

103RD GENERAL ASSEMBLY State of Illinois 2023 and 2024 SB2827

Introduced 1/19/2024, by Sen. Neil Anderson - Sue Rezin - Jil Tracy

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/9-8.5	
10 ILCS 5/9-11	from Ch. 46, par. 9-11
10 ILCS 5/9-23.5	
10 ILCS 5/9-35	
10 ILCS 5/10-6.1	from Ch. 46, par. 10-6.1
10 ILCS 5/29B-10	from Ch. 46, par. 29B-10; formerly
	Ch. 46, par. 1103
10 ILCS 5/29B-15	from Ch. 46, par. 29B-15; formerly
	Ch. 46, par. 1104
10 ILCS 5/29B-20	from Ch. 46, par. 29B-20; formerly
	Ch. 46, par. 1105
10 ILCS 5/9-45 rep.	
30 ILCS 500/50-37	

Amends the Election Code. Replaces some instances of annual or semi-annual reports with quarterly reports. In provisions relating to limitations on campaign contributions, removes provisions inoperative beginning July 1, 2013. Removes a reference to the dissolved Task Force on Campaign Finance Reform. Removes references to a temporary filing system effective through August 1, 2009. Removes references to specified committees and the county clerk in the Code of Fair Campaign Practices. Repeals provisions relating to contributions by a medical cannabis cultivation center or medical cannabis dispensary organization to any political action committee created by any medical cannabis cultivation center or dispensary organization to make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official. Amends the Illinois Procurement Code. Modifies the definition of "affiliated entity" and removes the definition of "sponsoring entity".

LRB103 35766 AWJ 65848 b

1 AN ACT concerning elections.

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

- 4 Section 5. The Election Code is amended by changing
- 5 Sections 7-12, 9-8.5, 9-11, 9-23.5, 9-35, 10-6.1, 29B-10,
- 6 29B-15, and 29B-20 as follows:
- 7 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)
- 8 Sec. 7-12. All petitions for nomination shall be filed by
- 9 mail or in person as follows:

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(1) Except as otherwise provided in this Code, where 10 11 the nomination is to be made for a State, congressional, or judicial office, or for any office a nomination for 12 which is made for a territorial division or district which 13 14 comprises more than one county or is partly in one county and partly in another county or counties (including the 15 16 Fox Metro Water Reclamation District), then, except as 17 otherwise provided in this Section, such petition for nomination shall be filed in the principal office of the 18 19 State Board of Elections not more than 113 and not less than 106 days prior to the date of the primary, but, in the 20 21 case of petitions for nomination to fill a vacancy by 22 special election in the office of representative in

Congress from this State, such petition for nomination

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shall be filed in the principal office of the State Board of Elections not more than 85 days and not less than 82 days prior to the date of the primary.

Where a vacancy occurs in the office of Supreme, Appellate or Circuit Court Judge within the 3-week period preceding the 106th day before a general primary election, petitions for nomination for the office in which the vacancy has occurred shall be filed in the principal office of the State Board of Elections not more than 92 nor less than 85 days prior to the date of the general primary election.

Where the nomination is to be made for delegates or alternate delegates to a national nominating convention, then such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 113 and not less than 106 days prior to the date of the primary; provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for nomination for delegates or alternate delegates to a national nominating convention, the chair of the State central committee of such national political party shall notify the Board in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed accordance with the delegate selection plan adopted by the

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state central committee of such national political party.

- (2) Where the nomination is to be made for a county office or trustee of a sanitary district then such petition shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary.
- (3) Where the nomination is to be made for a municipal or township office, such petitions for nomination shall be filed in the office of the local election official, not more than 99 nor less than 92 days prior to the date of the primary; provided, where a municipality's or township's boundaries are coextensive with or are entirely within the municipal board iurisdiction of а of election commissioners, the petitions shall be filed in the office of such board; and provided, that petitions for the office multi-township assessor shall be filed with election authority.
- (4) The petitions of candidates for State central committeeperson shall be filed in the principal office of the State Board of Elections not more than 113 nor less than 106 days prior to the date of the primary.
- (5) Petitions of candidates for precinct, township or ward committeepersons shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary.
 - (6) The State Board of Elections and the various

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election authorities and local election officials with whom such petitions for nominations are filed shall specify the place where filings shall be made and upon receipt shall endorse thereon the day and hour on which each petition was filed. All petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day, shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed as filed as of 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be. All petitions received thereafter shall be deemed as filed in the order of actual receipt. However, 2 or more petitions filed within the last hour of the filing deadline shall be deemed filed simultaneously. Where 2 or more petitions are received simultaneously, the State Board of Elections or the various election authorities or local election officials with whom such petitions are filed shall break ties and determine the order of filing, by means of a lottery or other fair and impartial method of random selection approved by the State Board of Elections. Such lottery shall be conducted within 9 days following the last day for petition filing and shall be open to the public. Seven days written notice of the time and place of

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conducting such random selection shall be given by the State Board of Elections to the chair of the State central committee of each established political party, and by each election authority or local election official, to the County Chair of each established political party, and to organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. The State Board of Elections, election authority or local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The State Board of Elections shall adopt rules and regulations governing the procedures for the conduct of such lottery. All candidates shall be certified in the order in which their petitions have been filed. Where candidates have filed simultaneously, they shall certified in the order determined by lot and prior to candidates who filed for the same office at a later time.

