

**DISCLOSURE OF CAMPAIGN  
CONTRIBUTIONS and EXPENDITURES**



**State Board of Elections**

**State of Illinois**

Revised July 2010

## **CAMPAIGN DISCLOSURE**

Public Act 78-1183 was approved September 3, 1974, creating the laws governing Campaign Disclosure. These are found in 10 ILCS 5/9-1 et seq Article 9 of Chapter 10 (The Election Code). Campaign Disclosure references are also found in Chapter 10 ILCS Sections 5/7-12(7) and 10-6.1; 105 ILCS (The School Code) 5/9-10(6); 60 ILCS (The Township Code) Paragraph 5/6A-1 (The Campaign Disclosure Ac); 10 ILCS 5/29B-10 (Code of Fair Campaign Practices); and 230 ILCS 15/0.01 Application to conduct a raffle.

### **ARTICLE 9. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES**

**5/9-1** As used in this Article, unless the context otherwise requires, the terms defined in 5/9-1.1 through 5/9-1.13, have the respective meanings as defined in those Sections.

**5/9-1.1.** “Board” means the State Board of Elections.

**5/9-1.2.** “Business day” means any day other than Saturday, Sunday, or a legal holiday.

**5/9-1.3.** “Candidate” means any person who seeks nomination for election, election to, or retention in public office, or any person who seeks election as ward or township committeeman in counties of 3,000,000 or more population, whether or not such person is elected. A person seeks nomination for election, election or retention if he (1) takes the action necessary under the laws of this State to attempt to qualify for nomination for election, election to or retention in public office, or election as ward or township committeeman in counties of 3,000,000 or more population, or (2) receives contributions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination for election or election to or retention in public office, or his or her election as ward or township committeeman in counties of 3,000,000 or more population.

**5/9-1.4.** “Contribution”: means-

- (1) a gift, subscription, donation, dues, loan, advance, or deposit of money or anything of value, knowingly received in connection with the nomination for election, or election, of any person to public office in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy;
- (1.5) a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of a candidate, a candidate’s authorized local political committee, a State political committee, a political committee in support of or opposition to a question of public policy, or any of their agents;
- (2) the purchase of tickets for fund-raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election, or election, of

any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy;

- (3) a transfer of funds between political committees; and
- (4) the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; but
- (5) does not include -
  - (a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period;
  - (b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

**5/9-1.5.** Expenditure defined. "Expenditure" means -

- (1) a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy. "Expenditure" also includes a payment, distribution, purchase, loan, advance, deposit or gift of money or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of a candidate, a candidate's authorized local political committee, a State political committee, a political committee in support of or in opposition to a question of public policy, or any of their agents. However, expenditure does not include -
  - (a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary person services on the individual's residential premises for candidate related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period;
  - (b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.
- (2) a transfer of funds between political committees.

**5/9-1.6.** “Person” or “whoever” means an individual, trust, partnership, committee, association, corporation, or any other organization or group of persons.

**5/9-1.7.** “Local political committee” means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which -

- (a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the county clerk, or on behalf of or in opposition to a candidate or candidates for election to the office of ward or township committeeman in counties of 3,000,000 or more population,
- (b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 in support of or in opposition to any question of public policy to be submitted to the electors of an area encompassing no more than one county. The \$3,000 threshold established in this paragraph (b) applies to any receipts or expenditures received or made with the purpose of securing a place on the ballot for, advocating the defeat or passage of, or engaging in electioneering communication regarding the question of public policy regardless of the method of initiation of the question of public policy and regardless of whether petitions have been circulated or filed with the appropriate office or whether the question has been adopted and certified by the governing body,
- (c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the county clerk or a candidate or candidates for the office of ward or township committeeman in counties of 3,000,000 or more population; or
- (d) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 for electioneering communications relating to any candidate or candidates described in paragraph (a) or any question of public policy described in paragraph (b).

