (ii) the corporation, labor
3 organization, association, or a political action committee
4 established by a corporation, labor organization, or
5 association facilitating the delivery of contributions
6 maintains a list of natural persons, corporations, labor
7 organizations, and associations that paid the dues, levies, or
8 similar assessments from which the contributions comprising
9 the aggregate amount derive. A political action committee
10 facilitating the delivery of contributions or receiving
11 contributions shall disclose the amount of dues delivered or
12 received and the name of the corporation, labor organization,
13 association, or political action committee delivering the
14 contributions, if applicable.

15 (j) A political committee that receives a contribution or
16 transfer in violation of this Section shall dispose of the
17 contribution or transfer by returning the contribution or
18 transfer, or an amount equal to the contribution or transfer,
19 to the contributor or transferor or donating the contribution
20 or transfer, or an amount equal to the contribution or
21 transfer, to a charity. A contribution or transfer received in
22 violation of this Section that is not disposed of as provided
23 in this subsection within 15 days after its receipt shall
24 escheat to the General Revenue Fund and the political committee
25 shall be deemed in violation of this Section and subject to a
26 civil penalty not to exceed 150% of the total amount of the

1 contribution.

2 (k) For the purposes of this Section, "statewide office"
3 means the Governor, Lieutenant Governor, Attorney General,
4 Secretary of State, Comptroller, and Treasurer.

5 (l) This Section is repealed if and when the United States
6 Supreme Court invalidates contribution limits on committees
7 formed to assist candidates, political parties, corporations,
8 associations, or labor organizations established by or
9 pursuant to federal law.

10 (Source: P.A. 96-832, eff. 1-1-11.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.