



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3079

Introduced 2/15/2018, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

- 10 ILCS 5/9-1.5a new
- 10 ILCS 5/9-1.14
- 10 ILCS 5/9-9.5
- 10 ILCS 5/9-9.6 new
- 10 ILCS 5/9-10.5 new

Amends the Election Code. Includes in the definition of "electioneering communication", a digital communication and provides that the definition includes any communication that is placed or promoted on an online platform. Provides that an online platform shall maintain and make available for online public inspection in machine readable format, a complete record of any request to purchase on the online platform an electioneering communication that is made by a person whose aggregate requests to purchase electioneering communications on the online platform during the calendar year exceed \$500. Provides that the record shall be made available as soon as is possible and shall be retained by the online platform for a period of not less than 4 years. Provides that any person who requests to purchase an electioneering communication on an online platform shall provide the online platform with the information necessary for the online platform to comply with the record requirements. Defines "online platform". In provisions concerning disclosures in political communications, provides that political committee that pays for specified political communication must be identified conspicuously within the communication. Provides that a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked. Provides that each provider of electioneering communications shall make reasonable efforts to ensure that electioneering communications are not purchased by a foreign national, directly or indirectly.

LRB100 19676 MJP 34950 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
5 Sections 9-1.14 and 9-9.5 and by adding Sections 9-1.5a, 9-9.6
6 and 9-10.5 as follows:

7 (10 ILCS 5/9-1.5a new)

8 Sec. 9-1.5a. Online platform. "Online platform" means any
9 public-facing website, web application, or digital
10 application, including, but not limited to, a social network,
11 ad network, or search engine, that:

12 (A) sells electioneering communications; and

13 (B) has 100,000 or more unique monthly Illinois
14 visitors or users for a majority of months during the
15 preceding 12 months.

16 (10 ILCS 5/9-1.14)

17 Sec. 9-1.14. Electioneering communication.

18 (a) "Electioneering communication" means, for the purposes
19 of this Article, any broadcast, cable, or satellite
20 communication, including radio, television, digital, or
21 Internet communication, including any communication that is
22 placed or promoted on an online platform, that (1) refers to

1 (i) a clearly identified candidate or candidates who will
2 appear on the ballot for nomination for election, election, or
3 retention, (ii) a clearly identified political party, or (iii)
4 a clearly identified question of public policy that will appear
5 on the ballot, (2) is made within (i) 60 days before a general
6 election or consolidated election or (ii) 30 days before a
7 primary election, (3) is targeted to the relevant electorate,
8 and (4) is susceptible to no reasonable interpretation other
9 than as an appeal to vote for or against a clearly identified
10 candidate for nomination for election, election, or retention,
11 a political party, or a question of public policy.

12 (b) "Electioneering communication" does not include:

13 (1) A communication, other than an advertisement,
14 appearing in a news story, commentary, or editorial
15 distributed through the facilities of any legitimate news
16 organization, unless the facilities are owned or
17 controlled by any political party, political committee, or
18 candidate.

19 (2) A communication made solely to promote a candidate
20 debate or forum that is made by or on behalf of the person
21 sponsoring the debate or forum.

22 (3) A communication made as part of a non-partisan
23 activity designed to encourage individuals to vote or to
24 register to vote.

25 (4) A communication by an organization operating and
26 remaining in good standing under Section 501(c)(3) of the

1 Internal Revenue Code of 1986.

2 (5) A communication exclusively between a labor
3 organization, as defined under federal or State law, and
4 its members.

5 (6) A communication exclusively between an
6 organization formed under Section 501(c)(6) of the
7 Internal Revenue Code and its members.

8 (Source: P.A. 96-832, eff. 7-1-10.)

9 (10 ILCS 5/9-9.5)

10 Sec. 9-9.5. Disclosures in political communications.

11 (a) Any political committee, organized under the Election
12 Code, that makes an expenditure for a pamphlet, circular,
13 handbill, Internet, digital, or telephone communication,
14 including any communication which is placed or promoted on an
15 online platform, radio, television, or print advertisement, or
16 other communication directed at voters and mentioning the name
17 of a candidate in the next upcoming election shall ensure that
18 the name of the political committee paying for any part of the
19 communication, including, but not limited to, its preparation
20 and distribution, is identified clearly and conspicuously
21 within the communication as the payor. For purposes of this
22 Section, a communication does not make a statement in a clear
23 and conspicuous manner if it is difficult to read or hear or if
24 the placement is easily overlooked. This subsection does not
25 apply to items that are too small to contain the required

1 disclosure. This subsection does not apply to an expenditure
2 for the preparation, distribution, or publication of any
3 communication directed at constituents of a member of the
4 General Assembly if the expenditure is made by a political
5 committee in accordance with subsection (c) of Section 9-8.10.
6 Nothing in this subsection shall require disclosure on any
7 telephone communication using random sampling or other
8 scientific survey methods to gauge public opinion for or
9 against any candidate or question of public policy.