**5/9-1.8.** “State political committee” means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which-

- (a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the Secretary of State,
- (b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 in support of or in opposition to any question of public policy to be submitted to

the electors of an area encompassing more than one county. The \$3,000 threshold established in this paragraph (b) applies to any receipts or expenditures received or made with the purpose of securing a place on the ballot for, advocating the defeat or passage of, or engaging in electioneering communication regarding the question of public policy regardless of the method of initiation of the question of public policy and regardless of whether petitions have been circulated or filed with the appropriate office or whether the question has been adopted and certified by the governing body,

- (c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the Secretary of State; or
- (d) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 for electioneering communications relating to any candidate or candidates described in paragraph (a) or any question of public policy described in paragraph (b).

**5/9-1.9.** “Political Committee” includes State central and county central committees of any political party, and also includes local political committees and state political committees, but does not include any candidate who does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$3,000, nor does it include, with the exception of State central and county central committees of any political party, any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which does not (i) accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates or to any question of public policy or (ii) accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$3,000 for electioneering communications relating to any candidate or candidates described in paragraph (a) of Section 9-1.7 or 9-1.8 or any question of public policy described in paragraph (b) of Section 9-1.7 or 9-1.8, and such candidates and persons shall not be required to comply with any filing provisions in this Article.

**5/9-1.10.** “Public office” means any elective office for which candidates are required to file statements of economic interest under the “Illinois Governmental Ethics Act”, approved August 26, 1967, as amended.

**5/9-1.10b.** Severability. The provisions of this amendatory Act of 1995 are severable under Section 1.31 of the Statute on Statutes.

**5/9-1.11.** “Public official” means any person who is elected or appointed to public office.

**5/9-1.12.** “Anything of value” includes all things, services, or goods, regardless of whether they may be valued in monetary terms according to ascertainable market value. Anything of value which does not have an ascertainable

market value must be reported by describing the thing, services, or goods contributed and by using the contributor's certified market value required under Section 9-6.

**5/9-1.13.** "Transfer of funds" means any conveyance of money or the purchase of tickets made in connection with the nomination for election, election, or retention of any person to or in public office or in connection with any question of public policy from one political committee to another political committee.

**5/9-1.14.** Electioneering communication.

(a) "Electioneering communication" means, for the purposes of this Article, any broadcast, cable, or satellite communication, including radio, television, or Internet communication, that (1) refers to (i) a clearly identified candidate or candidates who will appear on the ballot for nomination for election, election, or retention, (ii) a clearly identified political party, or (iii) a clearly identified question of public policy that will appear on the ballot, (2) is made within (i) 60 days before a general election or consolidated election or (ii) 30 days before a primary election, (3) is targeted to the relevant electorate, and (4) is susceptible to no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate for nomination for election, election, or retention, a political party, or a question of public policy.

(b) "Electioneering communication" does not include:

- (1) A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.
- (2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.
- (3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.
- (4) A communication by an organization operating and remaining in good standing under Section 501(c) (3) of the Internal Revenue Code of 1986.
- (5) A communication exclusively between a labor organization, as defined under federal or State law, and its members.
- (6) A communication exclusively between an organization formed under Section 501(c) (6) of the Internal Revenue Code and its members.

**5/9-1.15** Independent Expenditure.

"Independent expenditure" means any payment, gift, donation, or expenditure of funds (i) by a natural person or political committee for the purpose of making electioneering communications or of expressly advocating for or against the nomination for election, election, retention, or defeat of a clearly identifiable public official or candidate and (ii) that is not made in connection, consultation, or concert with or at the request or suggestion of the

public official or candidate, the public official's or candidate's designated political committee or campaign, or the agent or agents of the public official, candidate, or political committee or campaign.

