

SB3064



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB3064

Introduced 1/20/2006, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

10 ILCS 5/Art. 9A heading new
10 ILCS 5/9A-5 new
10 ILCS 5/9A-15 new
10 ILCS 5/9A-17 new
10 ILCS 5/9A-20 new
10 ILCS 5/9A-25 new
10 ILCS 5/9A-30 new

Amends the Election Code. Establishes limits on campaign contributions and expenditures.

LRB094 19204 JAM 54751 b

FISCAL NOTE ACT
MAY APPLY

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 adding Article
5 heading 9A and Sections 9A-5, 9A-15, 9A-17, 9A-20, 9A-25, and
6 9A-30 as follows:

7 (10 ILCS 5/Art. 9A heading new)

8 ARTICLE 9A.

9 CAMPAIGN CONTRIBUTION PROHIBITIONS AND LIMITS

10 (10 ILCS 5/9A-5 new)

11 Sec. 9A-5. Definitions. As used in this Article:

12 (1) "Election" means:

13 (A) "Election", "regular election", "special
14 election", and "general election" as those terms are
15 defined in Section 1-3, but only as applied to
16 elections for executive branch constitutional officers
17 and members of the General Assembly.

18 (B) A convention or caucus of a political party
19 that has authority to nominate a candidate.

20 (2) "Candidate" means any person who seeks nomination
21 for election, election to, or retention in public office as
22 an executive branch constitutional officer or as a member
23 of the General Assembly, whether or not the person is
24 elected. A person seeks nomination for election, election,
25 or retention if he or she (i) takes the action necessary
26 under the laws of this State to attempt to qualify for
27 nomination for election to, election to, or retention in
28 public office as an executive branch constitutional
29 officer or as a member of the General Assembly or (ii)
30 receives contributions or makes expenditures, or gives
31 consent for any other person to receive contributions or

1 make expenditures with a view to bringing about his or her
2 nomination for election to, election to, or retention in
3 public office as an executive branch constitutional
4 officer or as a member of the General Assembly.

5 (3) "Political committee" means any of the following:

6 (A) Any committee, club, association, or other
7 group of persons that receives contributions
8 aggregating in excess of \$1,000 during a calendar year
9 or that makes expenditures aggregating in excess of
10 \$1,000 during a calendar year.

11 (B) Any separate segregated fund established under
12 the provisions of this Article by a labor union or
13 corporation.

14 (C) Any local committee of a political party that
15 receives contributions aggregating in excess of \$5,000
16 during a calendar year, makes payments exempted from
17 the definition of contribution or expenditure
18 aggregating in excess of \$5,000 during a calendar year,
19 makes contributions aggregating in excess of \$1,000
20 during a calendar year, or makes expenditures
21 aggregating in excess of \$1,000 during a calendar year.

22 (4) "Principal campaign committee" means a political
23 committee designated and authorized by a candidate under
24 Section 9A-15.

25 (5) "Authorized committee" means the principal
26 campaign committee or any other political committee
27 authorized by a candidate under Section 9A-15 to receive
28 contributions or make expenditures on behalf of the
29 candidate.

30 (6) "Connected organization" means any organization
31 that is not a political committee but that directly or
32 indirectly establishes, administers, or financially
33 supports a political committee.

34 (7) Contribution.

35 (A) "Contribution" includes:

36 (i) Any gift, subscription, loan, advance, or

1 deposit of money or anything of value made by any
2 person for the purpose of influencing any election
3 for executive branch constitutional office.

4 (ii) The payment by any person of compensation
5 for the personal services of another person that
6 are rendered to a political committee without
7 charge for any purpose.

8 (iii) A transfer of funds between political
9 committees for any purpose.

10 (B) "Contribution" does not include:

11 (i) The value of services provided without
12 compensation by any individual who volunteers on
13 behalf of a candidate or political committee.

