

SB3735



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3735

Introduced 2/11/2010, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2 from Ch. 46, par. 2A-1.2
10 ILCS 5/7-75 new
10 ILCS 5/9-8.5

Amends the Election Code. Provides that an established political party's gubernatorial nominee shall select his or her Lieutenant Governor running mate (now, nominated at the party's general primary).

LRB096 20839 JAM 36608 b

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 changing
5 Sections 2A-1.2, and 9-8.5 and by adding Section 7-75 as
6 follows:

7 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

8 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
9 Designated.

10 (a) At the general election in the appropriate
11 even-numbered years, the following offices shall be filled or
12 shall be on the ballot as otherwise required by this Code:

13 (1) Elector of President and Vice President of the
14 United States;

15 (2) United States Senator and United States
16 Representative;

17 (3) State Executive Branch elected officers;

18 (4) State Senator and State Representative;

19 (5) County elected officers, including State's
20 Attorney, County Board member, County Commissioners, and
21 elected President of the County Board or County Chief
22 Executive;

23 (6) Circuit Court Clerk;

1 (7) Regional Superintendent of Schools, except in
2 counties or educational service regions in which that
3 office has been abolished;

4 (8) Judges of the Supreme, Appellate and Circuit
5 Courts, on the question of retention, to fill vacancies and
6 newly created judicial offices;

7 (9) (Blank);

8 (10) Trustee of the Metropolitan Sanitary District of
9 Chicago, and elected Trustee of other Sanitary Districts;

10 (11) Special District elected officers, not otherwise
11 designated in this Section, where the statute creating or
12 authorizing the creation of the district requires an annual
13 election and permits or requires election of candidates of
14 political parties.

15 (b) At the general primary election:

16 (1) in each even-numbered year candidates of political
17 parties shall be nominated for those offices to be filled
18 at the general election in that year, except where pursuant
19 to law nomination of candidates of political parties is
20 made by caucus and except for the party's nominee for the
21 office of Lieutenant Governor, who shall be selected in
22 accordance with Section 7-75.

23 (2) in the appropriate even-numbered years the
24 political party offices of State central committeeman,
25 township committeeman, ward committeeman, and precinct
26 committeeman shall be filled and delegates and alternate

1 delegates to the National nominating conventions shall be
2 elected as may be required pursuant to this Code. In the
3 even-numbered years in which a Presidential election is to
4 be held, candidates in the Presidential preference primary
5 shall also be on the ballot.

6 (3) in each even-numbered year, where the municipality
7 has provided for annual elections to elect municipal
8 officers pursuant to Section 6(f) or Section 7 of Article
9 VII of the Constitution, pursuant to the Illinois Municipal
10 Code or pursuant to the municipal charter, the offices of
11 such municipal officers shall be filled at an election held
12 on the date of the general primary election, provided that
13 the municipal election shall be a nonpartisan election
14 where required by the Illinois Municipal Code. For partisan
15 municipal elections in even-numbered years, a primary to
16 nominate candidates for municipal office to be elected at
17 the general primary election shall be held on the Tuesday 6
18 weeks preceding that election.

19 (4) in each school district which has adopted the
20 provisions of Article 33 of the School Code, successors to
21 the members of the board of education whose terms expire in
22 the year in which the general primary is held shall be
23 elected.

24 (c) At the consolidated election in the appropriate
25 odd-numbered years, the following offices shall be filled:

26 (1) Municipal officers, provided that in

1 municipalities in which candidates for alderman or other
2 municipal office are not permitted by law to be candidates
3 of political parties, the runoff election where required by
4 law, or the nonpartisan election where required by law,
5 shall be held on the date of the consolidated election; and
6 provided further, in the case of municipal officers
7 provided for by an ordinance providing the form of
8 government of the municipality pursuant to Section 7 of
9 Article VII of the Constitution, such offices shall be
10 filled by election or by runoff election as may be provided
11 by such ordinance;

12 (2) Village and incorporated town library directors;

13 (3) City boards of stadium commissioners;

14 (4) Commissioners of park districts;

15 (5) Trustees of public library districts;

16 (6) Special District elected officers, not otherwise
17 designated in this section, where the statute creating or
18 authorizing the creation of the district permits or
19 requires election of candidates of political parties;

20 (7) Township officers, including township park
21 commissioners, township library directors, and boards of
22 managers of community buildings, and Multi-Township
23 Assessors;

24 (8) Highway commissioners and road district clerks;

25 (9) Members of school boards in school districts which
26 adopt Article 33 of the School Code;

1 (10) The directors and chairman of the Chain O Lakes -
2 Fox River Waterway Management Agency;

