

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3698

Introduced 2/18/2025, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-1	from Ch. 46, par. 9-1
10 ILCS 5/9-1.4	from Ch. 46, par. 9-1.4
10 ILCS 5/9-1.5	from Ch. 46, par. 9-1.5
10 ILCS 5/9-1.8	from Ch. 46, par. 9-1.8
10 ILCS 5/9-1.14	
10 ILCS 5/9-1.15	
10 ILCS 5/9-1.16 new	
10 ILCS 5/9-1.17 new	
10 ILCS 5/9-3	from Ch. 46, par. 9-3
10 ILCS 5/9-28.5	
10 ILCS 5/9-8.6 rep.	

Amends the Election Code. Sets forth provisions concerning independent expenditures; election spending; and coordinated expenditures. Replaces references to "electioneering communication" with "election spending". Defines terms. Makes other changes.

LRB104 09370 SPS 19429 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
5 Sections 9-1, 9-1.4, 9-1.5, 9-1.8, 9-1.14, 9-1.15, 9-3, 9-8.6,
6 and 9-28.5 and by adding Sections 9-1.16 and 9-1.17 as
7 follows:

8 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

9 Sec. 9-1. As used in this Article, unless the context
10 otherwise requires, the terms defined in Sections 9-1.1
11 through 9-1.17 ~~9-1.13~~, have the respective meanings as defined
12 in those Sections.

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

14 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

15 Sec. 9-1.4. Contribution.

16 (A) "Contribution" means:

17 (1) a gift, subscription, donation, dues, loan, advance,
18 deposit of money, or anything of value, knowingly received in
19 connection with the nomination for election, election, or
20 retention of any candidate or person to or in public office or
21 in connection with any question of public policy;

22 (1.5) a gift, subscription, donation, dues, loan, advance,

1 deposit of money, or anything of value that constitutes
2 election spending ~~an electioneering communication~~ made in
3 concert or cooperation with or at the request, suggestion, or
4 knowledge of a candidate, a political committee, or any of
5 their agents;

6 (2) the purchase of tickets for fund-raising events,
7 including but not limited to dinners, luncheons, cocktail
8 parties, and rallies made in connection with the nomination
9 for election, election, or retention of any person in or to
10 public office, or in connection with any question of public
11 policy;

12 (3) a transfer of funds received by a political committee
13 from another political committee;

14 (4) the services of an employee donated by an employer, in
15 which case the contribution shall be listed in the name of the
16 employer, except that any individual services provided
17 voluntarily and without promise or expectation of compensation
18 from any source shall not be deemed a contribution; and

19 (5) an expenditure by a political committee made in
20 cooperation, consultation, or concert with another political
21 committee.

22 (A-5) "In-kind contribution" means anything of value,
23 other than a direct contribution of funds, knowingly received
24 in connection with the nomination for election, election, or
25 retention of any candidate or person to or in public office or
26 in connection with any question of public policy, including:

1 (1) goods or services provided free of charge or at
2 less than their market value; and

3 (2) anything of value that constitutes election
4 spending made in concert or cooperation with or at the
5 request, suggestion, or knowledge of a candidate, a
6 political committee, or any of their agents.

7 (B) "Contribution" does not include:

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

15 (b) the sale of any food or beverage by a vendor
16 for use in a candidate's campaign at a charge less than
17 the normal comparable charge, if such charge for use
18 in a candidate's campaign is at least equal to the cost
19 of such food or beverage to the vendor;

20 (c) communications by a corporation to its
21 stockholders and executive or administrative personnel
22 or their families;

23 (d) communications by an association to its
24 members and executive or administrative personnel or
25 their families;

26 (e) voter registration or other campaigns

1 encouraging voting that make no mention of any clearly
2 identified candidate, public question, political
3 party, group, or combination thereof;

4 (f) a loan of money by a national or State bank or
5 credit union made in accordance with the applicable
6 banking laws and regulations and in the ordinary
7 course of business, but the loan shall be listed on
8 disclosure reports required by this Article; however,
9 the use, ownership, or control of any security for
10 such a loan, if provided by a person other than the
11 candidate or his or her committee, qualifies as a
12 contribution; or

13 (g) an independent expenditure.

