



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3804

Introduced 2/17/2023, by Rep. Maurice A. West, II

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 5/9-3.6 new	
10 ILCS 5/9-3.10 new	
10 ILCS 5/9-10	from Ch. 46, par. 9-10
10 ILCS 5/9-10.5 new	
10 ILCS 5/9-22	from Ch. 46, par. 9-22
10 ILCS 5/9-28.5	
10 ILCS 5/9.50 new	
10 ILCS 5/9-8.6 rep.	

Amends the Election Code. Sets forth provisions concerning independent expenditures; coordinated expenditures; transfer records for independent expenditures; reporting requirements for independent expenditures; disclosure of original contributors on independent expenditures for public communications; judicial review of actions of the State Board of Elections; and a prohibition on structured contributions. Replaces references to "electioneering communication" with "election spending". Defines terms. Makes other changes.

LRB103 29670 BMS 56072 b

1 AN ACT concerning regulation.

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, 9-10,
6 9-22, and 9-28.5 and by adding Sections 9-1.16, 9-1.17, 9-3.6,
7 9-3.10, 9-10.5, and 9.50 as 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 committeeperson 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. "Political action committee"
7 includes any natural person, trust, partnership, committee,
8 association, corporation, or other organization or group of
9 persons, other than a candidate, political party, candidate
10 political committee, or political party committee, that
11 engages in election spending ~~makes electioneering~~
12 ~~communications~~ during any 12-month period in an aggregate
13 amount exceeding \$5,000 related to any candidate or candidates
14 for public office.

15 (e) "Ballot initiative committee" means any natural
16 person, trust, partnership, committee, association,
17 corporation, or other organization or group of persons that
18 accepts contributions or makes expenditures during any
19 12-month period in an aggregate amount exceeding \$5,000 in
20 support of or in opposition to any question of public policy to
21 be submitted to the electors. "Ballot initiative committee"
22 includes any natural person, trust, partnership, committee,
23 association, corporation, or other organization or group of
24 persons that engages in election spending ~~makes electioneering~~
25 ~~communications~~ during any 12-month period in an aggregate
26 amount exceeding \$5,000 related to any question of public

1 policy to be submitted to the voters. The \$5,000 threshold
2 applies to any contributions or expenditures received or made
3 with the purpose of securing a place on the ballot for,
4 advocating the defeat or passage of, or engaging in election
5 spending ~~electioneering communication~~ regarding the question
6 of public policy, regardless of the method of initiation of
7 the question of public policy and regardless of whether
8 petitions have been circulated or filed with the appropriate
9 office or whether the question has been adopted and certified
10 by the governing body.

11 (f) "Independent expenditure committee" means any trust,
12 partnership, committee, association, corporation, or other
13 organization or group of persons that:

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

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

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

19 (i) make contributions to any political committee
20 other than a ballot initiative committee or another
21 independent expenditure committee;

22 (ii) coordinate fundraising with any candidate or
23 another political committee, other than a ballot
24 initiative committee or another independent
25 expenditure committee;

26 (iii) coordinate fundraising or spending with any

1 group established, financed, maintained, or controlled
2 by a candidate or another political committee, other
3 than a ballot initiative committee or another
4 independent expenditure committee;

5 (iv) employ the services of a person that during
6 the previous 2 years had provided campaign services
7 for a public official or candidate whom the trust,
8 partnership, committee, association, corporation, or
9 other organization or group supports, unless the
10 person establishes an effective firewall as described
11 in subsection (f) of Section 9-1.17.

12 In this subsection (f), "coordinate" means to make in
13 cooperation, consultation, or concert with, or at the request
14 or suggestion of, a candidate, a candidate's committee, or a
15 political party committee.

16 ~~formed for the exclusive purpose of making independent~~
17 ~~expenditures during any 12 month period in an aggregate amount~~
18 ~~exceeding \$5,000 in support of or in opposition to (i) the~~
19 ~~nomination for election, election, retention, or defeat of any~~
20 ~~public official or candidate or (ii) any question of public~~
21 ~~policy to be submitted to the electors. "Independent~~
22 ~~expenditure committee" also includes any trust, partnership,~~
23 ~~committee, association, corporation, or other organization or~~
24 ~~group of persons that makes electioneering communications that~~
25 ~~are not made in connection, consultation, or concert with or~~
26 ~~at the request or suggestion of a public official or~~

