



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3735

Introduced 2/22/2021, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-9.5
10 ILCS 5/9-10.5 new

Amends the Election Code. Requires a political committee to include in specified communications a list of the top committee contributors of \$50,000 or more, beginning with the largest contributor, and a statement that the communication was not authorized by a candidate or a committee controlled by a candidate, if applicable. Provides how the contribution information and statement must be displayed or disclosed in political advertisements depending on the medium.

LRB102 14496 SMS 19849 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 Section 9-9.5 and by adding Section 9-10.5 as follows:

6 (10 ILCS 5/9-9.5)

7 Sec. 9-9.5. Disclosures in political communications.

8 (a) Any political committee, organized under the Election
9 Code, that makes an expenditure for a pamphlet, circular,
10 handbill, Internet or telephone communication, radio,
11 television, or print advertisement, or other communication
12 directed at voters and mentioning the name of a candidate in
13 the next upcoming election shall ensure that the name of the
14 political committee paying for any part of the communication,
15 including, but not limited to, its preparation and
16 distribution, is identified clearly within the communication
17 as the payor. The communication shall also include: (1) a list
18 of the top committee contributors of \$50,000 or more,
19 beginning with the largest contributor; and (2) a statement
20 that the communication was not authorized by a candidate or a
21 committee controlled by a candidate, if applicable. This
22 subsection does not apply to items that are too small to
23 contain the required disclosure. This subsection does not

1 apply to an expenditure for the preparation, distribution, or
2 publication of any communication directed at constituents of a
3 member of the General Assembly if the expenditure is made by a
4 political committee in accordance with subsection (c) of
5 Section 9-8.10. Nothing in this subsection shall require
6 disclosure on any telephone communication using random
7 sampling or other scientific survey methods to gauge public
8 opinion for or against any candidate or question of public
9 policy.

10 Whenever any vendor or other person provides any of the
11 services listed in this subsection, other than any telephone
12 communication using random sampling or other scientific survey
13 methods to gauge public opinion for or against any candidate
14 or question of public policy, the vendor or person shall keep
15 and maintain records showing the name and address of the
16 person who purchased or requested the services and the amount
17 paid for the services. The records required by this subsection
18 shall be kept for a period of one year after the date upon
19 which payment was received for the services.

20 (b) Any political committee, organized under this Code,
21 that makes an expenditure for a pamphlet, circular, handbill,
22 Internet or telephone communication, radio, television, or
23 print advertisement, or other communication directed at voters
24 and (i) mentioning the name of a candidate in the next upcoming
25 election, without that candidate's permission, or (ii)
26 advocating for or against a public policy position shall

1 ensure that the name of the political committee paying for any
2 part of the communication, including, but not limited to, its
3 preparation and distribution, is identified clearly within the
4 communication. The communication shall also include a list of
5 the top committee contributors of \$50,000 or more, beginning
6 with the largest contributor. Nothing in this subsection shall
7 require disclosure on any telephone communication using random
8 sampling or other scientific survey methods to gauge public
9 opinion for or against any candidate or question of public
10 policy.

11 (c) A political committee organized under this Code shall
12 not make an expenditure for any unsolicited telephone call to
13 the line of a residential telephone customer in this State
14 using any method to block or otherwise circumvent that
15 customer's use of a caller identification service.

16 (Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14.)

17 (10 ILCS 5/9-10.5 new)

18 Sec. 9-10.5. Disclosure requirements.

19 (a) For radio advertisements, telephone calls, and
20 audio-only electronic media advertisements that must disclose
21 information pursuant to Section 9-9.5, the communication must
22 be spoken clearly for at least 3 seconds at the beginning or
23 end of the advertisement or call, in a pitch and tone
24 substantially similar to the rest of the advertisement. Radio
25 and prerecorded telephone advertisements must disclose only

1 the top 2 contributors of \$50,000 or more unless the
2 advertisement lasts 15 seconds or less or the disclosure
3 statement would last more than 8 seconds, in which case only
4 the single top contributor must be disclosed.

5 (b) For television and video advertisements that must
6 disclose information pursuant to Section 9-9.5, including
7 advertisements disseminated over the Internet, the
8 communication text must be centered horizontally in the
9 disclosure area, in a contrasting color, in Arial equivalent
10 type and, if there are top contributors, underlined except as
11 otherwise provided in this subsection (b). The size for the
12 smallest letters must be 4% of the height of the display screen
13 and must be displayed at the beginning or end of the
14 advertisement for at least 5 seconds of a broadcast of 30
15 seconds or less or for at least 10 seconds of a broadcast
16 longer than 30 seconds. If a video is distributed as an
17 electronic media advertisement and is longer than 30 seconds,
18 the disclosures must be displayed at the beginning of the
19 advertisement. If the television or video advertisement is
20 shorter than the required disclosure display time, the
21 disclosure may be displayed for the length of the
22 advertisement. If the television or video advertisement is
23 shorter than the required disclosure display time, the
24 disclosure may be displayed for the length of the
25 advertisement. Disclosures must appear on a solid black
26 background on the entire bottom one-third of the display

1 screen, or bottom one-fourth of the display screen if no top
2 contributors require disclosure. Each top contributor must be
3 disclosed on a separate horizontal line separate from other
4 text, may not be underlined, and may not be condensed or have
5 the spacing between characters reduced to be narrower than a
6 normal non-condensed Arial equivalent type, unless doing so is
7 necessary to keep the name of a contributor from exceeding the
8 width of the screen.

9 (c) For electronic media advertisements that are a
10 graphic, image, animated graphic, or animated image that an
11 online platform hosting the advertisement allows to link to an
12 Internet website that must disclose information pursuant to
13 Section 9-9.5, the communication must link to a website
14 containing the required disclosures in a contrasting color and
15 in no less than 8-point font. If including the text in 8-point
16 font would take up more than one-third of the graphic or image,
17 the text is not required and the advertisement need only
18 include a hyperlink to a website containing the website
19 disclosures. A website that is hyperlinked to the
20 advertisement shall remain online and available to the public
21 until 30 days after the date of the election for which the
22 advertisement was intended.

23 (d) For all other electronic media advertisements that
24 must disclose information pursuant to Section 9-9.5, the
25 communication must display the required disclosures in a
26 contrasting color that is easily readable by the average

1 viewer and in no less than 10-point font on the cover or header
2 photo of the committee's profile, landing page, or similar
3 location; disclosures are not required on each individual post
4 or comment. The required disclosures, if practicable, must be
5 visible on the cover or header photo when the profile, landing
6 page, or similar location is viewed from any electronic device
7 that is commonly used to view this form of electronic media,
8 including, but not limited to, a computer screen, laptop,
9 tablet, and smart phone.