

HB2446



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2446

Introduced 2/19/2021, by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Removes a provision that provides that the State Board of Elections shall adjust the amounts of the contribution limits for inflation.

LRB102 13704 SMS 19054 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
5 Section 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
10 First Judicial District, an office elected by all voters of a
11 county of fewer than 1,000,000 residents, and municipal and
12 county offices in Cook County other than those elected by all
13 voters of Cook County, and (iv) \$50,000 for a candidate
14 political committee established to support the nomination of a
15 candidate 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 or from an
20 independent expenditure committee.

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

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

13 (c-5) During the period beginning on the date candidates
14 may begin circulating petitions for a primary election and
15 ending on the day of the primary election, a political party
16 committee may not accept contributions with an aggregate value
17 over \$50,000 from a candidate political committee or political
18 party committee. A political party committee may accept
19 contributions in any amount from a candidate political
20 committee or political party committee if the political party
21 committee receiving the contribution filed a statement of
22 nonparticipation in the primary as provided in subsection
23 (c-10). The Task Force on Campaign Finance Reform shall study
24 and make recommendations on the provisions of this subsection
25 to the Governor and General Assembly by September 30, 2012.
26 This subsection becomes inoperative on July 1, 2013 and

1 thereafter no longer applies.

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

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

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

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

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

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

24 (g) (Blank). ~~On January 1 of each odd-numbered year, the~~
25 ~~State Board of Elections shall adjust the amounts of the~~
26 ~~contribution limitations established in this Section for~~

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

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

1 treasurer of the candidate's committee. Notice shall also be
2 sent by e-mail to the candidate and the treasurer of the
3 candidate's committee if the candidate and the treasurer, as
4 applicable, have provided the Board with an e-mail address.
5 Upon posting of the notice on the Board's website, all
6 candidates for that office, including the public official or
7 candidate who filed a Notification of Self-funding, shall be
8 permitted to accept contributions in excess of any
9 contribution limits imposed by subsection (b). If a public
10 official or candidate filed a Notification of Self-funding
11 during an election cycle that includes a general primary
12 election or consolidated primary election and that public
13 official or candidate is nominated, all candidates for that
14 office, including the nominee who filed the notification of
15 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
3 the disclosure, post the disclosure on the Board's website and
4 give official notice of the disclosure to each candidate for
5 the 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
10 official or candidate for whose benefit or detriment the
11 natural person or independent expenditure committee made
12 independent expenditures, shall be permitted to accept
13 contributions in excess of any contribution limits imposed by
14 subsection (b).

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

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

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

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

24 (j) A political committee that receives a contribution or
25 transfer in violation of this Section shall dispose of the
26 contribution or transfer by returning the contribution or

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

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

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

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