



Sen. Kwame Raoul

Filed: 3/25/2009

09600SB2257sam002

LRB096 11450 JAM 24292 a

1 AMENDMENT TO SENATE BILL 2257

2 AMENDMENT NO. _____. Amend Senate Bill 2257 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing the
5 heading of Article 9 and Sections 9-1, 9-1.4, and 9-1.5 and by
6 adding Sections 9-1.18, 9-1.20, 9-1.21, 9-1.22, 9-8.5, and
7 9-8.7 as follows:

8 (10 ILCS 5/Art. 9 heading)

9 ARTICLE 9. DISCLOSURE AND REGULATION OF CAMPAIGN
10 CONTRIBUTIONS AND EXPENDITURES

11 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

12 Sec. 9-1. As used in this Article, unless the context
13 otherwise requires, the terms defined in Sections 9-1.1 through
14 9-1.22 ~~9-1.13~~, have the respective meanings as defined in those
15 Sections.

1 (Source: P.A. 86-873.)

2 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

3 Sec. 9-1.4. Contribution.

4 (A) "Contribution" means-

5 (1) a gift, subscription, donation, dues, loan,
6 advance, or deposit of money or anything of value,
7 knowingly received in connection with the nomination for
8 election, ~~or~~ election, or retention of any person to or in
9 public office, in connection with the election of any
10 person as ward or township committeeman in counties of
11 3,000,000 or more population, or in connection with any
12 question of public policy;

13 (1.5) a gift, subscription, donation, dues, loan,
14 advance, deposit of money, or anything of value that
15 constitutes an electioneering communication regardless of
16 whether the communication is made in concert or cooperation
17 with or at the request, suggestion, or knowledge of a
18 candidate, a candidate's authorized local political
19 committee, a State political committee, a political
20 committee in support of or opposition to a question of
21 public policy, or any of their agents;

22 (2) the purchase of tickets for fund-raising events,
23 including but not limited to dinners, luncheons, cocktail
24 parties, and rallies made in connection with the nomination
25 for election, ~~or~~ election, or retention of any person to or

1 in public office, in connection with the election of any
2 person as ward or township committeeman in counties of
3 3,000,000 or more population, or in connection with any
4 question of public policy;

5 (3) a transfer of funds between political committees;
6 and

7 (4) the services of an employee donated by an employer,
8 in which case the contribution shall be listed in the name
9 of the employer, except that any individual services
10 provided voluntarily and without promise or expectation of
11 compensation from any source shall not be deemed a
12 contribution; but

13 (5) does not include--

14 (a) the use of real or personal property and the
15 cost of invitations, food, and beverages, voluntarily
16 provided by an individual in rendering voluntary
17 personal services on the individual's residential
18 premises for candidate-related activities; provided
19 the value of the service provided does not exceed an
20 aggregate of \$150 in a reporting period;

21 (b) the sale of any food or beverage by a vendor
22 for use in a candidate's campaign at a charge less than
23 the normal comparable charge, if such charge for use in
24 a candidate's campaign is at least equal to the cost of
25 such food or beverage to the vendor.

26 (c) communications on any subject by a corporation

1 to its stockholders and executive or administrative
2 personnel and their families, by a labor organization
3 to its members and their families, or by an association
4 to its members and their families;

5 (d) voter registration and get-out-the-vote
6 campaigns that make no mention of any clearly
7 identified candidate, public question, or political
8 party, or group or combination thereof;

9 (e) the establishment, administration, and
10 solicitation of contributions to a separate segregated
11 fund to be used for political purposes by a
12 corporation, labor organization, or association; or

13 (f) a secured loan of money by a national or State
14 bank or credit union made in accordance with the
15 applicable banking laws and regulations and in the
16 ordinary course of business; however, the use,
17 ownership, or control of any security for such a loan,
18 if provided by a person other than the candidate or his
19 or her committee, qualifies as a contribution.

20 (B) Interest or other investment income, earnings or
21 proceeds, and refunds or returns of all or part of a
22 committee's previous expenditures, shall not be considered
23 contributions for the purposes of Section 9-8.5 but shall be
24 listed with contributions on disclosure reports required by
25 this Article.

26 (Source: P.A. 94-645, eff. 8-22-05.)

