



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4565**

Introduced 1/18/2008, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-30

Amends the Election Code. Authorizes the State Board of Elections to seek judicial enforcement and injunctive relief against a political committee for unpaid civil penalties imposed by the Board with respect to campaign finance reporting violations. Prohibits certification of candidates whose committees have outstanding civil penalties, unless such a committee has a payment agreement with the State Board (now, prohibits the name of a candidate with unpaid penalties from appearing on the ballot).

LRB095 16897 JAM 42940 b

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 9-30 as follows:

6 (10 ILCS 5/9-30)

7 Sec. 9-30. Remedies. ~~Ballot forfeiture.~~

8 (a) Civil penalties imposed by a final order of the Board  
9 under this Article shall be enforceable in the circuit court if  
10 the penalty is not paid within 30 days after entry of the  
11 Board's order. The Board shall petition the court for an order  
12 to enforce collection of the penalty and if the court finds  
13 that it has jurisdiction over the political committee, as  
14 defined in Sections 9-1.7 and 9-1.8 of this Article, against  
15 whom the penalty was imposed, the court shall issue the  
16 appropriate order.

17 (b) The Board may seek injunctive relief against a  
18 committee, as defined in Sections 9-1.7 and 9-1.8 of this  
19 Article, for failure or refusal to pay any civil penalty  
20 imposed pursuant to a final order of the Board for violation of  
21 this Article. If the court finds it has jurisdiction over the  
22 committee it may grant the relief it deems appropriate and  
23 proper, which may include an order restraining or enjoining the

1 committee from accepting contributions, making expenditures,  
2 or transferring funds while any penalty remains unpaid. This  
3 subsection shall not apply to committees of candidates who may  
4 be subject to ballot forfeiture under subsection (c).

5 The Board may not proceed under this subsection until it  
6 has exhausted its remedy under subsection (a) and the penalty  
7 remains unpaid.

8 (c) No candidate for public office shall be certified by  
9 the Board or any election authority to appear on the ballot at  
10 any election if that candidate's political committee or  
11 committees have not paid the civil penalty or penalties imposed  
12 on the committee by a final order of the Board for violation of  
13 this Article. This subsection shall not apply to any political  
14 committee that has entered into a payment plan or similar  
15 agreement with the State Board of Elections. For purposes of  
16 this subsection, the term "political committee" shall not  
17 include (1) any State or local political party organization or  
18 (2) any organization, association, society, or group also  
19 required to file reports with the Secretary of State under the  
20 Lobbyist Registration Act.

21 The Board may not proceed under this subsection until it  
22 has exhausted its remedy under subsection (a) and the penalty  
23 remains unpaid.

24 (d) Any civil penalties collected pursuant to subsection  
25 (a), (b), or (c) shall be forwarded to the State Treasurer. ~~The~~  
26 name of a person who has not paid a civil penalty imposed

1 ~~against him or her under this Article shall not appear upon any~~  
2 ~~ballot for any office in any election while the penalty is~~  
3 ~~unpaid.~~

4 (Source: P.A. 93-615, eff. 11-19-03.)