

SB0144



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0144

Introduced 1/25/2023, by Sen. Sally J. Turner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-35

Amends the Election Code. Provides that intentional failure to disclose material information required for registration (rather than intentional, willful, or material failure to disclose information required for registration) is subject to a civil penalty imposed by the State Board of Elections. Effective immediately.

LRB103 25010 AWJ 51344 b

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Section 9-35 as follows:

6 (10 ILCS 5/9-35)

7 Sec. 9-35. Registration of business entities.

8 (a) This Section governs the procedures for the
9 registration required under Section 20-160 of the Illinois
10 Procurement Code.

11 For the purposes of this Section, the terms
12 "officeholder", "State contract", "business entity", "State
13 agency", "affiliated entity", and "affiliated person" have the
14 meanings ascribed to those terms in Section 50-37 of the
15 Illinois Procurement Code.

16 (b) Registration under Section 20-160 of the Illinois
17 Procurement Code, and any changes to that registration, must
18 be made electronically, and the State Board of Elections by
19 rule shall provide for electronic registration; except that
20 the State Board may adopt emergency rules providing for a
21 temporary filing system, effective through August 1, 2009,
22 under which business entities must file the required
23 registration forms provided by the Board via e-mail attachment

1 in a PDF file or via another type of mail service and must
2 receive from the State Board registration certificates via
3 e-mail or paper registration certificates. The State Board
4 shall retain the registrations submitted by business entities
5 via e-mail or another type of mail service for at least 6
6 months following the establishment of the electronic
7 registration system required by this subsection.

8 Each registration must contain substantially the
9 following:

10 (1) The name and address of the business entity.

11 (2) The name and address of any affiliated entity of
12 the business entity, including a description of the
13 affiliation.

14 (3) The name and address of any affiliated person of
15 the business entity, including a description of the
16 affiliation.

17 (c) The Board shall provide a certificate of registration
18 to the business entity. The certificate shall be electronic,
19 except as otherwise provided in this Section, and accessible
20 to the business entity through the State Board of Elections'
21 website and protected by a password. Within 60 days after
22 establishment of the electronic system, each business entity
23 that submitted a registration via e-mail attachment or paper
24 copy pursuant to this Section shall re-submit its registration
25 electronically. At the time of re-submission, the State Board
26 of Elections shall provide an electronic certificate of

1 registration to that business entity.

2 (d) Any business entity required to register under Section
3 20-160 of the Illinois Procurement Code shall provide a copy
4 of the registration certificate, by first class mail or hand
5 delivery within 10 days after registration, to each affiliated
6 entity or affiliated person whose identity is required to be
7 disclosed. Failure to provide notice to an affiliated entity
8 or affiliated person is a business offense for which the
9 business entity is subject to a fine not to exceed \$1,001.

10 (e) In addition to any penalty under Section 20-160 of the
11 Illinois Procurement Code, intentional failure to disclose
12 material, ~~willful, or material failure to disclose~~ information
13 required for registration is subject to a civil penalty
14 imposed by the State Board of Elections. The State Board shall
15 impose a civil penalty of \$1,000 per business day for failure
16 to update a registration.

17 (f) Any business entity required to register under Section
18 20-160 of the Illinois Procurement Code shall notify any
19 political committee to which it makes a contribution, at the
20 time of the contribution, that the business entity is
21 registered with the State Board of Elections under Section
22 20-160 of the Illinois Procurement Code. Any affiliated entity
23 or affiliated person of a business entity required to register
24 under Section 20-160 of the Illinois Procurement Code shall
25 notify any political committee to which it makes a
26 contribution that it is affiliated with a business entity

1 registered with the State Board of Elections under Section
2 20-160 of the Illinois Procurement Code.

3 (g) The State Board of Elections on its official website
4 shall have a searchable database containing (i) all
5 information required to be submitted to the Board under
6 Section 20-160 of the Illinois Procurement Code and (ii) all
7 reports filed under this Article with the State Board of
8 Elections by all political committees. For the purposes of
9 databases maintained by the State Board of Elections,
10 "searchable" means able to search by "political committee", as
11 defined in this Article, and by "officeholder", "State
12 agency", "business entity", "affiliated entity", and
13 "affiliated person". The Board shall not place the name of a
14 minor child on the website. However, the Board shall provide a
15 link to all contributions made by anyone reporting the same
16 residential address as any affiliated person. In addition, the
17 State Board of Elections on its official website shall provide
18 an electronic connection to any searchable database of State
19 contracts maintained by the Comptroller, searchable by
20 business entity.

21 (h) The State Board of Elections shall have rulemaking
22 authority to implement this Section.

23 (Source: P.A. 95-971, eff. 1-1-09; 95-1038, eff. 3-11-09.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.