

# HB3663



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3663

by Rep. C.D. Davidsmeyer

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Removes a provision that provides that the State Board of Elections shall adjust the amounts of the contribution limits for inflation.

LRB099 09331 MGM 29536 b

A BILL FOR

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 or from an  
20 independent expenditure committee.

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

1 political party committee or a candidate political committee,  
2 except as provided in subsection (c-5). Nothing in this Section  
3 shall limit the amounts that may be transferred between a  
4 political party committee established under subsection (a) of  
5 Section 7-8 of this Code and an affiliated federal political  
6 committee established under the Federal Election Code by the  
7 same political party. A political party committee may not  
8 accept contributions from a ballot initiative committee or from  
9 an independent expenditure committee. A political party  
10 committee established by a legislative caucus may not accept  
11 contributions from another political party committee  
12 established by a legislative caucus.

13 (c-5) During the period beginning on the date candidates  
14 may begin circulating petitions for a primary election and  
15 ending on the day of the primary election, a political party  
16 committee may not accept contributions with an aggregate value  
17 over \$50,000 from a candidate political committee or political  
18 party committee. A political party committee may accept  
19 contributions in any amount from a candidate political  
20 committee or political party committee if the political party  
21 committee receiving the contribution filed a statement of  
22 nonparticipation in the primary as provided in subsection  
23 (c-10). The Task Force on Campaign Finance Reform shall study  
24 and make recommendations on the provisions of this subsection  
25 to the Governor and General Assembly by September 30, 2012.  
26 This subsection becomes inoperative on July 1, 2013 and

1 thereafter no longer applies.

2 (c-10) A political party committee that does not intend to  
3 make contributions to candidates to be nominated at a general  
4 primary election or consolidated primary election may file a  
5 Statement of Nonparticipation in a Primary Election with the  
6 Board. The Statement of Nonparticipation shall include a  
7 verification signed by the chairperson and treasurer of the  
8 committee that (i) the committee will not make contributions or  
9 coordinated expenditures in support of or opposition to a  
10 candidate or candidates to be nominated at the general primary  
11 election or consolidated primary election (select one) to be  
12 held on (insert date), (ii) the political party committee may  
13 accept unlimited contributions from candidate political  
14 committees and political party committees, provided that the  
15 political party committee does not make contributions to a  
16 candidate or candidates to be nominated at the primary  
17 election, and (iii) failure to abide by these requirements  
18 shall deem the political party committee in violation of this  
19 Article and subject the committee to a fine of no more than  
20 150% of the total contributions or coordinated expenditures  
21 made by the committee in violation of this Article. This  
22 subsection becomes inoperative on July 1, 2013 and thereafter  
23 no longer applies.

24 (d) During an election cycle, a political action committee  
25 may not accept contributions with an aggregate value over the  
26 following: (i) \$10,000 from any individual, (ii) \$20,000 from

1 any corporation, labor organization, political party  
2 committee, or association, or (iii) \$50,000 from a political  
3 action committee or candidate political committee. A political  
4 action committee may not accept contributions from a ballot  
5 initiative committee or from an independent expenditure  
6 committee.

7 (e) A ballot initiative committee may accept contributions  
8 in any amount from any source, provided that the committee  
9 files the document required by Section 9-3 of this Article and  
10 files the disclosure reports required by the provisions of this  
11 Article.

12 (e-5) An independent expenditure committee may accept  
13 contributions in any amount from any source, provided that the  
14 committee files the document required by Section 9-3 of this  
15 Article and files the disclosure reports required by the  
16 provisions of this Article.

17 (f) Nothing in this Section shall prohibit a political  
18 committee from dividing the proceeds of joint fundraising  
19 efforts; provided that no political committee may receive more  
20 than the limit from any one contributor, and provided that an  
21 independent expenditure committee may not conduct joint  
22 fundraising efforts with a candidate political committee or a  
23 political party committee.

24 (g) (Blank). ~~On January 1 of each odd-numbered year, the~~  
25 ~~State Board of Elections shall adjust the amounts of the~~  
26 ~~contribution limitations established in this Section for~~

1 ~~inflation as determined by the Consumer Price Index for All~~  
2 ~~Urban Consumers as issued by the United States Department of~~  
3 ~~Labor and rounded to the nearest \$100. The State Board shall~~  
4 ~~publish this information on its official website.~~

5 (h) Self-funding candidates. If a public official, a  
6 candidate, or the public official's or candidate's immediate  
7 family contributes or loans to the public official's or  
8 candidate's political committee or to other political  
9 committees that transfer funds to the public official's or  
10 candidate's political committee or makes independent  
11 expenditures for the benefit of the public official's or  
12 candidate's campaign during the 12 months prior to an election  
13 in an aggregate amount of more than (i) \$250,000 for statewide  
14 office or (ii) \$100,000 for all other elective offices, then  
15 the public official or candidate shall file with the State  
16 Board of Elections, within one day, a Notification of  
17 Self-funding that shall detail each contribution or loan made  
18 by the public official, the candidate, or the public official's  
19 or candidate's immediate family. Within 2 business days after  
20 the filing of a Notification of Self-funding, the notification  
21 shall be posted on the Board's website and the Board shall give  
22 official notice of the filing to each candidate for the same  
23 office as the public official or candidate making the filing,  
24 including the public official or candidate filing the  
25 Notification of Self-funding. Notice shall be sent via first  
26 class mail to the candidate and the treasurer of the

1 candidate's committee. Notice shall also be sent by e-mail to  
2 the candidate and the treasurer of the candidate's committee if  
3 the candidate and the treasurer, as applicable, have provided  
4 the Board with an e-mail address. Upon posting of the notice on  
5 the Board's website, all candidates for that office, including  
6 the public official or candidate who filed a Notification of  
7 Self-funding, shall be permitted to accept contributions in  
8 excess of any contribution limits imposed by subsection (b). If  
9 a public official or candidate filed a Notification of  
10 Self-funding during an election cycle that includes a general  
11 primary election or consolidated primary election and that  
12 public official or candidate is nominated, all candidates for  
13 that office, including the nominee who filed the notification  
14 of self-funding, shall be permitted to accept contributions in  
15 excess of any contribution limit imposed by subsection (b) for  
16 the subsequent election cycle. For the purposes of this  
17 subsection, "immediate family" means the spouse, parent, or  
18 child of a public official or candidate.

