



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5746

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10	from Ch. 46, par. 9-10
10 ILCS 5/9-13	from Ch. 46, par. 9-13
10 ILCS 5/9-14	from Ch. 46, par. 9-14

Amends the Election Code. Changes the reporting periods for campaign contribution and expenditure reports from semi-annual to quarterly.

LRB095 08442 JAM 28619 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
5 Sections 9-10, 9-13, and 9-14 as follows:

6 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

7 Sec. 9-10. Financial reports.

8 (a) The treasurer of every state political committee and
9 the treasurer of every local political committee shall file
10 with the Board, and the treasurer of every local political
11 committee shall file with the county clerk, reports of campaign
12 contributions, and quarterly ~~semi-annual~~ reports of campaign
13 contributions and expenditures on forms to be prescribed or
14 approved by the Board. The treasurer of every political
15 committee that acts as both a state political committee and a
16 local political committee shall file a copy of each report with
17 the State Board of Elections and the county clerk. Entities
18 subject to Section 9-7.5 shall file reports required by that
19 Section at times provided in this Section and are subject to
20 the penalties provided in this Section.

21 (b) Reports of campaign contributions shall be filed no
22 later than the 15th day next preceding each election including
23 a primary election in connection with which the political

1 committee has accepted or is accepting contributions or has
2 made or is making expenditures. Such reports shall be complete
3 as of the 30th day next preceding each election including a
4 primary election. The Board shall assess a civil penalty not to
5 exceed \$5,000 for a violation of this subsection, except that
6 for State officers and candidates and political committees
7 formed for statewide office, the civil penalty may not exceed
8 \$10,000. The fine, however, shall not exceed \$500 for a first
9 filing violation for filing less than 10 days after the
10 deadline. There shall be no fine if the report is mailed and
11 postmarked at least 72 hours prior to the filing deadline. For
12 the purpose of this subsection, "statewide office" and "State
13 officer" means the Governor, Lieutenant Governor, Attorney
14 General, Secretary of State, Comptroller, and Treasurer.
15 However, a continuing political committee that does not make
16 expenditures in excess of \$500 on behalf of or in opposition to
17 any candidate or public question on the ballot at an election
18 shall not be required to file the reports heretofore prescribed
19 but may file in lieu thereof a Statement of Nonparticipation in
20 the Election with the Board or the Board and the county clerk;
21 except that if the political committee, by the terms of its
22 statement of organization filed in accordance with this
23 Article, is organized to support or oppose a candidate or
24 public question on the ballot at the next election or primary,
25 that committee must file reports required by this subsection
26 (b) and by subsection (b-5).

1 (b-5) Notwithstanding the provisions of subsection (b) and
2 Section 1.25 of the Statute on Statutes, any contribution of
3 more than \$500 received in the interim between the last date of
4 the period covered by the last report filed under subsection
5 (b) prior to the election and the date of the election shall be
6 filed with and must actually be received by the State Board of
7 Elections within 2 business days after receipt of such
8 contribution. The State Board shall allow filings of reports of
9 contributions of more than \$500 under this subsection (b-5) by
10 political committees that are not required to file
11 electronically to be made by facsimile transmission. For the
12 purpose of this subsection, a contribution is considered
13 received on the date the public official, candidate, or
14 political committee (or equivalent person in the case of a
15 reporting entity other than a political committee) actually
16 receives it or, in the case of goods or services, 2 business
17 days after the date the public official, candidate, committee,
18 or other reporting entity receives the certification required
19 under subsection (b) of Section 9-6. Failure to report each
20 contribution is a separate violation of this subsection. In the
21 final disposition of any matter by the Board on or after the
22 effective date of this amendatory Act of the 93rd General
23 Assembly, the Board may impose fines for violations of this
24 subsection not to exceed 100% of the total amount of the
25 contributions that were untimely reported, but in no case when
26 a fine is imposed shall it be less than 10% of the total amount

1 of the contributions that were untimely reported. When
2 considering the amount of the fine to be imposed, the Board
3 shall consider, but is not limited to, the following factors:

4 (1) whether in the Board's opinion the violation was
5 committed inadvertently, negligently, knowingly, or
6 intentionally;

7 (2) the number of days the contribution was reported
8 late; and

9 (3) past violations of Sections 9-3 and 9-10 of this
10 Article by the committee.

11 (c) In addition to such reports the treasurer of every
12 political committee shall file quarterly ~~semi-annual~~ reports
13 of campaign contributions and expenditures no later than (i)
14 April 30 (covering the period from January 1 through March 31
15 immediately preceding), (ii) July 31 (covering the period from
16 April 1 through June 30 immediately preceding), (iii) October
17 31 (covering the period from July 1 through September 30
18 immediately preceding), and (iv) January 31 (covering the
19 period from October 1 through December 31 immediately
20 preceding) ~~July 31st, covering the period from January 1st~~
21 ~~through June 30th immediately preceding, and no later than~~
22 ~~January 31st, covering the period from July 1st through~~
23 ~~December 31st of the preceding calendar year.~~ Reports of
24 contributions and expenditures must be filed to cover the
25 prescribed time periods even though no contributions or
26 expenditures may have been received or made during the period.