14 (ii) The use of real or personal property,
15 including a church or community room used on a
16 regular basis by members of a community for
17 noncommercial purposes, and the cost of
18 invitations, food, and beverages, voluntarily
19 provided by an individual to any candidate or any
20 political committee of a political party in
21 rendering voluntary personal services on the
22 individual's residential premises or in the church
23 or community room for candidate-related or
24 political party-related activities, to the extent
25 that the cumulative value of the invitations,
26 food, and beverages provided by the individual on
27 behalf of any single candidate does not exceed
28 \$2,000 with respect to any single election, and on
29 behalf of all political committees of a political
30 party does not exceed \$5,000 in any calendar year.

31 (iii) The sale of any food or beverage by a
32 vendor for use in any candidate's campaign or for
33 use by or on behalf of any political committee of a
34 political party at a charge less than the normal
35 comparable charge, if the charge is at least equal
36 to the cost of the food or beverage to the vendor,

1 to the extent that the cumulative value of the
2 activity by the vendor on behalf of any single
3 candidate does not exceed \$2,000 with respect to
4 any single election, and on behalf of all political
5 committees of a political party does not exceed
6 \$5,000 in any calendar year.

7 (iv) Any unreimbursed payment for travel
8 expenses made by any individual volunteering
9 personal services on behalf of any candidate or any
10 political committee of a political party.

11 (8) Expenditure.

12 (A) "Expenditure" includes:

13 (i) Any purchase, payment, distribution, loan,
14 advance, deposit, or gift of money or anything of
15 value made by any person for the purpose of
16 influencing any election of a State executive
17 branch constitutional officer or member of the
18 General Assembly.

19 (ii) A written contract, promise, or agreement
20 to make an expenditure.

21 (B) "Expenditure" does not include:

22 (i) Any news story, commentary, or editorial
23 distributed through the facilities of any
24 broadcasting station, newspaper, magazine, or
25 other periodical publication, unless the
26 facilities are owned or controlled by any
27 political party, political committee, or
28 candidate.

29 (ii) Nonpartisan activity designed to
30 encourage individuals to vote or to register to
31 vote.

32 (iii) The use of real or personal property and
33 the cost of invitations, food, and beverages,
34 voluntarily provided by an individual in rendering
35 voluntary personal services on the individual's
36 residential premises for candidate-related

1 activities; provided the value of the service
2 provided does not exceed an aggregate of \$150 in a
3 reporting period.

4 (iv) The sale of any food or beverage by a
5 vendor for use in a candidate's campaign at a
6 charge less than the normal comparable charge, if
7 the charge for use in a candidate's campaign is at
8 least equal to the cost of the food or beverage to
9 the vendor.

10 (9) "Board" means the Illinois State Board of
11 Elections.

12 (10) "Person" includes an individual, trust,
13 partnership, committee, association, corporation, labor
14 organization, or any other organization or group of
15 persons.

16 (11) "Identification" means:

17 (A) In the case of any individual, the name, the
18 mailing address, and the occupation of the individual,
19 as well as the name of his or her employer.

20 (B) In the case of any other person, the full name
21 and address of the person.

22 (12) "State committee" means the organization that, by
23 virtue of the bylaws of a political party, is responsible
24 for the day-to-day operation of the political party at the
25 State level, as determined by the Board.

26 (13) "Political party" means an association,
27 committee, or organization that nominates a candidate for
28 election to any public office whose name appears on the
29 election ballot as the candidate of that association,
30 committee, or organization.

31 (14) "Independent expenditure" means an expenditure by
32 a person:

33 (A) Expressly advocating the election or defeat of
34 a clearly identified candidate; and

35 (B) That is not made in concert or cooperation with
36 or at the request or suggestion of the candidate, the

1 candidate's authorized political committee, agents, a
2 political party committee, or agents thereof.

3 (15) "Clearly identified" means that:

4 (A) The name of the candidate involved appears;

5 (B) A photograph or drawing of the candidate
6 appears; or

7 (C) The identity of the candidate is apparent by
8 unambiguous reference.

9 (16) "Election cycle" means the period beginning on the
10 day after the date of the most recent election for the
11 specific office or seat that a candidate is seeking and
12 ending on the date of the next election for that office or
13 seat. For purposes of this paragraph, a general primary
14 election and a general election shall be considered to be
15 separate elections.

