

# HB0024



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0024

by Rep. Harry Osterman

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code with respect to campaign finance. Limits a candidate to the establishment of one political committee; permits a General Assembly caucus leader to establish an additional caucus committee. Requires candidates, and permits political parties and General Assembly caucus leaders, to designate a single political committee to accept campaign contributions and regulates the manner of designation. Sets limits on the amount of campaign contributions an individual, a corporation, a labor organization, and an association may make to political committees of public office candidates, established political parties, political party committeeperson candidates, and legislative caucuses. Regulates the solicitation by corporations, labor organizations, and associations of employees and employee families for campaign contributions.

LRB096 03431 JAM 13455 b

FISCAL NOTE ACT  
MAY APPLY

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 the  
5 heading of Article 9 and Sections 9-1, 9-1.4, and 9-1.5 and by  
6 adding Sections 9-1.16, 9-1.17, 9-1.18, 9-1.19, 9-1.20,  
7 9-1.21, 9-1.22, 9-1.23, 9-1.24, 9-2.5, 9-2.7, 9-8.5, and 9-8.7  
8 as follows:

9 (10 ILCS 5/Art. 9 heading)

10 ARTICLE 9. DISCLOSURE AND REGULATION OF CAMPAIGN  
11 CONTRIBUTIONS AND EXPENDITURES

12 (10 ILCS 5/9-1) (from Ch. 46, par. 9-1)

13 Sec. 9-1. As used in this Article, unless the context  
14 otherwise requires, the terms defined in Sections 9-1.1 through  
15 9-1.24 ~~9-1.13~~, have the respective meanings as defined in those  
16 Sections.

17 (Source: P.A. 86-873.)

18 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

19 Sec. 9-1.4. Contribution.

20 (A) "Contribution" means-

21 (1) a gift, subscription, donation, dues, loan,

1 advance, or deposit of money or anything of value,  
2 knowingly received in connection with the nomination for  
3 election, ~~or~~ election, or retention of any person to or in  
4 public office, in connection with the election of any  
5 person as ward or township committeeman in counties of  
6 3,000,000 or more population, or in connection with any  
7 question of public policy;

8 (1.5) a gift, subscription, donation, dues, loan,  
9 advance, deposit of money, or anything of value that  
10 constitutes an electioneering communication regardless of  
11 whether the communication is made in concert or cooperation  
12 with or at the request, suggestion, or knowledge of a  
13 candidate, a candidate's authorized local political  
14 committee, a State political committee, a political  
15 committee in support of or opposition to a question of  
16 public policy, or any of their agents;

17 (2) the purchase of tickets for fund-raising events,  
18 including but not limited to dinners, luncheons, cocktail  
19 parties, and rallies made in connection with the nomination  
20 for election, ~~or~~ election, or retention of any person to or  
21 in public office, in connection with the election of any  
22 person as ward or township committeeman in counties of  
23 3,000,000 or more population, or in connection with any  
24 question of public policy;

25 (3) a transfer of funds between political committees;

26 ~~and~~

1 (4) the services of an employee donated by an employer,  
2 in which case the contribution shall be listed in the name  
3 of the employer, except that any individual services  
4 provided voluntarily and without promise or expectation of  
5 compensation from any source shall not be deemed a  
6 contribution; and but

7 (5) any expenditure made in cooperation, consultation,  
8 or concert with the committee, but

9 (6) ~~(5)~~ does not include--

10 (a) the use of real or personal property and the  
11 cost of invitations, food, and beverages, voluntarily  
12 provided by an individual in rendering voluntary  
13 personal services on the individual's residential  
14 premises for candidate-related activities; provided  
15 the value of the service provided does not exceed an  
16 aggregate of \$150 in a reporting period;

17 (b) (blank); ~~the sale of any food or beverage by a~~  
18 ~~vendor for use in a candidate's campaign at a charge~~  
19 ~~less than the normal comparable charge, if such charge~~  
20 ~~for use in a candidate's campaign is at least equal to~~  
21 ~~the cost of such food or beverage to the vendor.~~