1 ~~candidate, a public official's or candidate's designated~~
2 ~~political committee or campaign, or an agent or agents of the~~
3 ~~public official, candidate, or political committee or campaign~~
4 ~~during any 12-month period in an aggregate amount exceeding~~
5 ~~\$5,000 related to (i) the nomination for election, election,~~
6 ~~retention, or defeat of any public official or candidate or~~
7 ~~(ii) any question of public policy to be submitted to the~~
8 ~~voters.~~

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

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

15 (10 ILCS 5/9-1.14)

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

18 (a) "Electioneering communication" means, for the purposes
19 of this Article, any broadcast, cable, or satellite
20 communication, including radio, television, or Internet
21 communication, that (1) refers to (i) a clearly identified
22 candidate or candidates who will appear on the ballot for
23 nomination for election, election, or retention, (ii) a
24 clearly identified political party, or (iii) a clearly
25 identified question of public policy that will appear on the

1 ballot, (2) is made within (i) 60 days before a general
2 election or consolidated election or (ii) 30 days before a
3 primary election, (3) is targeted to the relevant electorate,
4 and (4) is susceptible to no reasonable interpretation other
5 than as an appeal to vote for or against a clearly identified
6 candidate for nomination for election, election, or retention,
7 a political party, or a question of public policy.

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

9 (1) A communication, other than an advertisement,
10 appearing in a news story, commentary, or editorial
11 distributed through the facilities of any legitimate news
12 organization, unless the facilities are owned or
13 controlled by any political party, political committee, or
14 candidate.

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

18 (3) A communication made as part of a nonpartisan
19 ~~non-partisan~~ activity designed to encourage individuals to
20 vote or to register to vote.

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

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

1 (6) A communication exclusively between an
2 organization formed under Section 501(c)(6) of the
3 Internal Revenue Code and its members.

4 (c) "Public communication" means, for the purposes of this
5 Article, any broadcast, cable, satellite, radio, television,
6 print, or Internet communication, or any other form of general
7 public political advertising or marketing regardless of
8 medium, including, but not limited to:

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

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

12 (3) mass mailing, phone banking, or text banking
13 delivering an identical or substantially similar message
14 intended to contact 500 or more persons within a 30-day
15 period.

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

17 (10 ILCS 5/9-1.15)

18 Sec. 9-1.15. Independent expenditure.

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

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

23 (2) is not made in connection, consultation, or
24 concert with or at the request or suggestion of a public
25 official or candidate, the public official or candidate's

1 political committee, or the agent or agents of the public
2 official, candidate, or political committee or campaign.

3 (b) An independent expenditure is not considered a
4 contribution to a political committee. An expenditure made by
5 a person or political committee in connection, consultation,
6 or concert with or at the request or suggestion of the public
7 official or candidate, the public official's or candidate's
8 political committee, or the agent or agents of the public
9 official, candidate, or political committee or campaign shall
10 be considered a contribution to the public official's or
11 candidate's political committee.

12 (c) A person that is not a political committee and that
13 makes an independent expenditure that, alone or in combination
14 with any other independent expenditure made by that person
15 during any 12-month period, equals an aggregate value of at
16 least \$5,000 must file a written disclosure with the State
17 Board of Elections within 2 business days after making any
18 expenditure that results in the person meeting or exceeding
19 the \$5,000 threshold. A person who has made a written
20 disclosure with the State Board of Elections shall have a
21 continuing obligation to report further expenditures, in
22 \$1,000 increments, to the State Board of Elections until the
23 conclusion of the next general election.

24 (d) A person that makes an independent expenditure
25 supporting or opposing a public official or candidate that,
26 alone or in combination with any other independent expenditure

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

12 (e) Every political committee that makes independent
13 expenditures must report all such independent expenditures as
14 required under Section 9-10.

15 (f) If a political committee organized as an independent
16 expenditure committee makes a contribution to any other
17 political committee other than another independent expenditure
18 committee or a ballot initiative committee, the State Board of
19 Elections shall assess a fine equal to the amount of any
20 contribution received in the preceding 2 years by the
21 independent expenditure committee that exceeded the limits for
22 a political action committee set forth in subsection (d) of
23 Section 9-8.5.

