

SB0290



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0290

Introduced 2/2/2023, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Provides that a foreign national may not make, directly or indirectly, a contribution to a ballot initiative committee or an independent expenditure committee for the purpose of influencing any question of public policy to be submitted to the voters, and neither a ballot initiative committee nor an independent expenditure committee may knowingly solicit or accept a contribution from a foreign national for the purpose of influencing any question of public policy to be submitted to the voters. Provides that a foreign national may not make an independent expenditure for the purpose of influencing any question of public policy to be submitted to the voters. Effective immediately.

LRB103 26092 BMS 52447 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 (b-5) Judicial elections.

22 (1) In addition to any other provision of this
23 Section, a candidate political committee established to
24 support or oppose a candidate seeking nomination to the
25 Supreme Court, Appellate Court, or Circuit Court may not:

26 (A) accept contributions from any entity that does

1 not disclose the identity of those who make
2 contributions to the entity, except for contributions
3 that are not required to be itemized by this Code; or

4 (B) accept contributions from any out-of-state
5 person, as defined in this Article.

6 (1.1) In addition to any other provision of this
7 Section, a political committee that is self-funding, as
8 described in subsection (h) of this Section, and is
9 established to support or oppose a candidate seeking
10 nomination, election, or retention to the Supreme Court,
11 the Appellate Court, or the Circuit Court may not accept
12 contributions from any single person, other than the
13 judicial candidate or the candidate's immediate family, in
14 a cumulative amount that exceeds \$500,000 in any election
15 cycle. Any contribution in excess of the limits in this
16 paragraph (1.1) shall escheat to the State of Illinois.
17 Any political committee that receives such a contribution
18 shall immediately forward the amount that exceeds \$500,000
19 to the State Treasurer who shall deposit the funds into
20 the State Treasury.

21 (1.2) In addition to any other provision of this
22 Section, an independent expenditure committee established
23 to support or oppose a candidate seeking nomination,
24 election, or retention to the Supreme Court, the Appellate
25 Court, or the Circuit Court may not accept contributions
26 from any single person in a cumulative amount that exceeds

1 \$500,000 in any election cycle. Any contribution in excess
2 of the limits in this paragraph (1.2) shall escheat to the
3 State of Illinois. Any independent expenditure committee
4 that receives such a contribution shall immediately
5 forward the amount that exceeds \$500,000 to the State
6 Treasurer who shall deposit the funds into the State
7 Treasury.

8 (1.3) In addition to any other provision of this
9 Section, if a political committee established to support
10 or oppose a candidate seeking nomination, election, or
11 retention to the Supreme Court, the Appellate Court, or
12 the Circuit Court receives a contribution in excess of
13 \$500 from: (i) any committee that is not required to
14 disclose its contributors under this Act; (ii) any
15 association that is not required to disclose its
16 contributors under this Act; or (iii) any other
17 organization or group of persons that is not required to
18 disclose its contributors under this Act, then that
19 contribution shall be considered an anonymous contribution
20 that shall escheat to the State, unless the political
21 committee reports to the State Board of Elections all
22 persons who have contributed in excess of \$500 during the
23 same election cycle to the committee, association,
24 organization, or group making the contribution. Any
25 political committee that receives such a contribution and
26 fails to report this information shall forward the

1 contribution amount immediately to the State Treasurer who
2 shall deposit the funds into the State Treasury.

3 (2) As used in this subsection, "contribution" has the
4 meaning provided in Section 9-1.4 and also includes the
5 following that are subject to the limits of this Section:

6 (A) expenditures made by any person in concert or
7 cooperation with, or at the request or suggestion of,
8 a candidate, his or her designated committee, or their
9 agents; and

10 (B) the financing by any person of the
11 dissemination, distribution, or republication, in
12 whole or in part, of any broadcast or any written,
13 graphic, or other form of campaign materials prepared
14 by the candidate, his or her campaign committee, or
15 their designated agents.

