



Sen. Christine Radogno

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09600SB2206sam001

LRB096 11518 RCE 27582 a

1 AMENDMENT TO SENATE BILL 2206

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2206 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing the  
5 heading of Article 9 and Sections 9-1, 9-1.4, 9-1.5, 9-10,  
6 9-18, 9-21, 9-23, and 9-28 and by adding Sections 9-1.16,  
7 9-1.18, 9-1.19, 9-1.20, 9-1.21, 9-1.22, 9-1.23, 9-2.5, 9-2.7,  
8 9-8.5, 9-8.6, 9-8.7, 9-8.9, and 9-23.5 as follows:

9 (10 ILCS 5/Art. 9 heading)

10 ARTICLE 9. DISCLOSURE AND REGULATION OF CAMPAIGN  
11 CONTRIBUTIONS AND EXPENDITURES

12 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

13 Sec. 9-1. As used in this Article, unless the context  
14 otherwise requires, the terms defined in Sections 9-1.1 through  
15 9-1.23 ~~9-1.13~~, have the respective meanings as defined in those

1 Sections.

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

3 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

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

5 (1) a gift, subscription, donation, dues, loan, advance, or  
6 deposit of money or anything of value, knowingly received in  
7 connection with the nomination for election, ~~or~~ election, or  
8 retention of any person to or in public office, in connection  
9 with the election of any person as ward or township  
10 committeeman in counties of 3,000,000 or more population, or in  
11 connection with any question of public policy;

12 (1.5) a gift, subscription, donation, dues, loan, advance,  
13 deposit of money, or anything of value that constitutes an  
14 electioneering communication regardless of whether the  
15 communication is made in concert or cooperation with or at the  
16 request, suggestion, or knowledge of a candidate, a candidate's  
17 authorized local political committee, a State political  
18 committee, a political committee in support of or opposition to  
19 a question of public policy, or any of their agents;

20 (2) the purchase of tickets for fund-raising events,  
21 including but not limited to dinners, luncheons, cocktail  
22 parties, and rallies made in connection with the nomination for  
23 election, ~~or~~ election, or retention of any person to or in  
24 public office, in connection with the election of any person as  
25 ward or township committeeman in counties of 3,000,000 or more

1 population, or in connection with any question of public  
2 policy;

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

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

9 (5) does not include--

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

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

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

23 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

24 Sec. 9-1.5. Expenditure defined.

25 "Expenditure" means-

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

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

24           (b) the sale of any food or beverage by a vendor for  
25 use in a candidate's campaign at a charge less than the  
26 normal comparable charge, if such charge for use in a

1 candidate's campaign is at least equal to the cost of such  
2 food or beverage to the vendor.

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

4 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
5 93-847, eff. 7-30-04.)

6 (10 ILCS 5/9-1.16 new)

7 Sec. 9-1.16. Regular election period.

8 (a) "Regular election period" means, for purposes of (i)  
9 contributions to political committees designated by  
10 established political parties and candidates for nomination or  
11 election to offices to be filled at a general election and (ii)  
12 independent expenditures benefiting candidates for nomination  
13 or election to offices to be filled at a general election, each  
14 of the following:

15 (1) The period beginning on January 1 immediately  
16 following the date of the most recent general election for  
17 the office to which a candidate seeks nomination or  
18 election and ending the day of the next general primary  
19 election for that office.

20 (2) The period beginning on the day after the most  
21 recent general primary election for the office to which the  
22 candidate seeks nomination or election and ending on the  
23 December 31 after the general election for that office.

24 (b) "Regular election period" means, for purposes of (i)  
25 contributions to a political committee designated by an

1 incumbent judge seeking retention in office and (ii)  
2 independent expenditures benefiting incumbent judges seeking  
3 retention in office, the period beginning on the date on which  
4 an incumbent judge declares his or her intention to seek  
5 retention in office and ending 90 days after the retention  
6 election.

7 (c) "Regular election period" means, for purposes of (i)  
8 contributions made to political committees designated by  
9 candidates for nomination or election to offices to be filled  
10 at a consolidated primary or consolidated election and (ii)  
11 independent expenditures benefiting candidates for nomination  
12 or election to offices to be filled at a consolidated primary  
13 or consolidated election, the period beginning on July 1  
14 immediately following the date of the most recent consolidated  
15 primary election or consolidated election at which the office  
16 for which the candidate seeks nomination or election was filled  
17 and ending on June 30 immediately after the date of the next  
18 consolidated primary election or consolidated election for  
19 that office.

20 (10 ILCS 5/9-1.18 new)

21 Sec. 9-1.18. Labor organization. The term "labor  
22 organization" means any organization of any kind or any agency  
23 or employee representation committee or plan in which employees  
24 participate and that exists for the purpose, in whole or in  
25 part, of dealing with employers concerning grievances, labor

1 disputes, wages, rates of pay, hours of employment, or  
2 conditions of work, including any parent, subsidiary,  
3 affiliate, branch, division, department or local unit thereof.

4 (10 ILCS 5/9-1.19 new)

5 Sec. 9-1.19. Corporation. The term "corporation" includes  
6 a corporation, limited liability company, partnership, limited  
7 partnership, limited liability partnership, professional  
8 association, professional corporation, professional practice,  
9 cooperative, sole proprietorship, or any other  
10 legally-recognized business entity, whether organized on a  
11 for-profit or non-profit basis, whether organized under the  
12 laws of Illinois or of another state. The term "corporation"  
13 shall not include a labor organization as defined in Section  
14 19-1.18.

15 (10 ILCS 5/9-1.20 new)

16 Sec. 9-1.20. Association. The term "association" means any  
17 group, club, collective, membership organization, collection  
18 of persons, entity organized under Section 501 or 527 of the  
19 Internal Revenue Code, or other entity other than a natural  
20 person; except that an association does not include a political  
21 committee organized under this Article.

22 (10 ILCS 5/9-1.21 new)

23 Sec. 9-1.21. Affiliated person. "Affiliated person" means

1 (i) any person with any ownership interest or distributive  
2 share of an affiliated entity in excess of 7.5% and (ii) for  
3 each affiliated entity, any "executive employee" as that term  
4 is defined in Section 50-37 of the Illinois Procurement Code.