14 (C) Interest or other investment income, earnings or
15 proceeds, and refunds or returns of all or part of a
16 committee's previous expenditures shall not be considered
17 contributions but shall be listed on disclosure reports
18 required by this Article.

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

20 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

21 Sec. 9-1.5. Expenditure.

22 (A) "Expenditure" means:

23 (1) a payment, distribution, purchase, loan, advance,
24 deposit, gift of money, or anything of value, in
25 connection with the nomination for election, election, or

1 retention of any person to or in public office or in
2 connection with any question of public policy;

3 (2) a payment, distribution, purchase, loan, advance,
4 deposit, gift of money, or anything of value that
5 constitutes election spending ~~an electioneering~~
6 ~~communication~~ made in concert or cooperation with or at
7 the request, suggestion, or knowledge of a candidate, a
8 political committee, or any of their agents; or

9 (3) a transfer of funds by a political committee to
10 another political committee.

11 (B) "Expenditure" does not include:

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

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

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

25 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

1 Sec. 9-1.8. Political committees.

2 (a) "Political committee" includes a candidate political
3 committee, a political party committee, a political action
4 committee, a ballot initiative committee, and an independent
5 expenditure committee.

6 (b) "Candidate political committee" means the candidate
7 himself or herself or any natural person, trust, partnership,
8 corporation, or other organization or group of persons
9 designated by the candidate that accepts contributions or
10 makes expenditures during any 12-month period in an aggregate
11 amount exceeding \$5,000 on behalf of the candidate.

12 (c) "Political party committee" means the State central
13 committee of a political party, a county central committee of
14 a political party, a legislative caucus committee, or a
15 committee formed by a ward or township committee person of a
16 political party. For purposes of this Article, a "legislative
17 caucus committee" means a committee established for the
18 purpose of electing candidates to the General Assembly by the
19 person elected President of the Senate, Minority Leader of the
20 Senate, Speaker of the House of Representatives, Minority
21 Leader of the House of Representatives, or a committee
22 established by 5 or more members of the same caucus of the
23 Senate or 10 or more members of the same caucus of the House of
24 Representatives.

25 (d) "Political action committee" means any natural person,
26 trust, partnership, committee, association, corporation, or

1 other organization or group of persons, other than a
2 candidate, political party, candidate political committee, or
3 political party committee, that accepts contributions or makes
4 expenditures during any 12-month period in an aggregate amount
5 exceeding \$5,000 on behalf of or in opposition to a candidate
6 or candidates for public office and that influences the
7 nomination or election of a candidate or candidates as one of
8 its major purposes. "Political action committee" includes any
9 natural person, trust, partnership, committee, association,
10 corporation, or other organization or group of persons, other
11 than a candidate, political party, candidate political
12 committee, or political party committee, that engages in
13 election spending ~~makes electioneering communications~~ during
14 any 12-month period in an aggregate amount exceeding \$5,000
15 related to any candidate or candidates for public office and
16 that influences the nomination or election of a candidate or
17 candidates as one of its major purposes.

18 (e) "Ballot initiative committee" means any natural
19 person, trust, partnership, committee, association,
20 corporation, or other organization or group of persons that
21 accepts contributions or makes expenditures during any
22 12-month period in an aggregate amount exceeding \$5,000 in
23 support of or in opposition to any question of public policy to
24 be submitted to the electors and that influences the
25 initiation or approval of a question of public policy to be
26 submitted to the electors as one of its major purposes.