16 (3) As to contributions to a candidate political
17 committee established to support a candidate seeking
18 nomination to the Supreme Court, Appellate Court, or
19 Circuit Court:

20 (A) No person shall make a contribution in the
21 name of another person or knowingly permit his or her
22 name to be used to effect such a contribution.

23 (B) No person shall knowingly accept a
24 contribution made by one person in the name of another
25 person.

26 (C) No person shall knowingly accept reimbursement

1 from another person for a contribution made in his or
2 her own name.

3 (D) No person shall make an anonymous
4 contribution.

5 (E) No person shall knowingly accept any anonymous
6 contribution.

7 (F) No person shall predicate (1) any benefit,
8 including, but not limited to, employment decisions,
9 including hiring, promotions, bonus compensation, and
10 transfers, or (2) any other gift, transfer, or
11 emolument upon:

12 (i) the decision by the recipient of that
13 benefit to donate or not to donate to a candidate;
14 or

15 (ii) the amount of any such donation.

16 (4) No judicial candidate or political committee
17 established to support a candidate seeking nomination to
18 the Supreme Court, Appellate Court, or Circuit Court shall
19 knowingly accept any contribution or make any expenditure
20 in violation of the provisions of this Section. No officer
21 or employee of a political committee established to
22 support a candidate seeking nomination to the Supreme
23 Court, Appellate Court, or Circuit Court shall knowingly
24 accept a contribution made for the benefit or use of a
25 candidate or knowingly make any expenditure in support of
26 or opposition to a candidate or for electioneering

1 communications in relation to a candidate in violation of
2 any limitation designated for contributions and
3 expenditures under this Section.

4 (5) Where the provisions of this subsection (b-5)
5 conflict with any other provision of this Code, this
6 subsection (b-5) shall control.

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

25 (c-5) During the period beginning on the date candidates
26 may begin circulating petitions for a primary election and

1 ending on the day of the primary election, a political party
2 committee may not accept contributions with an aggregate value
3 over \$50,000 from a candidate political committee or political
4 party committee. A political party committee may accept
5 contributions in any amount from a candidate political
6 committee or political party committee if the political party
7 committee receiving the contribution filed a statement of
8 nonparticipation in the primary as provided in subsection
9 (c-10). The Task Force on Campaign Finance Reform shall study
10 and make recommendations on the provisions of this subsection
11 to the Governor and General Assembly by September 30, 2012.
12 This subsection becomes inoperative on July 1, 2013 and
13 thereafter no longer applies.

14 (c-10) A political party committee that does not intend to
15 make contributions to candidates to be nominated at a general
16 primary election or consolidated primary election may file a
17 Statement of Nonparticipation in a Primary Election with the
18 Board. The Statement of Nonparticipation shall include a
19 verification signed by the chairperson and treasurer of the
20 committee that (i) the committee will not make contributions
21 or coordinated expenditures in support of or opposition to a
22 candidate or candidates to be nominated at the general primary
23 election or consolidated primary election (select one) to be
24 held on (insert date), (ii) the political party committee may
25 accept unlimited contributions from candidate political
26 committees and political party committees, provided that the

1 political party committee does not make contributions to a
2 candidate or candidates to be nominated at the primary
3 election, and (iii) failure to abide by these requirements
4 shall deem the political party committee in violation of this
5 Article and subject the committee to a fine of no more than
6 150% of the total contributions or coordinated expenditures
7 made by the committee in violation of this Article. This
8 subsection becomes inoperative on July 1, 2013 and thereafter
9 no longer applies.

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

19 (e) Except as otherwise provided in subsection (h-15), a~~A~~
20 ballot initiative committee may accept contributions in any
21 amount from any source, provided that the committee files the
22 document required by Section 9-3 of this Article and files the
23 disclosure reports required by the provisions of this Article.

24 (e-5) Except as otherwise provided in subsection (h-15),
25 an ~~An~~ independent expenditure committee may accept
26 contributions in any amount from any source, provided that the

1 committee files the document required by Section 9-3 of this
2 Article and files the disclosure reports required by the
3 provisions of this Article.