1 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

2 Sec. 9-1.5. Expenditure defined.

3 "Expenditure" means-

4 (1) a payment, distribution, purchase, loan, advance,
5 deposit, or gift of money or anything of value, in connection
6 with the nomination for election, ~~or~~ election, or retention of
7 any person to or in public office, in connection with the
8 election of any person as ward or township committeeman in
9 counties of 3,000,000 or more population, or in connection with
10 any question of public policy. "Expenditure" also includes a
11 payment, distribution, purchase, loan, advance, deposit, or
12 gift of money or anything of value that constitutes an
13 electioneering communication regardless of whether the
14 communication is made in concert or cooperation with or at the
15 request, suggestion, or knowledge of a candidate, a candidate's
16 authorized local political committee, a State political
17 committee, a political committee in support of or opposition to
18 a question of public policy, or any of their agents. However,
19 expenditure does not include -

20 (a) the use of real or personal property and the cost
21 of invitations, food, and beverages, voluntarily provided
22 by an individual in rendering voluntary personal services
23 on the individual's residential premises for
24 candidate-related activities; provided the value of the
25 service provided does not exceed an aggregate of \$150 in a

1 reporting period. †

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

7 (2) a transfer of funds between political committees.

8 (3) a payment for electioneering communications.

9 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
10 93-847, eff. 7-30-04.)

11 (10 ILCS 5/9-1.18 new)

12 Sec. 9-1.18. Regular election period. "Regular election
13 period" means each of:

14 (a) the period beginning on January 1 immediately following
15 the date of a general election and ending the day of the
16 following general primary election;

17 (b) the period beginning on the day after a general primary
18 election and ending on the December 31 after the following
19 general election.

20 (10 ILCS 5/9-1.20 new)

21 Sec. 9-1.20. Labor organization. The term "labor
22 organization" means any organization of any kind or any agency
23 or employee representation committee or plan in which employees
24 participate and that exists for the purpose, in whole or in

1 part, of dealing with employers concerning grievances, labor
2 disputes, wages, rates of pay, hours of employment, or
3 conditions of work.

4 (10 ILCS 5/9-1.21 new)

5 Sec. 9-1.21. Corporation. The term "corporation" includes
6 a limited liability company, partnership, professional
7 practice, cooperative, or sole proprietorship, whether
8 organized on a for-profit or non-profit basis.

9 (10 ILCS 5/9-1.22 new)

10 Sec. 9-1.22. Association. The term "association" means any
11 group, club, meeting, collective, membership organization,
12 collection of persons, any entity organized under Section 501
13 or 527 of the Internal Revenue Code, or any other entity other
14 than a natural person, except that an association does not
15 include a political committee organized under this Article.

16 (10 ILCS 5/9-8.5 new)

17 Sec. 9-8.5. Limitation on contributions.

18 (a) It shall be unlawful for any person to make
19 contributions to a political committee except as provided in
20 this Section.

21 (b) For all political committees:

22 (1) Natural persons may contribute no more than \$7,500
23 during any regular election period in which the candidate

1 who designated the committee is seeking nomination or
2 election.

3 (2) A corporation, labor organization, or association
4 may contribute from its own treasuries no more than \$20,000
5 during each election period. All contributions from
6 associated entities, including political committees for
7 which the corporation, labor organization, or association
8 is the sponsoring entity, shall be aggregated for the
9 purposes of this Section. If a corporation, labor
10 organization, or association donates in aggregate \$10,000
11 or more during the period, such donations shall be reported
12 to the State Board within 2 business days.

13 (c) Nothing in this Section shall prohibit political
14 committees from dividing the proceeds of joint fund raising
15 efforts; provided that no political committee may receive more
16 than the limit from any one donor and all donations shall be
17 listed as from their true origin.

18 (d) On January 1 of every odd-numbered year, the State
19 Board of Elections shall adjust the limits established in
20 subsection (b) for inflation as determined by the Consumer
21 Price Index for All Urban Consumers as issued by the United
22 States Department of Labor and rounded to the nearest \$100.

23 (e) No candidate or political committee shall knowingly
24 accept any contribution in violation of the provisions of this
25 Section. No officer or employee of a political committee shall
26 knowingly accept a contribution made for the benefit or use of

1 a candidate in violation of any limitation designated for
2 contributions under this Section.

3 (f) Complaints.

4 (1) The Board shall receive complaints alleging
5 violations of this Section. The Board may bring complaints
6 and investigations on its own initiative when the Board has
7 reason to believe that a violation of this Section has
8 occurred.