22 (c) communications on any subject by a corporation  
23 to its stockholders and executive or administrative  
24 personnel and their families, by a labor organization  
25 to its members and their families, or by an association  
26 to its members and their families;

1           (d) voter registration and get-out-the-vote  
2           campaigns that make no mention of any clearly  
3           identified candidate, public question, or political  
4           party, or group or combination thereof;

5           (e) the establishment, administration, and  
6           solicitation of contributions to a separate segregated  
7           fund to be used for political purposes by a  
8           corporation, labor organization, or association; or

9           (f) a secured loan of money by a national or State  
10          bank or credit union made in accordance with the  
11          applicable banking laws and regulations and in the  
12          ordinary course of business; however, the use,  
13          ownership, or control of any security for such a loan,  
14          if provided by a person other than the candidate or his  
15          or her committee, qualifies as a contribution.

16          (B) Interest or other investment income, earnings or  
17          proceeds, and refunds or returns of all or part of a  
18          committee's previous expenditures, shall not be considered  
19          contributions for the purposes of Section 9-8.5 but shall be  
20          listed with contributions on disclosure reports required by  
21          this Article.

22          (Source: P.A. 94-645, eff. 8-22-05.)

23                 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

24                 Sec. 9-1.5. Expenditure defined.

25                 "Expenditure" means-

1           (1) a payment, distribution, purchase, loan, advance,  
2 deposit, or gift of money or anything of value, in connection  
3 with the nomination for election, ~~or~~ election, or retention of  
4 any person to or in public office, in connection with the  
5 election of any person as ward or township committeeman in  
6 counties of 3,000,000 or more population, or in connection with  
7 any question of public policy. "Expenditure" also includes a  
8 payment, distribution, purchase, loan, advance, deposit, or  
9 gift of money or anything of value that constitutes an  
10 electioneering communication regardless of whether the  
11 communication is made in concert or cooperation with or at the  
12 request, suggestion, or knowledge of a candidate, a candidate's  
13 authorized local political committee, a State political  
14 committee, a political committee in support of or opposition to  
15 a question of public policy, or any of their agents. However,  
16 expenditure does not include -

17           ~~(a)~~ the use of real or personal property and the cost  
18 of invitations, food, and beverages, voluntarily provided  
19 by an individual in rendering voluntary personal services  
20 on the individual's residential premises for  
21 candidate-related activities; provided the value of the  
22 service provided does not exceed an aggregate of \$150 in a  
23 reporting period. +

24           ~~(b) the sale of any food or beverage by a vendor for~~  
25 ~~use in a candidate's campaign at a charge less than the~~  
26 ~~normal comparable charge, if such charge for use in a~~

1 ~~candidate's campaign is at least equal to the cost of such~~  
2 ~~food or beverage to the vendor.~~

3 (2) a transfer of funds between political committees.

4 (3) a payment for electioneering communications.

5 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
6 93-847, eff. 7-30-04.)

7 (10 ILCS 5/9-1.16 new)

8 Sec. 9-1.16. Independent expenditure. "Independent  
9 expenditure" means an expenditure by a person:

10 (a) expressly advocating the election or defeat of a  
11 clearly identified candidate; and

12 (b) that is not made in cooperation, consultation, or  
13 concert with or at the request or suggestion of the candidate,  
14 the candidate's authorized political committee or agents, or  
15 agents thereof.

16 (10 ILCS 5/9-1.17 new)

17 Sec. 9-1.17. Clearly identified or identifiable. "Clearly  
18 identified" or "clearly identifiable" means that:

19 (a) the name, voice, image, or likeness of a candidate  
20 appears; or

21 (b) the identify of the candidate is apparent by  
22 unambiguous reference.

23 (10 ILCS 5/9-1.18 new)

1       Sec. 9-1.18. Regular election period. "Regular election  
2 period" means any of:

3       (a) the period beginning on January 1 immediately following  
4 the date of the general election for the office to which a  
5 candidate seeks nomination or election and ending the day of  
6 the General primary election for that office;

7       (b) the period beginning on the day after the general  
8 primary election for the office to which the candidate seeks  
9 nomination or election and ending on the December 31 after the  
10 general election for that office;

11       (c) the period beginning on the date on which a sitting  
12 judge declares for retention and ending 90 days after the  
13 retention election.