16 (17) "Personal funds" means an amount that is derived
17 from:

18 (A) Any asset that, under applicable State law, at
19 the time the individual became a candidate, the
20 candidate had legal right of access to or control over,
21 and with respect to which the candidate had:

22 (i) Legal and rightful title; or

23 (ii) An equitable interest.

24 (B) Income received during the current election
25 cycle by the candidate, including:

26 (i) A salary and other earned income from bona
27 fide employment.

28 (ii) Dividends and proceeds from the sale of
29 the candidate's stocks or other investments.

30 (iii) Bequests to the candidate.

31 (iv) Income from trusts established before the
32 beginning of the election cycle.

33 (v) Income from trusts established by bequest
34 after the beginning of the election cycle of which
35 the candidate is the beneficiary.

36 (vi) Gifts of a personal nature that had been

1 customarily received by the candidate prior to the
2 beginning of the election cycle.

3 (vii) Proceeds from lotteries and similar
4 legal games of chance.

5 (C) A portion of assets that are jointly owned by
6 the candidate and the candidate's spouse equal to the
7 candidate's share of the asset under the instrument of
8 conveyance or ownership, but if no specific share is
9 indicated by an instrument of conveyance or ownership,
10 the value of one-half of the property.

11 (10 ILCS 5/9A-15 new)

12 Sec. 9A-15. Limitations on contributions and expenditures.

13 (a) Limits.

14 (1) No political committee, multicandidate committee,
15 or PAC may engage in a joint fundraiser.

16 (1.5) Except as provided in subsection (c), no person
17 other than a multicandidate political committee shall make
18 contributions:

19 (A) To any candidate and his or her authorized
20 political committees with respect to any election for
21 State office that, in the aggregate, exceed \$2,000.

22 (B) To the political committees established and
23 maintained by a State political party, that are not the
24 authorized political committees of any candidate, in
25 any election that, in the aggregate, exceed \$5,000.

26 (C) To any other political committee in any
27 election that, in the aggregate, exceed \$5,000.

28 (2) No multicandidate political committee shall make
29 contributions:

30 (A) To any candidate and his or her authorized
31 political committees with respect to any election for
32 State office that, in the aggregate, exceed \$5,000.

33 (B) To the political committees established and
34 maintained by a State political party, that are not the
35 authorized political committees of any candidate, in

1 any election, that, in the aggregate, exceed \$5,000.

2 (C) To any other political committee in any
3 election that, in the aggregate, exceed \$5,000.

4 (3) During the period that begins on January 1 of an
5 odd-numbered year and ends on December 31 of the next
6 even-numbered year, no individual may make contributions
7 aggregating more than \$40,000, in the case of contributions
8 to candidates and the authorized committees of candidates.

9 (4) For purposes of paragraph (2), the term
10 "multicandidate political committee" means a political
11 committee that has been registered for a period of not less
12 than 6 months, that has received contributions from more
13 than 50 persons, and that has made contributions to 5 or
14 more candidates for public office. The State political
15 parties shall be considered "multicandidate political
16 committees" for the purposes of paragraph (2).

17 (5) For purposes of the limitations provided by
18 paragraph (1) and paragraph (2), all contributions made by
19 political committees established, financed, maintained, or
20 controlled by any corporation, labor organization, or any
21 other person, including any parent, subsidiary, branch,
22 division, department, or local unit of the corporation,
23 labor organization, or any other person, or by any group of
24 such persons, shall be considered to have been made by a
25 single political committee.

26 In any case in which a corporation and any of its
27 subsidiaries, branches, divisions, departments, or local
28 units, or a labor organization and any of its subsidiaries,
29 branches, divisions, departments, or local units
30 establish, finance, maintain, or control more than one
31 separate segregated fund, all the separate segregated
32 funds shall be treated as a single separate segregated fund
33 for purposes of the limitations provided by paragraph (1)
34 and paragraph (2).

35 (6) For the purposes of the limitations provided by
36 paragraph (1) and paragraph (2), a candidate's authorized

1 political committee and any committee directly or
2 indirectly established, financed, maintained, or
3 controlled by that candidate shall be considered to be a
4 single political committee.

