

1                                   AMENDMENT TO HOUSE BILL 3112

2           AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3112, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5           "Section 5. The Election Code is amended by changing  
6 Section 9-10 as follows:

7           (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

8           Sec. 9-10. Financial reports.

9           (a) The treasurer of every state political committee and  
10 the treasurer of every local political committee shall file  
11 with the Board, and the treasurer of every local political  
12 committee shall file with the county clerk, reports of  
13 campaign contributions, and semi-annual reports of campaign  
14 contributions and expenditures on forms to be prescribed or  
15 approved by the Board. The treasurer of every political  
16 committee that acts as both a state political committee and a  
17 local political committee shall file a copy of each report  
18 with the State Board of Elections and the county clerk.  
19 Entities subject to Section 9-7.5 shall file reports required  
20 by that Section at times provided in this Section and are  
21 subject to the penalties provided in this Section.

22           (b) Reports of campaign contributions shall be filed no

1 later than the 15th day next preceding each election  
2 including a primary election in connection with which the  
3 political committee has accepted or is accepting  
4 contributions or has made or is making expenditures. Such  
5 reports shall be complete as of the 30th day next preceding  
6 each election including a primary election. The Board shall  
7 assess a civil penalty not to exceed \$5,000 for a violation  
8 of this subsection, except that for State officers and  
9 candidates and political committees formed for statewide  
10 office, the civil penalty may not exceed \$10,000. The fine,  
11 however, shall not exceed \$500 for a first filing violation  
12 for filing less than 10 days after the deadline. There shall  
13 be no fine if the report is mailed and postmarked at least 72  
14 hours prior to the filing deadline. For the purpose of this  
15 subsection, "statewide office" and "State officer" means the  
16 Governor, Lieutenant Governor, Attorney General, Secretary of  
17 State, Comptroller, and Treasurer. However, a continuing  
18 political committee that neither accepts contributions nor  
19 makes expenditures on behalf of or in opposition to any  
20 candidate or public question on the ballot at an election  
21 shall not be required to file the reports heretofore  
22 prescribed but may file in lieu thereof a Statement of  
23 Nonparticipation in the Election with the Board or the Board  
24 and the county clerk.

25 (b-5) Notwithstanding the provisions of subsection (b),  
26 any contribution of \$500 or more received in the interim  
27 between the last date of the period covered by the last  
28 report filed under subsection (b) prior to the election and  
29 the date of the election shall be reported within 2 business  
30 days after its receipt. The State Board shall allow filings  
31 under this subsection (b-5) to be made by facsimile  
32 transmission. For the purpose of this subsection, a  
33 contribution is considered received on the date the public  
34 official, candidate, or political committee (or equivalent

1 person in the case of a reporting entity other than a  
2 political committee) actually receives it or, in the case of  
3 goods or services, 2 days after the date the public official,  
4 candidate, committee, or other reporting entity receives the  
5 certification required under subsection (b) of Section 9-6.  
6 Failure to report each contribution is a separate violation  
7 of this subsection. The Board shall impose fines for  
8 violations of this subsection as follows:

9 (1) if the political committee's or other reporting  
10 entity's total receipts, total expenditures, and balance  
11 remaining at the end of the last reporting period were  
12 each \$5,000 or less, then \$100 per business day for the  
13 first violation, \$200 per business day for the second  
14 violation, and \$300 per business day for the third and  
15 subsequent violations.

16 (2) if the political committee's or other reporting  
17 entity's total receipts, total expenditures, and balance  
18 remaining at the end of the last reporting period were  
19 each more than \$5,000, then \$200 per business day for the  
20 first violation, \$400 per business day for the second  
21 violation, and \$600 per business day for the third and  
22 subsequent violations.

23 (c) In addition to such reports the treasurer of every  
24 political committee shall file semi-annual reports of  
25 campaign contributions and expenditures no later than July  
26 31st, covering the period from January 1st through June 30th  
27 immediately preceding, and no later than January 31st,  
28 covering the period from July 1st through December 31st of  
29 the preceding calendar year. Reports of contributions and  
30 expenditures must be filed to cover the prescribed time  
31 periods even though no contributions or expenditures may have  
32 been received or made during the period. The Board shall  
33 assess a civil penalty not to exceed \$5,000 for a violation  
34 of this subsection, except that for State officers and

1 candidates and political committees formed for statewide  
2 office, the civil penalty may not exceed \$10,000. The fine,  
3 however, shall not exceed \$500 for a first filing violation  
4 for filing less than 10 days after the deadline. There shall  
5 be no fine if the report is mailed and postmarked at least 72  
6 hours prior to the filing deadline. For the purpose of this  
7 subsection, "statewide office" and "State officer" means the  
8 Governor, Lieutenant Governor, Attorney General, Secretary of  
9 State, Comptroller, and Treasurer.

10 (c-5) A political committee that acts as either (i) a  
11 State and local political committee or (ii) a local political  
12 committee and that files reports electronically under Section  
13 9-28 is not required to file copies of the reports with the  
14 appropriate county clerk if the county clerk has a system  
15 that permits access to, and duplication of, reports that are  
16 filed with the State Board of Elections.

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

20 (Source: P.A. 90-737, eff. 1-1-99.)

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