24 ~~"Independent expenditure" means any payment, gift,~~
25 ~~donation, or expenditure of funds (i) by a natural person or~~
26 ~~political committee for the purpose of making electioneering~~

~~communications or of expressly advocating for or against the nomination for election, election, retention, or defeat of a clearly identifiable public official or candidate or for or against any question of public policy to be submitted to the voters and (ii) that is not made in connection, consultation, or concert with or at the request or suggestion of the public official or candidate, the public official's or candidate's designated political committee or campaign, or the agent or agents of the public official, candidate, or political committee or campaign.~~

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

(10 ILCS 5/9-1.16 new)

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

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

(2) an electioneering communication;

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

(4) encouraging partisan voter activity, including

1 partisan voter registration, partisan get-out-the-vote
2 activity, or partisan generic campaign activity; or

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

8 (10 ILCS 5/9-1.17 new)

9 Sec. 9-1.17. Coordinated expenditures.

10 (a) As used in this Section, "coordinated expenditure"
11 means:

12 (1) the republication of a candidate's or political
13 party's campaign materials, unless such republication is
14 used to oppose the candidate or party that created the
15 materials; or

16 (2) an expenditure that meets at least one conduct
17 standard and one content standard.

18 "Coordinated expenditure" does not include:

19 (1) a communication that appears in a news story,
20 commentary, or editorial; or

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

23 For purposes of defining coordinated expenditures:

24 (1) "candidate" includes any person who is a candidate
25 at the time of the expenditure, regardless of whether that

1 person was a candidate at the time the conduct
2 constituting coordination took place;

3 (2) an expenditure "not made totally independently"
4 includes any expenditure made pursuant to any expressed or
5 implied agreement with, or any general or particular
6 understanding with, or pursuant to any request by or
7 communication with, the candidate, committee, or political
8 party about the expenditure; and

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

12 (b) Conduct constitutes coordination between a spender and
13 the candidate or political party that benefits from the
14 expenditure whenever:

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

17 (2) during the 2 years preceding the expenditure, the
18 candidate, including immediate family members, or party
19 directly or indirectly established, maintained,
20 controlled, or principally funded the spender;

21 (3) during the 2 years preceding the expenditure, a
22 candidate or party official solicited funds for the
23 spender, provided fundraising information to the spender,
24 appeared as a speaker at a fundraiser for the spender, or
25 gave permission to be featured in the spender's
26 fundraising efforts;

1 (4) the expenditure is based on information about the
2 candidate's or party's campaign needs that the candidate
3 or party provided to the spender; or

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

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

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

16 (i) a public communication that expressly
17 advocates for or against the nomination or election of
18 a candidate; that supports a candidate's election or
19 opposes a candidate's opponent; or refers to a clearly
20 identified candidate at any time from 120 days before
21 a primary election, nominating caucus or convention,
22 or retention election through the general election;

23 (ii) an expenditure for partisan voter activity,
24 including voter registration, get-out-the-vote
25 activity, phone banking, or generic campaign activity,
26 in the jurisdiction where the candidate is seeking

1 election; or

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

7 (2) regarding a political party, the expenditure is
8 for:

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

20 (ii) an expenditure for partisan voter activity,
21 including voter registration, get-out-the-vote
22 activity, phone banking, or generic campaign activity;
23 or

24 (iii) an expenditure for research, design or
25 production costs, polling expenses, data analytics,
26 creating or purchasing mailing or social media lists,

1 or other activities related to those defined in
2 subdivisions (i) or (ii).

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

10 (1) separate staff who provide a service to the
11 spender in relation to its covered expenditures from other
12 staff who provide services to a candidate or party
13 supported by the spender's expenditures;

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

17 (3) prohibit the flow of strategic nonpublic
18 information between the spender and the candidate or party
19 supported by the covered expenditure and between specific
20 staff who are separated by the firewall;

21 (4) provide for physical and technological separation
22 to ensure that strategic nonpublic information does not
23 flow between the spender and the candidate or party and
24 between the specific staff separated by the firewall; and

25 (5) be in written form and distributed to all relevant
26 employees and consultants before any relevant work is

1 performed regarding both the general firewall policy and
2 any specific firewall created pursuant to the general
3 firewall policy, and provided to the Board of Elections
4 upon request.

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

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

7 (a) Every political committee shall file with the State
8 Board of Elections a statement of organization within 10
9 business days of the creation of such committee, except any
10 political committee created within the 30 days before an
11 election shall file a statement of organization within 2
12 business days in person, by facsimile transmission, or by
13 electronic mail. Any change in information previously
14 submitted in a statement of organization shall be reported, as
15 required for the original statement of organization by this
16 Section, within 10 days following that change. The Board shall
17 impose a civil penalty of \$50 per business day upon political
18 committees for failing to file or late filing of a statement of
19 organization. Such penalties shall not exceed \$5,000, and
20 shall not exceed \$10,000 for statewide office political
21 committees. There shall be no fine if the statement is mailed
22 and postmarked at least 72 hours prior to the filing deadline.