(7) The State Board of Elections or the appropriate election authority or local election official with whom such a petition for nomination is filed shall notify the person for whom a petition for nomination has been filed of the obligation to file statements of organization, reports of campaign contributions, and <u>quarterly annual</u> reports of campaign contributions and expenditures under

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Article 9 of this Code. Such notice shall be given in the manner prescribed by paragraph (7) of Section 9-16 of this Code.

- (8) Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by Illinois Governmental Ethics Act in relation to candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer within a year preceding the date on which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.
- (9) Except as otherwise provided in this Code, any person for whom a petition for nomination, or for committeeperson or for delegate or alternate delegate to a national nominating convention has been filed may cause his name to be withdrawn by request in writing, signed by

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him and duly acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the principal or permanent branch office of the State Board of Elections with the appropriate election authority or local election official, not later than the date certification of candidates for the consolidated primary or general primary ballot. No names so withdrawn shall be certified or printed on the primary ballot. If petitions for nomination have been filed for the same person with respect to more than one political party, his name shall not be certified nor printed on the primary ballot of any party. If petitions for nomination have been filed for the same person for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. A candidate in a judicial election may file petitions for nomination for only one vacancy in a subcircuit and only one vacancy in a circuit in any one filing period, and if petitions for nomination have been filed for the same person for 2 or more vacancies in the same circuit or subcircuit in the same filing period, his or her name shall be certified only for the first vacancy for which the petitions for nomination were filed. If he fails to withdraw as a candidate for all but one of such offices

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within such time his name shall not be certified, nor printed on the primary ballot, for any office. For the purpose of the foregoing provisions, an office in a political party is not incompatible with any other office.

(10) (a) Notwithstanding the provisions of any other statute, no primary shall be held for an established political party in any township, municipality, or ward thereof, where the nomination of such party for every office to be voted upon by the electors of such township, municipality, or ward thereof, is uncontested. Whenever a political party's nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices within such township, municipality, or ward thereof, for which the nomination is uncontested. For purposes of this Article, the nomination of an established political party of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

(b) Notwithstanding the provisions of any other statute, no primary election shall be held for an

established political party for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested. For the purposes of this Article, the nomination of an established political party of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such established party for election to said office. This subsection (b) shall not apply if such primary election is conducted on a regularly scheduled election day.

(c) Notwithstanding the provisions in subparagraph (a) and (b) of this paragraph (10), whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed, a primary ballot shall be prepared and a primary shall be held for that office. Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot. Such statement or notice shall contain (i) the

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name and address of the person intending to become a write-in candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate. An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

(11) If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections, appropriate election authority or election official where the petitions are filed shall within 2 business days notify the candidate of his or her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, election authority or local election official. If the candidate fails to notify the

- State Board of Elections, election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.
- 5 (12) All nominating petitions shall be available for 6 public inspection and shall be preserved for a period of 7 not less than 6 months.
- 8 (Source: P.A. 101-523, eff. 8-23-19; 102-15, eff. 6-17-21; 9 102-687, eff. 12-17-21.)
- 10 (10 ILCS 5/9-8.5)
- 11 Sec. 9-8.5. Limitations on campaign contributions.
- 12 (a) It is unlawful for a political committee to accept
 13 contributions except as provided in this Section.
- 14 During an election cycle, a candidate political 15 committee may not accept contributions with an aggregate value 16 over the following: (i) \$5,000 from any individual, (ii) \$10,000 from any corporation, labor organization, 17 18 association, or (iii) \$50,000 from a candidate political committee or political action committee. A candidate political 19 20 committee may accept contributions in any amount from a 21 political party committee except during an election cycle in 22 which the candidate seeks nomination at a primary election. 23 During an election cycle in which the candidate seeks nomination at a primary election, a candidate political 24 25 committee may not accept contributions from political party

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committees with an aggregate value over the following: (i) \$200,000 for a candidate political committee established to support a candidate seeking nomination to statewide office, (ii) \$125,000 for a candidate political committee established to support a candidate seeking nomination to the Senate, the Supreme Court or Appellate Court in the First Judicial District, or an office elected by all voters in a county with 1,000,000 or more residents, (iii) \$75,000 for a candidate political committee established to support a candidate seeking nomination to the House of Representatives, the Supreme Court or Appellate Court for a Judicial District other than the First Judicial District, an office elected by all voters of a county of fewer than 1,000,000 residents, and municipal and county offices in Cook County other than those elected by all voters of Cook County, and (iv) \$50,000 for a candidate political committee established to support the nomination of a candidate to any other office. A candidate political committee established to elect a candidate to the General Assembly may accept contributions from only one legislative caucus committee. A candidate political committee may not accept contributions from a ballot initiative committee or from an independent expenditure committee.

