



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4651

Introduced 2/1/2012, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Provides that contributions to a political action committee made through dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association in a calendar year may not exceed \$500 (now, may not exceed the limits set forth in the Section). Effective immediately.

LRB097 17966 PJG 63189 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 9-8.5 as follows:

6 (10 ILCS 5/9-8.5)

7 Sec. 9-8.5. Limitations on campaign contributions.

8 (a) It is unlawful for a political committee to accept
9 contributions except as provided in this Section.

10 (b) During an election cycle, a candidate political
11 committee may not accept contributions with an aggregate value
12 over the following: (i) \$5,000 from any individual, (ii)
13 \$10,000 from any corporation, labor organization, or
14 association, or (iii) \$50,000 from a candidate political
15 committee or political action committee. A candidate political
16 committee may accept contributions in any amount from a
17 political party committee except during an election cycle in
18 which the candidate seeks nomination at a primary election.
19 During an election cycle in which the candidate seeks
20 nomination at a primary election, a candidate political
21 committee may not accept contributions from political party
22 committees with an aggregate value over the following: (i)
23 \$200,000 for a candidate political committee established to

1 support a candidate seeking nomination to statewide office,
2 (ii) \$125,000 for a candidate political committee established
3 to support a candidate seeking nomination to the Senate, the
4 Supreme Court or Appellate Court in the First Judicial
5 District, or an office elected by all voters in a county with
6 1,000,000 or more residents, (iii) \$75,000 for a candidate
7 political committee established to support a candidate seeking
8 nomination to the House of Representatives, the Supreme Court
9 or Appellate Court for a Judicial District other than the First
10 Judicial District, an office elected by all voters of a county
11 of fewer than 1,000,000 residents, and municipal and county
12 offices in Cook County other than those elected by all voters
13 of Cook County, and (iv) \$50,000 for a candidate political
14 committee established to support the nomination of a candidate
15 to any other office. A candidate political committee
16 established to elect a candidate to the General Assembly may
17 accept contributions from only one legislative caucus
18 committee. A candidate political committee may not accept
19 contributions from a ballot initiative committee.

20 (c) During an election cycle, a political party committee
21 may not accept contributions with an aggregate value over the
22 following: (i) \$10,000 from any individual, (ii) \$20,000 from
23 any corporation, labor organization, or association, or (iii)
24 \$50,000 from a political action committee. A political party
25 committee may accept contributions in any amount from another
26 political party committee or a candidate political committee,

1 except as provided in subsection (c-5). Nothing in this Section
2 shall limit the amounts that may be transferred between a State
3 political committee and federal political committee. A
4 political party committee may not accept contributions from a
5 ballot initiative committee. A political party committee
6 established by a legislative caucus may not accept
7 contributions from another political party committee
8 established by a legislative caucus.

9 (c-5) During the period beginning on the date candidates
10 may begin circulating petitions for a primary election and
11 ending on the day of the primary election, a political party
12 committee may not accept contributions with an aggregate value
13 over \$50,000 from a candidate political committee or political
14 party committee. A political party committee may accept
15 contributions in any amount from a candidate political
16 committee or political party committee if the political party
17 committee receiving the contribution filed a statement of
18 nonparticipation in the primary as provided in subsection
19 (c-10). The Task Force on Campaign Finance Reform shall study
20 and make recommendations on the provisions of this subsection
21 to the Governor and General Assembly by September 30, 2012.
22 This subsection becomes inoperative on July 1, 2013 and
23 thereafter no longer applies.

24 (c-10) A political party committee that does not intend to
25 make contributions to candidates to be nominated at a general
26 primary election or consolidated primary election may file a

1 Statement of Nonparticipation in a Primary Election with the
2 Board. The Statement of Nonparticipation shall include a
3 verification signed by the chairperson and treasurer of the
4 committee that (i) the committee will not make contributions or
5 coordinated expenditures in support of or opposition to a
6 candidate or candidates to be nominated at the general primary
7 election or consolidated primary election (select one) to be
8 held on (insert date), (ii) the political party committee may
9 accept unlimited contributions from candidate political
10 committees and political party committees, provided that the
11 political party committee does not make contributions to a
12 candidate or candidates to be nominated at the primary
13 election, and (iii) failure to abide by these requirements
14 shall deem the political party committee in violation of this
15 Article and subject the committee to a fine of no more than
16 150% of the total contributions or coordinated expenditures
17 made by the committee in violation of this Article. This
18 subsection becomes inoperative on July 1, 2013 and thereafter
19 no longer applies.

