



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5093

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. Provides that a political committee shall file a report of any contribution of \$1,000 or more in the aggregate received from any one source during a quarterly reporting period (now, just any contribution of \$1,000 or more); makes related changes. Effective immediately.

LRB097 18466 PJG 63696 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 in the aggregate received by the
11 political committee from any one source during a quarterly
12 reporting period. The report must be filed electronically with
13 the Board within 5 business days after receipt of any ~~the~~
14 contribution that causes the aggregate contribution received
15 from a source during the quarterly reporting period to be
16 \$1,000 or more, except that the report shall be filed within 2
17 business days after receipt if (i) the contribution is received
18 30 or fewer days before the date of an election and (ii) the
19 political committee supports or opposes a candidate or public
20 question on the ballot at that election or makes expenditures
21 in excess of \$500 on behalf of or in opposition to a candidate,
22 candidates, a public question, or public questions on the
23 ballot at that election. The State Board shall allow filings of
24 reports of contributions of \$1,000 or more in the aggregate by
25 political committees that are not required to file
26 electronically to be made by facsimile transmission. The Board

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

1 by the political committee.

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

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

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

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.