(b-5) Judicial elections.

(1) In addition to any other provision of this Section, a candidate political committee established to support or oppose a candidate seeking nomination to the

Supreme Court, Appellate Court, or Circuit Court may not:

- (A) accept contributions from any entity that does not disclose the identity of those who make contributions to the entity, except for contributions that are not required to be itemized by this Code; or
- (B) accept contributions from any out-of-state person, as defined in this Article.
- (1.1) In addition to any other provision of this Section, a political committee that is self-funding, as described in subsection (h) of this Section, and is established to support or oppose a candidate seeking nomination, election, or retention to the Supreme Court, the Appellate Court, or the Circuit Court may not accept contributions from any single person, other than the judicial candidate or the candidate's immediate family, in a cumulative amount that exceeds \$500,000 in any election cycle. Any contribution in excess of the limits in this paragraph (1.1) shall escheat to the State of Illinois. Any political committee that receives such a contribution shall immediately forward the amount that exceeds \$500,000 to the State Treasurer who shall deposit the funds into
- (1.2) In addition to any other provision of this Section, an independent expenditure committee established to support or oppose a candidate seeking nomination, election, or retention to the Supreme Court, the Appellate

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Court, or the Circuit Court may not accept contributions from any single person in a cumulative amount that exceeds \$500,000 in any election cycle. Any contribution in excess of the limits in this paragraph (1.2) shall escheat to the State of Illinois. Any independent expenditure committee that receives such a contribution shall immediately forward the amount that exceeds \$500,000 to the State Treasurer who shall deposit the funds into the State Treasury.

(1.3) In addition to any other provision of this Section, if a political committee established to support or oppose a candidate seeking nomination, election, or retention to the Supreme Court, the Appellate Court, or the Circuit Court receives a contribution in excess of \$500 from: (i) any committee that is not required to disclose its contributors under this Act; (ii) association that is not required to disclose its this contributors under Act; or (iii) any other organization or group of persons that is not required to disclose its contributors under this Act, then that contribution shall be considered an anonymous contribution that shall escheat to the State, unless the political committee reports to the State Board of Elections all persons who have contributed in excess of \$500 during the election cycle to the committee, association, organization, or group making the contribution. Any

politi	cal c	committee	that	receives	s such	a con	tribution	and
fails	to	report	this	informat	cion	shall	forward	the
contril	butic	n amount	immed	liately t	o the	State	Treasurer	who
shall o	depos	it the f	unds i	nto the S	State :	Treasu	ry.	

- (2) As used in this subsection, "contribution" has the meaning provided in Section 9-1.4 and also includes the following that are subject to the limits of this Section:
 - (A) expenditures made by any person in concert or cooperation with, or at the request or suggestion of, a candidate, his or her designated committee, or their agents; and
 - (B) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committee, or their designated agents.
- (3) As to contributions to a candidate political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court:
 - (A) No person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution.
 - (B) No person shall knowingly accept a contribution made by one person in the name of another

L	person.

- 2 (C) No person shall knowingly accept reimbursement 3 from another person for a contribution made in his or 4 her own name.
 - (D) No person shall make an anonymous contribution.
 - (E) No person shall knowingly accept any anonymous contribution.
 - (F) No person shall predicate (1) any benefit, including, but not limited to, employment decisions, including hiring, promotions, bonus compensation, and transfers, or (2) any other gift, transfer, or emolument upon:
 - (i) the decision by the recipient of that benefit to donate or not to donate to a candidate; or
 - (ii) the amount of any such donation.
 - (4) No judicial candidate or political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court shall knowingly accept any contribution or make any expenditure in violation of the provisions of this Section. No officer or employee of a political committee established to support a candidate seeking nomination to the Supreme Court, Appellate Court, or Circuit Court shall knowingly accept a contribution made for the benefit or use of a

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- candidate or knowingly make any expenditure in support of or opposition to a candidate or for electioneering communications in relation to a candidate in violation of any limitation designated for contributions and expenditures under this Section.
 - (5) Where the provisions of this subsection (b-5) conflict with any other provision of this Code, this subsection (b-5) shall control.
- (c) During an election cycle, a political party committee may not accept contributions with an aggregate value over the following: (i) \$10,000 from any individual, (ii) \$20,000 from any corporation, labor organization, or association, or (iii) \$50,000 from a political action committee. A political party committee may accept contributions in any amount from another political party committee or a candidate political committee, except as provided in subsection (c-5). Nothing in this Section shall limit the amounts that may be transferred political party committee established under between a subsection (a) of Section 7-8 of this Code and an affiliated federal political committee established under the Federal Election Code by the same political party. A political party committee may not accept contributions from a initiative committee or from an independent expenditure committee. A political party committee established by a legislative caucus may not accept contributions from another political party committee established by a legislative caucus.