1 "Ballot initiative committee" includes any natural person,
2 trust, partnership, committee, association, corporation, or
3 other organization or group of persons that engages in
4 election spending ~~makes electioneering communications~~ during
5 any 12-month period in an aggregate amount exceeding \$5,000
6 related to any question of public policy to be submitted to the
7 voters and that influences the initiation or approval of a
8 question of public policy to be submitted to the electors as
9 one of its major purposes. The \$5,000 threshold applies to any
10 contributions or expenditures received or made with the
11 purpose of securing a place on the ballot for, advocating the
12 defeat or passage of, or engaging in election spending
13 ~~electioneering communication~~ regarding the question of public
14 policy, regardless of the method of initiation of the question
15 of public policy and regardless of whether petitions have been
16 circulated or filed with the appropriate office or whether the
17 question has been adopted and certified by the governing body.

18 (f) "Independent expenditure committee" means any trust,
19 partnership, committee, association, corporation, or other
20 organization or group of persons that:

21 (1) makes independent expenditures during any 12-month
22 period in an aggregate amount exceeding \$5,000;

23 (2) has as one of its major purposes influencing the
24 nomination or election of a candidate or candidates; and

25 (3) does not do any of the following:

26 (i) make contributions to any political committee

1 other than a ballot initiative committee or another
2 independent expenditure committee;

3 (ii) coordinate fundraising with any candidate or
4 another political committee, other than a ballot
5 initiative committee or another independent
6 expenditure committee;

7 (iii) coordinate fundraising or spending with any
8 group established, financed, maintained, or controlled
9 by a candidate or another political committee, other
10 than a ballot initiative committee or another
11 independent expenditure committee; or

12 (iv) employ the services of a person that during
13 the previous 2 years had provided campaign services
14 for a public official or candidate whom the trust,
15 partnership, committee, association, corporation, or
16 other organization or group supports, unless the
17 person establishes an effective firewall as described
18 in subsection (f) of Section 9-1.17.

19 In this subsection (f), "coordinate" means to make in
20 cooperation, consultation, or concert with, or at the request
21 or suggestion of, a candidate, a candidate's committee, or a
22 political party committee.

23 ~~formed for the exclusive purpose of making independent~~
24 ~~expenditures during any 12-month period in an aggregate amount~~
25 ~~exceeding \$5,000 in support of or in opposition to (i) the~~
26 ~~nomination for election, election, retention, or defeat of any~~

~~public official or candidate or (ii) any question of public policy to be submitted to the electors. "Independent expenditure committee" also includes any trust, partnership, committee, association, corporation, or other organization or group of persons that makes electioneering communications that are not made in connection, consultation, or concert with or at the request or suggestion of a public official or candidate, a public official's or candidate's designated political committee or campaign, or an agent or agents of the public official, candidate, or political committee or campaign during any 12-month period in an aggregate amount exceeding \$5,000 related to (i) the nomination for election, election, retention, or defeat of any public official or candidate or (ii) any question of public policy to be submitted to the voters.~~

(g) "Limited activity committee" means a political committee for which a person who is nominated to a position that is subject to confirmation by the Senate, including a member of the State Board of Elections, is either an officer or a candidate the committee has designated to support.

(Source: P.A. 102-664, eff. 1-1-22.)

(10 ILCS 5/9-1.14)

Sec. 9-1.14. Electioneering communication and public communication.

(a) "Electioneering communication" means, for the purposes

1 of this Article, any broadcast, cable, or satellite
2 communication, including radio, television, or Internet
3 communication, that (1) refers to (i) a clearly identified
4 candidate or candidates who will appear on the ballot for
5 nomination for election, election, or retention, (ii) a
6 clearly identified political party, or (iii) a clearly
7 identified question of public policy that will appear on the
8 ballot, (2) is made within (i) 60 days before a general
9 election or consolidated election or (ii) 30 days before a
10 primary election, (3) is targeted to the relevant electorate,
11 and (4) is susceptible to no reasonable interpretation other
12 than as an appeal to vote for or against a clearly identified
13 candidate for nomination for election, election, or retention,
14 a political party, or a question of public policy.