5 (10 ILCS 5/9-1.22 new)

6 Sec. 9-1.22. Affiliated entity. "Affiliated entity" means  
7 (i) any parent or subsidiary or local of the entity, (ii) any  
8 member of the same unitary business group, (iii) any  
9 organization recognized by the United States Internal Revenue  
10 Service as a tax-exempt organization described in Section  
11 501(c) of the Internal Revenue Code of 1986 (or any successor  
12 provision of federal tax law) established by the entity, or  
13 (iv) any political Committee for which any of the  
14 aforementioned is the sponsoring entity.

15 (10 ILCS 5/9-1.23 new)

16 Sec. 9-1.23. Statewide office. For purposes of this Article  
17 9, "statewide office" means the offices of Governor, Lieutenant  
18 Governor, Attorney General, Secretary of State, Comptroller,  
19 and Treasurer.

20 (10 ILCS 5/9-2.5 new)

21 Sec. 9-2.5. Single political committee.  
22 (a) Except as provided by this Section, no public official  
23 or candidate for public office may establish more than one



1 political committee for each office that public official or  
2 candidate occupies or is seeking.

3 (b) A public official with one or more pre-existing  
4 committees bound by the limits of any subsection of Section  
5 9-8.5 considering a candidacy for any office covered by the  
6 limits of any different subsection of Section 9-8.5 must form a  
7 new committee, to be termed an exploratory committee. A  
8 pre-existing committee created for the primary purpose of  
9 aiding that candidate's election to other offices that ceases  
10 all fundraising after the creation of an exploratory committee  
11 may transfer funds without limit to an exploratory committee.  
12 If the candidate decides against running for the new office,  
13 fails to qualify for the ballot at the next election, or loses  
14 the next election, but remains in the office for which the  
15 pre-existing committee was designated, the pre-existing  
16 committee may be continued to be used as the designated  
17 committee for that candidate. If the candidate decides against  
18 running for the new office, fails to qualify for the ballot at  
19 the next election, or loses the next election, then the  
20 exploratory committee must return any remaining funds to  
21 contributors, including returning funds to the candidate's  
22 pre-existing designated committee in an amount not to exceed  
23 the amount the pre-existing committee transferred to the  
24 exploratory committee, or donate the funds to charity, and  
25 close the exploratory committee within 90 days following the  
26 candidate's decision not to run, failure to qualify, or loss.

1       (c) As described in 5/9-2.7(c), the President of the  
2 Senate, Minority Leader of the Senate, Speaker of the House of  
3 Representatives, and Minority Leader of the House of  
4 Representatives may each establish and operate one additional  
5 political committee for the purpose of supporting the election  
6 of candidates to the General Assembly. The committees provided  
7 for in this subsection (c) shall not be considered established  
8 by the President of the Senate, Minority Leader of the Senate,  
9 Speaker of the House of Representatives, or Minority Leader of  
10 the House of Representatives for purposes of Section 9-2.5.

11       (10 ILCS 5/9-2.7 new)

12       Sec. 9-2.7. Designated Political Committees.

13       (a) Candidate committees.

14       (1) Each candidate shall designate in writing one and  
15 only one political committee to serve as the political  
16 committee of the candidate. The candidate shall file this  
17 designation with the State Board of Elections no later than  
18 15 business days after becoming a candidate or establishing  
19 the committee. The designation shall become effective upon  
20 filing with the State Board of Elections. Any committee so  
21 designated may, within 10 business days after notification  
22 of the designation, reject the designation. If a committee  
23 rejects a candidate designation, the committee must return  
24 to donors any funds raised as a result of the designation,  
25 and the candidate must create and designate a new committee

1 within 5 business days after the rejection.

2 (2) The name of the designated committee shall include  
3 the name of the candidate who authorized the committee  
4 under paragraph (1). No political committee that is not a  
5 designated candidate committee may include the full name of  
6 that candidate in its name.

7 (b) Party committees.

8 (1) Any political organization or party may designate  
9 in writing one and only one political committee to support  
10 candidates of a specific political party seeking elective  
11 office within a specific jurisdiction. The designation  
12 shall be made no later than 15 business days after the  
13 effective date of this amendatory Act of the 96th General  
14 Assembly, or 15 business days after formation of the  
15 committee, and shall be filed with the State Board of  
16 Election. The designation of a party committee may be  
17 changed only upon the replacement of the party chairman.

18 (2) The name of the designated committee shall include  
19 the name of the party that authorized the committee under  
20 paragraph (1). No political committee that is not a  
21 designated party committee may include the full name of  
22 that party in its name.

23 (c) Caucus committees.

24 (1) The President of the Senate, Minority Leader of the  
25 Senate, Speaker of the House of Representatives, and  
26 Minority Leader of the House of Representatives may each

1 designate in writing one and only one political committee  
2 to serve as the political committee of his or her caucus.  
3 The designation shall be made no later than 15 business  
4 days after the start of the General Assembly, and shall be  
5 filed with the State Board of Election. The designation of  
6 a caucus committee may not be changed, revoked, or altered  
7 until the start of the next General Assembly unless the  
8 person elected to the office authorized to designate the  
9 caucus committee also changes; the new leader may designate  
10 a new committee within 15 business days after taking  
11 office.

12 (2) The name of the designated committee shall include  
13 a clear and unambiguous reference to the caucus that  
14 authorized the committee under paragraph (1). No political  
15 committee that is not a designated caucus committee may  
16 include the name of that caucus in its name.

17 (d) All designations, statements, and reports required to  
18 be filed under this Section shall be filed with the Board. The  
19 Board shall retain and make the designations, statements, and  
20 reports received under this Section available for public  
21 inspection and copying on-line in the same manner as statements  
22 of organization.

23 (10 ILCS 5/9-8.5 new)

24 Sec. 9-8.5. Limitation on contributions.

25 (a) It shall be unlawful for any person to make

1 contributions to a political committee except as provided in  
2 this Section.