5 (7) The limitations on contributions to a candidate
6 imposed by paragraphs (1) and (2) of this subsection shall
7 apply separately with respect to each election.

8 (8) For purposes of this subsection:

9 (A) Contributions to a named candidate made to any
10 political committee authorized by the candidate to
11 accept contributions on his or her behalf shall be
12 considered to be contributions made to the candidate.

13 (B) Expenditures.

14 (i) Expenditures made by any person in
15 cooperation, consultation, or concert with, or at
16 the request or suggestion of, a candidate, his or
17 her authorized political committees, or their
18 agents, shall be considered to be a contribution to
19 the candidate.

20 (ii) Expenditures made by any person (other
21 than a candidate or candidate's authorized
22 committee) in cooperation, consultation, or
23 concert with, or at the request or suggestion of, a
24 national, State, or local committee of a political
25 party, shall be considered to be contributions
26 made to the party committee.

27 (iii) The financing by any person of the
28 dissemination, distribution, or republication, in
29 whole or in part, of any broadcast or any written,
30 graphic, or other form of campaign materials
31 prepared by the candidate, his or her campaign
32 committees, or their authorized agents shall be
33 considered to be an expenditure for purposes of
34 this paragraph.

35 (C) If any person makes or contracts to make any
36 disbursement for any electioneering communication and

1 if the disbursement is coordinated with a candidate or
2 an authorized committee of the candidate, a Federal,
3 State, or local political party or committee thereof,
4 or an agent or official of the candidate, party, or
5 committee, then the disbursement or contracting shall
6 be treated as a contribution to the candidate supported
7 by the electioneering communication or that
8 candidate's party and as an expenditure by that
9 candidate or that candidate's party.

10 (9) For purposes of the limitations imposed by this
11 Section, all contributions made by a person, either
12 directly or indirectly, on behalf of a particular
13 candidate, including contributions that are in any way
14 earmarked or otherwise directed through an intermediary or
15 conduit to the candidate, shall be treated as contributions
16 from the person to the candidate. The intermediary or
17 conduit shall report the original source and the intended
18 recipient of the contribution to the Board and to the
19 intended recipient.

20 (b) No candidate or political committee shall knowingly
21 accept any contribution or make any expenditure in violation of
22 the provisions of this Section. No officer or employee of a
23 political committee shall knowingly accept a contribution made
24 for the benefit or use of a candidate or knowingly make any
25 expenditure on behalf of a candidate in violation of any
26 limitation imposed on contributions and expenditures under
27 this Section.

28 (c) Personal funds.

29 (1) Increase.

30 (A) Subject to paragraph (2), if the opposition
31 personal funds amount with respect to a candidate for
32 election to executive branch constitutional office or
33 the General Assembly exceeds the threshold amount, the
34 limit under subsection (a)(1)(A) (in this subsection
35 referred to as the "applicable limit") with respect to
36 that candidate shall be the increased limit.

1 (B) Threshold amount.

2 (i) In this subsection, the threshold amount
3 with respect to an election cycle of a candidate
4 described in subparagraph (A) is an amount equal to
5 the sum of:

6 (I) \$150,000; and

7 (II) \$0.04 multiplied by the voting age
8 population.

9 (ii) In this subparagraph, the term "voting
10 age population" means that certified under 2 USCS
11 441a Section (e) for the State of Illinois and
12 published in the Federal Register.

13 (C) Except as provided in clause (ii), for purposes
14 of subparagraph (A), if the opposition personal funds
15 amount is over:

16 (i) 2 times the threshold amount, but not over
17 4 times that amount, then the increased limit shall
18 be 3 times the applicable limit.

19 (ii) 4 times the threshold amount, but not over
20 10 times that amount, then the increased limit
21 shall be 6 times the applicable limit.

22 (iii) 10 times the threshold amount, then the
23 increased limit shall be 6 times the applicable
24 limit.