15 (b) "Electioneering communication" does not include:

16 (1) A communication, other than an advertisement,
17 appearing in a news story, commentary, or editorial
18 distributed through the facilities of any legitimate news
19 organization, unless the facilities are owned or
20 controlled by any political party, political committee, or
21 candidate.

22 (2) A communication made solely to promote a
23 nonpartisan candidate debate or forum that is made by or
24 on behalf of the person sponsoring the debate or forum.

25 (3) A communication made as part of a nonpartisan
26 ~~non-partisan~~ activity designed to encourage individuals to

1 vote or to register to vote.

2 (4) A communication by an organization operating and
3 remaining in good standing under Section 501(c)(3) of the
4 Internal Revenue Code of 1986.

5 (5) A communication exclusively between a labor
6 organization, as defined under federal or State law, and
7 its members.

8 (6) A communication exclusively between an
9 organization formed under Section 501(c)(6) of the
10 Internal Revenue Code and its members.

11 (c) "Public communication" means, for the purposes of
12 this Article, any broadcast, cable, satellite, radio,
13 television, print, or Internet communication, or any other
14 form of general public political advertising or marketing
15 regardless of medium, including but not limited to:

16 (1) advertising placed for a fee in a print
17 publication or on a website, or other digital medium;

18 (2) outdoor advertising, such as billboards; or

19 (3) mass mailing, phone banking, or text banking
20 delivering an identical or substantially similar message
21 intended to contact 500 or more persons within a 30-day
22 period.

23 (Source: P.A. 96-832, eff. 7-1-10.)

24 (10 ILCS 5/9-1.15)

25 Sec. 9-1.15. Independent expenditure.

1 (a) "Independent expenditure" means any payment, gift,
2 donation, or expenditure of funds that:

3 (1) is made for election spending as defined in
4 Section 9-1.16; and

5 (2) is not made in connection, consultation, or
6 concert with or at the request or suggestion of a public
7 official or candidate, the public official or candidate's
8 political committee, or the agent or agents of the public
9 official, candidate, or political committee or campaign.

10 (b) An independent expenditure is not considered a
11 contribution to a political committee. An expenditure made by
12 a person or political committee in connection, consultation,
13 or concert with or at the request or suggestion of the public
14 official or candidate, the public official's or candidate's
15 political committee, or the agent or agents of the public
16 official, candidate, or political committee or campaign shall
17 be considered a contribution to the public official's or
18 candidate's political committee.

19 (c) A person that is not a political committee and that
20 makes an independent expenditure that, alone or in combination
21 with any other independent expenditure made by that person
22 during any 12-month period, equals an aggregate value of at
23 least \$5,000 must file a written disclosure with the State
24 Board of Elections within 2 business days after making any
25 expenditure that results in the person meeting or exceeding
26 the \$5,000 threshold. A person who has made a written

1 disclosure with the State Board of Elections shall have a
2 continuing obligation to report further expenditures, in
3 \$1,000 increments, to the State Board of Elections until the
4 conclusion of the next general election.

5 (d) A person that makes an independent expenditure
6 supporting or opposing a public official or candidate that,
7 alone or in combination with any other independent expenditure
8 made by that person supporting or opposing that public
9 official or candidate during the election cycle, equals an
10 aggregate value of more than (i) \$250,000 for statewide office
11 or (ii) \$100,000 for all other elective offices must file a
12 written disclosure with the State Board of Elections within 2
13 business days after making any expenditure that results in the
14 person exceeding the applicable threshold. Each disclosure
15 must identify the person, the public official or candidate
16 supported or opposed, the date, amount, and nature of each
17 independent expenditure, and the person's occupation and
18 employer, if applicable.

19 (e) Every political committee that makes independent
20 expenditures must report all such independent expenditures as
21 required under Section 9-10.

