

HB3236



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3236

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-21

from Ch. 46, par. 9-21

Amends the Disclosure and Regulation of Campaign Contributions and Expenditures Article of the Election Code. Requires the State Board of Elections to render a final judgment of a complaint of a violation of the Article filed during the 60 days before the date of the election in reference to which the complaint is filed before the date of the election, if possible (rather than rendering a final judgment within 7 days of the date the complaint is filed and, during the 7 days preceding such election, rendering a final judgment before the date of the election, if possible).

LRB101 07731 SMS 52780 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 Section
5 9-21 as follows:

6 (10 ILCS 5/9-21) (from Ch. 46, par. 9-21)

7 Sec. 9-21. Upon receipt of a complaint as provided in
8 Section 9-20, the Board shall hold a closed preliminary hearing
9 to determine whether or not the complaint appears to have been
10 filed on justifiable grounds. Such closed preliminary hearing
11 shall be conducted as soon as practicable after affording
12 reasonable notice, a copy of the complaint, and an opportunity
13 to testify at such hearing to both the person making the
14 complaint and the person against whom the complaint is
15 directed. If the Board fails to determine that the complaint
16 has been filed on justifiable grounds, it shall dismiss the
17 complaint without further hearing. Any additional hearings
18 shall be open to the public.

19 Whenever the Board, in an open meeting, determines, after
20 affording due notice and an opportunity for a public hearing,
21 that any person has engaged or is about to engage in an act or
22 practice which constitutes or will constitute a violation of
23 any provision of this Article or any regulation or order issued

1 thereunder, the Board shall issue an order directing such
2 person to take such action as the Board determines may be
3 necessary in the public interest to correct the violation. In
4 addition, if the act or practice engaged in consists of the
5 failure to file any required report within the time prescribed
6 by this Article, the Board, as part of its order, shall further
7 provide that if, within the 12-month period following the
8 issuance of the order, such person fails to file within the
9 time prescribed by this Article any subsequent report as may be
10 required, such person may be subject to a civil penalty
11 pursuant to Section 9-23. The Board shall render its final
12 judgment within 60 days of the date the complaint is filed;
13 except that during the 60 days preceding the date of the
14 election in reference to which the complaint is filed, the
15 Board shall render its final judgment ~~within 7 days of the date~~
16 ~~the complaint is filed, and during the 7 days preceding such~~
17 ~~election, the Board shall render such judgment~~ before the date
18 of such election, if possible.

19 At any time prior to the issuance of the Board's final
20 judgment, the parties may dispose of the complaint by a written
21 stipulation, agreed settlement or consent order. Any such
22 stipulation, settlement or order shall, however, be submitted
23 in writing to the Board and shall become effective only if
24 approved by the Board in an open meeting. If the act or
25 practice complained of consists of the failure to file any
26 required report within the time prescribed by this Article,

1 such stipulation, settlement or order may provide that if,
2 within the 12-month period following the approval of such
3 stipulation, agreement or order, the person complained of fails
4 to file within the time prescribed by this Article any
5 subsequent reports as may be required, such person may be
6 subject to a civil penalty pursuant to Section 9-23.

7 Any person filing a complaint pursuant to Section 9-20 may,
8 upon written notice to the other parties and to the Board,
9 voluntarily withdraw the complaint at any time prior to the
10 issuance of the Board's final determination.

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