20 (d) During an election cycle, a political action committee
21 may not accept contributions with an aggregate value over the
22 following: (i) \$10,000 from any individual, (ii) \$20,000 from
23 any corporation, labor organization, political party
24 committee, or association, or (iii) \$50,000 from a political
25 action committee or candidate political committee. A political
26 action committee may not accept contributions from a ballot

1 initiative committee.

2 (e) A ballot initiative committee may accept contributions
3 in any amount from any source, provided that the committee
4 files the document required by Section 9-3 of this Article.

5 (f) Nothing in this Section shall prohibit a political
6 committee from dividing the proceeds of joint fundraising
7 efforts; provided that no political committee may receive more
8 than the limit from any one contributor.

9 (g) On January 1 of each odd-numbered year, the State Board
10 of Elections shall adjust the amounts of the contribution
11 limitations established in this Section for inflation as
12 determined by the Consumer Price Index for All Urban Consumers
13 as issued by the United States Department of Labor and rounded
14 to the nearest \$100. The State Board shall publish this
15 information on its official website.

16 (h) Self-funding candidates. If a public official, a
17 candidate, or the public official's or candidate's immediate
18 family contributes or loans to the public official's or
19 candidate's political committee or to other political
20 committees that transfer funds to the public official's or
21 candidate's political committee or makes independent
22 expenditures for the benefit of the public official's or
23 candidate's campaign during the 12 months prior to an election
24 in an aggregate amount of more than (i) \$250,000 for statewide
25 office or (ii) \$100,000 for all other elective offices, then
26 the public official or candidate shall file with the State

1 Board of Elections, within one day, a Notification of
2 Self-funding that shall detail each contribution or loan made
3 by the public official, the candidate, or the public official's
4 or candidate's immediate family. Within 2 business days after
5 the filing of a Notification of Self-funding, the notification
6 shall be posted on the Board's website and the Board shall give
7 official notice of the filing to each candidate for the same
8 office as the public official or candidate making the filing,
9 including the public official or candidate filing the
10 Notification of Self-funding. Upon receiving notice from the
11 Board, all candidates for that office, including the public
12 official or candidate who filed a Notification of Self-funding,
13 shall be permitted to accept contributions in excess of any
14 contribution limits imposed by subsection (b). For the purposes
15 of this subsection, "immediate family" means the spouse,
16 parent, or child of a public official or candidate.

17 (i) For the purposes of this Section, a corporation, labor
18 organization, association, or a political action committee
19 established by a corporation, labor organization, or
20 association may act as a conduit in facilitating the delivery
21 to a political action committee of contributions made through
22 dues, levies, or similar assessments and the political action
23 committee may report the contributions in the aggregate,
24 provided that: (i) contributions made through ~~the~~ dues, levies,
25 or similar assessments paid by any natural person, corporation,
26 labor organization, or association in a calendar year may not

1 exceed \$500 ~~the limits set forth in this Section~~ and (ii) the
2 corporation, labor organization, association, or a political
3 action committee established by a corporation, labor
4 organization, or association facilitating the delivery of
5 contributions maintains a list of natural persons,
6 corporations, labor organizations, and associations that paid
7 the dues, levies, or similar assessments from which the
8 contributions comprising the aggregate amount derive. A
9 political action committee facilitating the delivery of
10 contributions or receiving contributions shall disclose the
11 amount of contributions made through dues ~~delivered or received~~
12 and the name of the corporation, labor organization,
13 association, or political action committee delivering the
14 contributions, if applicable.

15 (j) A political committee that receives a contribution or
16 transfer in violation of this Section shall dispose of the
17 contribution or transfer by returning the contribution or
18 transfer, or an amount equal to the contribution or transfer,
19 to the contributor or transferor or donating the contribution
20 or transfer, or an amount equal to the contribution or
21 transfer, to a charity. A contribution or transfer received in
22 violation of this Section that is not disposed of as provided
23 in this subsection within 15 days after its receipt shall
24 escheat to the General Revenue Fund and the political committee
25 shall be deemed in violation of this Section and subject to a
26 civil penalty not to exceed 150% of the total amount of the

1 contribution.

2 (k) For the purposes of this Section, "statewide office"
3 means the Governor, Lieutenant Governor, Attorney General,
4 Secretary of State, Comptroller, and Treasurer.

5 (l) This Section is repealed if and when the United States
6 Supreme Court invalidates contribution limits on committees
7 formed to assist candidates, political parties, corporations,
8 associations, or labor organizations established by or
9 pursuant to federal law.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.