22 (f) If a political committee organized as an independent
23 expenditure committee makes a contribution to any other
24 political committee other than another independent expenditure
25 committee or a ballot initiative committee, the State Board of
26 Elections shall assess a fine equal to the amount of any

1 contribution received in the preceding 2 years by the
2 independent expenditure committee that exceeded the limits for
3 a political action committee set forth in subsection (d) of
4 Section 9-8.5.

5 ~~"Independent expenditure" means any payment, gift, donation,~~
6 ~~or expenditure of funds (i) by a natural person or political~~
7 ~~committee for the purpose of making electioneering~~
8 ~~communications or of expressly advocating for or against the~~
9 ~~nomination for election, election, retention, or defeat of a~~
10 ~~clearly identifiable public official or candidate or for or~~
11 ~~against any question of public policy to be submitted to the~~
12 ~~voters and (ii) that is not made in connection, consultation,~~
13 ~~or concert with or at the request or suggestion of the public~~
14 ~~official or candidate, the public official's or candidate's~~
15 ~~designated political committee or campaign, or the agent or~~
16 ~~agents of the public official, candidate, or political~~
17 ~~committee or campaign.~~

18 (Source: P.A. 96-832, eff. 7-1-10; 97-766, eff. 7-6-12.)

19 (10 ILCS 5/9-1.16 new)

20 Sec. 9-1.16. Election spending. As used in this Article,
21 "election spending" means any spending on:

22 (1) express advocacy for or against the nomination for
23 election, election, retention, or defeat of a clearly
24 identifiable public official or candidate or for or
25 against any question of public policy to be submitted to

1 the voters;

2 (2) an electioneering communication;

3 (3) a public communication that promotes, attacks,
4 supports, or opposes a clearly identifiable public
5 official or candidate or any question of public policy to
6 be submitted to the voters;

7 (4) encouraging partisan voter activity, including
8 partisan voter registration, partisan get-out-the-vote
9 activity, or partisan generic campaign activity; or

10 (5) conducting research, design, production, polling,
11 data analytics, mailing or social media list acquisition,
12 or other activities conducted in preparation for or
13 conjunction with activities in paragraphs (1), (2), (3),
14 and (4).

15 (10 ILCS 5/9-1.17 new)

16 Sec. 9-1.17. Coordinated expenditures.

17 (a) As used in this Section, "coordinated expenditure"
18 means:

19 (1) the republication of a candidate's or political
20 party's campaign materials, unless such republication is
21 used to oppose the candidate or party that created the
22 materials; or

23 (2) an expenditure, regardless of whether it meets at
24 least one conduct standard, that is materially consistent
25 with instructions, directions, or suggestions from a

1 candidate or political concerning the making of
2 expenditures, regardless of whether the instructions,
3 directions, or suggestions are publicly available, as
4 determined by the State Board of Elections using factors
5 that include, but are not limited to:

6 (i) noticeable placement of instructions,
7 directions or suggestions, such as on a discrete web
8 page or portion of a web page containing one or more
9 other factors identified in this paragraph;

10 (ii) whether the instructions, directions, or
11 suggestions include language indicating that
12 information should be communicated to others, such as
13 the phrase "voters need to know";

14 (iii) whether the instructions, directions, or
15 suggestions include targeted audience information,
16 such as specific demographics or the location of
17 intended or suggested recipients; and

18 (iv) whether the instructions, directions, or
19 suggestions include suggested methods of
20 communication, such as indicating that recipients need
21 to see, hear, or see on the go; or

22 (2) an expenditure that meets at least one conduct
23 standard and one content standard.

24 "Coordinated expenditure" does not include:

25 (1) a communication that appears in a news story,
26 commentary, or editorial; or

1 (2) an expenditure for a nonpartisan candidate debate
2 or forum.