9 (2) Upon receipt of a complaint, the Board shall hold a
10 closed preliminary hearing to determine whether or not the
11 complaint appears to have been filed on justifiable
12 grounds. Such closed preliminary hearing shall be
13 conducted as soon as practicable after affording
14 reasonable notice, a copy of the complaint, and an
15 opportunity to testify at such hearing to both the person
16 making the complaint and the person against whom the
17 complaint is directed. If the Board determines that the
18 complaint has not been filed on justifiable grounds, it
19 shall issue a written order to dismiss the complaint
20 without further hearing, specifying the defect in the
21 original complaint.

22 (3) The Board shall have the authority to promulgate
23 procedural rules governing the filing and hearing of
24 complaints under this Section that are not inconsistent
25 with this Section.

26 (g) Penalties.

1 (1) Any person who violates this Section shall be fined
2 the greater of \$10,000 or 3 times the value of the excess
3 contribution.

4 (2) The State Board of Elections shall assess a penalty
5 of up to \$5,000 for each violation against the recipient of
6 any contribution in violation of this Section if the
7 recipient knew that the donation was in violation of this
8 Section. For purposes of this Section, a recipient knew
9 that the donation was in violation of this Section if the
10 candidate, the committee chairman or treasurer, or any
11 natural person paid to perform regular campaign tasks knew
12 that the donation was in violation of this Section.

13 (10 ILCS 5/9-8.7 new)

14 Sec. 9-8.7. Soliciting of contributions by associations,
15 corporations, or labor organizations.

16 (a) It is unlawful for any person affiliated in any way
17 with a corporation knowingly soliciting an employee of that
18 corporation for a contribution to a political committee to fail
19 to inform the employee at the time of the solicitation of the
20 political purposes of the fund. It is unlawful for any person
21 affiliated in any way with a labor organization or association
22 knowingly soliciting an member of that labor organization or
23 association for a contribution to a political committee to fail
24 to inform the member at the time of the solicitation of the
25 political purposes of the fund.

1 (b) It is unlawful for any person affiliated in any way
2 with a corporation knowingly soliciting an employee of that
3 corporation for a contribution to a political committee to fail
4 to inform the employee at the time of the solicitation of the
5 employee's right to refuse to contribute without any reprisal.
6 It is unlawful for any person affiliated in any way with a
7 labor organization or association knowingly soliciting any
8 member of the same labor organization or association for a
9 contribution to a political committee to fail to inform the
10 employee at the time of the solicitation of the employee's
11 right to refuse to contribute without any reprisal.

12 (c) Complaints.

13 (1) The Board shall receive complaints alleging
14 violations of this Section. The Board may bring complaints
15 and investigations on its own initiative when the Board has
16 reason to believe that a violation of this Section has
17 occurred.

18 (2) Upon receipt of a complaint, the Board shall hold a
19 closed preliminary hearing to determine whether or not the
20 complaint appears to have been filed on justifiable
21 grounds. Such closed preliminary hearing shall be
22 conducted as soon as practicable after affording
23 reasonable notice, a copy of the complaint, and an
24 opportunity to testify at such hearing to both the person
25 making the complaint and the person against whom the
26 complaint is directed. If the Board determines that the

1 complaint has not been filed on justifiable grounds, it
2 shall issue a written order to dismiss the complaint
3 without further hearing, specifying the defect in the
4 original complaint.

5 (3) The Board shall have the authority to promulgate
6 procedural rules governing the filing and hearing of
7 complaints under this Section that are not inconsistent
8 with this Section.

9 (4) In addition to any other penalties authorized by
10 this Article, the State Board of Elections, any political
11 committee, or any person may apply to the circuit court for
12 a temporary restraining order or a preliminary or permanent
13 injunction against a political committee or any other
14 entity to cease the expenditure of funds in violation of
15 this Section and to cease operations until the Board
16 determines that the committee or entity is in compliance
17 with this Section.

18 (d) Penalties. Any person who violates this Section shall
19 be fined \$200 for each person improperly solicited.
20 Contributions received from any donor within 6 months after an
21 improper solicitation of that donor must be returned to the
22 donor.

23 Section 97. Severability. The provisions of this Act are
24 severable. If any provision of this Act is held invalid by a
25 court of competent jurisdiction, the invalidity does not affect

1 other provisions of the Act that can be given effect without
2 the invalid provision. "