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(c-5) (Blank). During the period beginning on the date candidates may begin circulating petitions for a primary election and ending on the day of the primary election, a political party committee may not accept contributions with an aggregate value over \$50,000 from a candidate political committee or political party committee. A political party committee may accept contributions in any amount from a candidate political committee or political party committee if the political party committee receiving the contribution filed a statement of nonparticipation in the primary as provided in subsection (c-10). The Task Force on Campaign Finance Reform shall study and make recommendations on the provisions of this subsection to the Governor and General Assembly by September 30, 2012. This subsection becomes inoperative on July 1, 2013 and thereafter no longer applies.

(c-10) (Blank). A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation in a Primary Election with the Board. The Statement of Nonparticipation shall include a verification signed by the chairperson and treasurer of the committee that (i) the committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the general primary election or consolidated primary election (select one) to be held on (insert date), (ii) the political

- party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee does not make contributions to a candidate or candidates to be nominated at the primary election, and (iii) failure to abide by these requirements shall deem the political party committee in violation of this Article and subject the committee to a fine of no more than 150% of the total contributions or coordinated expenditures made by the committee in violation of this Article. This subsection becomes inoperative on July 1, 2013 and thereafter no longer applies.
- (d) During an election cycle, a political action committee may not accept contributions with an aggregate value over the following: (i) \$10,000 from any individual, (ii) \$20,000 from any corporation, labor organization, political party committee, or association, or (iii) \$50,000 from a political action committee or candidate political committee. A political action committee may not accept contributions from a ballot initiative committee or from an independent expenditure committee.
- (e) A ballot initiative committee may accept contributions in any amount from any source, provided that the committee files the document required by Section 9-3 of this Article and files the disclosure reports required by the provisions of this Article.
- (e-5) An independent expenditure committee may accept

- contributions in any amount from any source, provided that the committee files the document required by Section 9-3 of this Article and files the disclosure reports required by the provisions of this Article.
 - (e-10) A limited activity committee shall not accept contributions, except that the officer or a candidate the committee has designated to support may contribute personal funds in order to pay for maintenance expenses. A limited activity committee may only make expenditures that are: (i) necessary for maintenance of the committee; (ii) for rent or lease payments until the end of the lease in effect at the time the officer or candidate is confirmed by the Senate; (iii) contributions to 501(c)(3) charities; or (iv) returning contributions to original contributors.
 - (f) Nothing in this Section shall prohibit a political committee from dividing the proceeds of joint fundraising efforts; provided that no political committee may receive more than the limit from any one contributor, and provided that an independent expenditure committee may not conduct joint fundraising efforts with a candidate political committee or a political party committee.
 - (g) On January 1 of each odd-numbered year, the State Board of Elections shall adjust the amounts of the contribution limitations established in this Section for inflation as determined by the Consumer Price Index for All Urban Consumers as issued by the United States Department of

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Labor and rounded to the nearest \$100. The State Board shall publish this information on its official website.

Self-funding candidates. If a public official, a candidate, or the public official's or candidate's immediate family contributes or loans to the public official's or committee or to other political candidate's political committees that transfer funds to the public official's or candidate's political committee or makes independent expenditures for the benefit of the public official's or candidate's campaign during the 12 months prior to an election in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices, then the public official or candidate shall file with the State Board of Elections, within one day, a Notification of Self-funding that shall detail each contribution or loan made by the public official, the candidate, or the public official's or candidate's immediate family. Within 2 business days after the filing of a Notification of Self-funding, the notification shall be posted on the Board's website and the Board shall give official notice of the filing to each candidate for the same office as the public official or candidate making the filing, including the public official or candidate filing the Notification of Self-funding. Notice shall be sent via first class mail to the candidate and the treasurer of the candidate's committee. Notice shall also be sent by e-mail to the candidate and the treasurer of the

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candidate's committee if the candidate and the treasurer, as applicable, have provided the Board with an e-mail address. Upon posting of the notice on the Board's website, candidates for that office, including the public official or candidate who filed a Notification of Self-funding, shall be permitted to accept contributions in excess contribution limits imposed by subsection (b). If a public official or candidate filed a Notification of Self-funding during an election cycle that includes a general primary election or consolidated primary election and that public official or candidate is nominated, all candidates for that office, including the nominee who filed the notification of self-funding, shall be permitted to accept contributions in excess of any contribution limit imposed by subsection (b) for the subsequent election cycle. For the purposes of this subsection, "immediate family" means the spouse, parent, or child of a public official or candidate.

(h-5) If a natural person or independent expenditure committee makes independent expenditures in support of or in opposition to the campaign of a particular public official or candidate in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices in an election cycle, as reported in a written disclosure filed under subsection (a) of Section 9-8.6 or subsection (e-5) of Section 9-10, then the State Board of Elections shall, within 2 business days after the filing of

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the disclosure, post the disclosure on the Board's website and give official notice of the disclosure to each candidate for the same office as the public official or candidate for whose benefit or detriment the natural person or independent expenditure committee made independent expenditures. Upon posting of the notice on the Board's website, all candidates for that office in that election, including the public official or candidate for whose benefit or detriment the natural person or independent expenditure committee made independent expenditures, shall be permitted to accept contributions in excess of any contribution limits imposed by subsection (b).

