



Rep. Denyse Stoneback

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1 AMENDMENT TO HOUSE BILL 3482

2 AMENDMENT NO. _____. Amend House Bill 3482 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 9-8.5 and 9-8.6 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

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

1 independent expenditure committee.

2 (c) During an election cycle, a political party committee
3 may not accept contributions with an aggregate value over the
4 following: (i) \$10,000 from any individual, (ii) \$20,000 from
5 any corporation, labor organization, or association, or (iii)
6 \$50,000 from a political action committee. A political party
7 committee may accept contributions in any amount from another
8 political party committee or a candidate political committee,
9 except as provided in subsection (c-5). Nothing in this
10 Section shall limit the amounts that may be transferred
11 between a political party committee established under
12 subsection (a) of Section 7-8 of this Code and an affiliated
13 federal political committee established under the Federal
14 Election Code by the same political party. A political party
15 committee may not accept contributions from a ballot
16 initiative committee or from an independent expenditure
17 committee. A political party committee established by a
18 legislative caucus may not accept contributions from another
19 political party committee established by a legislative caucus.

20 (c-5) During the period beginning on the date candidates
21 may begin circulating petitions for a primary election and
22 ending on the day of the primary election, a political party
23 committee may not accept contributions with an aggregate value
24 over \$50,000 from a candidate political committee or political
25 party committee. A political party committee may accept
26 contributions in any amount from a candidate political

1 committee or political party committee if the political party
2 committee receiving the contribution filed a statement of
3 nonparticipation in the primary as provided in subsection
4 (c-10). The Task Force on Campaign Finance Reform shall study
5 and make recommendations on the provisions of this subsection
6 to the Governor and General Assembly by September 30, 2012.
7 This subsection becomes inoperative on July 1, 2013 and
8 thereafter no longer applies.

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

1 150% of the total contributions or coordinated expenditures
2 made by the committee in violation of this Article. This
3 subsection becomes inoperative on July 1, 2013 and thereafter
4 no longer applies.

5 (d) During an election cycle, a political action committee
6 may not accept contributions with an aggregate value over the
7 following: (i) \$10,000 from any individual, (ii) \$20,000 from
8 any corporation, labor organization, political party
9 committee, or association, or (iii) \$50,000 from a political
10 action committee or candidate political committee. A political
11 action committee may not accept contributions from a ballot
12 initiative committee or from an independent expenditure
13 committee.

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

19 (e-5) An independent expenditure committee may accept
20 contributions in any amount from any source, provided that the
21 committee files the document required by Section 9-3 of this
22 Article and files the disclosure reports required by the
23 provisions of this Article.

24 (f) Nothing in this Section shall prohibit a political
25 committee from dividing the proceeds of joint fundraising
26 efforts; provided that no political committee may receive more

1 than the limit from any one contributor, and provided that an
2 independent expenditure committee may not conduct joint
3 fundraising efforts with a candidate political committee or a
4 political party committee.

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

12 (h) Self-funding candidates. If a public official, a
13 candidate, or the public official's or candidate's immediate
14 family contributes or loans to the public official's or
15 candidate's political committee or to other political
16 committees that transfer funds to the public official's or
17 candidate's political committee or makes independent
18 expenditures for the benefit of the public official's or
19 candidate's campaign during the 12 months prior to an election
20 in an aggregate amount of more than (i) \$250,000 for statewide
21 office or (ii) \$100,000 for all other elective offices, then
22 the public official or candidate shall file with the State
23 Board of Elections, within one day, a Notification of
24 Self-funding that shall detail each contribution or loan made
25 by the public official, the candidate, or the public
26 official's or candidate's immediate family. Within 2 business

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

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

22 (h-10) If the State Board of Elections receives
23 notification or determines that a natural person or persons,
24 an independent expenditure committee or committees, or
25 combination thereof has made independent expenditures in
26 support of or in opposition to the campaign of a particular

1 public official or candidate in an aggregate amount of more
2 than (i) \$250,000 for statewide office or (ii) \$100,000 for
3 all other elective offices in an election cycle, then the
4 Board shall, within 2 business days after discovering the
5 independent expenditures that, in the aggregate, exceed the
6 threshold set forth in (i) and (ii) of this subsection, post
7 notice of this fact on the Board's website and give official
8 notice to each candidate for the same office as the public
9 official or candidate for whose benefit or detriment the
10 independent expenditures were made. Notice shall be sent via
11 first class mail to the candidate and the treasurer of the
12 candidate's committee. Notice shall also be sent by e-mail to
13 the candidate and the treasurer of the candidate's committee
14 if the candidate and the treasurer, as applicable, have
15 provided the Board with an e-mail address. Upon posting of the
16 notice on the Board's website, all candidates of that office
17 in that election, including the public official or candidate
18 for whose benefit or detriment the independent expenditures
19 were made, may accept contributions in excess of any
20 contribution limits imposed by subsection (b).