1 The Board shall assess a civil penalty not to exceed \$5,000 for
2 a violation of this subsection, except that for State officers
3 and candidates and political committees formed for statewide
4 office, the civil penalty may not exceed \$10,000. The fine,
5 however, shall not exceed \$500 for a first filing violation for
6 filing less than 10 days after the deadline. There shall be no
7 fine if the report is mailed and postmarked at least 72 hours
8 prior to the filing deadline. For the purpose of this
9 subsection, "statewide office" and "State officer" means the
10 Governor, Lieutenant Governor, Attorney General, Secretary of
11 State, Comptroller, and Treasurer.

12 (c-5) A political committee that acts as either (i) a State
13 and local political committee or (ii) a local political
14 committee and that files reports electronically under Section
15 9-28 is not required to file copies of the reports with the
16 appropriate county clerk if the county clerk has a system that
17 permits access to, and duplication of, reports that are filed
18 with the State Board of Elections. A State and local political
19 committee or a local political committee shall file with the
20 county clerk a copy of its statement of organization pursuant
21 to Section 9-3.

22 (d) A copy of each report or statement filed under this
23 Article shall be preserved by the person filing it for a period
24 of two years from the date of filing.

25 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
26 94-645, eff. 8-22-05.)

1 (10 ILCS 5/9-13) (from Ch. 46, par. 9-13)

2 Sec. 9-13. Each quarterly ~~semi-annual~~ report of campaign
3 contributions and expenditures under Section 9-10 shall
4 disclose-

5 (1) the name and address of the political committee;

6 (2) (Blank);

7 (3) the amount of funds on hand at the beginning of the
8 reporting period;

9 (4) the full name and mailing address of each person who
10 has made one or more contributions to or for such committee
11 within the reporting period in an aggregate amount or value in
12 excess of \$150, together with the amount and date of such
13 contributions, and if the contributor is an individual who
14 contributed more than \$500, the occupation and employer of the
15 contributor or, if the occupation and employer of the
16 contributor are unknown, a statement that the committee has
17 made a good faith effort to ascertain this information;

18 (5) the total sum of individual contributions made to or
19 for such committee during the reporting period and not reported
20 under item (4);

21 (6) the name and address of each political committee from
22 which the reporting committee received, or to which that
23 committee made, any transfer of funds, in the aggregate amount
24 or value in excess of \$150, together with the amounts and dates
25 of all transfers;

1 (7) the total sum of transfers made to or from such
2 committee during the reporting period and not reported under
3 item (6);

4 (8) each loan to or from any person within the reporting
5 period by or to such committee in an aggregate amount or value
6 in excess of \$150, together with the full names and mailing
7 addresses of the lender and endorsers, if any, and the date and
8 amount of such loans, and if a lender or endorser is an
9 individual who loaned or endorsed a loan of more than \$500, the
10 occupation and employer of that individual, or if the
11 occupation and employer of the individual are unknown, a
12 statement that the committee has made a good faith effort to
13 ascertain this information;

14 (9) the total amount of proceeds received by such committee
15 from (a) the sale of tickets for each dinner, luncheon,
16 cocktail party, rally, and other fund-raising events; (b) mass
17 collections made at such events; and (c) sales of items such as
18 political campaign pins, buttons, badges, flags, emblems,
19 hats, banners, literature, and similar materials;

20 (10) each contribution, rebate, refund, or other receipt in
21 excess of \$150 received by such committee not otherwise listed
22 under items (4) through (9), and if the contributor is an
23 individual who contributed more than \$500, the occupation and
24 employer of the contributor or, if the occupation and employer
25 of the contributor are unknown, a statement that the committee
26 has made a good faith effort to ascertain this information;

1 (11) the total sum of all receipts by or for such committee
2 or candidate during the reporting period;

3 (12) the full name and mailing address of each person to
4 whom expenditures have been made by such committee or candidate
5 within the reporting period in an aggregate amount or value in
6 excess of \$150, the amount, date, and purpose of each such
7 expenditure and the question of public policy or the name and
8 address of, and office sought by, each candidate on whose
9 behalf such expenditure was made;

10 (13) the full name and mailing address of each person to
11 whom an expenditure for personal services, salaries, and
12 reimbursed expenses in excess of \$150 has been made, and which
13 is not otherwise reported, including the amount, date, and
14 purpose of such expenditure;

15 (14) the total sum of expenditures made by such committee
16 during the reporting period;

17 (15) the full name and mailing address of each person to
18 whom the committee owes debts or obligations in excess of \$150,
19 and the amount of such debts or obligations.