**5/9-2.** Political committee designations.

- (a) Every political committee shall be designated as a (i) candidate political committee, (ii) political party committee, (iii) political action committee, or (iv) ballot initiative committee.
- (b) Beginning January 1, 2011, no public official or candidate for public office may maintain or establish more than one candidate political committee for each office that public official or candidate holds or is seeking. The name of each candidate political committee shall identify the name of the public official or candidate supported by the candidate political committee. If a candidate establishes separate candidate political committees for each public office, the name of each candidate political committee shall also include the public office to which the candidate seeks nomination for election, election, or retention. If a candidate establishes one candidate political committee for multiple offices elected at different elections, then the candidate shall designate an election cycle, as defined in Section 9-1.9, for purposes of contribution limitations and reporting requirements set forth in this Article. No political committee, other than a candidate political committee, may include the name of a candidate in its name.
- (c) Beginning January 1, 2011, no State central committee of a political party, county central committee of a political party, committee formed by a ward or township committeeman, or committee established for the purpose of electing candidates to the General Assembly may maintain or establish more than one political party committee. The name of the committee must include the name of the political party.
- (d) Beginning January 1, 2011, no natural person, trust, partnership, committee, association, corporation, or other organization or group of persons forming a political action committee shall maintain or establish more than one political action committee. The name of a political action committee must include the name of the entity forming the committee.
- (e) Beginning January 1, 2011, the name of a ballot initiative committee must include words describing the question of public policy and whether the group supports or opposes the question.
- (f) Every political committee shall designate a chairman and a treasurer. The same person may serve as both chairman and treasurer of any political committee. A candidate who administers his own campaign contributions and expenditures shall be deemed a political committee for purposes of this Article and shall designate himself as chairman, treasurer, or both chairman and treasurer of such political committee. The treasurer of a political committee shall be responsible for keeping the records and filing the statements and reports required by this Article.
- (g) No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.
- (h) For purposes of implementing the changes made by this amendatory Act of the 96<sup>th</sup> General Assembly, every political committee in existence on the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly shall make the designation required by this Section by December 31, 2010.

**5/9-3.** Political committee statement of organization.

- (a) Every political committee shall file with the State Board of Elections a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within 2 business days in person, by facsimile transmission, or by electronic mail. Any change in information previously submitted in a statement of organization shall be reported, as required for the original statement of organization by this Section, within 10 days following that change. A political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk. The Board shall impose a civil penalty of \$50 per business day upon political committees for failing to file or late filing of a statement of organization. Such penalties shall not exceed \$5,000, and shall not exceed \$10,000 for statewide office political committees. There shall be no fine if the statement is mailed and postmarked at least 72 hours prior to the filing deadline. In addition to the civil penalties authorized by this section, the State Board of Elections or any other political committee may apply to the circuit court for a temporary restraining order or a preliminary or permanent injunction against the political committee to cease the expenditure of funds and to cease operations until the statement of organization is filed. For the purpose of this Section, "statewide office" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller.
- (b) The statement of organization shall include:
- (1) the name and address of the political committee and the designation required by Section 9-2;
  - (2) the scope, area of activity, party affiliation, and purposes of the political committee;
  - (3) the name, address, and position of each custodian of the committee's books and accounts;
  - (4) the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;
  - (5) the name and address of any sponsoring entity;
  - (6) a statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee;
  - (7) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee; and
  - (8) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, organization, corporation, or association that contributes at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee.

- (c) Each statement of organization required to be filed in accordance with this Section shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made and shall contain substantially the following verification:

“VERIFICATION:

I declare that this statement of organization (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 statement of organization 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 at least \$1001 and up to \$5000.

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(date of filing) (signature of person making the statement).”

- (d) The statement of organization for a ballot initiative committee also shall include a verification signed by the chairperson of the committee that (i) the committee is formed for the purpose of supporting or opposing a question of public policy, (ii) all contributions and expenditures of the committee will be used for the purpose described in the statement of organization, (iii) the committee may accept unlimited contributions from any source, provided that the ballot initiative committee does not make contributions or expenditures in support of or opposition to a candidate or candidates for nomination for election, election, or retention, and (iv) failure to abide by these requirements shall deem the committee in violation of this Article.
- (e) For purposes of implementing the changes made by this amendatory Act of the 96<sup>th</sup> General Assembly, every political committee in existence on the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly shall file the statement required by this Section with the Board by December 31, 2010.

