

# HB5736



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5736

by Rep. Elizabeth Coulson

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Requires each political committee to report a campaign contribution of \$10,000 or more to the State Board of Elections within 2 business days after its receipt. Authorizes the State Board of Elections to impose a fine for failing to report.

LRB095 17971 JAM 44053 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 Section  
5 9-10 as follows:

6 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)  
7 Sec. 9-10. Financial reports.

8 (a) The treasurer of every state political committee and  
9 the treasurer of every local political committee shall file  
10 with the Board, and the treasurer of every local political  
11 committee shall file with the county clerk, reports of campaign  
12 contributions, and semi-annual reports of campaign  
13 contributions and expenditures on forms to be prescribed or  
14 approved by the Board. The treasurer of every political  
15 committee that acts as both a state political committee and a  
16 local political committee shall file a copy of each report with  
17 the State Board of Elections and the county clerk. Entities  
18 subject to Section 9-7.5 shall file reports required by that  
19 Section at times provided in this Section and are subject to  
20 the penalties provided in this Section.

21 (b) This subsection does not apply with respect to general  
22 primary elections. Reports of campaign contributions shall be  
23 filed no later than the 15th day next preceding each election

1 in connection with which the political committee has accepted  
2 or is accepting contributions or has made or is making  
3 expenditures. Such reports shall be complete as of the 30th day  
4 next preceding each election. The Board shall assess a civil  
5 penalty not to exceed \$5,000 for a violation of this  
6 subsection, except that for State officers and candidates and  
7 political committees formed for statewide office, the civil  
8 penalty may not exceed \$10,000. The fine, however, shall not  
9 exceed \$500 for a first filing violation for filing less than  
10 10 days after the deadline. There shall be no fine if the  
11 report is mailed and postmarked at least 72 hours prior to the  
12 filing deadline. For the purpose of this subsection, "statewide  
13 office" and "State officer" means the Governor, Lieutenant  
14 Governor, Attorney General, Secretary of State, Comptroller,  
15 and Treasurer. However, a continuing political committee that  
16 does not make expenditures in excess of \$500 on behalf of or in  
17 opposition to any candidate or public question on the ballot at  
18 an election shall not be required to file the reports  
19 prescribed in this subsection (b) and subsection (b-5) but may  
20 file in lieu thereof a Statement of Nonparticipation in the  
21 Election with the Board or the Board and the county clerk ;  
22 except that if the political committee, by the terms of its  
23 statement of organization filed in accordance with this  
24 Article, is organized to support or oppose a candidate or  
25 public question on the ballot at the next election or primary,  
26 that committee must file reports required by this subsection

1 (b) and by subsection (b-5).

2 (b-5) Notwithstanding the provisions of subsection (b) and  
3 Section 1.25 of the Statute on Statutes, (A) any contribution  
4 of more than \$500 received (i) with respect to elections other  
5 than the general primary election, in the interim between the  
6 last date of the period covered by the last report filed under  
7 subsection (b) prior to the election and the date of the  
8 election or (ii) with respect to general primary elections, in  
9 the period beginning January 1 of the year of the general  
10 primary election and prior to the date of the general primary  
11 election and (B) any contribution of \$10,000 or more received  
12 at any time shall be filed with and must actually be received  
13 by the State Board of Elections within 2 business days after  
14 receipt of such contribution. A continuing political committee  
15 that does not support or oppose a candidate or public question  
16 on the ballot at a general primary election and does not make  
17 expenditures in excess of \$500 on behalf of or in opposition to  
18 any candidate or public question on the ballot at the general  
19 primary election shall not be required to file the report  
20 prescribed in clause (A) of this subsection unless the  
21 committee makes an expenditure in excess of \$500 on behalf of  
22 or in opposition to any candidate or public question on the  
23 ballot at the general primary election. The committee shall  
24 timely file the report required under clauses (A) of this  
25 subsection beginning with the date the expenditure that  
26 triggered participation was made. The State Board shall allow

1 filings of reports of contributions ~~of more than \$500~~ under  
2 this subsection (b-5) by political committees that are not  
3 required to file electronically to be made by facsimile  
4 transmission. For the purpose of this subsection, a  
5 contribution is considered received on the date the public  
6 official, candidate, or political committee (or equivalent  
7 person in the case of a reporting entity other than a political  
8 committee) actually receives it or, in the case of goods or  
9 services, 2 business days after the date the public official,  
10 candidate, committee, or other reporting entity receives the  
11 certification required under subsection (b) of Section 9-6.  
12 Failure to report each contribution is a separate violation of  
13 this subsection. In the final disposition of any matter by the  
14 Board on or after the effective date of this amendatory Act of  
15 the 93rd General Assembly, the Board may impose fines for  
16 violations of this subsection not to exceed 100% of the total  
17 amount of the contributions that were untimely reported, but in  
18 no case when a fine is imposed shall it be less than 10% of the  
19 total amount of the contributions that were untimely reported.  
20 When considering the amount of the fine to be imposed, the  
21 Board shall consider, but is not limited to, the following  
22 factors:

23 (1) whether in the Board's opinion the violation was  
24 committed inadvertently, negligently, knowingly, or  
25 intentionally;

26 (2) the number of days the contribution was reported

1 late; and

2 (3) past violations of this Section and Section  
3 ~~Sections 9-3 and 9-10~~ of this Article by the committee.

4 (c) In addition to such reports the treasurer of every  
5 political committee shall file semi-annual reports of campaign  
6 contributions and expenditures no later than July 20th,  
7 covering the period from January 1st through June 30th  
8 immediately preceding, and no later than January 20th, covering  
9 the period from July 1st through December 31st of the preceding  
10 calendar year. Reports of contributions and expenditures must  
11 be filed to cover the prescribed time periods even though no  
12 contributions or expenditures may have been received or made  
13 during the period. The Board shall assess a civil penalty not  
14 to exceed \$5,000 for a violation of this subsection, except  
15 that for State officers and candidates and political committees  
16 formed for statewide office, the civil penalty may not exceed  
17 \$10,000. The fine, however, shall not exceed \$500 for a first  
18 filing violation for filing less than 10 days after the  
19 deadline. There shall be no fine if the report is mailed and  
20 postmarked at least 72 hours prior to the filing deadline. For  
21 the purpose of this subsection, "statewide office" and "State  
22 officer" means the Governor, Lieutenant Governor, Attorney  
23 General, Secretary of State, Comptroller, and Treasurer.

24 (c-5) A political committee that acts as either (i) a State  
25 and local political committee or (ii) a local political  
26 committee and that files reports electronically under Section

1 9-28 is not required to file copies of the reports with the  
2 appropriate county clerk if the county clerk has a system that  
3 permits access to, and duplication of, reports that are filed  
4 with the State Board of Elections. A State and local political  
5 committee or a local political committee shall file with the  
6 county clerk a copy of its statement of organization pursuant  
7 to Section 9-3.

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

11 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07.)