(h-10)Ιf the State Board of Elections receives notification or determines that a natural person or persons, independent expenditure committee or committees, combination thereof has made independent expenditures in support of or in opposition to the campaign of a particular public official or candidate in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices in an election cycle, then the Board shall, within 2 business days after discovering the independent expenditures that, in the aggregate, exceed the threshold set forth in (i) and (ii) of this subsection, post notice of this fact on the Board's website and give official notice to each candidate for the same office as the public official or candidate for whose benefit or detriment the

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independent expenditures were made. Notice shall be sent via first class mail to the candidate and the treasurer of the candidate's committee. Notice shall also be sent by e-mail to the candidate and the treasurer of the candidate's committee if the candidate and the treasurer, as applicable, have provided the Board with an e-mail address. Upon posting of the notice on the Board's website, all candidates of that office in that election, including the public official or candidate for whose benefit or detriment the independent expenditures were made, may accept contributions in excess of any contribution limits imposed by subsection (b).

(i) For the purposes of this Section, a corporation, labor organization, association, or a political action committee established by a corporation, labor organization, association may act as a conduit in facilitating the delivery to a political action committee of contributions made through dues, levies, or similar assessments and the political action committee may report the contributions in the aggregate, provided that: (i) contributions made through dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association in a calendar year may not exceed the limits set forth in this Section; (ii) the corporation, labor organization, association, or a political committee established by а corporation, organization, or association facilitating the delivery of contributions maintains а list of natural persons,

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corporations, labor organizations, and associations that paid the dues, levies, or similar assessments from which the contributions comprising the aggregate amount derive; (iii) contributions made through dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association that exceed \$1,000 in a quarterly reporting period shall be itemized on the committee's quarterly report and may not be reported in the aggregate. A political action committee facilitating the delivery of contributions or receiving contributions shall disclose the amount of contributions made through dues delivered or received and the name of the corporation, labor organization, association, or political action committee delivering the contributions, if applicable. On January 1 of each odd-numbered year, the State Board of Elections shall adjust the amounts of the contribution limitations established in this subsection for inflation as determined by the Consumer Price Index for All Urban Consumers as issued by the United States Department of Labor and rounded to the nearest \$100. The State Board shall publish this information on its official website.

(j) A political committee that receives a contribution or transfer in violation of this Section shall dispose of the contribution or transfer by returning the contribution or transfer, or an amount equal to the contribution or transfer, to the contributor or transferor or donating the contribution

- or transfer, or an amount equal to the contribution or transfer, to a charity. A contribution or transfer received in violation of this Section that is not disposed of as provided in this subsection within 30 days after the Board sends notification to the political committee of the excess contribution by certified mail shall escheat to the General
- 7 Revenue Fund and the political committee shall be deemed in
- 8 violation of this Section and subject to a civil penalty not to
- 9 exceed 150% of the total amount of the contribution.
- 10 (k) For the purposes of this Section, "statewide office"
- 11 means the Governor, Lieutenant Governor, Attorney General,
- 12 Secretary of State, Comptroller, and Treasurer.
- 13 (1) This Section is repealed if and when the United States
- 14 Supreme Court invalidates contribution limits on committees
- formed to assist candidates, political parties, corporations,
- 16 associations, or labor organizations established by or
- 17 pursuant to federal law.
- 18 (Source: P.A. 102-664, eff. 1-1-22; 102-668, eff. 11-15-21;
- 19 102-909, eff. 5-27-22.)
- 20 (10 ILCS 5/9-11) (from Ch. 46, par. 9-11)
- 21 Sec. 9-11. Financial reports.
- 22 (a) Each quarterly report of campaign contributions,
- 23 expenditures, and independent expenditures under Section 9-10
- 24 shall disclose the following:
- 25 (1) the name and address of the political committee;

- (2) the name and address of the person submitting the report on behalf of the committee, if other than the chair or treasurer;
- (3) the amount of funds on hand at the beginning of the reporting period;
- (4) the full name and mailing address of each person who has made one or more contributions to or for the committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amounts and dates of those contributions, and, if the contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information;
- (5) the total sum of individual contributions made to or for the committee during the reporting period and not reported under item (4);
- (6) the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds in the aggregate amount or value in excess of \$150, together with the amounts and dates of all transfers;
- (7) the total sum of transfers made to or from the committee during the reporting period and not reported under item (6);

- (8) each loan to or from any person, political committee, or financial institution within the reporting period by or to the committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any; the dates and amounts of the loans; and, if a lender or endorser is an individual who loaned or endorsed a loan of more than \$500, the occupation and employer of that individual or, if the occupation and employer of the individual are unknown, a statement that the committee has made a good faith effort to ascertain this information;
- (9) the total amount of proceeds received by the committee from (i) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (ii) mass collections made at those events; and (iii) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (10) each contribution, rebate, refund, income from investments, or other receipt in excess of \$150 received by the committee not otherwise listed under items (4) through (9) and, if the contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this

information;