3 (b) To political committees designated by a candidate for  
4 the General Assembly:

5 (1) Natural persons may contribute no more than \$2,400  
6 during any regular election period.

7 (2) Political committees established by a State  
8 political party may contribute no more than \$30,000 during  
9 the regular election period. All committees established by  
10 a State political party, under State or federal law, shall  
11 be considered as one committee for the purpose of this  
12 Section.

13 (3) Political committees established by a partisan  
14 legislative caucus may contribute no more than \$30,000  
15 during any regular election period.

16 (4) Any other political committee not designated by the  
17 candidate may contribute no more than \$5,000 during a  
18 regular election period.

19 (5) A corporation, labor organization, or association  
20 may contribute from its own treasuries no more than \$5,000  
21 during a regular election period. All contributions from  
22 affiliated persons and affiliated entities shall be  
23 aggregated for the purposes of this Section.

24 (c) To political committees designated by a candidate for a  
25 (i) local office or (ii) for ward or township committeeman in  
26 counties of 3,000,000 or more population:

1           (1) Natural persons may contribute no more than \$2,400  
2           during any regular election period.

3           (2) The candidate may designate one and only one  
4           political party whose political committees may contribute  
5           no more than \$10,000 during the regular election period.  
6           All committees established by the political party, under  
7           State or federal law, shall be considered as one committee  
8           for the purpose of this Section.

9           (3) Any other political committee not designated by the  
10           candidate may contribute no more than \$5,000 during any  
11           regular election period.

12           (3.5) A corporation, labor organization, or  
13           association may contribute from its own treasuries no more  
14           than \$5,000 during any regular election period. All  
15           contributions from affiliated persons and affiliated  
16           entities shall be aggregated for the purposes of this  
17           Section.

18           (d) To political committees designated by a candidate for  
19           judicial office:

20           (1) Natural persons may contribute no more than \$2,400  
21           during any regular election period.

22           (2) The candidate may designate one and only one  
23           political party whose political committees may contribute  
24           no more than \$10,000 during the regular election period.  
25           All committees established by the political party, under  
26           State or federal law, shall be considered as one committee

1       for the purpose of this Section.

2       (3) Any other political committee not designated by the  
3       candidate may contribute no more than \$5,000 during a  
4       regular election period.

5       (4) A corporation, labor organization, or association  
6       may contribute from its own treasuries no more than \$5,000  
7       during a regular election period. All contributions from  
8       affiliated persons and affiliated entities shall be  
9       aggregated for the purposes of this Section.

10       (e) To political committees designated by a candidate for  
11       statewide office:

12       (1) Natural persons may contribute no more than \$2,400  
13       during any regular election period.

14       (2) The candidate may designate one and only one  
15       political party whose political committees may contribute  
16       no more than \$50,000 during the regular election period.  
17       All committees established by the political party, under  
18       State or federal law, shall be considered as one committee  
19       for the purpose of this Section.

20       (3) Any other political committee not designated by the  
21       candidate may contribute no more than \$5,000 during a  
22       regular election period.

23       (4) A corporation, labor organization, or association  
24       may contribute from its own treasuries no more than \$5,000  
25       during a regular election period. All contributions from  
26       affiliated persons and affiliated entities shall be

1 aggregated for the purposes of this Section.

2 (f) To political committees designated by an established  
3 political party:

4 (1) Natural persons may contribute no more than \$2,400  
5 during any regular election period.

6 (2) Any other political committee may contribute no  
7 more than \$5,000 during any regular election period.

8 (3) A corporation, labor organization, or association  
9 may contribute from its own treasuries no more than \$5,000  
10 during a regular election period. All contributions from  
11 affiliated persons and affiliated entities, shall be  
12 aggregated for the purposes of this Section.

13 (g) To political committees designated by a legislative  
14 caucus:

15 (1) Natural persons may contribute no more than \$2,400  
16 during any regular election period during which any  
17 candidate actively supported by the caucus is seeking  
18 nomination or election.

19 (2) Any other political committee may contribute no  
20 more than \$5,000 during any regular election period during  
21 which any candidate actively supported by the caucus is  
22 seeking nomination or election.

23 (3) A corporation, labor organization, or association  
24 may contribute from its own treasuries no more than \$5,000  
25 during any regular election period. All contributions from  
26 affiliated persons and affiliated entities shall be



1       aggregated for the purposes of this Section.

2       (h) For any other political committee, natural persons may  
3 contribute no more than \$2,400 during any period beginning on  
4 January 1 of an odd-numbered year and ending on December 31 of  
5 an even-numbered year. A corporation, labor organization,  
6 association, or other political committee may contribute no  
7 more than \$5,000 during a regular election period described in  
8 subsection (a) of Section 9-1.16. All contributions from  
9 affiliated persons and affiliated entities shall be aggregated  
10 for the purposes of this Section.

11       (i) Political committees may divide the proceeds of joint  
12 fundraising efforts but must disclose all donations as from  
13 their true origin, and no political committee may receive more  
14 than the aggregate limit from any one donor.

15       (j) On January 1 of every odd-numbered year, the State  
16 Board of Elections shall adjust the limits established in this  
17 Section for inflation as determined by the Consumer Price Index  
18 for All Urban Consumers as issued by the United States  
19 Department of Labor and rounded to the nearest \$100.

20       (k) In any instance when a corporation and any of its  
21 subsidiaries, branches, divisions, departments, or local  
22 units; a labor organization and any of its subsidiaries,  
23 branches, divisions, departments, or local units; or an  
24 association or any of its affiliates, subsidiaries, branches,  
25 divisions, departments, or local units contribute to one or  
26 more political committees or establish, maintain, or control

1 more than one separate segregated fund qualified as a political  
2 committee, all of the related contributing entities shall be  
3 treated as a single contributing entity for the purposes of the  
4 limitations provided by this Section.

5 (1) Expenditures.

6 (1) Expenditures made by any person in cooperation,  
7 consultation, or concert with a candidate, his or her  
8 designated committee, State party committee, legislative  
9 caucus committee or their agents, shall be considered a  
10 contribution to the relevant candidate's designated  
11 political committee, State party committee, or legislative  
12 caucus committee for the purpose of this Section.