14       (10 ILCS 5/9-1.19 new)

15       Sec. 9-1.19. Municipal election period. "Municipal  
16 election period" means the period beginning on July 1  
17 immediately following the date of the consolidated primary  
18 election or consolidated election at which the office for which  
19 the candidate seeks nomination or election is filled and ending  
20 on June 30 immediately preceding the date of the next  
21 consolidated primary election for that office, unless the  
22 office is not filled at the consolidated primary election, in  
23 which instance candidates who will seek office in the next  
24 upcoming consolidated election may begin a new municipal  
25 election period the day after the consolidated primary election



1 and ending on the next June 30.

2 (10 ILCS 5/9-1.20 new)

3 Sec. 9-1.20. Labor organization. The term "labor  
4 organization" means any organization of any kind or any agency  
5 or employee representation committee or plan in which employees  
6 participate and that exists for the purpose, in whole or in  
7 part, of dealing with employers concerning grievances, labor  
8 disputes, wages, rates of pay, hours of employment, or  
9 conditions of work.

10 (10 ILCS 5/9-1.21 new)

11 Sec. 9-1.21. Corporation. The term "corporation" includes  
12 a limited liability company, partnership, professional  
13 practice, cooperative, or sole proprietorship, whether  
14 organized on a for-profit or non-profit basis.

15 (10 ILCS 5/9-1.22 new)

16 Sec. 9-1.22. Association. The term "association" means any  
17 group, club, meeting, collective, membership organization,  
18 collection of persons, any entity organized under Section 501  
19 or 527 of the Internal Revenue Code, or any other entity other  
20 than a natural person, except that an association does not  
21 include a political committee organized under this Article.

22 (10 ILCS 5/9-1.23 new)

1       Sec. 9-1.23. Earmarked. The term "earmarked" means a  
2 designation, instruction, or encumbrance, whether direct or  
3 indirect, express or implied, oral or written, that results in  
4 all or any part of a contribution or expenditure being made to,  
5 or expended on behalf of, a clearly identified candidate a  
6 candidate's designated committee, or a committee in support of  
7 or opposition to a public question.

8           (10 ILCS 5/9-1.24 new)

9       Sec. 9-1.24. Conduit and intermediary. The terms "conduit"  
10 and "intermediary" are interchangeable and mean any person who  
11 receives a contribution earmarked by the contributor to be  
12 forwarded or transmitted to another.

13           (10 ILCS 5/9-2.5 new)

14       Sec. 9-2.5. Single political committee.

15       (a) Except as provided by this Section, no public official  
16 or candidate for public office may establish more than one  
17 political committee for each office that public official or  
18 candidate occupies or is seeking.

19       (b) A public official with one or more pre-existing  
20 committees bound by the limits of any subsection of Section  
21 9-8.5 considering a candidacy for any office covered by the  
22 limits of any different subsection of Section 9-8.5 must form a  
23 new committee, to be termed an exploratory committee. A  
24 pre-existing committee created for the primary purpose of

1 aiding that candidate's election to other offices that ceases  
2 all fundraising after the creation of an exploratory committee  
3 may transfer funds without limit to an exploratory committee.  
4 Should the candidate decide against running for the new office,  
5 fail to qualify for the ballot at the next election, or lose  
6 the next election, any remaining funds held by the exploratory  
7 committee shall be returned to contributors or donated to  
8 charity, and the committee shall be closed, within 90 days.

9 (c) The public officials elected President of the Senate,  
10 Minority Leader of the Senate, Speaker of the House of  
11 Representatives, and Minority Leader of the House of  
12 Representatives may each establish and operate one additional  
13 political committee for the purpose of supporting the election  
14 of candidates to the General Assembly. The committees provided  
15 for in this subsection (c) shall not be considered established  
16 by the President of the Senate, Minority Leader of the Senate,  
17 Speaker of the House of Representatives, or Minority Leader of  
18 the House of Representatives for purposes of Section 9-8.5.