3 (11) Forest preserve district commissioners elected
4 under Section 3.5 of the Downstate Forest Preserve District
5 Act;

6 (12) Elected members of school boards, school
7 trustees, directors of boards of school directors,
8 trustees of county boards of school trustees (except in
9 counties or educational service regions having a
10 population of 2,000,000 or more inhabitants) and members of
11 boards of school inspectors, except school boards in school
12 districts that adopt Article 33 of the School Code;

13 (13) Members of Community College district boards;

14 (14) Trustees of Fire Protection Districts;

15 (15) Commissioners of the Springfield Metropolitan
16 Exposition and Auditorium Authority;

17 (16) Elected Trustees of Tuberculosis Sanitarium
18 Districts;

19 (17) Elected Officers of special districts not
20 otherwise designated in this Section for which the law
21 governing those districts does not permit candidates of
22 political parties.

23 (d) At the consolidated primary election in each
24 odd-numbered year, candidates of political parties shall be
25 nominated for those offices to be filled at the consolidated
26 election in that year, except where pursuant to law nomination

1 of candidates of political parties is made by caucus, and
2 except those offices listed in paragraphs (12) through (17) of
3 subsection (c).

4 At the consolidated primary election in the appropriate
5 odd-numbered years, the mayor, clerk, treasurer, and aldermen
6 shall be elected in municipalities in which candidates for
7 mayor, clerk, treasurer, or alderman are not permitted by law
8 to be candidates of political parties, subject to runoff
9 elections to be held at the consolidated election as may be
10 required by law, and municipal officers shall be nominated in a
11 nonpartisan election in municipalities in which pursuant to law
12 candidates for such office are not permitted to be candidates
13 of political parties.

14 At the consolidated primary election in the appropriate
15 odd-numbered years, municipal officers shall be nominated or
16 elected, or elected subject to a runoff, as may be provided by
17 an ordinance providing a form of government of the municipality
18 pursuant to Section 7 of Article VII of the Constitution.

19 (e) (Blank).

20 (f) At any election established in Section 2A-1.1, public
21 questions may be submitted to voters pursuant to this Code and
22 any special election otherwise required or authorized by law or
23 by court order may be conducted pursuant to this Code.

24 Notwithstanding the regular dates for election of officers
25 established in this Article, whenever a referendum is held for
26 the establishment of a political subdivision whose officers are

1 to be elected, the initial officers shall be elected at the
2 election at which such referendum is held if otherwise so
3 provided by law. In such cases, the election of the initial
4 officers shall be subject to the referendum.

5 Notwithstanding the regular dates for election of
6 officials established in this Article, any community college
7 district which becomes effective by operation of law pursuant
8 to Section 6-6.1 of the Public Community College Act, as now or
9 hereafter amended, shall elect the initial district board
10 members at the next regularly scheduled election following the
11 effective date of the new district.

12 (g) At any election established in Section 2A-1.1, if in
13 any precinct there are no offices or public questions required
14 to be on the ballot under this Code then no election shall be
15 held in the precinct on that date.

16 (h) There may be conducted a referendum in accordance with
17 the provisions of Division 6-4 of the Counties Code.

18 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
19 eff. 8-9-96; 90-358, eff. 1-1-98.)

20 (10 ILCS 5/7-75 new)

21 Sec. 7-75. Lieutenant Governor nominees. Beginning in 2014
22 and every 4 years thereafter, within 30 days after the
23 certification by the State Board of Elections of the general
24 primary election results, each established political party's
25 nominee for the office of Governor shall certify in writing to

1 the State Board of Elections the name of a qualified individual
2 for the office of Lieutenant Governor. The names certified to
3 the State Board shall be the Lieutenant Governor nominees of
4 the established political parties for the general election
5 immediately following the certification.

6 (10 ILCS 5/9-8.5)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 9-8.5. Limitations on campaign contributions.

10 (a) It is unlawful for a political committee to accept
11 contributions except as provided in this Section.

12 (b) During an election cycle, a candidate political
13 committee may not accept contributions with an aggregate value
14 over the following: (i) \$5,000 from any individual, (ii)
15 \$10,000 from any corporation, labor organization, or
16 association, or (iii) \$50,000 from a candidate political
17 committee or political action committee. A candidate political
18 committee may accept contributions in any amount from a
19 political party committee except during an election cycle in
20 which the candidate seeks nomination at a primary election.
21 During an election cycle in which the candidate seeks
22 nomination at a primary election, a candidate political
23 committee may not accept contributions from political party
24 committees with an aggregate value over the following: (i)
25 \$200,000 for a candidate political committee established to

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

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

1 except as provided in subsection (c-5). Nothing in this Section
2 shall limit the amounts that may be transferred between a State
3 political committee and federal political committee. A
4 political party committee may not accept contributions from a
5 ballot initiative committee. A political party committee
6 established by a legislative caucus may not accept
7 contributions from another political party committee
8 established by a legislative caucus.

