



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4971

Introduced 1/21/2010, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

| | |
|----------------------|-------------------------|
| 10 ILCS 5/9-1 | from Ch. 46, par. 9-1 |
| 10 ILCS 5/9-1.4 | from Ch. 46, par. 9-1.4 |
| 10 ILCS 5/9-1.5 | from Ch. 46, par. 9-1.5 |
| 10 ILCS 5/9-1.7 | from Ch. 46, par. 9-1.7 |
| 10 ILCS 5/9-1.8 | from Ch. 46, par. 9-1.8 |
| 10 ILCS 5/9-1.9 | from Ch. 46, par. 9-1.9 |
| 10 ILCS 5/9-1.16 new | |
| 10 ILCS 5/9-10 | from Ch. 46, par. 9-10 |

Amends the Election Code. With respect to campaign finance disclosure and limits, redefines contributions and expenditures to include those accepted or made in connection with the legal defense of a candidate for or holder of a State or local elective office. Defines legal defense as relating to various offenses against public officials, employees, and entities at any level of government, infamous crimes, and offenses reflecting upon the candidate's or official's character, honesty, integrity, and ability. Effective immediately.

LRB096 15773 JAM 31013 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 9-1, 9-1.4, 9-1.5, 9-1.7, 9-1.8, 9-1.9, and 9-10 and
6 by adding Section 9-1.16 as follows:

7 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

8 Sec. 9-1. As used in this Article, unless the context
9 otherwise requires, the terms defined in Sections 9-1.1 through
10 9-1.16 ~~9-1.13~~, have the respective meanings as defined in those
11 Sections.

12 (Source: P.A. 86-873.)

13 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

14 (Text of Section before amendment by P.A. 96-832)

15 Sec. 9-1.4. "Contribution" means-

16 (1) a gift, subscription, donation, dues, loan, advance, or
17 deposit of money or anything of value, knowingly received in
18 connection with the nomination for election, or election, of
19 any person to public office, in connection with the election of
20 any person as ward or township committeeman in counties of
21 3,000,000 or more population, in connection with the legal
22 defense of a candidate or public official, or in connection

1 with any question of public policy;

2 (1.5) a gift, subscription, donation, dues, loan, advance,
3 deposit of money, or anything of value that constitutes an
4 electioneering communication regardless of whether the
5 communication is made in concert or cooperation with or at the
6 request, suggestion, or knowledge of a candidate, a candidate's
7 authorized local political committee, a State political
8 committee, a political committee in support of or opposition to
9 a question of public policy, or any of their agents;

10 (2) the purchase of tickets for fund-raising events,
11 including but not limited to dinners, luncheons, cocktail
12 parties, and rallies made in connection with the nomination for
13 election, or election, of any person to public office, in
14 connection with the election of any person as ward or township
15 committeeman in counties of 3,000,000 or more population, in
16 connection with the legal defense of a candidate or public
17 official, or in connection with any question of public policy;

18 (3) a transfer of funds between political committees; and

19 (4) the services of an employee donated by an employer, in
20 which case the contribution shall be listed in the name of the
21 employer, except that any individual services provided
22 voluntarily and without promise or expectation of compensation
23 from any source shall not be deemed a contribution; but

24 (5) does not include--

25 (a) the use of real or personal property and the cost
26 of invitations, food, and beverages, voluntarily provided

1 by an individual in rendering voluntary personal services
2 on the individual's residential premises for
3 candidate-related activities; provided the value of the
4 service provided does not exceed an aggregate of \$150 in a
5 reporting period;

6 (b) the sale of any food or beverage by a vendor for
7 use in a candidate's campaign at a charge less than the
8 normal comparable charge, if such charge for use in a
9 candidate's campaign is at least equal to the cost of such
10 food or beverage to the vendor.

11 (Source: P.A. 94-645, eff. 8-22-05.)

