



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3545**

by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5

Amends the Election Code. Provides that during an election cycle, a candidate political committee established to elect a candidate to the General Assembly may not accept contributions with an aggregate value over \$5,000 from any individual, corporation, political party, or immediate family member (rather than an unlimited amount for immediate family members and a limit of \$10,000 for corporations). Provides that any other contribution limit not contrary to the provisions applies to a candidate political committee established to elect a candidate to the General Assembly. Effective immediately.

LRB101 10635 SMS 55741 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) Except as provided in subsection (c-15), during ~~During~~  
11 an election cycle, a candidate political committee may not  
12 accept contributions with an aggregate value over the  
13 following: (i) \$5,000 from any individual, (ii) \$10,000 from  
14 any corporation, labor organization, or association, or (iii)  
15 \$50,000 from a candidate political committee or political  
16 action committee. A candidate political committee may accept  
17 contributions in any amount from a political party committee  
18 except during an election cycle in which the candidate seeks  
19 nomination at a primary election. During an election cycle in  
20 which the candidate seeks nomination at a primary election, a  
21 candidate political committee may not accept contributions  
22 from political party committees with an aggregate value over  
23 the following: (i) \$200,000 for a candidate political committee

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

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

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

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

1 This subsection becomes inoperative on July 1, 2013 and  
2 thereafter no longer applies.

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

25 (c-15) During an election cycle, a candidate political  
26 committee established to elect a candidate to the General

1 Assembly may not accept contributions with an aggregate value  
2 over \$5,000 from any individual, corporation, political party,  
3 or immediate family member. Any other contribution limit not  
4 contrary to those in this subsection (c-15) applies to a  
5 candidate political committee established to elect a candidate  
6 to the General Assembly.

7 (d) During an election cycle, a political action committee  
8 may not accept contributions with an aggregate value over the  
9 following: (i) \$10,000 from any individual, (ii) \$20,000 from  
10 any corporation, labor organization, political party  
11 committee, or association, or (iii) \$50,000 from a political  
12 action committee or candidate political committee. A political  
13 action committee may not accept contributions from a ballot  
14 initiative committee or from an independent expenditure  
15 committee.

16 (e) A ballot initiative committee may accept contributions  
17 in any amount from any source, provided that the committee  
18 files the document required by Section 9-3 of this Article and  
19 files the disclosure reports required by the provisions of this  
20 Article.

21 (e-5) An independent expenditure committee may accept  
22 contributions in any amount from any source, provided that the  
23 committee files the document required by Section 9-3 of this  
24 Article and files the disclosure reports required by the  
25 provisions of this Article.

26 (f) Nothing in this Section shall prohibit a political

1 committee from dividing the proceeds of joint fundraising  
2 efforts; provided that no political committee may receive more  
3 than the limit from any one contributor, and provided that an  
4 independent expenditure committee may not conduct joint  
5 fundraising efforts with a candidate political committee or a  
6 political party committee.

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

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

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



1 child of a public official or candidate.

2 (h-5) If a natural person or independent expenditure  
3 committee makes independent expenditures in support of or in  
4 opposition to the campaign of a particular public official or  
5 candidate in an aggregate amount of more than (i) \$250,000 for  
6 statewide office or (ii) \$100,000 for all other elective  
7 offices in an election cycle, as reported in a written  
8 disclosure filed under subsection (a) of Section 9-8.6 or  
9 subsection (e-5) of Section 9-10, then the State Board of  
10 Elections shall, within 2 business days after the filing of the  
11 disclosure, post the disclosure on the Board's website and give  
12 official notice of the disclosure to each candidate for the  
13 same office as the public official or candidate for whose  
14 benefit or detriment the natural person or independent  
15 expenditure committee made independent expenditures. Upon  
16 posting of the notice on the Board's website, all candidates  
17 for that office in that election, including the public official  
18 or candidate for whose benefit or detriment the natural person  
19 or independent expenditure committee made independent  
20 expenditures, shall be permitted to accept contributions in  
21 excess of any contribution limits imposed by subsection (b).