19 (10 ILCS 5/9-2.7 new)

20 Sec. 9-2.7. Political committee designations.

21 (a) Candidate committees.

22 (1) Each candidate shall designate in writing one and  
23 only one political committee to serve as the political  
24 committee of the candidate. The designation shall be made  
25 no later than 15 days after becoming a candidate or

1 establishing the committee and shall be filed with the  
2 State Board of Election. Any committee so designated may,  
3 within 10 business days after notification of the  
4 designation, reject the designation. If a committee  
5 rejects a candidate designation, the committee must return  
6 to donors any funds raised as a result of the designation,  
7 and the candidate must create and designate a new committee  
8 within 5 business days after the rejection.

9 (2) The name of the designated committee shall include  
10 the name of the candidate who authorized the committee  
11 under paragraph (1). No political committee that is not an  
12 authorized candidate committee may include the full name of  
13 that candidate in its name.

14 (b) Party committees.

15 (1) Any political organization or party may designate  
16 in writing one and only one political committee to serve as  
17 the political committee of the party for elections to State  
18 or local office. The designation shall be made no later  
19 than 15 days after the effective date of this amendatory  
20 Act of the 96th General Assembly, or 15 days after  
21 formation of the committee, and shall be filed with the  
22 State Board of Election. The designation of a party  
23 committee may be changed only upon the replacement of the  
24 party chairman.

25 (2) The name of the designated committee shall include  
26 the name of the party that authorized the committee under

1 paragraph (1). No political committee that is not an  
2 authorized party committee may include the full name of  
3 that party in its name.

4 (c) Caucus committees.

5 (1) The public officials elected President of the  
6 Senate, Minority Leader of the Senate, Speaker of the House  
7 of Representatives, and Minority Leader of the House of  
8 Representatives may each designate in writing one and only  
9 one political committee to serve as the political committee  
10 of his or her caucus. The designation shall be made no  
11 later than 15 days after the start of the General Assembly,  
12 and shall be filed with the State Board of Election. The  
13 designation of a caucus committee may not be changed,  
14 revoked, or altered until the start of the next General  
15 Assembly unless the person elected to the office authorized  
16 to designate the caucus committee also changes; the new  
17 leader may designate a new committee within 15 days after  
18 taking office. All contributions from all committees  
19 designated the caucus committee for a particular caucus  
20 made during a single election period shall be aggregated  
21 for the purposes of Section 9-8.5.

22 (2) The name of the designated committee shall include  
23 a clear and unambiguous reference to the caucus that  
24 authorized the committee under paragraph (1). No political  
25 committee that is not an authorized caucus committee may  
26 include the name of that caucus in its name.

1       (d) All designations, statements, and reports required to  
2 be filed under this Section shall be filed with the Board. The  
3 Board shall retain and make the designations, statements, and  
4 reports received under this Section available for public  
5 inspection and copying in the same manner as statements of  
6 organization.

7           (10 ILCS 5/9-8.5 new)

8       Sec. 9-8.5. Limitation on contributions.

9       (a) It shall be unlawful for any person to make  
10 contributions to a political committee except as provided in  
11 this Section.

12       (b) For political committees designated by a candidate for  
13 legislative office:

14           (1) Natural persons may contribute no more than \$2,300  
15 during any regular election period in which the candidate  
16 who designated the committee is seeking nomination or  
17 election.

18           (2) Political committees established by a State  
19 political party may contribute not more than \$30,000 during  
20 the regular election period that includes the general  
21 election in which the candidate who designated the  
22 committee is seeking election; provided that all  
23 committees established by a State political party, under  
24 State or federal law, shall be considered as one committee  
25 for the purpose of this Section.

1           (3) Political committees established by a partisan  
2           legislative caucus may contribute not more than \$30,000  
3           during any regular election period in which the candidate  
4           who designated the committee is seeking nomination or  
5           election.