3 For purposes of defining coordinated expenditures:

4 (1) "candidate" includes any person who is a candidate
5 at the time of the expenditure, regardless of whether that
6 person was a candidate at the time the conduct
7 constituting coordination took place;

8 (2) an expenditure "not made totally independently"
9 includes any expenditure made pursuant to any expressed or
10 implied agreement with, or any general or particular
11 understanding with, or pursuant to any request by or
12 communication with, the candidate, committee, or political
13 party about the expenditure; and

14 (3) references to candidates or parties include
15 agents, executives, or managers who worked for such
16 persons during the 2 years preceding the expenditure.

17 (b) Conduct constitutes coordination between a spender and
18 the candidate or political party that benefits from the
19 expenditure whenever:

20 (1) an expenditure is not made totally independently
21 of a candidate or party;

22 (2) during the 2 years preceding the expenditure, the
23 candidate, including immediate family members, or party
24 directly or indirectly established, maintained,
25 controlled, or principally funded the spender;

26 (3) during the 2 years preceding the expenditure, a

1 candidate or party official solicited funds for the
2 spender, provided fundraising information to the spender,
3 appeared as a speaker at a fundraiser for the spender, or
4 gave permission to be featured in the spender's
5 fundraising efforts;

6 (4) the expenditure is based on information about the
7 candidate's or party's campaign needs that the candidate
8 or party provided to the spender; or

9 (5) during the 2 years preceding the expenditure, the
10 spender employed the services of a person who, during the
11 same period, had executive or managerial authority for the
12 candidate or party, was authorized to raise or expend
13 funds for the candidate or party, or provided the
14 candidate or party with professional services other than
15 accounting or legal services related to campaign or
16 fundraising strategy.

17 (c) An expenditure, when coordinated, constitutes funds
18 spent for the purpose of influencing an election whenever:

19 (1) regarding a candidate or a candidate's political
20 committee, the expenditure is for:

21 (i) a public communication that expressly
22 advocates for or against the nomination or election of
23 a candidate; that supports a candidate's election or
24 opposes a candidate's opponent; or refers to a clearly
25 identified candidate at any time from 120 days before
26 a primary election, nominating caucus or convention,

1 or retention election through the general election;

2 (ii) an expenditure for partisan voter activity,
3 including voter registration, get-out-the-vote
4 activity, phone banking, or generic campaign activity,
5 in the jurisdiction where the candidate is seeking
6 election; or

7 (iii) an expenditure for research, design or
8 production costs, polling expenses, data analytics,
9 creating or purchasing mailing or social media lists,
10 or other activities related to those defined in
11 subdivisions (i) or (ii).

12 (2) regarding a political party, the expenditure is
13 for:

14 (i) a public communication that expressly
15 advocates for the election of a candidate of the
16 political party or against a candidate of an opposing
17 political party; that supports a candidate of the
18 political party or opposes a candidate of an opposing
19 political party, including generically advocating for
20 the political party or against an opposing political
21 party; or refers to a clearly identified candidate or
22 political party at any time from 120 days before a
23 primary election, nominating caucus or convention, or
24 retention election through the general election;

25 (ii) an expenditure for partisan voter activity,
26 including voter registration, get-out-the-vote

1 activity, phone banking, or generic campaign activity;

2 or

3 (iii) an expenditure for research, design or
4 production costs, polling expenses, data analytics,
5 creating or purchasing mailing or social media lists,
6 or other activities related to those defined in
7 subdivisions (i) or (ii).

8 (d) Notwithstanding paragraph (5) of subsection (b),
9 expenditures involving former employees or common agents of a
10 candidate or party will not be deemed coordinated if the
11 spender implements, or causes another person to implement, an
12 effective firewall. A person who relies upon a firewall bears
13 the burden of proof of showing that the firewall was
14 effective. A firewall must:

15 (1) separate staff who provide a service to the
16 spender in relation to its covered expenditures from other
17 staff who provide services to a candidate or party
18 supported by the spender's expenditures;

19 (2) forbid an organization's owners, executives,
20 managers, and supervisors from simultaneously overseeing
21 the work of staff separated by a firewall;

