

HB5008



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5008

Introduced 1/21/2010, by Rep. Tom Cross - William B. Black - Elizabeth Coulson

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 January 1, 2011.

LRB096 18887 JAM 34274 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 (This Section may contain text from a Public Act with a
8 delayed effective date)

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

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

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

1 committees with an aggregate value over the following: (i)
2 \$200,000 for a candidate political committee established to
3 support a candidate seeking nomination or election to statewide
4 office, (ii) \$125,000 for a candidate political committee
5 established to support a candidate seeking nomination or
6 election to the Senate, the Supreme Court or Appellate Court in
7 the First Judicial District, or an office elected by all voters
8 in a county with 1,000,000 or more residents, (iii) \$75,000 for
9 a candidate political committee established to support a
10 candidate seeking nomination or election to the House of
11 Representatives, the Supreme Court or Appellate Court for a
12 Judicial District other than the First Judicial District, an
13 office elected by all voters of a county of fewer than
14 1,000,000 residents, and municipal and county offices in Cook
15 County other than those elected by all voters of Cook County,
16 and (iv) \$50,000 for a candidate political committee
17 established to support the nomination or election of a
18 candidate to any other office. A candidate political committee
19 established to elect a candidate to the General Assembly may
20 accept contributions from only one legislative caucus
21 committee. A candidate political committee may not accept
22 contributions from a ballot initiative committee.

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

1 \$50,000 from a political action committee. A political party
2 committee may accept contributions in any amount from another
3 political party committee or a candidate political committee,
4 except as provided in subsection (c-5). Nothing in this Section
5 shall limit the amounts that may be transferred between a State
6 political committee and federal political committee. A
7 political party committee may not accept contributions from a
8 ballot initiative committee. A political party committee
9 established by a legislative caucus may not accept
10 contributions from another political party committee
11 established by a legislative caucus.

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

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

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

1 committee, or association, or (iii) \$50,000 from a political
2 action committee or candidate political committee. A political
3 action committee may not accept contributions from a ballot
4 initiative committee.

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

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

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

19 (h) Self-funding candidates. If a public official, a
20 candidate, or the public official's or candidate's immediate
21 family contributes or loans to the public official's or
22 candidate's political committee or to other political
23 committees that transfer funds to the public official's or
24 candidate's political committee or makes independent
25 expenditures for the benefit of the public official's or
26 candidate's campaign during the 12 months prior to an election

1 in an aggregate amount of more than (i) \$250,000 for statewide
2 office or (ii) \$100,000 for all other elective offices, then
3 the public official or candidate shall file with the State
4 Board of Elections, within one day, a Notification of
5 Self-funding that shall detail each contribution or loan made
6 by the public official, the candidate, or the public official's
7 or candidate's immediate family. Within 2 business days after
8 the filing of a Notification of Self-funding, the notification
9 shall be posted on the Board's website and the Board shall give
10 official notice of the filing to each candidate for the same
11 office as the public official or candidate making the filing,
12 including the public official or candidate filing the
13 Notification of Self-funding. Upon receiving notice from the
14 Board, all candidates for that office, including the public
15 official or candidate who filed a Notification of Self-funding,
16 shall be permitted to accept contributions in excess of any
17 contribution limits imposed by subsection (b). For the purposes
18 of this subsection, "immediate family" means the spouse,
19 parent, or child of a public official or candidate.

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

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

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

1 shall be deemed in violation of this Section and subject to a
2 civil penalty not to exceed 150% of the total amount of the
3 contribution.

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

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

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

13 Section 99. Effective date. This Act takes effect January
14 1, 2011.