6           (4) Any other political committee not designated or  
7           controlled by the candidate may contribute no more than  
8           \$5,000 during a regular election period in which the  
9           candidate who designated the committee is seeking  
10           nomination or election.

11           (5) A corporation, labor organization, or association  
12           may contribute from its own treasuries no more than \$5,000  
13           during each election period. All contributions from  
14           associated entities, including political committees for  
15           which the corporation, labor organization, or association  
16           is the sponsoring entity, shall be aggregated for the  
17           purposes of this Section.

18           (c) For political committees designated by a candidate for  
19           a local office or for ward or township committeeman in counties  
20           of 3,000,000 or more population:

21           (1) Natural persons may contribute no more than \$2,300  
22           during any regular election period in which the candidate  
23           who designated the committee is seeking nomination or  
24           election.

25           (2) The candidate may designate one and only one  
26           political party whose political committees may contribute

1 not more than \$10,000 during the regular election period  
2 that includes the general election in which the candidate  
3 who designated the committee is seeking election; provided  
4 that all committees established by the political party,  
5 under State or federal law, shall be considered as one  
6 committee for the purpose of this Section.

7 (3) Any other political committee not designated or  
8 controlled by the candidate may contribute no more than  
9 \$5,000 during a regular election period in which the  
10 candidate who designated the committee is seeking  
11 nomination or election.

12 (3.5) A corporation, labor organization, or  
13 association may contribute from its own treasuries no more  
14 than \$5,000 during each election period. All contributions  
15 from associated entities, including political committees  
16 for which the corporation, labor organization, or  
17 association is the sponsoring entity, shall be aggregated  
18 for the purposes of this Section.

19 (4) Committees designated by one or more candidates for  
20 any office required to file a statement of economic  
21 interests with a county clerk may select to follow the  
22 municipal election calendar. Committees that select to  
23 follow the municipal election calendar must make that  
24 decision at least 18 months prior to the next consolidated  
25 primary election or within 30 days after creation. The  
26 selection to follow the municipal election calendar is



1 irrevocable. For committees that select to follow the  
2 municipal election calendar:

3 (A) Natural persons may contribute no more than  
4 \$2,300 during any Municipal election period in which  
5 the candidate who designated the committee is seeking  
6 nomination or election.

7 (B) The candidate may designate one and only one  
8 political party whose political committees may  
9 contribute not more than \$10,000 during the regular  
10 election period that includes the consolidated  
11 election in which the candidate who designated the  
12 committee is seeking election; provided that all  
13 committees established by the political party, under  
14 State or federal law, shall be considered as one  
15 committee for the purpose of this Section.

16 (C) Any other political committee not designated  
17 or controlled by the candidate may contribute no more  
18 than \$5,000 during any municipal election period in  
19 which the candidate who designated the committee is  
20 seeking nomination or election.

21 (D) A corporation, labor organization, or  
22 association may contribute from its own treasuries no  
23 more than \$5,000 during each election period. All  
24 contributions from associated entities, including  
25 political committees for which the corporation, labor  
26 organization, or association is the sponsoring entity,

1           shall be aggregated for the purposes of this Section.

2           (d) For political committees designated by a candidate for  
3 State office, other than for legislative or statewide office:

4           (1) Natural persons may contribute no more than \$2,300  
5 during any regular election period in which the candidate  
6 who designated the committee is seeking nomination,  
7 election, or retention.

8           (2) The candidate may designate one and only one  
9 political party whose political committees may contribute  
10 not more than \$10,000 during the regular election period  
11 that includes the general election in which the candidate  
12 who designated the committee is seeking election; provided  
13 that all committees established by the political party,  
14 under State or federal law, shall be considered as one  
15 committee for the purpose of this Section.

16           (3) Any other political committee not designated or  
17 controlled by the candidate may contribute no more than  
18 \$5,000 during a regular election period in which the  
19 candidate who designated the committee is seeking  
20 nomination, election, or retention.

21           (4) A corporation, labor organization, or association  
22 may contribute from its own treasuries no more than \$5,000  
23 during each election period. All contributions from  
24 associated entities, including political committees for  
25 which the corporation, labor organization, or association  
26 is the sponsoring entity, shall be aggregated for the

1 purposes of this Section.

