

# HB3323



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3323

by Rep. Tom Cross

### 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 committee, makes the limits that apply during a general primary election cycle apply during any election cycle. Effective immediately.

LRB098 07849 HLH 37933 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 or from an  
21 independent expenditure committee.

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

1 committee may accept contributions in any amount from another  
2 political party committee or a candidate political committee,  
3 except as provided in subsection (c-5). Nothing in this Section  
4 shall limit the amounts that may be transferred between a  
5 political party committee established under subsection (a) of  
6 Section 7-8 of this Code and an affiliated federal political  
7 committee established under the Federal Election Code by the  
8 same political party. A political party committee may not  
9 accept contributions from a ballot initiative committee or from  
10 an independent expenditure committee. A political party  
11 committee established by a legislative caucus may not accept  
12 contributions from another political party committee  
13 established by a legislative caucus.

14 (c-5) During the period beginning on the date candidates  
15 may begin circulating petitions for a primary election and  
16 ending on the day of the primary election, a political party  
17 committee may not accept contributions with an aggregate value  
18 over \$50,000 from a candidate political committee or political  
19 party committee. A political party committee may accept  
20 contributions in any amount from a candidate political  
21 committee or political party committee if the political party  
22 committee receiving the contribution filed a statement of  
23 nonparticipation in the primary as provided in subsection  
24 (c-10). The Task Force on Campaign Finance Reform shall study  
25 and make recommendations on the provisions of this subsection  
26 to the Governor and General Assembly by September 30, 2012.

1 This subsection becomes inoperative on July 1, 2013 and  
2 thereafter no longer applies.

3 (c-10) A political party committee that does not intend to  
4 make contributions to candidates to be nominated at a general  
5 primary election or consolidated primary election may file a  
6 Statement of Nonparticipation in a Primary Election with the  
7 Board. The Statement of Nonparticipation shall include a  
8 verification signed by the chairperson and treasurer of the  
9 committee that (i) the committee will not make contributions or  
10 coordinated expenditures in support of or opposition to a  
11 candidate or candidates to be nominated at the general primary  
12 election or consolidated primary election (select one) to be  
13 held on (insert date), (ii) the political party committee may  
14 accept unlimited contributions from candidate political  
15 committees and political party committees, provided that the  
16 political party committee does not make contributions to a  
17 candidate or candidates to be nominated at the primary  
18 election, and (iii) failure to abide by these requirements  
19 shall deem the political party committee in violation of this  
20 Article and subject the committee to a fine of no more than  
21 150% of the total contributions or coordinated expenditures  
22 made by the committee in violation of this Article. This  
23 subsection becomes inoperative on July 1, 2013 and thereafter  
24 no longer applies.

25 (d) During an election cycle, a political action committee  
26 may not accept contributions with an aggregate value over the

1 following: (i) \$10,000 from any individual, (ii) \$20,000 from  
2 any corporation, labor organization, political party  
3 committee, or association, or (iii) \$50,000 from a political  
4 action committee or candidate political committee. A political  
5 action committee may not accept contributions from a ballot  
6 initiative committee or from an independent expenditure  
7 committee.

8 (e) A ballot initiative committee may accept contributions  
9 in any amount from any source, provided that the committee  
10 files the document required by Section 9-3 of this Article and  
11 files the disclosure reports required by the provisions of this  
12 Article.

13 (e-5) An independent expenditure committee may accept  
14 contributions in any amount from any source, provided that the  
15 committee files the document required by Section 9-3 of this  
16 Article and files the disclosure reports required by the  
17 provisions of this Article.

18 (f) Nothing in this Section shall prohibit a political  
19 committee from dividing the proceeds of joint fundraising  
20 efforts; provided that no political committee may receive more  
21 than the limit from any one contributor, and provided that an  
22 independent expenditure committee may not conduct joint  
23 fundraising efforts with a candidate political committee or a  
24 political party committee.

25 (g) On January 1 of each odd-numbered year, the State Board  
26 of Elections shall adjust the amounts of the contribution

1 limitations established in this Section for inflation as  
2 determined by the Consumer Price Index for All Urban Consumers  
3 as issued by the United States Department of Labor and rounded  
4 to the nearest \$100. The State Board shall publish this  
5 information on its official website.

6 (h) Self-funding candidates. If a public official, a  
7 candidate, or the public official's or candidate's immediate  
8 family contributes or loans to the public official's or  
9 candidate's political committee or to other political  
10 committees that transfer funds to the public official's or  
11 candidate's political committee or makes independent  
12 expenditures for the benefit of the public official's or  
13 candidate's campaign during the 12 months prior to an election  
14 in an aggregate amount of more than (i) \$250,000 for statewide  
15 office or (ii) \$100,000 for all other elective offices, then  
16 the public official or candidate shall file with the State  
17 Board of Elections, within one day, a Notification of  
18 Self-funding that shall detail each contribution or loan made  
19 by the public official, the candidate, or the public official's  
20 or candidate's immediate family. Within 2 business days after  
21 the filing of a Notification of Self-funding, the notification  
22 shall be posted on the Board's website and the Board shall give  
23 official notice of the filing to each candidate for the same  
24 office as the public official or candidate making the filing,  
25 including the public official or candidate filing the  
26 Notification of Self-funding. Upon receiving notice from the

1 Board, all candidates for that office, including the public  
2 official or candidate who filed a Notification of Self-funding,  
3 shall be permitted to accept contributions in excess of any  
4 contribution limits imposed by subsection (b). For the purposes  
5 of this subsection, "immediate family" means the spouse,  
6 parent, or child of a public official or candidate.