13 (2) The financing by any person of the dissemination,  
14 distribution, or republication, in whole or in part, of any  
15 broadcast or any written, graphic, or other form of  
16 campaign materials prepared by the candidate, his or her  
17 political committee, State party committee, legislative  
18 caucus committee, or their authorized agents shall be  
19 considered to be a contribution to the candidate's  
20 designated political committee for the purposes of this  
21 Section if the amount spent exceeds \$150 in any regular  
22 election period.

23 (m) No candidate or political committee shall knowingly  
24 accept any contribution in violation of the provisions of this  
25 Section.

26 (n) Multiple designations.

1           (1) No committee may accept donations larger than those  
2           specified in this Section, regardless of the number of  
3           candidates that may designate that committee under Section  
4           9-2.7.

5           (2) Any committee designated by candidates who  
6           individually qualify under different subsections of this  
7           Section shall be bound by the lower limit.

8           (o) The Board shall bring complaints and investigations on  
9           its own initiative when the Board has reason to believe that a  
10           person, candidate, or political committee has knowingly  
11           violated this Section.

12           In addition to any other penalties authorized by this  
13           Article, the State Board of Elections, any political committee,  
14           or any person may apply to the circuit court for a temporary  
15           restraining order or a preliminary or permanent injunction  
16           against a political committee or any other entity to cease the  
17           expenditure of contributions made or accepted in violation of  
18           this Section and to cease operations until the Board determines  
19           that the committee or entity is in compliance with this  
20           Section.

21           (p) Penalties.

22           (1) Any person, corporation, labor organization,  
23           association, or political committee, that knowingly  
24           violates this Section of contributing more than amounts  
25           allowed under this Section 9-8.5, shall be fined the  
26           greater of \$5,000 or 3 times the value of the unlawful

1       contribution.

2           (2) The State Board of Elections shall assess a penalty  
3       of up to \$5,000 for each violation against the recipient  
4       political committee of any contribution in violation of  
5       this Section if the recipient political committee knew that  
6       the contribution was in violation of this Section. For  
7       purposes of this Section, a recipient political committee  
8       knew that the contribution was in violation of this Section  
9       if the candidate, the committee chairman or treasurer, or  
10       any natural person paid to perform regular campaign tasks  
11       knew that the contribution was in violation of this  
12       Section.

13       (10 ILCS 5/9-8.6 new)

14       Sec. 9-8.6. Disclosure of independent expenditures.

15       (a) As used in this Article:

16       "Benefiting public official or candidate" means the public  
17       official or candidate whose nomination or election or whose  
18       opponent's defeat is expressly advocated by the person making  
19       the independent expenditure.

20       "Independent expenditure" means an expenditure (i) that is  
21       made by a person expressly advocating the nomination, election,  
22       or defeat of a clearly identifiable public official or  
23       candidate and (ii) that is not made in connection,  
24       consultation, or concert with or at the request or suggestion  
25       of the public official or candidate, the public official's or

1 candidate's designated political committee, or the agent or  
2 agents of the public official, candidate, or political  
3 committee.

4 (b) A person that makes an independent expenditure with  
5 respect to a benefiting public official or candidate that,  
6 alone or in combination with any other independent expenditure  
7 made by that person with respect to that benefiting public  
8 official or candidate during the same regular election period,  
9 equals an aggregate value of at least \$5,000 must file a  
10 written disclosure with the benefiting public official or  
11 candidate and the State Board of Elections within 5 business  
12 days after making each expenditure that results in the person  
13 meeting or exceeding the \$5,000 threshold. Each disclosure must  
14 identify the person, his or her occupation and employer, the  
15 benefiting public official or candidate, and the date, amount,  
16 recipient, and nature of each independent expenditure.

17 (c) Penalties.

18 (1) Any person, corporation, labor organization,  
19 association, or political committee, that knowingly  
20 violates this Section by contributing more than amounts  
21 allowed under this Section 9-8.6, shall be fined the  
22 greater of \$5,000 or 3 times the value of the unlawful  
23 contribution.

24 (2) The State Board of Elections shall assess a penalty  
25 of up to \$5,000 for each violation against the recipient  
26 political committee of any contribution in violation of

1       this Section if the recipient political committee knew that  
2       the contribution was in violation of this Section. For  
3       purposes of this Section, a recipient political committee  
4       knew that the contribution was in violation of this Section  
5       if the candidate, the committee chairman or treasurer, or  
6       any natural person paid to perform regular campaign tasks  
7       knew that the contribution was in violation of this  
8       Section.

9       (10 ILCS 5/9-8.7 new)

10       Sec. 9-8.7. Disclosure by contribution coordinator.

11       (a) As used in this Section:

12       "Contribution bundle" means one or more contributions (i)  
13       made by at least one contributor other than the contribution  
14       coordinator and (ii) with an aggregate value of at least  
15       \$16,000 during any regular election period (this amount to be  
16       indexed for inflation).

17       "Contribution coordinator" means a person, other than a  
18       political committee subject to the reporting requirements of  
19       Section 9-10, or an employee of the political committee that:  
20       (i) physically or electronically forwards contributions from  
21       one or more other persons to a political committee; (ii) is  
22       credited by a candidate, public official, or political  
23       committee, through records, designations, or other means of  
24       recognition, with raising contributions made by one or more  
25       other persons to that candidate, public official, or political

1 committee; or (iii) a candidate, public official, or political  
2 committee knows, or reasonably should know, has raised  
3 contributions made by one or more other persons to the  
4 candidate, public official, or political committee.

5 "Contribution coordinator" shall not mean any common carrier,  
6 bank, other regulated financial institution, money  
7 transmitter, or other person that transmits the contribution in  
8 physical or electronic form in the ordinary course of its  
9 business of transporting or transferring money or other  
10 property.

11 (b) Contribution coordinators must include a written  
12 disclosure identifying their name, occupation, and employer  
13 with each contribution they forward physically or  
14 electronically to a political committee.

