



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5092

Introduced 2/7/2012, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. In a provision requiring a political committee to file an electronic report with the State Board of Elections if it receives a contribution of \$1,000 or more, provides that the report must be filed within 2 business days if the contribution is received 90 (instead of 30) or fewer days before the date of an election. Effective immediately.

LRB097 18465 HLH 63695 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 9-10 as follows:

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

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

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

12 (b) Every political committee shall file quarterly reports  
13 of campaign contributions, expenditures, and independent  
14 expenditures. The reports shall cover the period January 1  
15 through March 31, April 1 through June 30, July 1 through  
16 September 30, and October 1 through December 31 of each year. A  
17 political committee shall file quarterly reports no later than  
18 the 15th day of the month following each period. Reports of  
19 contributions and expenditures must be filed to cover the  
20 prescribed time periods even though no contributions or  
21 expenditures may have been received or made during the period.  
22 The Board shall assess a civil penalty not to exceed \$5,000 for  
23 failure to file a report required by this subsection. The fine,

1 however, shall not exceed \$1,000 for a first violation if the  
2 committee files less than 10 days after the deadline. There  
3 shall be no fine if the report is mailed and postmarked at  
4 least 72 hours prior to the filing deadline. When considering  
5 the amount of the fine to be imposed, the Board shall consider  
6 whether the violation was committed inadvertently,  
7 negligently, knowingly, or intentionally and any past  
8 violations of this Section.

9 (c) A political committee shall file a report of any  
10 contribution of \$1,000 or more electronically with the Board  
11 within 5 business days after receipt of the contribution,  
12 except that the report shall be filed within 2 business days  
13 after receipt if (i) the contribution is received 90 ~~30~~ or  
14 fewer days before the date of an election and (ii) the  
15 political committee supports or opposes a candidate or public  
16 question on the ballot at that election or makes expenditures  
17 in excess of \$500 on behalf of or in opposition to a candidate,  
18 candidates, a public question, or public questions on the  
19 ballot at that election. The State Board shall allow filings of  
20 reports of contributions of \$1,000 or more by political  
21 committees that are not required to file electronically to be  
22 made by facsimile transmission. The Board shall assess a civil  
23 penalty for failure to file a report required by this  
24 subsection. Failure to report each contribution is a separate  
25 violation of this subsection. The Board shall impose fines for  
26 willful or wanton violations of this subsection (c) not to

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

23 (d) For the purpose of this Section, a contribution is  
24 considered received on the date (i) a monetary contribution was  
25 deposited in a bank, financial institution, or other repository  
26 of funds for the committee, (ii) the date a committee receives

1 notice a monetary contribution was deposited by an entity used  
2 to process financial transactions by credit card or other  
3 entity used for processing a monetary contribution that was  
4 deposited in a bank, financial institution, or other repository  
5 of funds for the committee, or (iii) the public official,  
6 candidate, or political committee receives the notification of  
7 contribution of goods or services as required under subsection  
8 (b) of Section 9-6.

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

15 (f) A copy of each report or statement filed under this  
16 Article shall be preserved by the person filing it for a period  
17 of two years from the date of filing.

18 (Source: P.A. 95-6, eff. 6-20-07; 95-957, eff. 1-1-09; 96-832,  
19 eff. 1-1-11.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.