23 In addition to the civil penalties authorized by this
24 Section, the State Board of Elections or any other political
25 committee may apply to the circuit court for a temporary

1 restraining order or a preliminary or permanent injunction
2 against the political committee to cease the expenditure of
3 funds and to cease operations until the statement of
4 organization is filed.

5 For the purpose of this Section, "statewide office" means
6 the Governor, Lieutenant Governor, Secretary of State,
7 Attorney General, State Treasurer, and State Comptroller.

8 (b) The statement of organization shall include:

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

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

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

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

18 (5) the name and address of any sponsoring entity;

19 (6) a statement of what specific disposition of
20 residual fund will be made in the event of the dissolution
21 or termination of the committee;

22 (7) a listing of all banks or other financial
23 institutions, safety deposit boxes, and any other
24 repositories or custodians of funds used by the committee;
25 and

26 (8) the amount of funds available for campaign

1 expenditures as of the filing date of the committee's
2 statement of organization.

3 For purposes of this Section, a "sponsoring entity" is (i)
4 any person, organization, corporation, or association that
5 contributes at least 33% of the total funding of the political
6 committee or (ii) any person or other entity that is
7 registered or is required to register under the Lobbyist
8 Registration Act and contributes at least 33% of the total
9 funding of the political committee.

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

16 "VERIFICATION:

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

24
25 (date of filing) (signature of person making the statement)".

26 (d) The statement of organization for a ballot initiative

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

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

26 (e) For purposes of implementing the changes made by this

1 amendatory Act of the 96th General Assembly, every political
2 committee in existence on the effective date of this
3 amendatory Act of the 96th General Assembly shall file the
4 statement required by this Section with the Board by December
5 31, 2010.

6 (Source: P.A. 99-522, eff. 6-30-16.)

7 (10 ILCS 5/9-3.6 new)

8 Sec. 9-3.6. Transfer records for independent expenditures.

9 (a) As used in this Article:

10 "Business income" means:

11 (1) funds received by a person in commercial
12 transactions in the ordinary course of a person's regular
13 trade, business, or investments; or

14 (2) membership or union dues to the extent that they
15 do not exceed \$5,000 from a person in a calendar year.

16 "Covered entity" means any person, including a natural
17 person or political committee, who spends \$10,000 or more in
18 an election cycle on independent expenditures, or who accepts
19 \$10,000 or more in an election cycle of in-kind contributions
20 to enable independent expenditures, but not including:

21 (1) individuals who spend only their own personal
22 funds for independent expenditures;

23 (2) organizations that spend only their own business
24 income for independent expenditures; and

25 (3) a political committee that receives no more than

1 \$12,000 in contributions from any one person in a calendar
2 year.

3 "Identity" means:

4 (1) in the case of a natural person, the name, mailing
5 address, occupation, and employer of such individual; and

6 (2) in the case of any other entity, the full name and
7 address, federal tax status, and state of incorporation or
8 partnership, if any, of such entity.

9 "Original funds" means business income or the personal
10 funds of an individual.

11 "Personal funds" means:

12 (1) any asset of an individual that the individual has
13 legal control over and rightful title to;

14 (2) income received by an individual, including:

15 (A) salary and other earned income from bona fide
16 employment;

17 (B) dividends and proceeds from the individual's
18 personal investments; and

19 (C) bequests to the individual, including income
20 from trusts established by bequests; and

21 (3) a portion of assets that are jointly owned by the
22 individual and the individual's spouse equal to the
23 individual's share of the asset under the instrument of
24 conveyance or ownership, but if no specific share is
25 indicated by an instrument of conveyance or ownership,
26 then the value of one-half of the property.

1 "Personal funds" does not include any asset or income
2 received from any person for the purpose of influencing any
3 election.

4 "Traceable funds" means funds that have been given to a
5 covered entity and for which, pursuant to subsection (c), no
6 donor has opted out of their use or transfer for independent
7 expenditures, or funds used to finance in-kind contributions
8 to a covered entity to enable independent expenditures.

9 "Transfer records" means a written record of the identity
10 of the persons who directly or indirectly contributed or
11 transferred original funds used for independent expenditures,
12 the amounts of those contributions or transfers, and how such
13 funds are disbursed.

