

**SB3722**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB3722**

Introduced 2/10/2012, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/9-8.5

Amends the Election Code. Provides that contributions to a political action committee made through dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association in a calendar year may not exceed \$500 (now, may not exceed the limits set forth in the Section). Effective immediately.

LRB097 17968 PJG 63191 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 to statewide office,  
2 (ii) \$125,000 for a candidate political committee established  
3 to support a candidate seeking nomination to the Senate, the  
4 Supreme Court or Appellate Court in the First Judicial  
5 District, or an office elected by all voters in a county with  
6 1,000,000 or more residents, (iii) \$75,000 for a candidate  
7 political committee established to support a candidate seeking  
8 nomination to the House of Representatives, the Supreme Court  
9 or Appellate Court for a Judicial District other than the First  
10 Judicial District, an office elected by all voters of a county  
11 of fewer than 1,000,000 residents, and municipal and county  
12 offices in Cook County other than those elected by all voters  
13 of Cook County, and (iv) \$50,000 for a candidate political  
14 committee established to support the nomination of a candidate  
15 to any other office. A candidate political committee  
16 established to elect a candidate to the General Assembly may  
17 accept contributions from only one legislative caucus  
18 committee. A candidate political committee may not accept  
19 contributions from a ballot initiative committee.

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

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

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

24           (c-10) A political party committee that does not intend to  
25     make contributions to candidates to be nominated at a general  
26     primary election or consolidated primary election may file a

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

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

1 initiative committee.

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

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

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

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

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

17 (i) For the purposes of this Section, a corporation, labor  
18 organization, association, or a political action committee  
19 established by a corporation, labor organization, or  
20 association may act as a conduit in facilitating the delivery  
21 to a political action committee of contributions made through  
22 dues, levies, or similar assessments and the political action  
23 committee may report the contributions in the aggregate,  
24 provided that: (i) contributions made through ~~the~~ dues, levies,  
25 or similar assessments paid by any natural person, corporation,  
26 labor organization, or association in a calendar year may not

1 exceed \$500 ~~the limits set forth in this Section~~ and (ii) the  
2 corporation, labor organization, association, or a political  
3 action committee established by a corporation, labor  
4 organization, or association facilitating the delivery of  
5 contributions maintains a list of natural persons,  
6 corporations, labor organizations, and associations that paid  
7 the dues, levies, or similar assessments from which the  
8 contributions comprising the aggregate amount derive. A  
9 political action committee facilitating the delivery of  
10 contributions or receiving contributions shall disclose the  
11 amount of contributions made through dues ~~delivered or received~~  
12 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.