- (11) the total sum of all receipts by or for the committee or candidate during the reporting period;
- (12) the full name and mailing address of each person to whom expenditures have been made by the committee or candidate within the reporting period in an aggregate amount or value in excess of \$150; the amount, date, and purpose of each of those expenditures; and the question of public policy or the name and address of, and the office sought by, each candidate on whose behalf that expenditure was made;
- (13) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$150 has been made and that is not otherwise reported, including the amount, date, and purpose of the expenditure;
- (14) the value of each asset held as an investment, as of the final day of the reporting period;
- (15) the total sum of expenditures made by the committee during the reporting period; and
- (16) the full name and mailing address of each person to whom the committee owes debts or obligations in excess of \$150 and the amount of those debts or obligations.

For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross

- purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held they shall be identified by name and quantity of security or instrument on each <u>quarterly semi-annual</u> report during the period.
 - (b) Each report of a campaign contribution of \$1,000 or more required under subsection (c) of Section 9-10 shall disclose the following:
 - (1) the name and address of the political committee;
 - (2) the name and address of the person submitting the report on behalf of the committee, if other than the chair or treasurer; and
 - (3) the full name and mailing address of each person who has made a contribution of \$1,000 or more.
 - (c) Each quarterly report shall include the following information regarding any independent expenditures made during the reporting period: (1) the full name and mailing address of each person to whom an expenditure in excess of \$150 has been made in connection with an independent expenditure; (2) the amount, date, and purpose of such expenditure; (3) a statement whether the independent expenditure was in support of or in opposition to a particular candidate; (4) the name of the candidate; (5) the office and, when applicable, district, sought by the candidate; and (6) a certification, under penalty of perjury, that such expenditure was not made in

- cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee. The report shall also include (I) the total of all independent expenditures of \$150 or less made during the reporting period and (II) the total amount of all independent expenditures made during the reporting period.
 - (d) The Board shall by rule define a "good faith effort".
 - The reports of campaign contributions filed under this Article shall be cumulative during the reporting period to which they relate.
 - (e) Each report shall be verified, dated, and signed by either the treasurer of the political committee or the candidate on whose behalf the report is filed and shall contain the following verification:
 - "I declare that this report (including any accompanying schedules and statements) has been examined by me and, to the best of my knowledge and belief, is a true, correct, and complete report as required by Article 9 of the Election Code. I understand that willfully filing a false or incomplete statement is subject to a civil penalty of up to \$5,000.".
 - (f) A political committee may amend a report filed under subsection (a) or (b). The Board may reduce or waive a fine if the amendment is due to a technical or inadvertent error and the political committee files the amended report, except that a report filed under subsection (b) must be amended within 5 business days. The State Board shall ensure that a description

- of the amended information is available to the public. The
- 2 Board may promulgate rules to enforce this subsection.
- 3 (Source: P.A. 100-1027, eff. 1-1-19.)
- 4 (10 ILCS 5/9-23.5)
- 5 Sec. 9-23.5. Public database of founded complaints. The
- 6 State Board of Elections shall establish and maintain on its
- 7 official website a searchable database, freely accessible to
- 8 the public, of each complaint filed with the Board under this
- 9 Article with respect to which Board action was taken,
- 10 including all Board actions and penalties imposed, if any. The
- Board must update the database within 5 business days after an
- 12 action is taken or a penalty is imposed to include that
- 13 complaint, action, or penalty in the database. The Task Force
- 14 on Campaign Finance Reform shall make recommendations on
- 15 improving access to information related to founded complaints.
- 16 (Source: P.A. 96-832, eff. 1-1-11.)
- 17 (10 ILCS 5/9-35)
- 18 Sec. 9-35. Registration of business entities.
- 19 (a) This Section governs the procedures for the
- 20 registration required under Section 20-160 of the Illinois
- 21 Procurement Code.
- 22 For the purposes of this Section, the terms
- "officeholder", "State contract", "business entity", "State
- 24 agency", "affiliated entity", and "affiliated person" have the

1 meanings ascribed to those terms in Section 50-37 of the 2 Illinois Procurement Code.

- (b) Registration under Section 20-160 of the Illinois Procurement Code, and any changes to that registration, must be made electronically, and the State Board of Elections by rule shall provide for electronic registration; except that the State Board may adopt emergency rules providing for a temporary filing system, effective through August 1, 2009, under which business entities must file the required registration forms provided by the Board via e mail attachment in a PDF file or via another type of mail service and must receive from the State Board registration certificates via e-mail or paper registration certificates. The State Board shall retain the registrations submitted by business entities via e-mail or another type of mail service for at least 6 months following the establishment of the electronic registration system required by this subsection.
- 18 Each registration must contain substantially the 19 following:
 - (1) The name and address of the business entity.
 - (2) The name and address of any affiliated entity of the business entity, including a description of the affiliation.
 - (3) The name and address of any affiliated person of the business entity, including a description of the affiliation.

