

Illinois
Campaign
Financing
Act

Are you required to FILE?



STATE BOARD OF ELECTIONS
CAMPAIGN DISCLOSURE DIVISION

A GUIDE: ARE YOU REQUIRED TO FILE?

This brochure has been designed to help you easily determine if there is a need for you to comply with the Illinois Campaign Financing Act. The act applies to all candidates or political committees as defined in the following sections.

This brochure is not a complete or fully detailed digest, but an overview intended to help in understanding basic responsibilities under the law. Some of the language in this brochure is presented in simplified form, and should not be considered a substitute for applicable law.

For more complete and authoritative guidance concerning all areas of campaign financial disclosure, refer to actual statutory language and to the State Board of Elections Rules and Regulations. Consultation with professional legal counsel is also encouraged. Additionally, assistance from the State Board of Elections or other governmental authorities, where jurisdiction exists, is encouraged.

I) WHO IS REQUIRED TO FILE?

Candidates, groups or individuals who raise or spend more than \$3,000 in any 12-month period in support of or in opposition to a candidate or question of public policy, or for electioneering communication generally must file paperwork to create a political committee with the State Board of Elections. In addition, individuals who make independent expenditures may be required to file reports with the Board listing the nature and amount of the expenditure and who it benefitted. Political committees must then file periodic disclosure reports with the Board, detailing the money they raise and spend. This filing obligation continues until such time as a committee ceases operations, disposes of any remaining assets, and files an acceptable Final Report with the Board.

“Electioneering communication” is defined as any broadcast, cable or satellite communication or advertising that refers to a clearly identified candidate, political party or question of public policy that will appear on the ballot, is made within the 60-days before a general or consolidated election or 30-days before a primary election, is targeted to the relevant electorate and is clearly an appeal to vote for or against the candidate or question. Electioneering communication does not include communications exclusively between labor unions and their members or Section 501(c)(6) organizations and their members.

“Independent expenditures” are roughly defined as any payment or expenditure, including an electioneering communication, made to expressly advocate for or against a candidate, provided the spending is not made in concert or connection with a candidate or their committee.

Individuals who spend more than \$3,000 during any 12-month period on independent expenditures supporting or opposing a particular candidate do not have to file paperwork to form a committee, but are required to file a special written disclosure with the Board. This disclosure, which must be filed within two business days of exceeding

the \$3,000 threshold, gives information about the person making the independent expenditures as well as the dates, amounts and nature of the spending. Once the threshold is reached and continuing for a 12 month period, additional independent expenditures exceeding \$150 must be reported within 2 business days.

Nonprofit organizations, except for labor unions, must register with the State Board of Elections if they raise or spend more than \$5,000 in any 12-month period in support of or in opposition to public officials, candidates, questions of public policy or for electioneering communication.

II) WHO IS NOT REQUIRED TO FILE WITH THE STATE BOARD OF ELECTIONS?

- (1) A candidate for federal office;
- (2) A candidate for a party office, except for candidates for ward or township committeeman in Cook County;
- (3) A candidate or committee who does not accept or expend more than \$3,000 in a 12-month period on behalf of or in opposition to either a candidate (or candidates) or a question of public policy to be submitted to voters.

III) WHAT IS A COMMITTEE?

For reporting purposes, the Illinois Campaign Financing Act divides political committees into three major categories – Local, State, State and Local. Detailed descriptions of these committee types can be found in Sections 9-1.7, 9-1.8 and 9-1.9 of the Act.

Simply put, a Local Committee is generally formed to support or oppose a candidate who files a Statement of Economic Interest with the County Clerk or a question of public policy that will appear on the ballot in a single county. A State Committee is generally formed to support or oppose a candidate who files a Statement of Economic Interest with the Secretary of State or a question of public policy that will appear on the ballot in more than one county. A State and Local Committee is formed to support or oppose candidates for both state and local office.

State and County central committees of any established political party are also considered to be political committees, and must file with the Board regardless of the amount of money they raise or spend.

Effective January 1, 2011, the existing committee types will be replaced with four new committee designations: candidate political committees, political party committees, political action committees and ballot initiative committees. Existing committees may begin selecting their new designations after July 1, 2010, and all committees must select a new designation by December 31, 2010. For more information on these new committee types, please refer to the Board publication "Important Changes to Illinois Disclosure Law (effective July 1, 2010.)"

IV) WHEN AND WHERE DO REQUIRED FORMS HAVE TO BE FILED?

Once a committee passes the \$3,000 threshold, it must file a Statement of Organization (Form D-1) within 10-business days. If the committee creates in the 30-days before an election it must file the Statement of Organization within 2-business days. The form is filed with the State Board of Elections for all committees, and additionally with the County Clerk for Local and for State and Local Committees. Required forms are available from the Board or the County Clerk.

Reports containing the information required by statute must be submitted on forms designed and supplied by the State Board of Elections or on computer-generated forms conforming to those designed by the State Board of Elections.

V) WHO MUST FILE ELECTRONICALLY?

Any political committee which during any reporting period has at any time a balance or an accumulation of contributions of \$10,000 or more, makes aggregate expenditures of \$10,000 or more, or receives loans of an aggregate of \$10,000 or more, must file campaign disclosure reports electronically with the State Board of Elections. Electronic filings by all political committees are encouraged, even if they have not passed the \$10,000 threshold.

Electronic filing software is available free of charge from the State Board of Elections on CD-ROM or diskette, or may be downloaded from the SBE website at www.elections.il.gov.

If a political committee meets the threshold requiring it to report electronically, it must continue to file reports electronically until it dissolves, even if it drops back below the threshold. If a committee is required to file electronically, paper filing of reports will no longer be acceptable from that committee.

For additional guidance, refer to *Disclosure of Campaign Contributions and Expenditures and Rules and Regulations* and *A Guide to Campaign Disclosure* issued by the State Board of Elections. You are also encouraged to seek assistance from the State Board of Elections when necessary, by letter, telephone, FAX or e-mail (through website).

VI) KEEP IN MIND...

Even though you may not expect to accept or expend more than \$3,000 in a 12-month period, the State Board of Elections recommends that you keep accurate and detailed records of all contributions received and all expenditures made.

IN-KIND CONTRIBUTIONS must be counted towards the \$3,000 threshold. Contributions or expenditures made by a candidate on behalf of his own candidacy or committee must also be counted toward the threshold.

For more information, complete guidelines, and rules and regulations as set forth by the State Board of Elections, write, call, FAX or e-mail the:

Illinois State Board of Elections
1020 South Spring Street
Springfield, IL 62704
(217) 782-4141
(800) 527-VOTE (8683)
(217) 782-5959 (FAX)
(217) 782-1518 (TDD)
webmaster@elections.il.gov

or

Illinois State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440
(800) 923-VOTE (8683)
(312) 814-6485 (FAX)
(312) 814-6431 (TDD)

Information including the law, rules and regulations, forms, calendar, and a glossary of terms may be obtained by accessing the State Board of Elections website at www.elections.il.gov.

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