**5/9-4.** The statement of organization required by this Article to be filed in accordance with 5/9-3 shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made, and shall contain substantially the following:

**STATEMENT OF ORGANIZATION**

- (a) name and address of the political committee:

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- (b) scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee

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- (c) name, address and position of each custodian of the committee’s books and accounts:

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- (d) name, address, and position of the committee’s principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any:

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- (e) a statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee:

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- (f) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee:

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- (g) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization:

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**VERIFICATION:**

"I declare that this statement of organization (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 statement of organization as required by Article 9 of The Election Code. I understand that willfully filing a false or incomplete statement is a business offense subject to a fine of at least \$1,001 and up to \$5000.

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(date of filing)

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(signature of person making statement)

**5/9-5.** Any change in information previously submitted in a statement of organization except for information submitted under 5/9-3 (h) shall be reported, as required of statements of organization by 5/9-3 of this Article, within 10 days following such change.

Any political committee which, after having filed a statement of organization, dissolves as a political committee or determines that it will no longer receive any campaign contributions nor make any campaign expenditures shall notify the Board, or the Board and the county clerk, as required of statements of organization by 5/9-3 of this Article, of that fact and file with the Board, or the Board and the county clerk, as required of statements of organization by 5/9-3 of this Article, a final report with respect to its contributions and expenditures, including the final disposition of its funds and assets.

In the event that a political committee dissolves, all contributions in its possession, after payment of the committee's outstanding liabilities, including staff salaries, shall be refunded to the contributors in amounts not exceeding their individual contributions, or transferred to other political or charitable organizations consistent with the positions of the committee or the candidates it represented. In no case shall these funds be used for the personal aggrandizement of any committee member or campaign worker.

**5/9-6.** Accounting for contributions.

- (a) Every person who receives a contribution in excess of \$20 for a political committee shall, on demand of the treasurer, and in any event within 5 days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which it was received.
- (b) Within 5 business days of contributing goods or services of more than \$50 value to a political committee, the contributor shall certify the value of the contribution to the political committee on forms prescribed by the State Board of Elections. The forms shall include the name and address of the contributor, a description, and market value of the goods or services, and the date on which the contribution was made.
- (c) All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

**5/9-7.** The treasurer of a political committee shall keep a detailed and exact account of –

- (a) the total of all contributions made to or for the committee;
- (b) the full name and mailing address of every person making a contribution in excess of \$20 and the date and the amount thereof;
- (c) the total of all expenditures made by or on behalf of the committee; the full name and mailing address of every person to whom any expenditure in excess of \$20 is made, and the date and amount thereof; proof of payment, stating the particulars, for every expenditure in excess of \$20 made by or on behalf of the committee.

The treasurer shall preserve all records and accounts required by this section for a period of 2 years.

**5/9-7.5.** Nonprofit organization registration and disclosure.

- (a) Each nonprofit organization, except for a labor union, that accepts contributions, makes contributions, or makes expenditures during any 12-month period in an aggregate amount exceeding \$5,000 (i) on behalf of or in opposition to public officials, candidates for public office, or a question of public policy or (ii) for electioneering communications shall register with the State Board of Elections. The Board by rule shall prescribe the registration procedure and form. The registration form shall require the following information:
  - (1) The registrant's name, address, and purpose.
  - (2) The name, address, and position of each custodian of the registrant's financial books, accounts, and records.
  - (3) The name, address, and position of each of the registrant's principal officers.
- (b) Each nonprofit organization required to register under subsection (a) shall file contribution and expenditure reports with the Board. The Board by rule shall prescribe the form, which shall require the following information:
  - (1) The organization's name, address, and purpose.
  - (2) The amount of funds on hand at the beginning of the reporting period.

