



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4672

Introduced 1/12/2006, by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-30

Amends the Election Code. Authorizes the State Board of Elections to seek judicial enforcement and injunctive relief against a political committee for unpaid civil penalties imposed by the Board with respect to campaign finance reporting violations. Prohibits certification of candidates whose committees have outstanding civil penalties (now, prohibits the name of a candidate with unpaid penalties from appearing on the ballot).

LRB094 16580 JAM 51841 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing Section
5 9-30 as follows:

6 (10 ILCS 5/9-30)

7 Sec. 9-30. Remedies. ~~Ballot forfeiture.~~

8 (a) Civil penalties imposed by a final order of the Board
9 under this Article shall be enforceable in the circuit court if
10 the penalty is not paid within 30 days after entry of the
11 Board's order. The Board shall petition the court for an order
12 to enforce collection of the penalty and if the court finds
13 that it has jurisdiction over the political committee, as
14 defined in Sections 9-1.7 and 9-1.8 of this Article, against
15 whom the penalty was imposed, the court shall issue the
16 appropriate order.

17 (b) The Board may seek injunctive relief against a
18 committee, as defined in Sections 9-1.7 and 9-1.8 of this
19 Article, for failure or refusal to pay any civil penalty
20 imposed pursuant to a final order of the Board for violation of
21 this Article. If the court finds it has jurisdiction over the
22 committee it may grant the relief it deems appropriate and
23 proper, which may include an order restraining or enjoining the
24 committee from accepting contributions, making expenditures,
25 or transferring funds while any penalty remains unpaid. This
26 subsection shall not apply to committees of candidates who may
27 be subject to ballot forfeiture under subsection (c).

28 The Board may not proceed under this subsection until it
29 has exhausted its remedy under subsection (a) and the penalty
30 remains unpaid.

31 (c) No candidate for public office shall be certified by
32 the Board or any election authority to appear on the ballot at

1 any election if that candidate's political committee or
2 committees have not paid the civil penalty or penalties imposed
3 on the committee by a final order of the Board for violation of
4 this Article. For purposes of this subsection, the term
5 "political committee" shall not include (1) any State or local
6 political party organization or (2) any organization,
7 association, society, or group also required to file reports
8 with the Secretary of State under the Lobbyist Registration
9 Act.

10 The Board may not proceed under this subsection until it
11 has exhausted its remedy under subsection (a) and the penalty
12 remains unpaid.

13 (d) Any civil penalties collected pursuant to subsection
14 (a), (b), or (c) shall be forwarded to the State Treasurer. ~~The~~
15 ~~name of a person who has not paid a civil penalty imposed~~
16 ~~against him or her under this Article shall not appear upon any~~
17 ~~ballot for any office in any election while the penalty is~~
18 ~~unpaid.~~

19 (Source: P.A. 93-615, eff. 11-19-03.)