19 (h-5) If a natural person or independent expenditure  
20 committee makes independent expenditures in support of or in  
21 opposition to the campaign of a particular public official or  
22 candidate in an aggregate amount of more than (i) \$250,000 for  
23 statewide office or (ii) \$100,000 for all other elective  
24 offices in an election cycle, as reported in a written  
25 disclosure filed under subsection (a) of Section 9-8.6 or  
26 subsection (e-5) of Section 9-10, then the State Board of



1 Elections shall, within 2 business days after the filing of the  
2 disclosure, post the disclosure on the Board's website and give  
3 official notice of the disclosure to each candidate for the  
4 same office as the public official or candidate for whose  
5 benefit or detriment the natural person or independent  
6 expenditure committee made independent expenditures. Upon  
7 posting of the notice on the Board's website, all candidates  
8 for that office in that election, including the public official  
9 or candidate for whose benefit or detriment the natural person  
10 or independent expenditure committee made independent  
11 expenditures, shall be permitted to accept contributions in  
12 excess of any contribution limits imposed by subsection (b).

13 (h-10) If the State Board of Elections receives  
14 notification or determines that a natural person or persons, an  
15 independent expenditure committee or committees, or  
16 combination thereof has made independent expenditures in  
17 support of or in opposition to the campaign of a particular  
18 public official or candidate in an aggregate amount of more  
19 than (i) \$250,000 for statewide office or (ii) \$100,000 for all  
20 other elective offices in an election cycle, then the Board  
21 shall, within 2 business days after discovering the independent  
22 expenditures that, in the aggregate, exceed the threshold set  
23 forth in (i) and (ii) of this subsection, post notice of this  
24 fact on the Board's website and give official notice to each  
25 candidate for the same office as the public official or  
26 candidate for whose benefit or detriment the independent

1 expenditures were made. Notice shall be sent via first class  
2 mail to the candidate and the treasurer of the candidate's  
3 committee. Notice shall also be sent by e-mail to the candidate  
4 and the treasurer of the candidate's committee if the candidate  
5 and the treasurer, as applicable, have provided the Board with  
6 an e-mail address. Upon posting of the notice on the Board's  
7 website, all candidates of that office in that election,  
8 including the public official or candidate for whose benefit or  
9 detriment the independent expenditures were made, may accept  
10 contributions in excess of any contribution limits imposed by  
11 subsection (b).

12 (i) For the purposes of this Section, a corporation, labor  
13 organization, association, or a political action committee  
14 established by a corporation, labor organization, or  
15 association may act as a conduit in facilitating the delivery  
16 to a political action committee of contributions made through  
17 dues, levies, or similar assessments and the political action  
18 committee may report the contributions in the aggregate,  
19 provided that: (i) contributions made through dues, levies, or  
20 similar assessments paid by any natural person, corporation,  
21 labor organization, or association in a calendar year may not  
22 exceed the limits set forth in this Section; (ii) the  
23 corporation, labor organization, association, or a political  
24 action committee established by a corporation, labor  
25 organization, or association facilitating the delivery of  
26 contributions maintains a list of natural persons,

1 corporations, labor organizations, and associations that paid  
2 the dues, levies, or similar assessments from which the  
3 contributions comprising the aggregate amount derive; and  
4 (iii) contributions made through dues, levies, or similar  
5 assessments paid by any natural person, corporation, labor  
6 organization, or association that exceed \$500 in a quarterly  
7 reporting period shall be itemized on the committee's quarterly  
8 report and may not be reported in the aggregate. A political  
9 action committee facilitating the delivery of contributions or  
10 receiving contributions shall disclose the amount of  
11 contributions made through dues delivered or received and the  
12 name of the corporation, labor organization, association, or  
13 political action committee delivering the contributions, if  
14 applicable. On January 1 of each odd-numbered year, the State  
15 Board of Elections shall adjust the amounts of the contribution  
16 limitations established in this subsection for inflation as  
17 determined by the Consumer Price Index for All Urban Consumers  
18 as issued by the United States Department of Labor and rounded  
19 to the nearest \$100. The State Board shall publish this  
20 information on its official website.

21 (j) A political committee that receives a contribution or  
22 transfer in violation of this Section shall dispose of the  
23 contribution or transfer by returning the contribution or  
24 transfer, or an amount equal to the contribution or transfer,  
25 to the contributor or transferor or donating the contribution  
26 or transfer, or an amount equal to the contribution or

1 transfer, to a charity. A contribution or transfer received in  
2 violation of this Section that is not disposed of as provided  
3 in this subsection within 30 days after the Board sends  
4 notification to the political committee of the excess  
5 contribution by certified mail shall escheat to the General  
6 Revenue Fund and the political committee shall be deemed in  
7 violation of this Section and subject to a civil penalty not to  
8 exceed 150% of the total amount of the contribution.

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

12 (l) This Section is repealed if and when the United States  
13 Supreme Court invalidates contribution limits on committees  
14 formed to assist candidates, political parties, corporations,  
15 associations, or labor organizations established by or  
16 pursuant to federal law.

17 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)