

# HB6207



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6207

Introduced 2/11/2016, by Rep. Grant Wehrli

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Requires political committees to include a copy or image of any receipt received for any expenditure that must be reported. Allows the State Board of Elections to adopt rules to implement the requirements. Effective immediately.

LRB099 19015 MLM 43404 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 9-10 as follows:

6 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

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

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

12 (b) Every political committee shall file quarterly reports  
13 of campaign contributions, expenditures, and independent  
14 expenditures. The reports shall cover the period January 1  
15 through March 31, April 1 through June 30, July 1 through  
16 September 30, and October 1 through December 31 of each year. A  
17 political committee shall file quarterly reports no later than  
18 the 15th day of the month following each period. Reports of  
19 contributions and expenditures must be filed to cover the  
20 prescribed time periods even though no contributions or  
21 expenditures may have been received or made during the period.  
22 The Board shall assess a civil penalty not to exceed \$5,000 for  
23 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 shall file a report  
11 electronically with the Board within 5 business days after  
12 making the independent expenditure, except that the report  
13 shall be filed within 2 business days after making the  
14 independent expenditure during the 60-day period before an  
15 election.

16 (e-5) An independent expenditure committee that makes an  
17 independent expenditure supporting or opposing a public  
18 official or candidate that, alone or in combination with any  
19 other independent expenditure made by that independent  
20 expenditure committee supporting or opposing that public  
21 official or candidate during the election cycle, equals an  
22 aggregate value of more than (i) \$250,000 for statewide office  
23 or (ii) \$100,000 for all other elective offices must file a  
24 written disclosure with the State Board of Elections within 2  
25 business days after making any expenditure that results in the  
26 independent expenditure committee exceeding the applicable

1 threshold. The Board shall assess a civil penalty against an  
2 independent expenditure committee for failure to file the  
3 disclosure required by this subsection not to exceed (i) \$500  
4 for an initial failure to file the required disclosure and (ii)  
5 \$1,000 for each subsequent failure to file the required  
6 disclosure.

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

10 (g) Political committees shall include a copy or image of  
11 any receipt received for any expenditure that must be reported  
12 under this Section. The Board may adopt rules to implement the  
13 requirements of this subsection (g).

14 (Source: P.A. 99-437, eff. 1-1-16.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.