20 The Board shall by rule define a "good faith effort".

21 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

22 (10 ILCS 5/9-14) (from Ch. 46, par. 9-14)

23 Sec. 9-14. Each quarterly ~~semi-annual~~ report of campaign
24 contributions and expenditures required by Section 9-10 of this
25 Article to be filed with the Board or the Board and the county

1 clerk shall be verified, dated, and signed by either the
2 treasurer of the political committee making the report or the
3 candidate on whose behalf the report is made, and shall contain
4 substantially the following:

5 SEMI-ANNUAL REPORT OF CAMPAIGN
6 CONTRIBUTIONS AND EXPENDITURES

7 (1) name and address of the political committee:

8

9 (2) the date of the beginning of the reporting period, and the
10 amount of funds on hand at the beginning of the reporting
11 period;

12

13 (3) the full name and mailing address of each person who has
14 made one or more contributions to or for the committee within
15 the reporting period in an aggregate amount or value in excess
16 of \$150, together with the amount and date of such
17 contributions, and if a contributor is an individual who
18 contributed more than \$500, the occupation and employer of each
19 contributor or, if the occupation and employer of the
20 contributor are unknown, a statement that the committee has
21 made a good faith effort to ascertain this information:

22	name	address	amount	date	occupation	employer
23
24
25
26

1

2 (4) the total sum of individual contributions made to or for
3 the committee during the reporting period and not reported
4 under item--(3):

5

6 (5) the name and address of each political committee from which
7 the reporting committee received, or to which that committee
8 made, any transfer of funds, in an aggregate amount or value in
9 excess of \$150, together with the amounts and dates of all
10 transfers:

11	name	address	amount	date
12
13
14

15 (6) the total sum of transfers made to or from such committee
16 during the reporting period and not reported under item (5);

17 (7) each loan to or from any person within the reporting period
18 by or to the committee in an aggregate amount or value in
19 excess of \$150, together with the full names and mailing
20 addresses of the lender and endorsers, if any, and the date and
21 amount of such loans, and if a lender or endorser is an
22 individual who loaned or endorsed a loan of more than \$500, the
23 occupation and employer of each person making the loan, or if
24 the occupation and employer of the individual are unknown, a
25 statement that the committee has made a good faith effort to
26 ascertain this information:

1	name	address	amount	date	endorsers	occupation	employer
2	....	.....	.....	....	.....	.....	.....
3	....	.....	.....	....	.....	.....	.....
4	....	.....	.....	....	.....	.....	.....

5 (8) the total amount of proceeds received by the committee from
6 (a) the sale of tickets for each dinner, luncheon, cocktail
7 party, rally, and other fund-raising events; (b) mass
8 collections made at such events; and (c) sales of items such as
9 political campaign pins, buttons, badges, flags, emblems,
10 hats, banners, literature, and similar materials:

- 11 (a)
- 12 (b)
- 13 (c)

14 (9) each contribution, rebate, refund, or other receipt in
15 excess of \$150 received by the committee not otherwise listed
16 under items (3) through (8), and if a contributor is an
17 individual who contributed more than \$500, the occupation and
18 employer of each contributor or, if the occupation and employer
19 of the contributor are unknown, a statement that the committee
20 has made a good faith effort to ascertain this information:

21	name	address	amount	date	endorsers	occupation	employer
22	....	.....	.....	....	.....	.....	.....
23	....	.....	.....	....	.....	.....	.....
24	....	.....	.....	....	.....	.....	.....

25 (10) the total sum of all receipts by or for the committee
26 during the reporting period:

1

2 (11) the full name and mailing address of each person to whom
3 expenditures have been made by the committee within the
4 reporting period in an aggregate amount or value in excess of
5 \$150, the amount, date, and purpose of each such expenditure,
6 and the question of public policy or the name and address of,
7 and office sought by, each candidate on whose behalf the
8 expenditure was made:

9	name	address	amount	date	purpose	beneficiary
10
11
12
13
14

15 (12) the full name and mailing address of each person to whom
16 an expenditure for personal services, salaries, and reimbursed
17 expenses in excess of \$150 has been made, and which is not
18 otherwise reported, including the amount, date, and purpose of
19 such expenditure:

20	name	address	amount	date	purpose
21
22
23

24 (13) the total sum of expenditures made by the committee during
25 the reporting period;

26

1 (14) the full name and mailing address of each person to whom
 2 the committee owes debts or obligations in excess of \$150, and
 3 the amount of such debts or obligations:

4
 5

6 VERIFICATION:

7 "I declare that this semi-annual report of campaign
 8 contributions and expenditures (including any accompanying
 9 schedules and statements) has been examined by me and to the
 10 best of my knowledge and belief is a true, correct and complete
 11 report as required by Article 9 of The Election Code. I
 12 understand that willfully filing a false or incomplete report
 13 is a business offense subject to a fine of up to \$5,000."

14
 15 (date of filing) (signature of person making the report)

16 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)