12 (Text of Section after amendment by P.A. 96-832)

13 Sec. 9-1.4. Contribution.

14 (A) "Contribution" means:

15 (1) a gift, subscription, donation, dues, loan, advance,
16 deposit of money, or anything of value, knowingly received in
17 connection with the nomination for election, election, or
18 retention of any candidate or person to or in public office, in
19 connection with the legal defense of a candidate or public
20 official, or in connection with any question of public policy;

21 (1.5) a gift, subscription, donation, dues, loan, advance,
22 deposit of money, or anything of value that constitutes an
23 electioneering communication made in concert or cooperation
24 with or at the request, suggestion, or knowledge of a
25 candidate, a political committee, or any of their agents;

1 (2) the purchase of tickets for fund-raising events,
2 including but not limited to dinners, luncheons, cocktail
3 parties, and rallies made in connection with the nomination for
4 election, election, or retention of any person in or to public
5 office, in connection with the legal defense of a candidate or
6 public official, or in connection with any question of public
7 policy;

8 (3) a transfer of funds received by a political committee
9 from another political committee;

10 (4) the services of an employee donated by an employer, in
11 which case the contribution shall be listed in the name of the
12 employer, except that any individual services provided
13 voluntarily and without promise or expectation of compensation
14 from any source shall not be deemed a contribution; and

15 (5) an expenditure by a political committee made in
16 cooperation, consultation, or concert with another political
17 committee.

18 (B) "Contribution" does not include:

19 (a) the use of real or personal property and the
20 cost of invitations, food, and beverages, voluntarily
21 provided by an individual in rendering voluntary
22 personal services on the individual's residential
23 premises for candidate-related activities; provided
24 the value of the service provided does not exceed an
25 aggregate of \$150 in a reporting period;

26 (b) the sale of any food or beverage by a vendor

1 for use in a candidate's campaign at a charge less than
2 the normal comparable charge, if such charge for use in
3 a candidate's campaign is at least equal to the cost of
4 such food or beverage to the vendor;

5 (c) communications by a corporation to its
6 stockholders and executive or administrative personnel
7 or their families;

8 (d) communications by an association to its
9 members and executive or administrative personnel or
10 their families;

11 (e) voter registration or other campaigns
12 encouraging voting that make no mention of any clearly
13 identified candidate, public question, political
14 party, group, or combination thereof;

15 (f) a loan of money by a national or State bank or
16 credit union made in accordance with the applicable
17 banking laws and regulations and in the ordinary course
18 of business, but the loan shall be listed on disclosure
19 reports required by this Article; however, the use,
20 ownership, or control of any security for such a loan,
21 if provided by a person other than the candidate or his
22 or her committee, qualifies as a contribution; or

23 (g) an independent expenditure.

24 (C) Interest or other investment income, earnings or
25 proceeds, and refunds or returns of all or part of a
26 committee's previous expenditures shall not be considered

1 contributions but shall be listed on disclosure reports
2 required by this Article.

3 (Source: P.A. 96-832, eff. 1-1-11.)

4 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

5 (Text of Section before amendment by P.A. 96-832)

6 Sec. 9-1.5. Expenditure defined.

7 "Expenditure" means-

8 (1) a payment, distribution, purchase, loan, advance,
9 deposit, or gift of money or anything of value, in connection
10 with the nomination for election, or election, of any person to
11 public office, in connection with the election of any person as
12 ward or township committeeman in counties of 3,000,000 or more
13 population, in connection with the legal defense of a candidate
14 or public official, or in connection with any question of
15 public policy. "Expenditure" also includes a payment,
16 distribution, purchase, loan, advance, deposit, or gift of
17 money or anything of value that constitutes an electioneering
18 communication regardless of whether the communication is made
19 in concert or cooperation with or at the request, suggestion,
20 or knowledge of a candidate, a candidate's authorized local
21 political committee, a State political committee, a political
22 committee in support of or opposition to a question of public
23 policy, or any of their agents. However, expenditure does not
24 include -

25 (a) the use of real or personal property and the cost

1 of invitations, food, and beverages, voluntarily provided
2 by an individual in rendering voluntary personal services
3 on the individual's residential premises for
4 candidate-related activities; provided the value of the
5 service provided does not exceed an aggregate of \$150 in a
6 reporting period;

7 (b) the sale of any food or beverage by a vendor for
8 use in a candidate's campaign at a charge less than the
9 normal comparable charge, if such charge for use in a
10 candidate's campaign is at least equal to the cost of such
11 food or beverage to the vendor.