25 (D) The opposition personal funds amount is an
26 amount equal to the excess (if any) of:

27 (i) The greatest aggregate amount of
28 expenditures from personal funds that an opposing
29 candidate in the same election makes; over

30 (ii) The aggregate amount of expenditures from
31 personal funds made by the candidate with respect
32 to the election.

33 (E) Candidate's campaign funds.

34 (i) For purposes of determining the aggregate
35 amount of expenditures from personal funds under
36 subparagraph (D) (ii), the amount shall include the

1 gross receipts advantage of the candidate's
2 authorized committee.

3 (ii) For purposes of clause (i), the term
4 "gross receipts advantage" means the excess, if
5 any, of:

6 (I) The aggregate amount of 50% of gross
7 receipts of a candidate's authorized committee
8 during any election cycle (not including
9 contributions from personal funds of the
10 candidate) that may be expended in connection
11 with the election, as determined on June 30 and
12 December 31 of the year preceding the year in
13 which a general election is held, over

14 (II) The aggregate amount of 50% of gross
15 receipts of the opposing candidate's
16 authorized committee during any election cycle
17 (not including contributions from personal
18 funds of the candidate) that may be expended in
19 connection with the election, as determined on
20 June 30 and December 31 of the year preceding
21 the year in which a general election is held.

22 (2) Time to accept contributions under increased
23 limit.

24 (A) Subject to subparagraph (B), a candidate and
25 the candidate's authorized committee shall not accept
26 any contribution, and a party committee shall not make
27 any expenditure, under the increased limit under
28 paragraph (1):

29 (i) Until the candidate has received
30 notification of the opposition personal funds
31 amount; and

32 (ii) To the extent that the contribution, when
33 added to the aggregate amount of contributions
34 previously accepted and party expenditures
35 previously made under the increased limits under
36 this subsection for the election cycle, exceeds

1 110% of the opposition personal funds amount.

2 (B) A candidate and a candidate's authorized
3 committee shall not accept any contribution and a party
4 shall not make any expenditure under the increased
5 limit after the date on which an opposing candidate
6 ceases to be a candidate to the extent that the amount
7 of the increased limit is attributable to such an
8 opposing candidate.

9 (3) Disposal of excess contributions.

10 (A) The aggregate amount of contributions accepted
11 by a candidate or a candidate's authorized committee
12 under the increased limit under paragraph (1) and not
13 otherwise expended in connection with the election
14 with respect to which the contributions relate shall,
15 not later than 50 days after the date of the election,
16 be used in the manner described in subparagraph (B).

17 (B) A candidate or a candidate's authorized
18 committee shall return the excess contribution to the
19 person who made the contribution.

20 (d) Any candidate who incurs personal loans made after the
21 effective date of this amendatory Act of the 94th General
22 Assembly in connection with the candidate's campaign for
23 election shall not repay (directly or indirectly), to the
24 extent the loans exceed \$250,000, the loans from any
25 contributions made to the candidate or any authorized committee
26 of the candidate after the date of the election.

27 (e) Each July 1, the dollar amounts established in this
28 Section shall be adjusted for inflation as determined by the
29 Consumer Price Index for All Urban Consumers as determined by
30 the United States Department of Labor and rounded to the
31 nearest \$100, except that each adjustment may not exceed 5% of
32 the dollar amount adjusted.

33 (10 ILCS 5/9A-17 new)

34 Sec. 9A-17. Transfer prohibition. Notwithstanding any
35 other law to the contrary, no candidate or political committee

1 shall make any transfer of funds between that candidate or
2 political committee and any other candidate or political
3 committee whatsoever.

4 (10 ILCS 5/9A-20 new)

5 Sec. 9A-20. Contributions or expenditures by corporations
6 or labor organizations.

7 (a) It is unlawful for any corporation or labor
8 organization to make a contribution or expenditure in
9 connection with any election to any executive branch
10 constitutional office or to any seat in the General Assembly or
11 in connection with any primary election or political convention
12 or caucus held to select candidates for any executive branch
13 constitutional office or any seat in the General Assembly. It
14 is unlawful for any candidate, political committee, or other
15 person knowingly to accept or receive any contribution
16 prohibited by this Section. It is unlawful any officer or any
17 director of any corporation or any officer of any labor
18 organization to consent to any contribution or expenditure by
19 the corporation or labor organization, as the case may be,
20 prohibited by this Section.