2 (e) For political committees designated by a candidate for  
3 statewide office:

4 (1) Natural persons may contribute no more than \$2,300  
5 during any regular election period.

6 (2) The candidate may designate one and only one  
7 political party whose political committees may contribute  
8 not more than \$125,000 during the regular election period  
9 that includes the general election in which the candidate  
10 who designated the committee is seeking election; provided  
11 that all committees established by the political party,  
12 under State or federal law, shall be considered as one  
13 committee for the purpose of this Section.

14 (3) Any other political committee not designated or  
15 controlled by the candidate may contribute no more than  
16 \$5,000 during a regular election period.

17 (4) A corporation, labor organization, or association  
18 may contribute from its own treasuries no more than \$5,000  
19 during each election period. All contributions from  
20 associated entities, including political committees for  
21 which the corporation, labor organization, or association  
22 is the sponsoring entity, shall be aggregated for the  
23 purposes of this Section.

24 (f) For political committees designated by an established  
25 political party:

26 (1) Natural persons may contribute no more than \$2,300

1 during any regular election period during which any  
2 candidate actively supported by the party is seeking  
3 nomination or election.

4 (2) Any other political committee may contribute no  
5 more than \$5,000 during any regular election period during  
6 which any candidate actively supported by the party is  
7 seeking nomination or election.

8 (3) A corporation, labor organization, or association  
9 may contribute from its own treasuries no more than \$5,000  
10 during each election period. All contributions from  
11 associated entities, including political committees for  
12 which the corporation, labor organization, or association  
13 is the sponsoring entity, shall be aggregated for the  
14 purposes of this Section.

15 (g) For political committees designated by a legislative  
16 caucus:

17 (1) Natural persons may contribute no more than \$2,300  
18 during any regular election period during which any  
19 candidate actively supported by the caucus is seeking  
20 nomination or election.

21 (2) Any other political committee may contribute no  
22 more than \$5,000 during any regular election period during  
23 which any candidate actively supported by the caucus is  
24 seeking nomination or election.

25 (3) A corporation, labor organization, or association  
26 may contribute from its own treasuries no more than \$5,000

1 during each election period. All contributions from  
2 associated entities, including political committees for  
3 which the corporation, labor organization, or association  
4 is the sponsoring entity, shall be aggregated for the  
5 purposes of this Section.

6 (h) For any other political committee, natural persons may  
7 contribute no more than \$2,300 during any period beginning on  
8 January 1 of an odd-numbered year and ending on December 31 of  
9 an even-numbered year. A corporation, labor organization,  
10 association, or other political committee may contribute no  
11 more than \$5,000 during each election period. All contributions  
12 from associated entities, including political committees for  
13 which the corporation, labor organization, or association is  
14 the sponsoring entity, shall be aggregated for the purposes of  
15 this Section.

16 (i) Nothing in this Section shall prohibit political  
17 committees from dividing the proceeds of joint fund raising  
18 efforts; provided that no political committee may receive more  
19 than the limit from any one donor and all donations shall be  
20 listed as from their true origin.

21 (j) No natural person, corporation, labor organization, or  
22 association may contribute in aggregate more than \$80,000 to  
23 political committees during any period beginning on January 1  
24 of an odd-numbered year and ending on December 31 of an  
25 even-numbered year.

26 (k) On January 1 of every odd-numbered year, the State

1 Board of Elections shall adjust the limits established in  
2 subsections (b), (c), (d), (f), (g), (h), and (j) for inflation  
3 as determined by the Consumer Price Index for All Urban  
4 Consumers as issued by the United States Department of Labor  
5 and rounded to the nearest \$100.

6 (l) In any instance where a corporation and any of its  
7 subsidiaries, branches, divisions, departments, or local  
8 units; a labor organization and any of its subsidiaries,  
9 branches, divisions, departments, or local units; or an  
10 association or any of its affiliates, subsidiaries, branches,  
11 divisions, departments, or local units contribute to one or  
12 more political committees or establish, maintain, or control  
13 more than one separate segregated fund qualified as a political  
14 committee, all of the related contributing entities shall be  
15 treated as a single contributing entity for the purposes of the  
16 limitations provided by this Section.