12 (2) a transfer of funds between political committees.

13 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
14 93-847, eff. 7-30-04.)

15 (Text of Section after amendment by P.A. 96-832)

16 Sec. 9-1.5. Expenditure.

17 (A) "Expenditure" means:

18 (1) a payment, distribution, purchase, loan, advance,
19 deposit, gift of money, or anything of value, in connection
20 with the nomination for election, election, or retention of
21 any person to or in public office, in connection with the
22 legal defense of a candidate or public official, or in
23 connection with any question of public policy;

24 (2) a payment, distribution, purchase, loan, advance,
25 deposit, gift of money, or anything of value that

1 constitutes an electioneering communication made in
2 concert or cooperation with or at the request, suggestion,
3 or knowledge of a candidate, a political committee, or any
4 of their agents; or

5 (3) a transfer of funds by a political committee to
6 another political committee.

7 (B) "Expenditure" does not include:

8 (a) the use of real or personal property and the cost
9 of invitations, food, and beverages, voluntarily provided
10 by an individual in rendering voluntary personal services
11 on the individual's residential premises for
12 candidate-related activities; provided the value of the
13 service provided does not exceed an aggregate of \$150 in a
14 reporting period; or

15 (b) the sale of any food or beverage by a vendor for
16 use in a candidate's campaign at a charge less than the
17 normal comparable charge, if such charge for use in a
18 candidate's campaign is at least equal to the cost of such
19 food or beverage to the vendor.

20 (Source: P.A. 96-832, eff. 1-1-11.)

21 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

22 (Section scheduled to be repealed on January 1, 2011)

23 Sec. 9-1.7. "Local political committee" means the
24 candidate himself or any individual, trust, partnership,
25 committee, association, corporation, or other organization or

1 group of persons which:

2 (a) accepts contributions or grants or makes
3 expenditures during any 12-month period in an aggregate
4 amount exceeding \$3,000 on behalf of or in opposition to a
5 candidate or candidates for public office who are required
6 by the Illinois Governmental Ethics Act to file statements
7 of economic interests with the county clerk, ~~or~~ on behalf
8 of or in opposition to a candidate or candidates for
9 election to the office of ward or township committeeman in
10 counties of 3,000,000 or more population, or in connection
11 with the legal defense of a candidate or public official
12 who is required by the Illinois Governmental Ethics Act to
13 file a statement of economic interests with the county
14 clerk;

15 (b) accepts contributions or makes expenditures during
16 any 12-month period in an aggregate amount exceeding \$3,000
17 in support of or in opposition to any question of public
18 policy to be submitted to the electors of an area
19 encompassing no more than one county. The \$3,000 threshold
20 established in this paragraph (b) applies to any receipts
21 or expenditures received or made with the purpose of
22 securing a place on the ballot for, advocating the defeat
23 or passage of, or engaging in electioneering communication
24 regarding the question of public policy regardless of the
25 method of initiation of the question of public policy and
26 regardless of whether petitions have been circulated or

1 filed with the appropriate office or whether the question
2 has been adopted and certified by the governing body;

3 (c) accepts contributions or makes expenditures during
4 any 12-month period in an aggregate amount exceeding \$3,000
5 and has as its primary purpose the furtherance of
6 governmental, political or social values, is organized on a
7 not-for-profit basis, and which publicly endorses or
8 publicly opposes a candidate or candidates for public
9 office who are required by the Illinois Governmental Ethics
10 Act to file statements of economic interest with the County
11 Clerk or a candidate or candidates for the office of ward
12 or township committeeman in counties of 3,000,000 or more
13 population; or

14 (d) accepts contributions or makes expenditures during
15 any 12-month period in an aggregate amount exceeding \$3,000
16 for electioneering communications relating to any
17 candidate or candidates described in paragraph (a) or any
18 question of public policy described in paragraph (b).