21 (b) Definitions and additional prohibitions.

22 (1) For the purposes of this Section, the term "labor
23 organization" means any organization of any kind or any
24 agency or employee representation committee or plan in
25 which employees participate and that exists for the
26 purpose, in whole or in part, of dealing with employers
27 concerning grievances, labor disputes, wages, rates of
28 pay, hours of employment, or conditions of work.

29 (2) For purposes of this Section, the term
30 "contribution or expenditure" includes a contribution or
31 expenditure as those terms are defined in Section 9A-10 and
32 also includes any direct or indirect payment,
33 distribution, loan, advance, deposit, or gift of money, any
34 services, or anything of value (except a loan of money by a
35 national or State bank made in accordance with the

1 applicable banking laws and regulations and in the ordinary
2 course of business) to any candidate, campaign committee,
3 or political party or organization in connection with any
4 election to any of the offices referred to in this Section
5 or for any applicable electioneering communication. The
6 term shall not include:

7 (A) Communications by a corporation to its
8 stockholders and executive or administrative personnel
9 and their families or by a labor organization to its
10 members and their families on any subject.

11 (B) Nonpartisan registration and get-out-the-vote
12 campaigns by a corporation aimed at its stockholders
13 and executive or administrative personnel and their
14 families or by a labor organization aimed at its
15 members and their families.

16 (C) The establishment, administration, and
17 solicitation of contributions to a separate segregated
18 fund to be utilized for political purposes by a
19 corporation, labor organization, membership
20 organization, cooperative, or corporation without
21 capital stock.

22 (3) It is unlawful:

23 (A) For a fund described in paragraph (2)(C) to
24 make a contribution or expenditure by utilizing money
25 or anything of value secured by physical force, job
26 discrimination, or financial reprisals; by the threat
27 of force, job discrimination, or financial reprisal;
28 by dues, fees, or other moneys required as a condition
29 of membership in a labor organization or as a condition
30 of employment; or by moneys obtained in any commercial
31 transaction.

32 (B) For any person soliciting an employee for a
33 contribution to a fund described in paragraph (2)(C) to
34 fail to inform the employee of the political purposes
35 of the fund at the time of solicitation.

36 (C) For any person soliciting an employee for a

1 contribution to a fund described in paragraph (2)(C) to
2 fail to inform the employee, at the time of
3 solicitation, of his or her right to refuse to
4 contribute without any reprisal.

5 (4) Solicitations.

6 (A) Except as provided in subparagraphs (B), (C),
7 and (D), it is unlawful:

8 (i) For a corporation, or a separate
9 segregated fund established by a corporation, to
10 solicit contributions to the fund from any person
11 other than its stockholders and their families and
12 its executive or administrative personnel and
13 their families.

14 (ii) For a labor organization, or a separate
15 segregated fund established by a labor
16 organization, to solicit contributions to the fund
17 from any person other than its members and their
18 families.

19 (B) It is not unlawful under this Section for a
20 corporation, a labor organization, or a separate
21 segregated fund established by a corporation or labor
22 organization to make 2 written solicitations for
23 contributions during the calendar year from any
24 stockholder, executive or administrative personnel, or
25 employee of a corporation or the families of those
26 persons. A solicitation under this subparagraph may be
27 made only by mail addressed to stockholders, executive
28 or administrative personnel, or employees at their
29 residence and shall be so designed that the
30 corporation, labor organization, or separate
31 segregated fund conducting the solicitation cannot
32 determine who makes a contribution of \$50 or less as a
33 result of the solicitation and who does not make such a
34 contribution.

35 (C) This paragraph shall not prevent a membership
36 organization, cooperative, or corporation without

1 capital stock, or a separate segregated fund
2 established by a membership organization, cooperative,
3 or corporation without capital stock, from soliciting
4 contributions to the fund from members of the
5 organization, cooperative, or corporation without
6 capital stock.