17 (m) Expenditures.

18 (1) Expenditures made by any person in cooperation,  
19 consultation, or concert with a candidate, his or her  
20 authorized committee, or their agents, shall be considered  
21 a contribution to the candidate's designated political  
22 committee for the purpose of this Section.

23 (2) The financing by any person of the dissemination,  
24 distribution, or republication, in whole or in part, of any  
25 broadcast or any written, graphic, or other form of  
26 campaign materials prepared by the candidate, his or her

1 political committee, or their authorized agents shall be  
2 considered to be a contribution to the candidate's  
3 designated political committee for the purposes of this  
4 Section.

5 (n) For the purposes of the limitations designated by this  
6 Section, all contributions made by a person, either directly or  
7 indirectly, to a particular candidate, including contributions  
8 that are in any way earmarked or otherwise directed through an  
9 intermediary or conduit to a candidate's committee, shall be  
10 treated as contributions from the person to the candidate's  
11 committee. The intermediary or conduit shall report the  
12 original source and the intended recipient of the contribution  
13 to the Board and to the intended recipient within 10 days after  
14 the person made the contribution, or upon transmittal to the  
15 candidate, whichever is earlier. A conduit's or intermediary's  
16 contribution limits are not affected by the forwarding of an  
17 earmarked contribution except where the conduit or  
18 intermediary exercises any direction or control over the choice  
19 of the recipient. Any person who is prohibited from making  
20 contributions or expenditures in connection with a candidate or  
21 public question shall be prohibited from acting as a conduit  
22 for contributions earmarked for that candidate or public  
23 question, and any person who is prohibited from acting as a  
24 conduit who receives an earmarked contribution shall return  
25 that contribution to the contributor without transmitting or  
26 forwarding it to the committee of the candidate or public

1 question.

2 (o) No candidate or political committee shall knowingly  
3 accept any contribution or make any expenditure in violation of  
4 the provisions of this Section. No officer or employee of a  
5 political committee shall knowingly accept a contribution made  
6 for the benefit or use of a candidate or knowingly make any  
7 expenditure on behalf of a candidate in violation of any  
8 limitation designated for contributions and expenditures under  
9 this Section.

10 (p) Multiple designations.

11 (1) No committee may accept donations larger than those  
12 specified in this Section, regardless of the number of  
13 candidates that may designate that committee under Section  
14 9-2.7.

15 (2) Any committee designated by candidates who  
16 individually qualify under different subsections of this  
17 Section shall be bound by the lower limit.

18 (q) Complaints.

19 (1) The Board shall receive complaints alleging  
20 violations of this Section. The Board may bring complaints  
21 and investigations on its own initiative when the Board has  
22 reason to believe that a violation of this Section has  
23 occurred.

24 (2) Upon receipt of a complaint, the Board shall hold a  
25 closed preliminary hearing to determine whether or not the  
26 complaint appears to have been filed on justifiable



1 grounds. Such closed preliminary hearing shall be  
2 conducted as soon as practicable after affording  
3 reasonable notice, a copy of the complaint, and an  
4 opportunity to testify at such hearing to both the person  
5 making the complaint and the person against whom the  
6 complaint is directed. If the Board determines that the  
7 complaint has not been filed on justifiable grounds, it  
8 shall issue a written order to dismiss the complaint  
9 without further hearing, specifying the defect in the  
10 original complaint.

11 (3) The Board shall have the authority to promulgate  
12 procedural rules governing the filing and hearing of  
13 complaints under this Section that are not inconsistent  
14 with this Section.

15 (4) In addition to any other penalties authorized by  
16 this Article, the State Board of Elections, any political  
17 committee, or any person may apply to the circuit court for  
18 a temporary restraining order or a preliminary or permanent  
19 injunction against a political committee or any other  
20 entity to cease the expenditure of funds in violation of  
21 this Section and to cease operations until the Board  
22 determines that the committee or entity is in compliance  
23 with this Section.