19 (Source: P.A. 95-963, eff. 1-1-09. Repealed by P.A. 96-832,
20 eff. 1-1-11.)

21 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

22 (Text of Section before amendment by P.A. 96-832)

23 Sec. 9-1.8. "State political committee" means the
24 candidate himself or any individual, trust, partnership,
25 committee, association, corporation, or any other organization

1 or group of persons which--

2 (a) accepts contributions or grants or makes expenditures
3 during any 12-month period in an aggregate amount exceeding
4 \$3,000 (i) on behalf of or in opposition to a candidate or
5 candidates for public office who are required by the Illinois
6 Governmental Ethics Act to file statements of economic
7 interests with the Secretary of State or (ii) in connection
8 with the legal defense of a candidate or public official who is
9 required by the Illinois Governmental Ethics Act to file a
10 statement of economic interests with the Secretary of State,

11 (b) accepts contributions or makes expenditures during any
12 12-month period in an aggregate amount exceeding \$3,000 in
13 support of or in opposition to any question of public policy to
14 be submitted to the electors of an area encompassing more than
15 one county. The \$3,000 threshold established in this paragraph

16 (b) applies to any receipts or expenditures received or made
17 with the purpose of securing a place on the ballot for,
18 advocating the defeat or passage of, or engaging in
19 electioneering communication regarding the question of public
20 policy regardless of the method of initiation of the question
21 of public policy and regardless of whether petitions have been
22 circulated or filed with the appropriate office or whether the
23 question has been adopted and certified by the governing body,

24 (c) accepts contributions or makes expenditures during any
25 12-month period in an aggregate amount exceeding \$3,000 and has
26 as its primary purpose the furtherance of governmental,

1 political or social values, is organized on a not-for-profit
2 basis, and which publicly endorses or publicly opposes a
3 candidate or candidates for public office who are required by
4 the Illinois Governmental Ethics Act to file statements of
5 economic interest with the Secretary of State, or

6 (d) accepts contributions or makes expenditures during any
7 12-month period in an aggregate amount exceeding \$3,000 for
8 electioneering communications relating to any candidate or
9 candidates described in paragraph (a) or any question of public
10 policy described in paragraph (b).

11 (Source: P.A. 95-963, eff. 1-1-09.)

12 (Text of Section after amendment by P.A. 96-832)

13 Sec. 9-1.8. Political committees.

14 (a) "Political committee" includes a candidate political
15 committee, a political party committee, a political action
16 committee, and a ballot initiative committee.

17 (b) "Candidate political committee" means the candidate
18 himself or herself or any natural person, trust, partnership,
19 corporation, or other organization or group of persons
20 designated by the candidate that accepts contributions or makes
21 expenditures during any 12-month period in an aggregate amount
22 exceeding \$3,000 on behalf of the candidate or in connection
23 with the legal defense of the candidate.

24 (c) "Political party committee" means the State central
25 committee of a political party, a county central committee of a

1 political party, a legislative caucus committee, or a committee
2 formed by a ward or township committeeman of a political party.
3 For purposes of this Article, a "legislative caucus committee"
4 means a committee established for the purpose of electing
5 candidates to the General Assembly by the person elected
6 President of the Senate, Minority Leader of the Senate, Speaker
7 of the House of Representatives, Minority Leader of the House
8 of Representatives, or a committee established by 5 or more
9 members of the same caucus of the Senate or 10 or more members
10 of the same caucus of the House of Representatives.

11 (d) "Political action committee" means any natural person,
12 trust, partnership, committee, association, corporation, or
13 other organization or group of persons, other than a candidate,
14 political party, candidate political committee, or political
15 party committee, that accepts contributions or makes
16 expenditures during any 12-month period in an aggregate amount
17 exceeding \$3,000 on behalf of or in opposition to, or in
18 connection with the legal defense of, a candidate or candidates
19 for public office. "Political action committee" includes any
20 natural person, trust, partnership, committee, association,
21 corporation, or other organization or group of persons, other
22 than a candidate, political party, candidate political
23 committee, or political party committee, that makes
24 electioneering communications during any 12-month period in an
25 aggregate amount exceeding \$3,000 related to any candidate or
26 candidates for public office.