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

1 committee may report the contributions in the aggregate,
2 provided that: (i) contributions made through dues, levies, or
3 similar assessments paid by any natural person, corporation,
4 labor organization, or association in a calendar year may not
5 exceed the limits set forth in this Section; (ii) the
6 corporation, labor organization, association, or a political
7 action committee established by a corporation, labor
8 organization, or association facilitating the delivery of
9 contributions maintains a list of natural persons,
10 corporations, labor organizations, and associations that paid
11 the dues, levies, or similar assessments from which the
12 contributions comprising the aggregate amount derive; and
13 (iii) contributions made through dues, levies, or similar
14 assessments paid by any natural person, corporation, labor
15 organization, or association that exceed \$500 in a quarterly
16 reporting period shall be itemized on the committee's
17 quarterly report and may not be reported in the aggregate. A
18 political action committee facilitating the delivery of
19 contributions or receiving contributions shall disclose the
20 amount of contributions made through dues delivered or
21 received and the name of the corporation, labor organization,
22 association, or political action committee delivering the
23 contributions, if applicable. On January 1 of each
24 odd-numbered year, the State Board of Elections shall adjust
25 the amounts of the contribution limitations established in
26 this subsection for inflation as determined by the Consumer

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

5 (j) A political committee that receives a contribution or
6 transfer in violation of this Section shall dispose of the
7 contribution or transfer by returning the contribution or
8 transfer, or an amount equal to the contribution or transfer,
9 to the contributor or transferor or donating the contribution
10 or transfer, or an amount equal to the contribution or
11 transfer, to a charity. A contribution or transfer received in
12 violation of this Section that is not disposed of as provided
13 in this subsection within 30 days after the Board sends
14 notification to the political committee of the excess
15 contribution by certified mail shall escheat to the General
16 Revenue Fund and the political committee shall be deemed in
17 violation of this Section and subject to a civil penalty not to
18 exceed 150% of the total amount of the contribution.

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

22 (l) This Section is repealed if and when the United States
23 Supreme Court invalidates contribution limits on committees
24 formed to assist candidates, political parties, corporations,
25 associations, or labor organizations established by or
26 pursuant to federal law.

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

2 (10 ILCS 5/9-8.6)

3 Sec. 9-8.6. Independent expenditures.

4 (a) ~~An independent expenditure is not considered a~~
5 ~~contribution to a political committee. An expenditure made by~~
6 ~~a natural person or political committee for an electioneering~~
7 ~~communication in connection, consultation, or concert with or~~
8 ~~at the request or suggestion of the public official or~~
9 ~~candidate, the public official's or candidate's candidate~~
10 ~~political committee, or the agent or agents of the public~~
11 ~~official, candidate, or political committee or campaign shall~~
12 ~~not be considered an independent expenditure but rather shall~~
13 ~~be considered a contribution to the public official's or~~
14 ~~candidate's candidate political committee.~~ A natural person
15 who makes an independent expenditure supporting or opposing a
16 public official or candidate that, alone or in combination
17 with any other independent expenditure made by that natural
18 person supporting or opposing that public official or
19 candidate during any 12-month period, equals an aggregate
20 value of at least \$3,000 must file a written disclosure with
21 the State Board of Elections within 2 business days after
22 making any expenditure that results in the natural person
23 meeting or exceeding the \$3,000 threshold. A natural person
24 who has made a written disclosure with the State Board of
25 Elections shall have a continuing obligation to report further

1 expenditures in relation to the same election, in \$1,000
2 increments, to the State Board until the conclusion of that
3 election. A natural person who makes an independent
4 expenditure supporting or opposing a public official or
5 candidate that, alone or in combination with any other
6 independent expenditure made by that natural person supporting
7 or opposing that public official or candidate during the
8 election cycle, equals an aggregate value of more than (i)
9 \$250,000 for statewide office or (ii) \$100,000 for all other
10 elective offices must file a written disclosure with the State
11 Board of Elections within 2 business days after making any
12 expenditure that results in the natural person exceeding the
13 applicable threshold. Each disclosure must identify the
14 natural person, the public official or candidate supported or
15 opposed, the date, amount, and nature of each independent
16 expenditure, and the natural person's occupation and employer.

17 (b) Any entity other than a natural person that makes
18 expenditures of any kind in an aggregate amount exceeding
19 \$3,000 during any 12-month period supporting or opposing a
20 public official or candidate must organize as a political
21 committee in accordance with this Article.

