

HB5778



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5778

by Rep. Kay Hatcher

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 17599 MGM 52710 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. Notice shall be sent via first

1 class mail to the candidate and the treasurer of the
2 candidate's committee. Notice shall also be sent by e-mail to
3 the candidate and the treasurer of the candidate's committee if
4 the candidate and the treasurer, as applicable, have provided
5 the Board with an e-mail address. Upon posting of the notice on
6 the Board's website, all candidates for that office, including
7 the public official or candidate who filed a Notification of
8 Self-funding, shall be permitted to accept contributions in
9 excess of any contribution limits imposed by subsection (b). If
10 a public official or candidate filed a Notification of
11 Self-funding during an election cycle that includes a general
12 primary election or consolidated primary election and that
13 public official or candidate is nominated, all candidates for
14 that office, including the nominee who filed the notification
15 of self-funding, shall be permitted to accept contributions in
16 excess of any contribution limit imposed by subsection (b) for
17 the subsequent election cycle. For the purposes of this
18 subsection, "immediate family" means the spouse, parent, or
19 child of a public official or candidate.

20 (h-5) If a natural person or independent expenditure
21 committee makes independent expenditures in support of or in
22 opposition to the campaign of a particular public official or
23 candidate in an aggregate amount of more than (i) \$250,000 for
24 statewide office or (ii) \$100,000 for all other elective
25 offices in an election cycle, as reported in a written
26 disclosure filed under subsection (a) of Section 9-8.6 or

1 subsection (e-5) of Section 9-10, then the State Board of
2 Elections shall, within 2 business days after the filing of the
3 disclosure, post the disclosure on the Board's website and give
4 official notice of the disclosure to each candidate for the
5 same office as the public official or candidate for whose
6 benefit or detriment the natural person or independent
7 expenditure committee made independent expenditures. Upon
8 posting of the notice on the Board's website, all candidates
9 for that office in that election, including the public official
10 or candidate for whose benefit or detriment the natural person
11 or independent expenditure committee made independent
12 expenditures, shall be permitted to accept contributions in
13 excess of any contribution limits imposed by subsection (b).

14 (h-10) If the State Board of Elections receives
15 notification or determines that a natural person or persons, an
16 independent expenditure committee or committees, or
17 combination thereof has made independent expenditures in
18 support of or in opposition to the campaign of a particular
19 public official or candidate in an aggregate amount of more
20 than (i) \$250,000 for statewide office or (ii) \$100,000 for all
21 other elective offices in an election cycle, then the Board
22 shall, within 2 business days after discovering the independent
23 expenditures that, in the aggregate, exceed the threshold set
24 forth in (i) and (ii) of this subsection, post notice of this
25 fact on the Board's website and give official notice to each
26 candidate for the same office as the public official or

1 candidate for whose benefit or detriment the independent
2 expenditures were made. Notice shall be sent via first class
3 mail to the candidate and the treasurer of the candidate's
4 committee. Notice shall also be sent by e-mail to the candidate
5 and the treasurer of the candidate's committee if the candidate
6 and the treasurer, as applicable, have provided the Board with
7 an e-mail address. Upon posting of the notice on the Board's
8 website, all candidates of that office in that election,
9 including the public official or candidate for whose benefit or
10 detriment the independent expenditures were made, may accept
11 contributions in excess of any contribution limits imposed by
12 subsection (b).

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

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

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

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

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

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

18 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

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