

SB2189



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2189

Introduced 2/14/2008, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Authorizes the State Board of Elections, in the final disposition of any matter, to impose a fine for semi-annual campaign finance reporting violations in an amount from 10% to 100% of the total amount of untimely reported contributions and expenditures.

LRB095 15884 JAM 41893 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 Section
5 9-10 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 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) This subsection does not apply with respect to general
22 primary elections. Reports of campaign contributions shall be
23 filed no later than the 15th day next preceding each election

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

1 (b) and by subsection (b-5).

2 (b-5) Notwithstanding the provisions of subsection (b) and
3 Section 1.25 of the Statute on Statutes, any contribution of
4 more than \$500 received (i) with respect to elections other
5 than the general primary election, in the interim between the
6 last date of the period covered by the last report filed under
7 subsection (b) prior to the election and the date of the
8 election or (ii) with respect to general primary elections, in
9 the period beginning January 1 of the year of the general
10 primary election and prior to the date of the general primary
11 election shall be filed with and must actually be received by
12 the State Board of Elections within 2 business days after
13 receipt of such contribution. A continuing political committee
14 that does not support or oppose a candidate or public question
15 on the ballot at a general primary election and 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 the general
18 primary election shall not be required to file the report
19 prescribed in this subsection unless the committee makes an
20 expenditure in excess of \$500 on behalf of or in opposition to
21 any candidate or public question on the ballot at the general
22 primary election. The committee shall timely file the report
23 required under this subsection beginning with the date the
24 expenditure that triggered participation was made. The State
25 Board shall allow filings of reports of contributions of more
26 than \$500 under this subsection (b-5) by political committees

1 that are not required to file electronically to be made by
2 facsimile transmission. For the purpose of this subsection, a
3 contribution is considered received on the date the public
4 official, candidate, or political committee (or equivalent
5 person in the case of a reporting entity other than a political
6 committee) actually receives it or, in the case of goods or
7 services, 2 business days after the date the public official,
8 candidate, committee, or other reporting entity receives the
9 certification required under subsection (b) of Section 9-6.
10 Failure to report each contribution is a separate violation of
11 this subsection. In the final disposition of any matter by the
12 Board on or after the effective date of this amendatory Act of
13 the 93rd General Assembly, the Board may impose fines for
14 violations of this subsection not to exceed 100% of the total
15 amount of the contributions that were untimely reported, but in
16 no case when a fine is imposed shall it be less than 10% of the
17 total amount of the contributions that were untimely reported.
18 When considering the amount of the fine to be imposed, the
19 Board shall consider, but is not limited to, the following
20 factors:

21 (1) whether in the Board's opinion the violation was
22 committed inadvertently, negligently, knowingly, or
23 intentionally;

24 (2) the number of days the contribution was reported
25 late; and

26 (3) past violations of Sections 9-3 and 9-10 of this

1 Article by the committee.

2 (c) In addition to such reports the treasurer of every
3 political committee shall file semi-annual reports of campaign
4 contributions and expenditures no later than July 20th,
5 covering the period from January 1st through June 30th
6 immediately preceding, and no later than January 20th, covering
7 the period from July 1st through December 31st of the preceding
8 calendar year. Reports of contributions and expenditures must
9 be filed to cover the prescribed time periods even though no
10 contributions or expenditures may have been received or made
11 during the period. The Board shall assess a civil penalty not
12 to exceed \$5,000 for a violation of this subsection, except
13 that for State officers and candidates and political committees
14 formed for statewide office, the civil penalty may not exceed
15 \$10,000. The fine, however, shall not exceed \$500 for a first
16 filing violation for filing less than 10 days after the
17 deadline. There shall be no fine if the report is mailed and
18 postmarked at least 72 hours prior to the filing deadline. For
19 the purpose of this subsection, "statewide office" and "State
20 officer" means the Governor, Lieutenant Governor, Attorney
21 General, Secretary of State, Comptroller, and Treasurer. In the
22 final disposition of any matter by the Board, the Board may
23 impose fines for violations of this subsection not greater than
24 100%, but not less than 10%, of the total amount of the
25 contributions and expenditures that were untimely reported.

26 (c-5) A political committee that acts as either (i) a State

1 and local political committee or (ii) a local political
2 committee and that files reports electronically under Section
3 9-28 is not required to file copies of the reports with the
4 appropriate county clerk if the county clerk has a system that
5 permits access to, and duplication of, reports that are filed
6 with the State Board of Elections. A State and local political
7 committee or a local political committee shall file with the
8 county clerk a copy of its statement of organization pursuant
9 to Section 9-3.

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

13 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07.)