14 (b) A covered entity that spends \$10,000 or more on
15 independent expenditures in the 12 months before an election,
16 or who accepts \$10,000 or more in an election cycle of in-kind
17 contributions to enable independent expenditures, must
18 maintain transfer records. For the purposes of this Article,
19 the amount of a covered entity's expenditures includes
20 independent expenditures made by entities established,
21 financed, maintained, or controlled by that committee or its
22 officers.

23 (c) Before a covered entity can use or transfer a donor's
24 funds for independent expenditures, the donor must be notified
25 in writing that the funds may be so used and must be given an
26 opportunity to opt out of having the donation used or

1 transferred for such spending. The notice under this
2 subsection:

3 (1) shall inform donors that their contributions may
4 be used for independent expenditures in Illinois and that
5 information about donors may have to be reported to the
6 State Board of Elections for disclosure to the public;

7 (2) shall inform donors that they can opt out of
8 having their contributions used or transferred for
9 independent expenditures in Illinois by so notifying the
10 covered entity in writing within 21 days; and

11 (3) may be provided to the donor before or after the
12 covered entity receives the contribution, but the
13 contribution may not be used or transferred for
14 independent expenditures until 21 days after the notice is
15 provided or until the donor provides written consent,
16 whichever is earlier.

17 (d) Any person who contributes \$10,000 or more in
18 aggregate in traceable funds in an election cycle to a covered
19 entity must inform that entity, within 10 days after receiving
20 a written request from the covered entity, of the identities
21 of persons who directly or indirectly contributed \$1,000 or
22 more in original funds being transferred, the amounts of such
23 persons' original funds being transferred, and any persons who
24 have previously transferred the original funds. If more than
25 one transfer has previously occurred, the contributor must
26 disclose all such previous transfers and intermediaries. The

1 contributor must maintain these records for at least 5 years
2 and provide them, upon request, to the State Board of
3 Elections.

4 (e) Any person who makes an in-kind contribution to a
5 covered entity of \$10,000 or more in an election cycle to
6 enable independent expenditures must inform that person, at
7 the time the in-kind contribution is made or promised to be
8 made, of the identities of persons who directly or indirectly
9 contributed or provided \$1,000 or more in original funds used
10 to finance the in-kind contribution, the amounts of such
11 persons' original funds so used, and any persons who had
12 previously transferred such original funds. If more than one
13 transfer had previously occurred, the in-kind contributor must
14 disclose all such previous transfers and intermediaries. The
15 in-kind contributor must maintain these records for at least 5
16 years and provide them, upon request, to the State Board of
17 Elections.

18 (10 ILCS 5/9-3.10 new)

19 Sec. 9-3.10. Additional reporting requirements for
20 entities making independent expenditures.

21 (a) A covered entity as defined in Section 9-3.6 that is
22 also a political committee registered with the State Board of
23 Elections shall, in addition to the reporting requirements set
24 forth elsewhere in this Article, include the following
25 information on reports that it makes to the State Board of

1 Elections:

2 (1) On the committee statement of organization:

3 (A) the identity of any affiliated person who
4 maintains its own transfer records and that person's
5 relationship to the covered entity; and

6 (B) the name, address, and position of the
7 individual who is the custodian of the transfer
8 records.

9 (2) On reports disclosing contributions, including
10 regular quarterly reports and reports on contributions of
11 \$1,000 or more as required by subsection (c) of Section
12 9-10:

13 (A) each contributor of original funds who has
14 contributed, directly or indirectly, more than \$5,000
15 of traceable funds or in-kind contributions during the
16 election cycle to the covered entity, and the date and
17 amount of each of such contributor's contributions;

18 (B) the identity of persons who acted as
19 intermediaries who transferred, in whole or in part,
20 traceable funds from original sources to the covered
21 entity, and the date, amount, and source, original and
22 intermediate, of such transferred funds;

23 (C) the identity of each person who received from
24 the covered entity disbursements aggregating to \$1,000
25 or more of traceable funds during the election cycle
26 and the date and purpose of each disbursement,

1 including the full name and office sought of any
2 candidate that was supported, opposed, or referenced
3 in a public communication that was financed, in whole
4 or in part, with the disbursement; and

5 (D) the identity of any person whose aggregate
6 contributions of traceable funds to the covered entity
7 constituted more than half of such funds of the
8 covered entity at the start of the election cycle.