7 (h-5) If a natural person or independent expenditure  
8 committee makes independent expenditures in support of or in  
9 opposition to the campaign of a particular public official or  
10 candidate in an aggregate amount of more than (i) \$250,000 for  
11 statewide office or (ii) \$100,000 for all other elective  
12 offices in an election cycle, as reported in a written  
13 disclosure filed under subsection (a) of Section 9-8.6 or  
14 subsection (e-5) of Section 9-10, then the State Board of  
15 Elections shall, within 2 business days after the filing of the  
16 disclosure, post the disclosure on the Board's website and give  
17 official notice of the disclosure to each candidate for the  
18 same office as the public official or candidate for whose  
19 benefit the natural person or independent expenditure  
20 committee made independent expenditures. Upon receiving notice  
21 from the Board, all candidates for that office in that  
22 election, including the public official or candidate for whose  
23 benefit the natural person or independent expenditure  
24 committee made independent expenditures, shall be permitted to  
25 accept contributions in excess of any contribution limits  
26 imposed by subsection (b). The Campaign Finance Task Force



1 shall submit a report to the Governor and General Assembly no  
2 later than February 1, 2013. The report shall examine and make  
3 recommendations regarding the provisions in this subsection  
4 including, but not limited to, case law concerning independent  
5 expenditures, the manner in which independent expenditures are  
6 handled in the other states and at the federal level,  
7 independent expenditures made in Illinois during the 2012  
8 general primary and, separately, the 2012 general election, and  
9 independent expenditures made at the federal level during the  
10 2012 general election. The Task Force shall conduct at least 2  
11 public hearings regarding independent expenditures.

12 (i) For the purposes of this Section, a corporation, labor  
13 organization, association, or a political action committee  
14 established by a corporation, labor organization, or  
15 association may act as a conduit in facilitating the delivery  
16 to a political action committee of contributions made through  
17 dues, levies, or similar assessments and the political action  
18 committee may report the contributions in the aggregate,  
19 provided that: (i) contributions made through dues, levies, or  
20 similar assessments paid by any natural person, corporation,  
21 labor organization, or association in a calendar year may not  
22 exceed the limits set forth in this Section; (ii) the  
23 corporation, labor organization, association, or a political  
24 action committee established by a corporation, labor  
25 organization, or association facilitating the delivery of  
26 contributions maintains a list of natural persons,

1 corporations, labor organizations, and associations that paid  
2 the dues, levies, or similar assessments from which the  
3 contributions comprising the aggregate amount derive; and  
4 (iii) contributions made through dues, levies, or similar  
5 assessments paid by any natural person, corporation, labor  
6 organization, or association that exceed \$500 in a quarterly  
7 reporting period shall be itemized on the committee's quarterly  
8 report and may not be reported in the aggregate. A political  
9 action committee facilitating the delivery of contributions or  
10 receiving contributions shall disclose the amount of  
11 contributions made through dues delivered or received and the  
12 name of the corporation, labor organization, association, or  
13 political action committee delivering the contributions, if  
14 applicable. On January 1 of each odd-numbered year, the State  
15 Board of Elections shall adjust the amounts of the contribution  
16 limitations established in this subsection for inflation as  
17 determined by the Consumer Price Index for All Urban Consumers  
18 as issued by the United States Department of Labor and rounded  
19 to the nearest \$100. The State Board shall publish this  
20 information on its official website.

21 (j) A political committee that receives a contribution or  
22 transfer in violation of this Section shall dispose of the  
23 contribution or transfer by returning the contribution or  
24 transfer, or an amount equal to the contribution or transfer,  
25 to the contributor or transferor or donating the contribution  
26 or transfer, or an amount equal to the contribution or

1 transfer, to a charity. A contribution or transfer received in  
2 violation of this Section that is not disposed of as provided  
3 in this subsection within 30 days after the Board sends  
4 notification to the political committee of the excess  
5 contribution by certified mail shall escheat to the General  
6 Revenue Fund and the political committee shall be deemed in  
7 violation of this Section and subject to a civil penalty not to  
8 exceed 150% of the total amount of the contribution.

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

12 (l) This Section is repealed if and when the United States  
13 Supreme Court invalidates contribution limits on committees  
14 formed to assist candidates, political parties, corporations,  
15 associations, or labor organizations established by or  
16 pursuant to federal law.

17 (Source: P.A. 96-832, eff. 1-1-11; 97-766, eff. 7-6-12.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.