15 (c) The political committee must disclose the name,  
16 occupation, and employer of the individual contributor, the  
17 date and amount of the individual contribution, and the  
18 contribution coordinator's name, occupation, and employer for  
19 every contribution bundle received during any regular election  
20 period.

21 (d) The political committee that receives a contribution  
22 bundle must electronically file the disclosure under  
23 subsection (c) with the State Board of Elections within 5  
24 business days after the candidate, public official, or  
25 political committee receives the contribution that causes the  
26 aggregate amount of contributions raised through the

1 contribution coordinator's efforts to exceed \$16,000 (as  
2 indexed for inflation) and become a contribution bundle.

3 (e) For the purpose of the contribution limits established  
4 by this Article, each contribution in a contribution bundle is  
5 attributed to the person that made the contribution to the  
6 contribution coordinator and is not attributed to the  
7 contribution coordinator unless the contribution coordinator  
8 personally made that contribution.

9 (f) A political committee that accepts a contribution in  
10 violation of this Section shall return the contribution to the  
11 contribution coordinator, or donate the contribution to a  
12 charitable organization approved by the State Board of  
13 elections, within 10 business days after receipt. A  
14 contribution accepted in violation of this Section and not  
15 disposed of as provided in this subsection shall escheat to the  
16 General Revenue Fund.

17 (g) Penalties.

18 (1) Any person, corporation, labor organization,  
19 association, or political committee, that knowingly  
20 violates this Section by contributing more than amounts  
21 allowed under this Section 9-8.7, shall be fined the  
22 greater of \$5,000 or 3 times the value of the unlawful  
23 contribution.

24 (2) The State Board of Elections shall assess a penalty  
25 of up to \$5,000 for each violation against the recipient  
26 political committee of any contribution in violation of



1       this Section if the recipient political committee knew that  
2       the contribution was in violation of this Section. For  
3       purposes of this Section, a recipient political committee  
4       knew that the contribution was in violation of this Section  
5       if the candidate, the committee chairman or treasurer, or  
6       any natural person paid to perform regular campaign tasks  
7       knew that the contribution was in violation of this  
8       Section.

9       (10 ILCS 5/9-8.9 new)

10       Sec. 9-8.9. Certain contributions prohibited.

11       (a) For the purpose of this Section, "State employee" and  
12       "executive branch constitutional officer" are defined as in the  
13       State Officials and Employees Ethics Act.

14       (b) A State employee of the executive branch of State  
15       government may not make a contribution to (i) the executive  
16       branch constitutional officer with authority to appoint the  
17       Executive Inspector General with jurisdiction over that State  
18       employee, (ii) a candidate for that executive branch  
19       constitutional office, or (iii) a political committee  
20       established to promote the candidacy of a person described in  
21       (i) or (ii). A State employee of the legislative branch of  
22       State government may not make a contribution to a member of the  
23       General Assembly, a General Assembly candidate, or the  
24       designated political committees established to promote the  
25       candidacy of a General Assembly member or General Assembly

1 candidate, the designated State party committee, or the  
2 designated legislative caucus committees.

3 (c) A person that engages in an activity (i) subject to  
4 regulation by the Illinois Commerce Commission or the Division  
5 of Insurance or Division of Financial Institutions of the  
6 Department of Financial and Professional Regulation or (ii)  
7 subject to the Illinois Horse Racing Act of 1975 or the  
8 Riverboat Gambling Act, and that person's affiliated persons  
9 and affiliated entities, may not make a contribution to an  
10 executive branch constitutional officer, a General Assembly  
11 member, a candidate for an executive branch constitutional  
12 office or the General Assembly, or a designated political  
13 committee established to promote the candidacy of that officer,  
14 member, or candidate, the designated State party committee, or  
15 the designated legislative caucus committees.

16 (d) A person required to register under the Lobbyist  
17 Registration Act may not make a contribution to a public  
18 official, candidate, political committee, or other person.

19 (e) A trust may not make a contribution to a public  
20 official, candidate, political committee, or other person.

21 (f) A candidate, public official, or political committee  
22 that accepts a contribution made in violation of this Section  
23 shall return the contribution to the contributor, or donate the  
24 contribution to a charitable organization approved by the State  
25 Board of Elections, within 10 business days after receipt. A  
26 contribution made in violation of this Section and not disposed

1 of as provided in this subsection shall escheat to the State  
2 treasury.

3 (g) Penalties.

4 (1) Any person, corporation, labor organization,  
5 association, or political committee, that knowingly  
6 violates this Section by contributing more than amounts  
7 allowed under this Section 9-8.9, shall be fined the  
8 greater of \$5,000 or 3 times the value of the unlawful  
9 contribution.

10 (2) The State Board of Elections shall assess a penalty  
11 of up to \$5,000 for each violation against the recipient  
12 political committee of any contribution in violation of  
13 this Section if the recipient political committee knew that  
14 the contribution was in violation of this Section. For  
15 purposes of this Section, a recipient political committee  
16 knew that the contribution was in violation of this Section  
17 if the candidate, the committee chairman or treasurer, or  
18 any natural person paid to perform regular campaign tasks  
19 knew that the contribution was in violation of this  
20 Section.

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

22 Sec. 9-10. Financial reports.

23 (a) The treasurer of every state political committee and  
24 the treasurer of every local political committee shall file  
25 with the Board, and the treasurer of every local political

1 committee shall file with the county clerk, reports of campaign  
2 contributions, and semi-annual reports of campaign  
3 contributions and expenditures on forms to be prescribed or  
4 approved by the Board. The treasurer of every political  
5 committee that acts as both a state political committee and a  
6 local political committee shall file a copy of each report with  
7 the State Board of Elections and the county clerk. Entities  
8 subject to Section 9-7.5 shall file reports required by that  
9 Section at times provided in this Section and are subject to  
10 the penalties provided in this Section.