9 (b) A covered entity as defined in Section 9-3.6 that is
10 not a political committee shall file the following reports
11 with the State Board of Elections:

12 (1) Within 10 days of first disbursing \$10,000 or more
13 in aggregate during an election cycle on independent
14 expenditures, or accepting \$10,000 or more in aggregate
15 during an election cycle of in-kind contributions to
16 enable independent expenditures, the covered entity shall
17 file an initial report that discloses:

18 (A) the identity of the person who owns or
19 controls the traceable funds;

20 (B) the identity of any affiliated person who
21 maintains its own transfer records and that person's
22 relationship to the covered entity;

23 (C) the name, address, and position of the
24 individual who is the custodian of the transfer
25 records;

26 (D) the name, address, and position of at least

1 one individual who can control, directly or
2 indirectly, how the traceable funds are disbursed;

3 (E) the total amount of traceable funds owned or
4 controlled by the covered entity on the date of the
5 report;

6 (F) each contributor of original funds who has
7 contributed, directly or indirectly, more than \$5,000
8 of traceable funds or in-kind contributions during the
9 election cycle to the covered entity, and the date and
10 amount of each of such contributor's contributions;

11 (G) the identity of persons who acted as
12 intermediaries who transferred, in whole or in part,
13 traceable funds from original sources to the covered
14 entity, and the date, amount, and source, original and
15 intermediate, of such transferred funds;

16 (H) the identity of each person who received from
17 the covered entity disbursements aggregating to \$1,000
18 or more of traceable funds during the election cycle
19 and the date and purpose of each disbursement,
20 including the full name and office sought of any
21 candidate that was supported, opposed, or referenced
22 in a public communication that was financed, in whole
23 or in part, with the disbursement; and

24 (I) the identity of any person whose aggregate
25 contributions of traceable funds to the covered entity
26 constituted more than half of such funds of the

1 covered entity at the start of the election cycle.

2 (2) After its initial report and each time the covered
3 entity disburses another \$10,000 or more in aggregate
4 during the election cycle on independent expenditures, or
5 receives another \$10,000 in aggregate during the election
6 cycle of in-kind contributions to enable independent
7 expenditures, the covered entity shall file an additional
8 report within 10 days that shall disclose any information
9 that has changed since it was previously reported pursuant
10 to paragraph (1).

11 (3) When information has changed since it was
12 previously reported pursuant to paragraph (1) of
13 subsection (b) but has not yet been reported, such changed
14 information shall be reported within 20 days, except the
15 reporting person need not report such changes that occur
16 more than 2 years after the most recent report pursuant to
17 this Section was filed.

18 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

19 Sec. 9-10. Disclosure of contributions and expenditures.

20 (a) The treasurer of every political committee shall file
21 with the Board reports of campaign contributions and
22 expenditures as required by this Section on forms to be
23 prescribed or approved by the Board.

24 (b) Every political committee shall file quarterly reports
25 of campaign contributions, expenditures, and independent

1 expenditures. The reports shall cover the period January 1
2 through March 31, April 1 through June 30, July 1 through
3 September 30, and October 1 through December 31 of each year. A
4 political committee shall file quarterly reports no later than
5 the 15th day of the month following each period. Reports of
6 contributions and expenditures must be filed to cover the
7 prescribed time periods even though no contributions or
8 expenditures may have been received or made during the period.
9 A report is considered timely filed if it is received by the
10 Board no later than 11:59 p.m. on the deadline or postmarked no
11 later than 3 days prior to the deadline.

12 (c) A political committee shall file a report of any
13 contribution of \$1,000 or more electronically with the Board
14 within 5 business days after receipt of the contribution,
15 except that the report shall be filed within 2 business days
16 after receipt if (i) the contribution is received 30 or fewer
17 days before the date of an election and (ii) the political
18 committee supports or opposes a candidate or public question
19 on the ballot at that election or makes expenditures in excess
20 of \$500 on behalf of or in opposition to a candidate,
21 candidates, a public question, or public questions on the
22 ballot at that election. The State Board shall allow filings
23 of reports of contributions of \$1,000 or more by political
24 committees that are not required to file electronically to be
25 made by facsimile transmission. It is not a violation of this
26 subsection (c) and a political committee does not need to file

1 a report of a contribution of \$1,000 or more if the
2 contribution is received and returned within the same period
3 it is required to be disclosed on a quarterly report.

4 (d) For the purpose of this Section, a contribution is
5 considered received on the date (i) a monetary contribution
6 was deposited in a bank, financial institution, or other
7 repository of funds for the committee, (ii) the date a
8 committee receives notice a monetary contribution was
9 deposited by an entity used to process financial transactions
10 by credit card or other entity used for processing a monetary
11 contribution that was deposited in a bank, financial
12 institution, or other repository of funds for the committee,
13 or (iii) the public official, candidate, or political
14 committee receives the notification of contribution of goods
15 or services as required under subsection (b) of Section 9-6.