10 Whenever any vendor or other person provides any of the
11 services listed in this subsection, other than any telephone
12 communication using random sampling or other scientific survey
13 methods to gauge public opinion for or against any candidate or
14 question of public policy, the vendor or person shall keep and
15 maintain records showing the name and address of the person who
16 purchased or requested the services and the amount paid for the
17 services. The records required by this subsection shall be kept
18 for a period of one year after the date upon which payment was
19 received for the services.

20 (b) Any political committee, organized under this Code,
21 that makes an expenditure for a pamphlet, circular, handbill,
22 Internet, digital, or telephone communication, including any
23 communication which is placed or promoted on an online
24 platform, radio, television, or print advertisement, or other
25 communication directed at voters and (i) mentioning the name of
26 a candidate in the next upcoming election, without that

1 candidate's permission, or (ii) advocating for or against a
2 public policy position shall ensure that the name of the
3 political committee paying for any part of the communication,
4 including, but not limited to, its preparation and
5 distribution, is identified clearly and conspicuously within
6 the communication. For purposes of this Section, a
7 communication does not make a statement in a clear and
8 conspicuous manner if it is difficult to read or hear or if the
9 placement is easily overlooked. Nothing in this subsection
10 shall require disclosure on any telephone communication using
11 random sampling or other scientific survey methods to gauge
12 public opinion for or against any candidate or question of
13 public policy.

14 (c) A political committee organized under this Code shall
15 not make an expenditure for any unsolicited telephone call to
16 the line of a residential telephone customer in this State
17 using any method to block or otherwise circumvent that
18 customer's use of a caller identification service.

19 (Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14.)

20 (10 ILCS 5/9-9.6 new)

21 Sec. 9-9.6. Requirements for online platforms.

22 (a) An online platform shall maintain and make available
23 for online public inspection in machine readable format, a
24 complete record of any request to purchase on the online
25 platform an electioneering communication that is made by a

1 person whose aggregate requests to purchase electioneering
2 communications on the online platform during the calendar year
3 exceed \$500.

4 (b) Any person who requests to purchase an electioneering
5 communication on an online platform shall provide the online
6 platform with the information necessary for the online platform
7 to comply with the requirements of this Section.

8 (c) A record maintained under this Section shall contain:

9 (1) a digital copy of the electioneering
10 communication;

11 (2) a description of the audience targeted by the
12 electioneering communication, the number of views
13 generated from the electioneering communication, and the
14 date and time that the electioneering communication is
15 first displayed and last displayed; and

16 (3) information regarding:

17 (A) the average rate charged for the
18 electioneering communication;

19 (B) the name of the candidate to which the
20 electioneering communication refers and the office to
21 which the candidate is seeking election, the election
22 to which the electioneering communication refers, or
23 the clearly identified question of public policy to
24 which the electioneering communication refers;

25 (C) in the case of a request made by, or on behalf
26 of, a candidate, the name of the candidate, the

1 candidate political committee, and the treasurer of
2 the candidate political committee; and

3 (D) in the case of any request not described in
4 subparagraphs (A) through (C), the name of the person
5 purchasing the advertisement; the name, address, phone
6 number, and email address of a contact for each person;
7 and a list of the chief executive officers or members
8 of the executive committee or of the board of directors
9 of each person.

10 (d) The information required by this Section shall be made
11 available as soon as is possible and shall be retained by the
12 online platform for a period of not less than 4 years.

13 (10 ILCS 5/9-10.5 new)

14 Sec. 9-10.5. Preventing contributions, expenditures,
15 independent expenditures, and disbursements by foreign
16 nationals. Each provider of electioneering communications
17 shall make reasonable efforts to ensure that electioneering
18 communications are not purchased by a foreign national,
19 directly or indirectly.