1 (e) "Ballot initiative committee" means any natural
2 person, trust, partnership, committee, association,
3 corporation, or other organization or group of persons that
4 accepts contributions or makes expenditures during any
5 12-month period in an aggregate amount exceeding \$3,000 in
6 support of or in opposition to any question of public policy to
7 be submitted to the electors. "Ballot initiative committee"
8 includes any natural person, trust, partnership, committee,
9 association, corporation, or other organization or group of
10 persons that makes electioneering communications during any
11 12-month period in an aggregate amount exceeding \$3,000 related
12 to any question of public policy to be submitted to the voters.
13 The \$3,000 threshold applies to any contributions or
14 expenditures received or made with the purpose of securing a
15 place on the ballot for, advocating the defeat or passage of,
16 or engaging in electioneering communication regarding the
17 question of public policy, regardless of the method of
18 initiation of the question of public policy and regardless of
19 whether petitions have been circulated or filed with the
20 appropriate office or whether the question has been adopted and
21 certified by the governing body.

22 (Source: P.A. 95-963, eff. 1-1-09; 96-832, eff. 1-1-11.)

23 (10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

24 (Text of Section before amendment by P.A. 96-832)

25 Sec. 9-1.9. "Political committee" includes State central

1 and county central committees of any political party, and also
2 includes local political committees and state political
3 committees, but does not include any candidate who does not
4 accept contributions or make expenditures during any 12-month
5 period in an aggregate amount exceeding \$3,000, nor does it
6 include, with the exception of State central and county central
7 committees of any political party, any individual, trust,
8 partnership, committee, association, corporation, or any other
9 organization or group of persons which does not (i) accept
10 contributions or make expenditures during any 12-month period
11 in an aggregate amount exceeding \$3,000 on behalf of or in
12 opposition to a candidate or candidates or to any question of
13 public policy, ~~or~~ (ii) accept contributions or make
14 expenditures during any 12-month period in an aggregate amount
15 exceeding \$3,000 for electioneering communications relating to
16 any candidate or candidates described in paragraph (a) of
17 Section 9-1.7 or 9-1.8 or any question of public policy
18 described in paragraph (b) of Section 9-1.7 or 9-1.8, or (iii)
19 accept contributions or make expenditures during any 12-month
20 period in an aggregate amount exceeding \$3,000 in connection
21 with the legal defense of a candidate or public official, and
22 such candidates and persons shall not be required to comply
23 with any filing provisions in this Article.

24 (Source: P.A. 93-847, eff. 7-30-04.)

25 (Text of Section after amendment by P.A. 96-832)

1 Sec. 9-1.9. Election cycle. "Election cycle" means any of
2 the following:

3 (1) For a candidate political committee organized to
4 support a candidate to be elected at a general primary election
5 or general election, (i) the period beginning January 1
6 following the general election for the office to which a
7 candidate seeks nomination or election and ending on the day of
8 the general primary election for that office or (ii) the period
9 beginning the day after a general primary election for the
10 office to which the candidate seeks nomination or election and
11 through December 31 following the general election.

12 (2) Notwithstanding paragraph (1), for a candidate
13 political committee organized to support a candidate for the
14 General Assembly, (i) the period beginning January 1 following
15 a general election and ending on the day of the next general
16 primary election or (ii) the period beginning the day after the
17 general primary election and ending on December 31 following a
18 general election.

19 (3) For a candidate political committee organized to
20 support a candidate for a retention election, (i) the period
21 beginning January 1 following the general election at which the
22 candidate was elected through the day the candidate files a
23 declaration of intent to seek retention or (ii) the period
24 beginning the day after the candidate files a declaration of
25 intent to seek retention through December 31 following the
26 retention election.