7 (5) Notwithstanding any other law, any method of
8 soliciting voluntary contributions or of facilitating the
9 making of voluntary contributions to a separate segregated
10 fund established by a corporation, permitted by law to
11 corporations with regard to stockholders and executive or
12 administrative personnel, is also permitted to labor
13 organizations with regard to their members.

14 (6) Any corporation, including its subsidiaries,
15 branches, divisions, and affiliates, that utilizes a
16 method of soliciting voluntary contributions or
17 facilitating the making of voluntary contributions shall
18 make available that method, on written request and at a
19 cost sufficient only to reimburse the corporation for the
20 expenses incurred thereby, to a labor organization
21 representing any members working for the corporation or its
22 subsidiaries, branches, divisions, and affiliates.

23 (7) For purposes of this Section, the term "executive
24 or administrative personnel" means individuals employed by
25 a corporation who are paid on a salary, rather than hourly,
26 basis and who have policymaking, managerial, professional,
27 or supervisory responsibilities.

28 (c) Electioneering communications.

29 (1) For purposes of this Section, the term "applicable
30 electioneering communication" means an electioneering
31 communication, as defined in Section 9-1.14, that is made
32 by any entity described in subsection (a) of this Section
33 or by any other person using funds donated by an entity
34 described in subsection (a) of this Section.

35 (2) Notwithstanding paragraph (A), the term
36 "applicable electioneering communication" does not include

1 a communication by an unincorporated Section 501(c)(4)
2 organization or a political organization (as defined in
3 Section 527(e)(1) of the Internal Revenue Code of 1986 [26
4 USCS § 527(e)(1)]) if the communication is paid for
5 exclusively by funds provided directly by individuals who
6 are United States citizens or nationals or are lawfully
7 admitted for permanent residence (as defined in Section
8 101(a)(20) of the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(20))). For purposes of this paragraph, the term
10 "provided directly by individuals" does not include funds
11 the source of which is an entity described in subsection
12 (a) of this Section.

13 (3) Source of communications.

14 (A) An electioneering communication shall be
15 treated as made by an entity described in subsection
16 (a) if an entity described in subsection (a) directly
17 or indirectly disburses any amount for any of the costs
18 of the communication.

19 (B) A Section 501(c)(4) organization that derives
20 amounts from business activities or receives funds
21 from any entity described in subsection (a) shall be
22 considered to have paid for any communication out of
23 those amounts unless the organization paid for the
24 communication out of a segregated account.

25 (4) For purposes of this subsection:

26 (A) The term "Section 501(c)(4) organization"
27 means:

28 (i) An organization described in Section
29 501(c)(4) of the Internal Revenue Code of 1986 [26
30 USCS § 501(c)(4)] and exempt from taxation under
31 Section 501(a) of that Code [26 USCS § 501(a)]; or

32 (ii) An organization that has submitted an
33 application to the Internal Revenue Service for
34 determination of its status as an organization
35 described in clause (i).

36 (B) A person shall be treated as having made a

1 disbursement if the person has executed a contract to
2 make the disbursement.

3 (5) Nothing in this subsection shall be construed to
4 authorize an organization exempt from taxation under
5 Section 501(a) of the Internal Revenue Code of 1986 [26
6 USCS § 501(a)] to carry out any activity that is prohibited
7 under that Code.

8 (10 ILCS 5/9A-25 new)

9 Sec. 9A-25. Prohibition of contributions in name of
10 another. No person shall make a contribution in the name of
11 another person or knowingly permit his or her name to be used
12 to effect such a contribution. No person shall knowingly accept
13 a contribution made by one person in the name of another
14 person.

15 (10 ILCS 5/9A-30 new)

16 Sec. 9A-30. Complaints. The Board may receive complaints
17 from any entity regulated under this Article, alleging with
18 specificity on the basis of facts known to that entity, that a
19 violation of this Article has occurred. The Board may bring
20 complaints and investigations on its own initiative when the
21 Board has a reasonable basis to believe that a violation of
22 this Article has occurred. The Board shall have the authority
23 to promulgate procedural rules governing the filing and hearing
24 of complaints under this Section.