11 (b) This subsection does not apply with respect to general  
12 primary elections. Reports of campaign contributions shall be  
13 filed no later than the 15th day next preceding each election  
14 in connection with which the political committee has accepted  
15 or is accepting contributions or has made or is making  
16 expenditures. Such reports shall be complete as of the 30th day  
17 next preceding each election. The Board shall assess a civil  
18 penalty not to exceed \$5,000 for a violation of this  
19 subsection, except that for State officers and candidates and  
20 political committees formed for statewide office, the civil  
21 penalty may not exceed \$10,000. The fine, however, shall not  
22 exceed \$500 for a first filing violation for filing less than  
23 10 days after the deadline. There shall be no fine if the  
24 report is mailed and postmarked at least 72 hours prior to the  
25 filing deadline. For the purpose of this subsection and  
26 subsection (b-5), "statewide office" and "State officer" means

1 the Governor, Lieutenant Governor, Attorney General, Secretary  
2 of State, Comptroller, and Treasurer. However, a continuing  
3 political committee that does not make an expenditure or  
4 expenditures in an aggregate amount of more than \$500 on behalf  
5 of or in opposition to any (i) candidate or candidates, (ii)  
6 public question or questions, or (iii) candidate or candidates  
7 and public question or questions on the ballot at an election  
8 shall not be required to file the reports prescribed in this  
9 subsection (b) and subsection (b-5) but may file in lieu  
10 thereof a Statement of Nonparticipation in the Election with  
11 the Board or the Board and the county clerk ; except that if  
12 the political committee, by the terms of its statement of  
13 organization filed in accordance with this Article, is  
14 organized to support or oppose a candidate or public question  
15 on the ballot at the next election or primary, that committee  
16 must file reports required by this subsection (b) and by  
17 subsection (b-5).

18 (b-5) Notwithstanding the provisions of subsection (b) and  
19 Section 1.25 of the Statute on Statutes, any contribution of  
20 more than \$500 received (i) with respect to elections other  
21 than the general primary election, in the interim between the  
22 last date of the period covered by the last report filed under  
23 subsection (b) prior to the election and the date of the  
24 election or (ii) with respect to general primary elections, in  
25 the period beginning January 1 of the year of the general  
26 primary election and prior to the date of the general primary

1 election shall be filed electronically with and must actually  
2 be received by the State Board of Elections within 2 business  
3 days after receipt of such contribution. A report of any  
4 contribution received at any other time in the amount of more  
5 than \$500, or more than \$1,000 in the case of a State officer  
6 or a candidate for statewide office or political committee  
7 formed for a State officer or candidate for statewide office,  
8 in the interim between the last date of the period covered by  
9 the last report filed under subsections (b) and (c) shall be  
10 filed electronically with and must actually be received by the  
11 State Board of Elections within 5 business days after receipt  
12 of the contribution. For the purpose of this subsection,  
13 "statewide office" and "State officer" means the Governor,  
14 Lieutenant Governor, Attorney General, Secretary of State,  
15 Comptroller, and Treasurer. ~~A continuing political committee~~  
16 ~~that does not support or oppose a candidate or public question~~  
17 ~~on the ballot at a general primary election and does not make~~  
18 ~~expenditures in excess of \$500 on behalf of or in opposition to~~  
19 ~~any candidate or public question on the ballot at the general~~  
20 ~~primary election shall not be required to file the report~~  
21 ~~prescribed in this subsection unless the committee makes an~~  
22 ~~expenditure in excess of \$500 on behalf of or in opposition to~~  
23 ~~any candidate or public question on the ballot at the general~~  
24 ~~primary election. The committee shall timely file the report~~  
25 ~~required under this subsection beginning with the date the~~  
26 ~~expenditure that triggered participation was made. The State~~

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

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

26 (2) the number of days the contribution was reported

1 late; and

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

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

25 (c-5) A political committee that acts as either (i) a State  
26 and local political committee or (ii) a local political



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

9 (d) A copy of each report or statement filed under this  
10 Article shall be preserved by the person filing it for a period  
11 of two years from the date of filing. Within 5 business days  
12 after the Board imposes or waives fines under this Section, the  
13 Board shall publish on its website a summary of fines  
14 considered and imposed, identifying the person, candidate, or  
15 political committee subject to the determination, the total  
16 amount of contributions that were untimely reported, and the  
17 amount of penalties assessed in each instance.

18 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-957,  
19 eff. 1-1-09.)

20 (10 ILCS 5/9-18) (from Ch. 46, par. 9-18)

21 Sec. 9-18. The Board shall ~~may~~ hold investigations,  
22 inquiries, and hearings concerning any matter covered by this  
23 Article in which the Board has reason to believe this Article  
24 has been knowingly violated, subject to such rules and  
25 regulations as the Board may establish. In the process of

1 holding such investigations, inquiries, and hearings, the  
2 Board may administer oaths and affirmations, certify to all  
3 official acts, issue subpoenas ~~to be authorized by a vote of 5~~  
4 ~~members of the Board~~, compel the attendance and testimony of  
5 witnesses, and the production of papers, books, accounts, and  
6 documents. Hearings conducted by the Board shall be open to the  
7 public.

8 (Source: P.A. 81-1117.)

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

10 Sec. 9-21. Upon receipt of a such complaint as provided in  
11 Section 9-20, the Board shall hold a public ~~closed~~ preliminary  
12 hearing to determine whether or not the complaint appears to  
13 have been filed on justifiable grounds. Such ~~closed~~ preliminary  
14 hearing shall be conducted as soon as practicable after  
15 affording reasonable notice, a copy of the complaint, and an  
16 opportunity to testify at such hearing to both the person  
17 making the complaint and the person against whom the complaint  
18 is directed. If the Board fails to determine that the complaint  
19 has been filed on justifiable grounds, it shall dismiss the  
20 complaint without further hearing.