- (c) The Board shall provide a certificate of registration to the business entity. The certificate shall be electronic except as otherwise provided in this Section, and accessible to the business entity through the State Board of Elections' website and protected by a password. Within 60 days after establishment of the electronic system, each business entity that submitted a registration via e mail attachment or paper copy pursuant to this Section shall re submit its registration electronically. At the time of re submission, the State Board of Elections shall provide an electronic certificate of registration to that business entity.
- (d) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall provide a copy of the registration certificate, by first class mail or hand delivery within 10 days after registration, to each affiliated entity or affiliated person whose identity is required to be disclosed. Failure to provide notice to an affiliated entity or affiliated person is a business offense for which the business entity is subject to a fine not to exceed \$1,001.
- (e) In addition to any penalty under Section 20-160 of the Illinois Procurement Code, intentional, willful, or material failure to disclose information required for registration is subject to a civil penalty imposed by the State Board of Elections. The State Board shall impose a civil penalty of \$1,000 per business day for failure to update a registration.
 - (f) Any business entity required to register under Section

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20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution, at the time of the contribution, that the business entity is registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code. Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution that it is affiliated with a business entity registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code.

(g) The State Board of Elections on its official website a searchable database containing (i) have information required to be submitted to the Board under Section 20-160 of the Illinois Procurement Code and (ii) all reports filed under this Article with the State Board of Elections by all political committees. For the purposes of databases maintained by the State Board of Elections, "searchable" means able to search by "political committee", as defined in this Article, and by "officeholder", "State agency", "business entity", "affiliated entity", and "affiliated person". The Board shall not place the name of a minor child on the website. However, the Board shall provide a link to all contributions made by anyone reporting the same residential address as any affiliated person. In addition, the State Board of Elections on its official website shall provide

- 1 an electronic connection to any searchable database of State
- 2 contracts maintained by the Comptroller, searchable by
- 3 business entity.
- 4 (h) The State Board of Elections shall have rulemaking
- 5 authority to implement this Section.
- 6 (Source: P.A. 95-971, eff. 1-1-09; 95-1038, eff. 3-11-09.)
- 7 (10 ILCS 5/10-6.1) (from Ch. 46, par. 10-6.1)
- 8 Sec. 10-6.1. The board or clerk with whom a certificate of
- 9 nomination or nomination papers are filed shall notify the
- 10 person for whom such papers are filed of the obligation to file
- 11 statements of organization, reports of campaign contributions,
- 12 and quarterly annual reports of campaign contributions and
- 13 expenditures under Article 9 of this Act. Such notice shall be
- 14 given in the manner prescribed by paragraph (7) of Section
- 15 9-16 of this Code.
- 16 (Source: P.A. 81-1189.)
- 17 (10 ILCS 5/29B-10) (from Ch. 46, par. 29B-10; formerly Ch.
- 18 46, par. 1103)
- 19 Sec. 29B-10. Code of Fair Campaign Practices. At the time
- 20 a political committee, as defined in Article 9, files its
- 21 statements of organization, the State Board of Elections, in
- 22 the case of a state political committee or a political
- 23 committee acting as both a state political committee and a
- 24 local political committee, or the county clerk, in the case of

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a local political committee, shall give the political committee a blank form of the Code of Fair Campaign Practices and a copy of the provisions of this Article. The State Board of Elections or county clerk shall inform each political committee that subscription to the Code is voluntary. The text of the Code shall read as follows:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate for public office in the State of Illinois has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I will conduct my campaign openly and publicly, and limit attacks on my opponent to legitimate challenges to his record.
- 19 (2) I will not use or permit the use of character 20 defamation, whispering campaigns, libel, slander, or 21 scurrilous attacks on any candidate or his personal or family 22 life.
- 23 (3) I will not use or permit any appeal to negative 24 prejudice based on race, sex, sexual orientation, religion or 25 national origin.
- 26 (4) I will not use campaign material of any sort that

- 1 misrepresents, distorts, or otherwise falsifies the facts, nor
- 2 will I use malicious or unfounded accusations that aim at
- 3 creating or exploiting doubts, without justification, as to
- 4 the personal integrity or patriotism of my opposition.
- 5 (5) I will not undertake or condone any dishonest or
- 6 unethical practice that tends to corrupt or undermine our
- 7 American system of free elections or that hampers or prevents
- 8 the full and free expression of the will of the voters.
- 9 (6) I will defend and uphold the right of every qualified
- 10 American voter to full and equal participation in the
- 11 electoral process.
- 12 (7) I will immediately and publicly repudiate methods and
- tactics that may come from others that I have pledged not to
- 14 use or condone. I shall take firm action against any
- 15 subordinate who violates any provision of this Code or the
- 16 laws governing elections.
- 17 I, the undersigned, candidate for election to public
- 18 office in the State of Illinois or chair of a political
- 19 committee in support of or opposition to a question of public
- 20 policy, hereby voluntarily endorse, subscribe to, and solemnly
- 21 pledge myself to conduct my campaign in accordance with the
- 22 above principles and practices.
- 23
- 24 Date Signature
- 25 (Source: P.A. 100-1027, eff. 1-1-19.)