1 (4) For a candidate political committee organized to
2 support a candidate to be elected at a consolidated primary
3 election or consolidated election, (i) the period beginning
4 July 1 following a consolidated election and ending on the day
5 of the consolidated primary election or (ii) the period
6 beginning the day after the consolidated primary election and
7 ending on June 30 following a consolidated election.

8 (5) For a political party committee, political action
9 committee, or ballot initiative committee, the period
10 beginning on January 1 and ending on December 31 of each
11 calendar year.

12 (Source: P.A. 96-832, eff. 1-1-11.)

13 (10 ILCS 5/9-1.16 new)

14 Sec. 9-1.16. Legal defense of a candidate or public
15 official. "Legal defense of a candidate or public official"
16 means the obtaining, providing, or financially assisting with
17 the obtaining or providing of legal counsel, representation,
18 services, advice, opinion, or guidance for a candidate or
19 public official in connection with: (i) an offense involving
20 fraud against a public entity, bribery of an officer or
21 employee of a public entity, official misconduct, or inducement
22 of an officer or employee of a public entity to commit official
23 misconduct; (ii) any other infamous crime under State or
24 federal law; or (iii) any other offense that reflects upon the
25 candidate's or official's character, honesty, integrity, or

1 ability to qualify for or hold public office.

2 For the purpose of this Section, "public entity" means any
3 entity authorized or established by constitution, law,
4 executive order, resolution, or ordinance in the executive,
5 legislative, or judicial branch of government at the federal,
6 State, or local level.

7 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

8 (Text of Section before amendment by P.A. 96-832)

9 Sec. 9-10. Financial reports.

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

23 (b) This subsection does not apply with respect to general
24 primary elections. Reports of campaign contributions shall be
25 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 an expenditure or expenditures in an aggregate
17 amount of more than \$500 (A) on behalf of or in opposition to
18 any (i) candidate or candidates, (ii) public question or
19 questions, or (iii) candidate or candidates and public question
20 or questions on the ballot at an election or (B) in connection
21 with the legal defense of a candidate or public official shall
22 not be required to file the reports prescribed in this
23 subsection (b) and subsection (b-5) but may file in lieu
24 thereof a Statement of Nonparticipation in the Election with
25 the Board or the Board and the county clerk ; except that if
26 the political committee, by the terms of its statement of

1 organization filed in accordance with this Article, is
2 organized to support or oppose a candidate or public question
3 on the ballot at the next election or primary, that committee
4 must file reports required by this subsection (b) and by
5 subsection (b-5).

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

1 required under this subsection beginning with the date the
2 expenditure that triggered participation was made. The State
3 Board shall allow filings of reports of contributions of more
4 than \$500 under this subsection (b-5) by political committees
5 that are not required to file electronically to be made by
6 facsimile transmission. For the purpose of this subsection, a
7 contribution is considered received on the date the public
8 official, candidate, or political committee (or equivalent
9 person in the case of a reporting entity other than a political
10 committee) actually receives it or, in the case of goods or
11 services, 2 business days after the date the public official,
12 candidate, committee, or other reporting entity receives the
13 certification required under subsection (b) of Section 9-6.
14 Failure to report each contribution is a separate violation of
15 this subsection. In the final disposition of any matter by the
16 Board on or after the effective date of this amendatory Act of
17 the 93rd General Assembly, the Board may impose fines for
18 violations of this subsection not to exceed 100% of the total
19 amount of the contributions that were untimely reported, but in
20 no case when a fine is imposed shall it be less than 10% of the
21 total amount of the contributions that were untimely reported.
22 When considering the amount of the fine to be imposed, the
23 Board shall consider, but is not limited to, the following
24 factors:

25 (1) whether in the Board's opinion the violation was
26 committed inadvertently, negligently, knowingly, or

1 intentionally;

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

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

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

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; 95-957,
14 eff. 1-1-09.)

15 (Text of Section after amendment by P.A. 96-832)

16 Sec. 9-10. Disclosure of contributions and expenditures.

17 (a) The treasurer of every political committee shall file
18 with the Board reports of campaign contributions and
19 expenditures as required by this Section on forms to be
20 prescribed or approved by the Board.