24 (r) Penalties.

25 (1) Any person who violates this Section shall be fined  
26 the greater of \$10,000 or 3 times the value of the excess

1 contribution or expenditure.

2 (2) The State Board of Elections shall assess a penalty  
3 of up to \$5,000 for each violation against the recipient of  
4 any contribution in violation of this Section if the  
5 recipient knew that the donation was in violation of this  
6 Section. For purposes of this Section, a recipient knew  
7 that the donation was in violation of this Section if the  
8 candidate, the committee chairman or treasurer, or any  
9 natural person paid to perform regular campaign tasks knew  
10 that the donation was in violation of this Section.

11 (10 ILCS 5/9-8.7 new)

12 Sec. 9-8.7. Soliciting of contributions by associations,  
13 corporations, or labor organizations.

14 (a) It is unlawful for any person affiliated in any way  
15 with a corporation knowingly soliciting an employee of that  
16 corporation for a contribution to a political committee to fail  
17 to inform the employee at the time of the solicitation of the  
18 political purposes of the fund. It is unlawful for any person  
19 affiliated in any way with a labor organization or association  
20 knowingly soliciting an member of that labor organization or  
21 association for a contribution to a political committee to fail  
22 to inform the member at the time of the solicitation of the  
23 political purposes of the fund.

24 (b) It is unlawful for any person affiliated in any way  
25 with a corporation knowingly soliciting an employee of that

1 corporation for a contribution to a political committee to fail  
2 to inform the employee at the time of the solicitation of the  
3 employee's right to refuse to contribute without any reprisal.  
4 It is unlawful for any person affiliated in any way with a  
5 labor organization or association knowingly soliciting any  
6 member of the same labor organization or association for a  
7 contribution to a political committee to fail to inform the  
8 employee at the time of the solicitation of the employee's  
9 right to refuse to contribute without any reprisal.

10 (c) Complaints.

11 (1) The Board shall receive complaints alleging  
12 violations of this Section. The Board may bring complaints  
13 and investigations on its own initiative when the Board has  
14 reason to believe that a violation of this Section has  
15 occurred.

16 (2) Upon receipt of a complaint, the Board shall hold a  
17 closed preliminary hearing to determine whether or not the  
18 complaint appears to have been filed on justifiable  
19 grounds. Such closed preliminary hearing shall be  
20 conducted as soon as practicable after affording  
21 reasonable notice, a copy of the complaint, and an  
22 opportunity to testify at such hearing to both the person  
23 making the complaint and the person against whom the  
24 complaint is directed. If the Board determines that the  
25 complaint has not been filed on justifiable grounds, it  
26 shall issue a written order to dismiss the complaint

1 without further hearing, specifying the defect in the  
2 original complaint.

3 (3) The Board shall have the authority to promulgate  
4 procedural rules governing the filing and hearing of  
5 complaints under this Section that are not inconsistent  
6 with this Section.

7 (4) In addition to any other penalties authorized by  
8 this Article, the State Board of Elections, any political  
9 committee, or any person may apply to the circuit court for  
10 a temporary restraining order or a preliminary or permanent  
11 injunction against a political committee or any other  
12 entity to cease the expenditure of funds in violation of  
13 this Section and to cease operations until the Board  
14 determines that the committee or entity is in compliance  
15 with this Section.

16 (d) Penalties. Any person who violates this Section shall  
17 be fined \$200 for each person improperly solicited.  
18 Contributions received from any donor within 6 months after an  
19 improper solicitation of that donor must be returned to the  
20 donor.

21 Section 97. Severability. The provisions of this Act are  
22 severable. If any provision of this Act is held invalid by a  
23 court of competent jurisdiction, the invalidity does not affect  
24 other provisions of the Act that can be given effect without  
25 the invalid provision.

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6	10 ILCS 5/9-1.5	from Ch. 46, par. 9-1.5
7	10 ILCS 5/9-1.16 new	
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