22 (h-10) If the State Board of Elections receives  
23 notification or determines that a natural person or persons, an  
24 independent expenditure committee or committees, or  
25 combination thereof has made independent expenditures in  
26 support of or in opposition to the campaign of a particular

1 public official or candidate in an aggregate amount of more  
2 than (i) \$250,000 for statewide office or (ii) \$100,000 for all  
3 other elective offices in an election cycle, then the Board  
4 shall, within 2 business days after discovering the independent  
5 expenditures that, in the aggregate, exceed the threshold set  
6 forth in (i) and (ii) of this subsection, post notice of this  
7 fact on the Board's website and give official notice to each  
8 candidate for the same office as the public official or  
9 candidate for whose benefit or detriment the independent  
10 expenditures were made. Notice shall be sent via first class  
11 mail to the candidate and the treasurer of the candidate's  
12 committee. Notice shall also be sent by e-mail to the candidate  
13 and the treasurer of the candidate's committee if the candidate  
14 and the treasurer, as applicable, have provided the Board with  
15 an e-mail address. Upon posting of the notice on the Board's  
16 website, all candidates of that office in that election,  
17 including the public official or candidate for whose benefit or  
18 detriment the independent expenditures were made, may accept  
19 contributions in excess of any contribution limits imposed by  
20 subsection (b).

21 (i) For the purposes of this Section, a corporation, labor  
22 organization, association, or a political action committee  
23 established by a corporation, labor organization, or  
24 association may act as a conduit in facilitating the delivery  
25 to a political action committee of contributions made through  
26 dues, levies, or similar assessments and the political action

1 committee may report the contributions in the aggregate,  
2 provided that: (i) contributions made through dues, levies, or  
3 similar assessments paid by any natural person, corporation,  
4 labor organization, or association in a calendar year may not  
5 exceed the limits set forth in this Section; (ii) the  
6 corporation, labor organization, association, or a political  
7 action committee established by a corporation, labor  
8 organization, or association facilitating the delivery of  
9 contributions maintains a list of natural persons,  
10 corporations, labor organizations, and associations that paid  
11 the dues, levies, or similar assessments from which the  
12 contributions comprising the aggregate amount derive; and  
13 (iii) contributions made through dues, levies, or similar  
14 assessments paid by any natural person, corporation, labor  
15 organization, or association that exceed \$500 in a quarterly  
16 reporting period shall be itemized on the committee's quarterly  
17 report and may not be reported in the aggregate. A political  
18 action committee facilitating the delivery of contributions or  
19 receiving contributions shall disclose the amount of  
20 contributions made through dues delivered or received and the  
21 name of the corporation, labor organization, association, or  
22 political action committee delivering the contributions, if  
23 applicable. On January 1 of each odd-numbered year, the State  
24 Board of Elections shall adjust the amounts of the contribution  
25 limitations established in this subsection for inflation as  
26 determined by the Consumer Price Index for All Urban Consumers

1 as issued by the United States Department of Labor and rounded  
2 to the nearest \$100. The State Board shall publish this  
3 information on its official website.

4 (j) A political committee that receives a contribution or  
5 transfer in violation of this Section shall dispose of the  
6 contribution or transfer by returning the contribution or  
7 transfer, or an amount equal to the contribution or transfer,  
8 to the contributor or transferor or donating the contribution  
9 or transfer, or an amount equal to the contribution or  
10 transfer, to a charity. A contribution or transfer received in  
11 violation of this Section that is not disposed of as provided  
12 in this subsection within 30 days after the Board sends  
13 notification to the political committee of the excess  
14 contribution by certified mail shall escheat to the General  
15 Revenue Fund and the political committee shall be deemed in  
16 violation of this Section and subject to a civil penalty not to  
17 exceed 150% of the total amount of the contribution.

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

21 (l) This Section is repealed if and when the United States  
22 Supreme Court invalidates contribution limits on committees  
23 formed to assist candidates, political parties, corporations,  
24 associations, or labor organizations established by or  
25 pursuant to federal law.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.