22 (3) prohibit the flow of strategic nonpublic
23 information between the spender and the candidate or party
24 supported by the covered expenditure and between specific
25 staff who are separated by the firewall;

26 (4) provide for physical and technological separation

1 to ensure that strategic nonpublic information does not
2 flow between the spender and the candidate or party and
3 between the specific staff separated by the firewall; and
4 (5) be in written form and distributed to all relevant
5 employees and consultants before any relevant work is
6 performed regarding both the general firewall policy and
7 any specific firewall created pursuant to the general
8 firewall policy, and provided to the Board of Elections
9 upon request.

10 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

11 Sec. 9-3. Political committee statement of organization.

12 (a) Every political committee shall file with the State
13 Board of Elections a statement of organization within 10
14 business days of the creation of such committee, except any
15 political committee created within the 30 days before an
16 election shall file a statement of organization within 2
17 business days in person, by facsimile transmission, or by
18 electronic mail. Any change in information previously
19 submitted in a statement of organization shall be reported, as
20 required for the original statement of organization by this
21 Section, within 10 days following that change. The Board shall
22 impose a civil penalty of \$50 per business day upon political
23 committees for failing to file or late filing of a statement of
24 organization. Such penalties shall not exceed \$5,000, and
25 shall not exceed \$10,000 for statewide office political

1 committees. There shall be no fine if the statement is mailed
2 and postmarked at least 72 hours prior to the filing deadline.

3 In addition to the civil penalties authorized by this
4 Section, the State Board of Elections or any other political
5 committee may apply to the circuit court for a temporary
6 restraining order or a preliminary or permanent injunction
7 against the political committee to cease the expenditure of
8 funds and to cease operations until the statement of
9 organization is filed.

10 For the purpose of this Section, "statewide office" means
11 the Governor, Lieutenant Governor, Secretary of State,
12 Attorney General, State Treasurer, and State Comptroller.

13 (b) The statement of organization shall include:

14 (1) the name and address of the political committee
15 and the designation required by Section 9-2;

16 (2) the scope, area of activity, party affiliation,
17 and purposes of the political committee;

18 (3) the name, address, and position of each custodian
19 of the committee's books and accounts;

20 (4) the name, address, and position of the committee's
21 principal officers, including the chairman, treasurer, and
22 officers and members of its finance committee, if any;

23 (5) (blank);

24 (6) a statement of what specific disposition of
25 residual fund will be made in the event of the dissolution
26 or termination of the committee;

1 (7) a listing of all banks or other financial
2 institutions, safety deposit boxes, and any other
3 repositories or custodians of funds used by the committee;
4 and

5 (8) the amount of funds available for campaign
6 expenditures as of the filing date of the committee's
7 statement of organization.

8 (c) Each statement of organization required to be filed in
9 accordance with this Section shall be verified, dated, and
10 signed by either the treasurer of the political committee
11 making the statement or the candidate on whose behalf the
12 statement is made and shall contain substantially the
13 following verification:

14 "VERIFICATION:

15 I declare that this statement of organization (including
16 any accompanying schedules and statements) has been examined
17 by me and, to the best of my knowledge and belief, is a true,
18 correct, and complete statement of organization as required by
19 Article 9 of the Election Code. I understand that willfully
20 filing a false or incomplete statement is subject to a civil
21 penalty of at least \$1,001 and up to \$5,000.

22
23 (date of filing) (signature of person making the statement)".

24 (d) The statement of organization for a ballot initiative
25 committee also shall include a verification signed by the
26 chairperson of the committee that (i) the committee is formed

1 for the purpose of supporting or opposing a question of public
2 policy, (ii) all contributions received and expenditures made
3 by ~~of~~ the committee will be used for the purpose described in
4 the statement of organization, (iii) the committee may accept
5 unlimited contributions from any source, provided that the
6 ballot initiative committee does not make contributions or
7 expenditures in support of or opposition to a candidate or
8 candidates for nomination for election, election, or
9 retention, and (iv) failure to abide by these requirements
10 shall deem the committee in violation of this Article.