21 Whenever ~~in the judgment of~~ the Board in an open meeting  
22 determines, after affording due notice and an opportunity for a  
23 public hearing, any person has engaged or is about to engage in  
24 an act or practice which constitutes or will constitute a  
25 violation of any provision of this Article or any regulation or

1 order issued thereunder, the Board shall issue an order  
2 directing such person to take such action as the Board  
3 determines may be necessary in the public interest to correct  
4 the violation. In addition, if the act or practice engaged in  
5 consists of the failure to file any required report within the  
6 time prescribed by this Article, the Board, as part of its  
7 order, shall further provide that if, within the 12-month  
8 period following the issuance of the order, such person fails  
9 to file within the time prescribed by this Article any  
10 subsequent report as may be required, such person may be  
11 subject to a civil penalty pursuant to Section 9-23. The Board  
12 shall render its final judgment within 60 days of the date the  
13 complaint is filed; except that during the 60 days preceding  
14 the date of the election in reference to which the complaint is  
15 filed, the Board shall render its final judgment within 7 days  
16 of the date the complaint is filed, and during the 7 days  
17 preceding such election, the Board shall render such judgment  
18 before the date of such election, if possible.

19 At any time prior to the issuance of the Board's final  
20 judgment, the parties may dispose of the complaint by a written  
21 stipulation, agreed settlement or consent order. Any such  
22 stipulation, settlement or order shall, however, be submitted  
23 in writing to the Board and shall become effective only if  
24 approved by the Board in an open meeting. If the act or  
25 practice complained of consists of the failure to file any  
26 required report within the time prescribed by this Article,

1 such stipulation, settlement or order may provide that if,  
2 within the 12-month period following the approval of such  
3 stipulation, agreement or order, the person complained of fails  
4 to file within the time prescribed by this Article any  
5 subsequent reports as shall ~~may~~ be required, such person may be  
6 subject to a civil penalty pursuant to Section 9-23.

7 Any person filing a complaint pursuant to Section 9-20 may,  
8 upon written notice to the other parties and to the Board,  
9 voluntarily withdraw the complaint at any time prior to the  
10 issuance of the Board's final determination.

11 (Source: P.A. 93-574, eff. 8-21-03.)

12 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

13 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,  
14 has issued an order, or has approved a written stipulation,  
15 agreed settlement or consent order, directing a person  
16 determined by the Board to be in violation of any provision of  
17 this Article or any regulation adopted thereunder, to cease or  
18 correct such violation or otherwise comply with this Article  
19 and such person fails or refuses to comply with such order,  
20 stipulation, settlement or consent order within the time  
21 specified by the Board, the Board in an open meeting, after  
22 affording notice and an opportunity for a public hearing, may  
23 impose a civil penalty on such person in an amount not to  
24 exceed \$5,000; except that for State officers and candidates  
25 and political committees formed for statewide office, the civil

1 penalty may not exceed \$10,000. For the purpose of this  
2 Section, "statewide office" and "State officer" means the  
3 Governor, Lieutenant Governor, Attorney General, Secretary of  
4 State, Comptroller, and Treasurer.

5 Civil penalties imposed on any such person by the Board  
6 shall be enforceable in the Circuit Court. The Board shall  
7 petition the Court for an order to enforce collection of the  
8 penalty and, if the Court finds it has jurisdiction over the  
9 person against whom the penalty was imposed, the Court shall  
10 issue the appropriate order. Any civil penalties collected by  
11 the Court shall be forwarded to the State Treasurer.

12 In addition to or in lieu of the imposition of a civil  
13 penalty, the board may report such violation and the failure or  
14 refusal to comply with the order of the Board to the Attorney  
15 General and the appropriate State's Attorney.

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

17 (10 ILCS 5/9-23.5 new)

18 Sec. 9-23.5. Public database of complaints. The State Board  
19 of Elections shall establish and maintain on its official  
20 website a searchable database, freely accessible to the public,  
21 of each complaint filed with the Board under this Article and  
22 the disposition of that complaint, including all board actions  
23 and penalties imposed, if any. The Board must update the  
24 database within 5 business days after a complaint is filed, an  
25 action taken, or a penalty imposed to include that complaint,

1 action, or penalty in the database.

2 (10 ILCS 5/9-28)

3 Sec. 9-28. Electronic filing and availability. The Board  
4 shall by rule provide for the electronic filing of expenditure  
5 and contribution reports as follows:

6 Beginning July 1, 1999, or as soon thereafter as the Board  
7 has provided adequate software to the political committee,  
8 electronic filing is required for all political committees that  
9 during the reporting period (i) had at any time a balance or an  
10 accumulation of contributions of \$25,000 or more, (ii) made  
11 aggregate expenditures of \$25,000 or more, or (iii) received  
12 loans of an aggregate of \$25,000 or more.

13 Beginning July 1, 2003, electronic filing is required for  
14 all political committees that during the reporting period (i)  
15 had at any time a balance or an accumulation of contributions  
16 of \$10,000 or more, (ii) made aggregate expenditures of \$10,000  
17 or more, or (iii) received loans of an aggregate of \$10,000 or  
18 more.

19 Notwithstanding any other provision of this Section, a  
20 political committee filing a report under subsection (b-5) of  
21 Section 9-10 must file that report electronically.

22 The Board may provide by rule for the optional electronic  
23 filing of expenditure and contribution reports for all other  
24 political committees. The Board shall promptly make all reports  
25 filed under this Article by all political committees publicly

1 available by means of a searchable database that is accessible  
2 through the World Wide Web.

3 The Board shall provide all software necessary to comply  
4 with this Section to candidates, public officials, political  
5 committees, and election authorities.

6 The Board shall implement a plan to provide computer access  
7 and assistance to candidates, public officials, political  
8 committees, and election authorities with respect to  
9 electronic filings required under this Article.

10 For the purposes of this Section, "political committees"  
11 includes entities required to report to the Board under Section  
12 9-7.5.

13 (Source: P.A. 90-495, eff. 8-18-97; 90-737, eff. 1-1-99.)

14 Section 10. The Illinois Procurement Code is amended by  
15 changing Section 50-37 as follows:

16 (30 ILCS 500/50-37)

17 Sec. 50-37. Prohibition of political contributions.

18 (a) As used in this Section:

19 The terms "contract", "State contract", and "contract  
20 with a State agency" each mean any contract, as defined in  
21 this Code, between a business entity and a State agency ~~let~~  
22 ~~or awarded pursuant to this Code~~. The terms "contract",  
23 "State contract", and "contract with a State agency" do not  
24 include cost reimbursement contracts; purchase of care

1 agreements as defined in Section 1-15.68 of this Code;  
2 contracts for projects eligible for full or partial  
3 federal-aid funding reimbursements authorized by the  
4 Federal Highway Administration; grants, including but are  
5 not limited to grants for job training or transportation;  
6 and grants, loans, or tax credit agreements for economic  
7 development purposes.