21 (b) Every political committee shall file quarterly reports
22 of campaign contributions, expenditures, and independent
23 expenditures. The reports shall cover the period January 1
24 through March 31, April 1 through June 30, July 1 through
25 September 30, and October 1 through December 31 of each year. A

1 political committee shall file quarterly reports no later than
2 the 15th day of the month following each period. Reports of
3 contributions and expenditures must be filed to cover the
4 prescribed time periods even though no contributions or
5 expenditures may have been received or made during the period.
6 The Board shall assess a civil penalty not to exceed \$5,000 for
7 failure to file a report required by this subsection. The fine,
8 however, shall not exceed \$1,000 for a first violation if the
9 committee files less than 10 days after the deadline. There
10 shall be no fine if the report is mailed and postmarked at
11 least 72 hours prior to the filing deadline. When considering
12 the amount of the fine to be imposed, the Board shall consider
13 whether the violation was committed inadvertently,
14 negligently, knowingly, or intentionally and any past
15 violations of this Section.

16 (c) A political committee shall file a report of any
17 contribution of \$1,000 or more electronically with the Board
18 within 5 business days after receipt of the contribution,
19 except that the report shall be filed within 2 business days
20 after receipt if (i) the contribution is received 30 or fewer
21 days before the date of an election and (ii) the political
22 committee supports or opposes a candidate or public question on
23 the ballot at that election or makes expenditures in excess of
24 \$500 on behalf of or in opposition to a candidate, candidates,
25 a public question, or public questions on the ballot at that
26 election. The State Board shall allow filings of reports of

1 contributions of \$1,000 or more by political committees that
2 are not required to file electronically to be made by facsimile
3 transmission. The Board shall assess a civil penalty for
4 failure to file a report required by this subsection. Failure
5 to report each contribution is a separate violation of this
6 subsection. The Board shall impose fines for willful or wanton
7 violations of this subsection (c) not to exceed 150% of the
8 total amount of the contributions that were untimely reported,
9 but in no case shall it be less than 10% of the total amount of
10 the contributions that were untimely reported. When
11 considering the amount of the fine to be imposed for willful or
12 wanton violations, the Board shall consider the number of days
13 the contribution was reported late and past violations of this
14 Section and Section 9-3. The Board may impose a fine for
15 negligent or inadvertent violations of this subsection not to
16 exceed 50% of the total amount of the contributions that were
17 untimely reported, or the Board may waive the fine. When
18 considering whether to impose a fine and the amount of the
19 fine, the Board shall consider the following factors: (1)
20 whether the political committee made an attempt to disclose the
21 contribution and any attempts made to correct the violation,
22 (2) whether the violation is attributed to a clerical or
23 computer error, (3) the amount of the contribution, (4) whether
24 the violation arose from a discrepancy between the date the
25 contribution was reported transferred by a political committee
26 and the date the contribution was received by a political

1 committee, (5) the number of days the contribution was reported
2 late, and (6) past violations of this Section and Section 9-3
3 by the political committee.

4 (d) For the purpose of this Section, a contribution is
5 considered received on the date (i) a monetary contribution was
6 deposited in a bank, financial institution, or other repository
7 of funds for the committee, (ii) the date a committee receives
8 notice a monetary contribution was deposited by an entity used
9 to process financial transactions by credit card or other
10 entity used for processing a monetary contribution that was
11 deposited in a bank, financial institution, or other repository
12 of funds for the committee, or (iii) the public official,
13 candidate, or political committee receives the notification of
14 contribution of goods or services as required under subsection
15 (b) of Section 9-6.

16 (e) A political committee that makes independent
17 expenditures of \$1,000 or more during the period 30 days or
18 fewer before an election shall electronically file a report
19 with the Board within 5 business days after making the
20 independent expenditure. The report shall contain the
21 information required in Section 9-11(c) of this Article.

22 (f) 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. 95-6, eff. 6-20-07; 95-957, eff. 1-1-09; 96-832,
26 eff. 1-1-11.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.