11 (d-5) The statement of organization for an independent
12 expenditure committee also shall include a verification signed
13 by the chairperson of the committee that (i) the committee is
14 formed for the ~~exclusive~~ purpose of making independent
15 expenditures, (ii) all contributions received and expenditures
16 made by ~~of~~ the committee will be used for the purpose described
17 in the statement of organization, (iii) the committee may
18 accept unlimited contributions from any source, provided that
19 the independent expenditure committee does not make
20 contributions to any candidate political committee, political
21 party committee, or political action committee, and (iv)
22 failure to abide by these requirements shall deem the
23 committee in violation of this Article.

24 (e) For purposes of implementing the changes made by this
25 amendatory Act of the 96th General Assembly, every political
26 committee in existence on the effective date of this

1 amendatory Act of the 96th General Assembly shall file the
2 statement required by this Section with the Board by December
3 31, 2010.

4 (Source: P.A. 103-467, eff. 8-4-23.)

5 (10 ILCS 5/9-28.5)

6 Sec. 9-28.5. Injunctive relief for election spending
7 ~~electioneering communications.~~

8 (a) Whenever the Attorney General, or a State's Attorney
9 with jurisdiction over any portion of the relevant electorate,
10 believes that any person, as defined in Section 9-1.6, is
11 conducting election spending ~~making, producing, publishing,~~
12 ~~republishing, or broadcasting an electioneering communication~~
13 paid for by any person, as defined in Section 9-1.6, who has
14 not first complied with the registration and disclosure
15 requirements of this Article, he or she may bring an action in
16 the name of the People of the State of Illinois or, in the case
17 of a State's Attorney, the People of the County, against such
18 person or persons to restrain by preliminary or permanent
19 injunction the conducting of election spending ~~making,~~
20 ~~producing, publishing, republishing, or broadcasting of such~~
21 ~~electioneering communication~~ until the registration and
22 disclosure requirements have been met.

23 (b) Any political committee that believes any person, as
24 defined in Section 9-1.6, is conducting election spending
25 ~~making, producing, publishing, republishing, or broadcasting~~

1 ~~an electioneering communication~~ paid for by any person, as
2 defined in Section 9-1.6, who has not first complied with the
3 registration and disclosure requirements of this Article may
4 bring an action in the circuit court against such person or
5 persons to restrain by preliminary or permanent injunction the
6 conducting of election spending ~~making, producing, publishing,~~
7 ~~republishing, or broadcasting of such electioneering~~
8 ~~communication~~ until the registration and disclosure
9 requirements have been met.

10 (c) Whenever the Attorney General, or a State's Attorney
11 with jurisdiction over any portion of the relevant electorate,
12 believes that any person, as defined in Section 9-1.6, is
13 engaging in independent expenditures, as defined in this
14 Article, who has not first complied with the registration and
15 disclosure requirements of this Article, he or she may bring
16 an action in the name of the People of the State of Illinois
17 or, in the case of a State's Attorney, the People of the
18 County, against such person or persons to restrain by
19 preliminary or permanent injunction the making of such
20 expenditures until the registration and disclosure
21 requirements have been met.

22 (d) Any political committee that believes any person, as
23 defined in Section 9-1.6, is engaging in independent
24 expenditures, as defined in this Article, who has not first
25 complied with the registration and disclosure requirements of
26 this Article may bring an action in the circuit court against

1 such person or persons to restrain by preliminary or permanent
2 injunction the making of independent expenditures until the
3 registration and disclosure requirements have been met.

4 (Source: P.A. 96-832, eff. 7-1-10; 97-766, eff. 7-6-12.)

5 (10 ILCS 5/9-8.6 rep.)

6 Section 10. The Election Code is amended by repealing
7 Section 9-8.6.