16 (e) A political committee that makes independent
17 expenditures of \$1,000 or more shall file a report
18 electronically with the Board within 5 business days after
19 making the independent expenditure, except that the report
20 shall be filed within 2 business days after making the
21 independent expenditure during the 60-day period before an
22 election.

23 (e-5) An independent expenditure committee that makes an
24 independent expenditure supporting or opposing a public
25 official or candidate that, alone or in combination with any
26 other independent expenditure made by that independent

1 expenditure committee supporting or opposing that public
2 official or candidate during the election cycle, equals an
3 aggregate value of more than (i) \$250,000 for statewide office
4 or (ii) \$100,000 for all other elective offices must file a
5 written disclosure with the State Board of Elections within 2
6 business days after making any expenditure that results in the
7 independent expenditure committee exceeding the applicable
8 threshold.

9 (f) A copy of each report or statement filed under this
10 Article shall be preserved by the person filing it for a period
11 of two years from the date of filing.

12 (g) The Board may assess a civil penalty against a
13 committee or covered entity for any violation of this Section,
14 Section 9-3.6, Section 9-3.10, or Section 9-10.5. The Board
15 shall provide notice of any violation no later than 5 years ~~365~~
16 ~~days~~ after the date of the violation and provide the committee
17 or covered entity with an opportunity to appeal a violation. A
18 committee shall not be fined if notice is not provided as
19 required by this subsection. The fine assessed by the Board
20 for a violation of this Section shall not be less than the
21 amount contributed or undisclosed, and not more than the
22 greater of double that amount or \$10,000 ~~exceed the amount of~~
23 ~~the contribution and may be no more than \$500 for the first~~
24 ~~violation, no more than \$1,000 for the second violation, no~~
25 ~~more than \$2,000 for a third violation, and no more than \$3,000~~
26 ~~for any subsequent violations~~. When determining the amount of

1 ~~the fine whether to waive or reduce a fine,~~ the Board shall
2 consider: (1) whether the political committee or covered
3 entity made an attempt to disclose the contribution and any
4 attempts made to correct the violation; (2) whether the
5 violation was inadvertent, knowingly, or intentional; (3)
6 whether the violation is attributed to a clerical or computer
7 error; (4) the amount of the contribution or total
8 contributions in the report; (5) whether the violation arose
9 from a discrepancy between the date the contribution was
10 reported and the date the contribution was received by a
11 political committee or covered entity; (6) the number of days
12 the report was submitted late; and (7) any prior violations.

13 (Source: P.A. 102-668, eff. 11-15-21.)

14 (10 ILCS 5/9-10.5 new)

15 Sec. 9-10.5. Disclosure of original contributors on
16 independent expenditures for public communications.

17 (a) Independent expenditures for public communications
18 financed by covered entities as defined in Section 9-3.6,
19 including in-kind contributions of such communications
20 accepted by covered entities, must include the following
21 information:

22 (1) Any public communication that has a visual
23 component shall clearly and conspicuously display the
24 names of the top 3 donors who directly or indirectly
25 donated \$10,000 or more during the election cycle to the

1 covered entity. This disclaimer shall include the
2 following written statement: "[3 persons determined
3 pursuant to subsection (b)] are the top 3 donors who
4 helped pay for this message"; and

5 (2) Any public communication that has an audio
6 component shall clearly and conspicuously state the names
7 of the top 3 donors who directly or indirectly donated
8 \$10,000 or more during the election cycle to the covered
9 entities. This disclaimer shall include the following
10 audio statement: "[3 persons determined pursuant to
11 subsection (b)] are the top 3 donors who helped pay for
12 this message."

13 (b) The top 3 donors shall be determined by calculating
14 the 3 donors of traceable funds that have contributed the most
15 original funds, directly or indirectly, during the election
16 cycle to the covered entities.

17 (1) For purposes of this subsection (b), contributions
18 of traceable funds made in prior election cycles shall be
19 considered to have been contributed in the current
20 election cycle if the contributor's aggregate
21 contributions of original funds to the covered entities
22 constituted more than half of the person's traceable funds
23 at the start of the election cycle.

24 (2) If multiple contributors have contributed
25 identical amounts such that there is no difference in
26 contributed amounts between the third-highest contributor

1 and the fourth-highest or lower contributor, the
2 contributor who most recently contributed to the covered
3 entity shall be deemed a top 3 donor.