4 (e-10) A limited activity committee shall not accept
5 contributions, except that the officer or a candidate the
6 committee has designated to support may contribute personal
7 funds in order to pay for maintenance expenses. A limited
8 activity committee may only make expenditures that are: (i)
9 necessary for maintenance of the committee; (ii) for rent or
10 lease payments until the end of the lease in effect at the time
11 the officer or candidate is confirmed by the Senate; (iii)
12 contributions to 501(c)(3) charities; or (iv) returning
13 contributions to original contributors.

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

21 (g) On January 1 of each odd-numbered year, the State
22 Board of Elections shall adjust the amounts of the
23 contribution limitations established in this Section for
24 inflation as determined by the Consumer Price Index for All
25 Urban Consumers as issued by the United States Department of
26 Labor and rounded to the nearest \$100. The State Board shall

1 publish this information on its official website.

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

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

17 (h-5) If a natural person or independent expenditure
18 committee makes independent expenditures in support of or in
19 opposition to the campaign of a particular public official or
20 candidate in an aggregate amount of more than (i) \$250,000 for
21 statewide office or (ii) \$100,000 for all other elective
22 offices in an election cycle, as reported in a written
23 disclosure filed under subsection (a) of Section 9-8.6 or
24 subsection (e-5) of Section 9-10, then the State Board of
25 Elections shall, within 2 business days after the filing of
26 the disclosure, post the disclosure on the Board's website and

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

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

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

11 (h-15) Notwithstanding any other provision of law, a
12 foreign national may not make, directly or indirectly, a
13 contribution to a ballot initiative committee or an
14 independent expenditure committee for the purpose of
15 influencing any question of public policy to be submitted to
16 the voters, and neither a ballot initiative committee nor an
17 independent expenditure committee may knowingly solicit or
18 accept a contribution from a foreign national for the purpose
19 of influencing any question of public policy to be submitted
20 to the voters. Additionally, a foreign national may not make
21 an independent expenditure for the purpose of influencing any
22 question of public policy to be submitted to the voters. As
23 used in this subsection, "foreign national" means a foreign
24 national as defined in 52 U.S.C. 30121(b) and an entity with
25 respect to which a foreign national holds, owns, controls, or
26 otherwise has direct or indirect beneficial ownership of 50%

1 or more of the total equity, outstanding voting shares,
2 membership units, or other applicable ownership interests.

3 (i) For the purposes of this Section, a corporation, labor
4 organization, association, or a political action committee
5 established by a corporation, labor organization, or
6 association may act as a conduit in facilitating the delivery
7 to a political action committee of contributions made through
8 dues, levies, or similar assessments and the political action
9 committee may report the contributions in the aggregate,
10 provided that: (i) contributions made through dues, levies, or
11 similar assessments paid by any natural person, corporation,
12 labor organization, or association in a calendar year may not
13 exceed the limits set forth in this Section; (ii) the
14 corporation, labor organization, association, or a political
15 action committee established by a corporation, labor
16 organization, or association facilitating the delivery of
17 contributions maintains a list of natural persons,
18 corporations, labor organizations, and associations that paid
19 the dues, levies, or similar assessments from which the
20 contributions comprising the aggregate amount derive; and
21 (iii) contributions made through dues, levies, or similar
22 assessments paid by any natural person, corporation, labor
23 organization, or association that exceed \$1,000 in a quarterly
24 reporting period shall be itemized on the committee's
25 quarterly report and may not be reported in the aggregate. A
26 political action committee facilitating the delivery of

1 contributions or receiving contributions shall disclose the
2 amount of contributions made through dues delivered or
3 received and the name of the corporation, labor organization,
4 association, or political action committee delivering the
5 contributions, if applicable. On January 1 of each
6 odd-numbered year, the State Board of Elections shall adjust
7 the amounts of the contribution limitations established in
8 this subsection for inflation as determined by the Consumer
9 Price Index for All Urban Consumers as issued by the United
10 States Department of Labor and rounded to the nearest \$100.
11 The State Board shall publish this information on its official
12 website.

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

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

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

9 (Source: P.A. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21;
10 102-909, eff. 5-27-22.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.