- 1 (10 ILCS 5/29B-15) (from Ch. 46, par. 29B-15; formerly Ch.
- 2 46, par. 1104)
- 3 Sec. 29B-15. Responsibility of State Board of Elections
- 4 for printing and supplying of forms. The State Board of
- 5 Elections shall print, or cause to be printed, copies of the
- 6 Code of Fair Campaign Practices. The State Board of Elections
- 7 shall supply the forms to the county clerks in quantities and
- 8 at times requested by the clerks.
- 9 (Source: P.A. 86-873; 87-1052.)
- 10 (10 ILCS 5/29B-20) (from Ch. 46, par. 29B-20; formerly Ch.
- 11 46, par. 1105)
- 12 Sec. 29B-20. Acceptance of completed forms; retentions for
- 13 public inspection. The State Board of Elections and the county
- 14 clerks shall accept, at all times prior to an election, all
- 15 completed copies of the Code of Fair Campaign Practices that
- are properly subscribed to by a candidate or the chair of a
- 17 political committee in support of or opposition to a question
- 18 of public policy, and shall retain them for public inspection
- 19 until 30 days after the election.
- 20 (Source: P.A. 100-1027, eff. 1-1-19.)
- 21 (10 ILCS 5/9-45 rep.)
- 22 Section 10. The Election Code is amended by repealing
- 23 Section 9-45.

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- Section 15. The Illinois Procurement Code is amended by changing Section 50-37 as follows:
- 3 (30 ILCS 500/50-37)
- 4 Sec. 50-37. Prohibition of political contributions.
 - (a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code; contracts for projects eligible for full or partial federal-aid funding reimbursements authorized by the Federal Highway Administration; grants, including but not limited to grants for job training are transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

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"State agency" means and includes all commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch of State government and include colleges, universities, public systems, and institutions retirement under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

Governor, "Officeholder" means the Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall considered the officeholder responsible for awarding all contracts by all officers and employees of, and potential contractors and others doing business with, executive branch State agencies under the jurisdiction of Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9 3 of the Election Code.

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"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse of any such persons. "Affiliated person" does not include a person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Affiliated entity" means (i) any corporate parent and each operating subsidiary of the bidding or contracting business entity, (ii) each operating subsidiary of the corporate parent of the bidding or contracting business entity, (iii) any organization recognized by the United Internal Revenue Service as а tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) (blank) any political committee for which the bidding or contracting business entity, or any 501(c) organization described in item (iii) related to that business entity, is the sponsoring entity. "Affiliated entity" does not include an entity prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

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"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means (i) the President, Chairman, or Chief Executive Officer of a business entity and any other individual that fulfills equivalent duties the President, Chairman of the Board, or Chief as Executive Officer of a business entity; and (ii) any employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee. A regular salary that is paid irrespective of the award or payment of a contract with a State agency shall not constitute "compensation" under item (ii) of this definition. "Executive employee" does not include any person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy of (i) the officeholder responsible for awarding the contracts or (ii) any other declared candidate for that

office. This prohibition shall be effective for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer.

- (c) Any business entity whose aggregate pending bids and offers on State contracts total more than \$50,000, or whose aggregate pending bids and offers on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy of the officeholder responsible for awarding the contract on which the business entity has submitted a bid or offer during the period beginning on the date the invitation for bids, request for proposals, or any other procurement opportunity is issued and ending on the day after the date the contract is awarded.
- (c-5) For the purposes of the prohibitions under subsections (b) and (c) of this Section, (i) any contribution made to a political committee established to promote the candidacy of the Governor or a declared candidate for the office of Governor shall also be considered as having been made to a political committee established to promote the candidacy of the Lieutenant Governor, in the case of the Governor, or the declared candidate for Lieutenant Governor

having filed a joint petition, or write-in declaration of intent, with the declared candidate for Governor, as applicable, and (ii) any contribution made to a political committee established to promote the candidacy of the Lieutenant Governor or a declared candidate for the office of Lieutenant Governor shall also be considered as having been made to a political committee established to promote the candidacy of the Governor, in the case of the Lieutenant Governor, or the declared candidate for Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Lieutenant Governor, as applicable.

- entity that violate subsection (b) or (c) shall be voidable under Section 50-60. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts between State agencies and that business entity shall be void, and that business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for 3 years from the date of the last violation. A notice of each violation and the penalty imposed shall be published in both the Procurement Bulletin and the Illinois Register.
- (e) Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay an amount equal to the value of the contribution to the State

- 1 no more than 30 calendar days after notice of the violation
- 2 concerning the contribution appears in the Illinois Register.
- 3 Payments received by the State pursuant to this subsection
- 4 shall be deposited into the general revenue fund.
- 5 (Source: P.A. 97-411, eff. 8-16-11; 98-1076, eff. 1-1-15.)