4 (3) No contributor of traceable funds shall be deemed
5 a top 3 donor if its aggregate contributions of original
6 funds during the election cycle to the covered entity are
7 less than \$10,000.

8 (4) If no person meets the \$10,000 threshold in
9 paragraph (3), but one or more intermediaries transferred,
10 directly or indirectly, more than \$10,000 of traceable
11 funds to the covered entity during the election cycle,
12 then such intermediaries' transfers shall be treated as
13 original funds for purposes of the disclaimer required by
14 this Section.

15 (10 ILCS 5/9-22) (from Ch. 46, par. 9-22)

16 Sec. 9-22.

17 (a) Any party to a Board hearing, any person who files a
18 complaint on which a hearing was denied or not acted upon
19 within the time specified in Section 9-21 of this Act, and any
20 party adversely affected by a judgment of the Board may obtain
21 judicial review, which shall be governed by the provisions of
22 the Administrative Review Law, as amended, and all amendments
23 and modifications thereof and the rules adopted pursuant
24 thereto, except that--

25 (1) such judicial review shall be afforded directly in the

1 Appellate Court for the District in which the cause of action
2 arose and not in the Circuit Court,

3 (2) such judicial review shall be obtained by filing a
4 petition for review within 7 days after entry of the order of
5 other action complained of,

6 (3) the time limit for filing such petition for review may
7 be waived with the consent of all parties involved, and

8 (4) if such petition for review is appealing an order of
9 the Board, the effect of such order of the Board shall not be
10 stayed unless the Appellate Court so orders upon the motion of
11 the petitioner and upon prior notice to the Board.

12 (b) In reviewing the Board's dismissal of or failure to
13 act upon a complaint, the court shall review de novo whether
14 the Board's dismissal or failure to act was reasonable. The
15 court shall disregard any claim or defense by the Board of
16 prosecutorial discretion as a basis for dismissing or failing
17 to act upon the complaint.

18 (Source: P.A. 82-783.)

19 (10 ILCS 5/9-28.5)

20 Sec. 9-28.5. Injunctive relief for election spending
21 ~~electioneering communications.~~

22 (a) Whenever the Attorney General, or a State's Attorney
23 with jurisdiction over any portion of the relevant electorate,
24 believes that any person, as defined in Section 9-1.6, is
25 conducting election spending ~~making, producing, publishing,~~

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

12 (b) Any political committee that believes any person, as
13 defined in Section 9-1.6, is conducting election spending
14 ~~making, producing, publishing, republishing, or broadcasting~~
15 ~~an electioneering communication~~ paid for by any person, as
16 defined in Section 9-1.6, who has not first complied with the
17 registration and disclosure requirements of this Article may
18 bring an action in the circuit court against such person or
19 persons to restrain by preliminary or permanent injunction the
20 conducting of election spending ~~making, producing, publishing,~~
21 ~~republishing, or broadcasting of such electioneering~~
22 ~~communication~~ until the registration and disclosure
23 requirements have been met.

24 (c) Whenever the Attorney General, or a State's Attorney
25 with jurisdiction over any portion of the relevant electorate,
26 believes that any person, as defined in Section 9-1.6, is

1 engaging in independent expenditures, as defined in this
2 Article, who has not first complied with the registration and
3 disclosure requirements of this Article, he or she may bring
4 an action in the name of the People of the State of Illinois
5 or, in the case of a State's Attorney, the People of the
6 County, against such person or persons to restrain by
7 preliminary or permanent injunction the making of such
8 expenditures until the registration and disclosure
9 requirements have been met.

10 (d) Any political committee that believes any person, as
11 defined in Section 9-1.6, is engaging in independent
12 expenditures, as defined in this Article, who has not first
13 complied with the registration and disclosure requirements of
14 this Article may bring an action in the circuit court against
15 such person or persons to restrain by preliminary or permanent
16 injunction the making of independent expenditures until the
17 registration and disclosure requirements have been met.

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

19 (10 ILCS 5/9.50 new)

20 Sec. 9.50. Prohibition on structured contributions. No
21 person shall, for the purpose of evading the reporting
22 requirements of this Article or any rule adopted under this
23 Article, structure or assist in structuring, or attempt to
24 structure or assist in structuring, any solicitation,
25 contribution, expenditure, disbursement, or other transaction.

1 The penalty for any violation of this Section shall be a
2 penalty of not less than the amount contributed or spent, and
3 not more than the greater of double that amount or \$10,000.

4 (10 ILCS 5/9-8.6 rep.)

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