9 (c-5) During the period beginning on the date candidates
10 may begin circulating petitions for a primary election and
11 ending on the day of the primary election, a political party
12 committee may not accept contributions with an aggregate value
13 over \$50,000 from a candidate political committee or political
14 party committee. A political party committee may accept
15 contributions in any amount from a candidate political
16 committee or political party committee if the political party
17 committee receiving the contribution filed a statement of
18 nonparticipation in the primary as provided in subsection
19 (c-10). The Task Force on Campaign Finance Reform shall study
20 and make recommendations on the provisions of this subsection
21 to the Governor and General Assembly by September 30, 2012.
22 This subsection becomes inoperative on July 1, 2013 and
23 thereafter no longer applies.

24 (c-10) A political party committee that does not intend to
25 make contributions to candidates to be nominated at a general
26 primary election or consolidated primary election may file a

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

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

1 initiative committee.

2 (e) A ballot initiative committee may accept contributions
3 in any amount from any source, provided that the committee
4 files the document required by Section 9-3 of this Article.

5 (f) Nothing in this Section shall prohibit a political
6 committee from dividing the proceeds of joint fundraising
7 efforts; provided that no political committee may receive more
8 than the limit from any one contributor.

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

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

1 Board of Elections, within one day, a Notification of
2 Self-funding that shall detail each contribution or loan made
3 by the public official, the candidate, or the public official's
4 or candidate's immediate family. Within 2 business days after
5 the filing of a Notification of Self-funding, the notification
6 shall be posted on the Board's website and the Board shall give
7 official notice of the filing to each candidate for the same
8 office as the public official or candidate making the filing,
9 including the public official or candidate filing the
10 Notification of Self-funding. Upon receiving notice from the
11 Board, all candidates for that office, including the public
12 official or candidate who filed a Notification of Self-funding,
13 shall be permitted to accept contributions in excess of any
14 contribution limits imposed by subsection (b). For the purposes
15 of this subsection, "immediate family" means the spouse,
16 parent, or child of a public official or candidate.

17 (i) For the purposes of this Section, a corporation, labor
18 organization, association, or a political action committee
19 established by a corporation, labor organization, or
20 association may act as a conduit in facilitating the delivery
21 to a political action committee of contributions made through
22 dues, levies, or similar assessments and the political action
23 committee may report the contributions in the aggregate,
24 provided that: (i) the dues, levies, or similar assessments
25 paid by any natural person, corporation, labor organization, or
26 association in a calendar year may not exceed the limits set

1 forth in this Section and (ii) the corporation, labor
2 organization, association, or a political action committee
3 established by a corporation, labor organization, or
4 association facilitating the delivery of contributions
5 maintains a list of natural persons, corporations, labor
6 organizations, and associations that paid the dues, levies, or
7 similar assessments from which the contributions comprising
8 the aggregate amount derive. A political action committee
9 facilitating the delivery of contributions or receiving
10 contributions shall disclose the amount of dues delivered or
11 received and the name of the corporation, labor organization,
12 association, or political action committee delivering the
13 contributions, if applicable.

14 (j) A political committee that receives a contribution or
15 transfer in violation of this Section shall dispose of the
16 contribution or transfer by returning the contribution or
17 transfer, or an amount equal to the contribution or transfer,
18 to the contributor or transferor or donating the contribution
19 or transfer, or an amount equal to the contribution or
20 transfer, to a charity. A contribution or transfer received in
21 violation of this Section that is not disposed of as provided
22 in this subsection within 15 days after its receipt shall
23 escheat to the General Revenue Fund and the political committee
24 shall be deemed in violation of this Section and subject to a
25 civil penalty not to exceed 150% of the total amount of the
26 contribution.

1 (k) For the purposes of this Section, "statewide office"
2 means the Governor, Lieutenant Governor (with respect to
3 election only and not nomination for election), Attorney
4 General, Secretary of State, Comptroller, and Treasurer.

5 (l) This Section is repealed if and when the United States
6 Supreme Court invalidates contribution limits on committees
7 formed to assist candidates, political parties, corporations,
8 associations, or labor organizations established by or
9 pursuant to federal law.

10 (Source: P.A. 96-832, eff. 1-1-11.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.