8 "Contribution" means a contribution as defined in  
9 Section 9-1.4 of the Election Code.

10 "Declared candidate" means a person who has filed a  
11 statement of candidacy and petition for nomination or  
12 election in the principal office of the State Board of  
13 Elections.

14 "State agency" means and includes all boards,  
15 commissions, agencies, institutions, authorities, and  
16 bodies politic and corporate of the State, created by or in  
17 accordance with the Illinois Constitution or State  
18 statute, of the executive or legislative branch of State  
19 government and does include colleges, universities, public  
20 employee retirement systems, and institutions under the  
21 jurisdiction of the governing boards of the University of  
22 Illinois, Southern Illinois University, Illinois State  
23 University, Eastern Illinois University, Northern Illinois  
24 University, Western Illinois University, Chicago State  
25 University, Governors State University, Northeastern  
26 Illinois University, and the Illinois Board of Higher



1 Education.

2 "Officeholder" means the Governor, Lieutenant  
3 Governor, Attorney General, Secretary of State,  
4 Comptroller, or Treasurer or a member of the General  
5 Assembly. The Governor shall be considered the  
6 officeholder responsible for awarding all contracts by all  
7 officers and employees of, and vendors and others doing  
8 business with, executive branch State agencies under the  
9 jurisdiction of the Executive Ethics Commission and not  
10 within the jurisdiction of the Attorney General, the  
11 Secretary of State, the Comptroller, or the Treasurer.

12 "Sponsoring entity" means a sponsoring entity as  
13 defined in Section 9-3 of the Election Code.

14 "Affiliated person" means (i) any person with any  
15 ownership interest or distributive share of the bidding or  
16 contracting business entity in excess of 7.5%, (ii)  
17 executive employees of the bidding or contracting business  
18 entity, and (iii) the spouse and minor children of any such  
19 persons.

20 "Affiliated entity" means (i) any subsidiary of the  
21 bidding or contracting business entity, (ii) any member of  
22 the same unitary business group, (iii) any organization  
23 recognized by the United States Internal Revenue Service as  
24 a tax-exempt organization described in Section 501(c) of  
25 the Internal Revenue Code of 1986 (or any successor  
26 provision of federal tax law) established by the bidding or

1 contracting business entity, any affiliated entity of that  
2 business entity, or any affiliated person of that business  
3 entity, or (iv) any political committee for which the  
4 bidding or contracting business entity, or any 501(c)  
5 organization described in item (iii) related to that  
6 business entity, is the sponsoring entity.

7 "Business entity" means any entity doing business for  
8 profit, whether organized as a corporation, partnership,  
9 sole proprietorship, limited liability company or  
10 partnership, or otherwise.

11 "Executive employee" means the President, Chairman,  
12 Chief Executive Officer, or other employee with executive  
13 decision-making authority over the long-term and  
14 day-to-day affairs of the entity employing the employee, or  
15 an employee whose compensation is determined directly, in  
16 whole or in part, by the award or payment of contracts by a  
17 State agency to the entity employing the employee.

18 (b) Any business entity whose contracts with State  
19 agencies, in the aggregate, annually total more than \$50,000,  
20 and any affiliated entities or affiliated persons of such  
21 business entity, are prohibited from making any contributions  
22 to any political committees established to promote the  
23 candidacy of (i) the officeholder responsible for awarding the  
24 contracts, ~~or~~ (ii) any other declared candidate for that  
25 office, (iii) any State or statewide officer or candidate for  
26 that office, and (iv) any legislative member of the General

1 Assembly. This prohibition shall be effective for the duration  
2 of the term of office of the incumbent officeholder awarding  
3 the contracts or for a period of 2 years following the  
4 expiration or termination of the contracts, whichever is  
5 longer.

6 (c) Any business entity whose aggregate pending bids and  
7 proposals on State contracts total more than \$50,000, or whose  
8 aggregate pending bids and proposals on State contracts  
9 combined with the business entity's aggregate annual total  
10 value of State contracts exceed \$50,000, and any affiliated  
11 entities or affiliated persons of such business entity, are  
12 prohibited from making any contributions to any political  
13 committee established to promote the candidacy of the  
14 officeholder responsible for awarding the contract on which the  
15 business entity has submitted a bid or proposal, any  
16 constitutional officer, or any legislative member of the  
17 General Assembly, during the period beginning on the date the  
18 invitation for bids or request for proposals is issued and  
19 ending on the day after the date the contract is awarded.

20 (d) All contracts between State agencies and a business  
21 entity that violate subsection (b) or (c) shall be voidable  
22 under Section 50-60. If a business entity violates subsection  
23 (b) 3 or more times within a 36-month period, then all  
24 contracts between State agencies and that business entity shall  
25 be void, and that business entity shall not bid or respond to  
26 any invitation to bid or request for proposals from any State

1 agency or otherwise enter into any contract with any State  
2 agency for 3 years from the date of the last violation. A  
3 notice of each violation and the penalty imposed shall be  
4 published in both the Procurement Bulletin and the Illinois  
5 Register.

6 (e) Any political committee that has received a  
7 contribution in violation of subsection (b) or (c) shall pay an  
8 amount equal to the value of the contribution to the State no  
9 more than 30 days after notice of the violation concerning the  
10 contribution appears in the Illinois Register. Payments  
11 received by the State pursuant to this subsection shall be  
12 deposited into the general revenue fund.

13 (Source: P.A. 95-971, eff. 1-1-09; 95-1038, eff. 3-11-09.)

14 Section 97. Severability. The provisions of this Act are  
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect on June  
17 15, 2009, but the State Board of Elections shall have 120 days  
18 to implement new electronic reporting requirements and any  
19 needed regulations."