22 (c) Every political committee that makes independent
23 expenditures must report all such independent expenditures as
24 required under Section 9-10 of this Article.

25 (d) In the event that a political committee organized as
26 an independent expenditure committee makes a contribution to

1 any other political committee other than another independent
2 expenditure committee or a ballot initiative committee, the
3 State Board shall assess a fine equal to the amount of any
4 contribution received in the preceding 2 years by the
5 independent expenditure committee that exceeded the limits for
6 a political action committee set forth in subsection (d) of
7 Section 9-8.5.

8 (e) As used in this Section:

9 "Independent expenditure" means any payment, gift,
10 donation, or expenditure of funds by a natural person or
11 political committee expressly advocating for or against the
12 nomination, election, retention, or defeat of a
13 clearly-identified candidate or public official that is not
14 made in coordination with and does not have the prior express
15 written consent of the public official or candidate.

16 A communication is considered "in coordination with" a
17 public official or candidate when the communication: (1) is
18 paid for, in whole or in part, by a person other than the
19 public official, candidate, the public official's or
20 candidate's political committee, or a political party
21 committee; (2) satisfies at least one of the content standards
22 in subsection (h); and (3) satisfies at least one of the
23 conduct standards in subsection (i).

24 (f) Any expenditure made by a third party to a candidate's
25 or public official's political committee that does not have
26 the prior written consent of the candidate or public official

1 may not be considered an in-kind donation and is not required
2 to be reported by the candidate's or public official's
3 political committee to the State Board of Elections.

4 (g) An expenditure made by a natural person or political
5 committee for an electioneering communication or to expressly
6 advocate for or against the nomination for election, election,
7 retention, or defeat of a clearly identifiable public official
8 or candidate may not be considered an independent expenditure
9 if the communication or advocacy republishes, disseminates, or
10 shares campaign materials or information provided, designed,
11 or prepared by the public official or candidate, the public
12 official's or candidate's political committee, or the agent of
13 the public official, candidate, or political committee or
14 campaign, unless the campaign materials are based upon a
15 candidate's or public official's response to an inquiry about
16 that candidate's or public official's position on legislative
17 or policy issues affecting the natural person or political
18 committee making the expenditure, provided that the response
19 to the inquiry does not include discussion of campaign needs,
20 plans, strategy, or research.

21 (h) Any one of the following types of content satisfies
22 the content standard of this Section, whether or not there is
23 agreement or formal collaboration between the parties
24 involved:

25 (1) a communication that expressly advocates the
26 election, nomination, retention, or defeat of a clearly

1 identified public official or candidate;

2 (2) a communication that is an electioneering
3 communication, as defined in Section 9-1.14;

4 (3) a public communication that republishes,
5 disseminates, or distributes, in whole or in part,
6 campaign materials prepared by a public official,
7 candidate, or the public official's or candidate's
8 political committee.

9 (i) Any one of the following types of conduct satisfies
10 the conduct standard of this Section:

11 (1) the communication is created, produced, or
12 distributed at the request or suggestion of a public
13 official or candidate;

14 (2) the communication is created, produced, or
15 distributed at the suggestion of the person or committee
16 paying for the communication, and the public official or
17 candidate affirmatively assents to the suggestion;

18 (3) the public official or candidate is materially
19 involved in a decision regarding the content, intended
20 audience, means or mode of communication, specific media
21 outlet used, timing, frequency, size, or prominence of a
22 communication;

23 (4) if the communication is created, produced, or
24 distributed after one or more substantial discussions
25 about the communication between the person or committee
26 paying for the communication or the employees or agents of

1 that person and the public official or candidate; or

2 (5) if:

3 (A) the person paying for the communication or
4 someone who is affiliated with the payor of the
5 communication contracts with or employs a commercial
6 vendor to create, produce, or distribute the
7 communication;

8 (B) the commercial vendor, including any officer,
9 owner, or employee of the vendor, has a previous or
10 current relationship with the candidate or political
11 party committee that puts the commercial vendor in a
12 position to acquire information about the campaign
13 plans, projects, activities, or needs of the candidate
14 or political party committee; and

15 (C) the commercial vendor uses or conveys
16 information about the campaign plans, projects,
17 activities, or needs of the candidate or political
18 party committee, or information previously used by the
19 commercial vendor in serving the candidate or
20 political party committee, to the person paying for
21 the communication or someone who is affiliated with
22 the payor of the communication, and that information
23 is material to the creation, production, or
24 distribution of the communication.

25 (Source: P.A. 96-832, eff. 7-1-10; 97-766, eff. 7-6-12.)".