- (3) The full name and address of each person who has made one or more contributions to or for the organization within the reporting period in an aggregate amount or value in excess of \$150, together with the amount and date of the contributions, and if a contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer are unknown, a statement that the organization has made a good faith effort to ascertain this information.
- (4) The total sum of individual contributions made to or for the organization during the reporting period and not reported in item (3).
- (5) The name and address of each organization and political committee from which the reporting organization received or to which that organization made, any transfer of funds in an aggregate amount or value in excess of \$150, together with the amounts and dates of the transfers.
- (6) The total sum of transfers made to or from the organization during the reporting period and not reported in item (5).
- (7) Each loan to or from any person within the reporting period by or to the organization 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, and the date and amount 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 the individual, or if the occupation and employer of the individual are unknown, at statement that the organization has made a good faith effort to ascertain this information.
- (8) The total amount of proceeds received by the organization from (i) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fundraising event, (ii) mass collections made at those events, and (iii) sales of items such as buttons, badges, flags, emblems, hats, banners, literature, and similar materials.
- (9) Each contribution, rebate, refund, or other receipt in excess of \$150 received by the organization not otherwise listed under items (3) through (8), and if a 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 organization has made a good faith effort to ascertain this information.
- (10) The total sum of all receipts by or for the organization during the reporting period.
- (11) The full name and mailing address of each person to whom expenditures have been made by the organization within the reporting period in an aggregate amount or value in excess of \$150, the amount, date, and purpose of each expenditure, and the question of public policy on behalf of which the expenditure was made.
- (12) 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 which is not otherwise reported, including the amount, date, and purpose of the expenditure.
- (13) The total sum of expenditures made by the organization during the reporting period.

- (14) The full name and mailing address of each person to whom the organization owes debts or obligations in excess of \$150 and the amount of the debts or obligations.

The State Board of Elections by rule shall define a “good faith effort”.

- (c) The reports required under subsection (b) shall be filed at the same times and for the same reporting periods as reports of campaign contributions and semi-annual reports of campaign contributions and expenditures required by this Article of political committees. The reports required under subsection (b) shall be available for public inspection and copying in the same manner as reports filed by political committees. The Board may charge a fee that covers the costs of copying and distribution, if any.
- (d) An organization required to file reports under subsection (b) shall include a statement on all literature and advertisements soliciting funds stating the following:  
“A copy of our report filed with the State Board of Elections is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois”.

**5/9-8.** Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published and following all commercials broadcast, in connection with such candidate’s campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

**5/9-8.6** Independent expenditures.

- (a) An independent expenditure is not considered a contribution to a political committee. An expenditure made by a natural person or political committee for an electioneering communication in connection, consultation, or concert with or at the request or suggestion of the public official or candidate, the public official’s or candidate’s candidate political committee, or the agent or agents of the public official, candidate, or political committee or campaign shall not be considered an independent expenditure but rather shall be considered a contribution to the public official’s or candidate’s candidate political committee. A natural person who makes an independent expenditure supporting or opposing a public official or candidate that, alone or in combination with any other independent expenditure made by that natural person supporting or opposing that public official or candidate during any 12-month period, equals an aggregate value of at least \$3,000 must file a written disclosure with the State Board of Elections within 2 business days after making any expenditure that results in the natural person meeting or exceeding the \$3,000 threshold. Each disclosure must identify the natural person, the public official or candidate supported or opposed, the date, amount, and nature of each independent expenditure, and the natural person’s occupation and employer.
- (b) Any entity other than a natural person that makes expenditures of any kind in an aggregate amount exceeding \$3,000 during any 12-month period supporting or opposing a public official or candidate must organize as a political committee in accordance with this Article.

(c) Every political committee that makes independent expenditures must report all such independent expenditures as required under Section 9-10 of this Article.

**5/9-8.10.** Use of political committee and other reporting organization funds. (a) A political committee, or organization subject to Section 9-7.5, shall not make expenditures:

- (1) In violation of any law of the United States or of this State.
- (2) Clearly in excess of the fair market value of the services, materials, facilities, or other things of value received in exchange.
- (3) For satisfaction or repayment of any debts other than loans made to the committee or to the public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.
- (4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.
- (5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.
- (6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy, activities, or purposes.
- (7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.
- (8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a reimbursement.
- (9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by the political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.

- (10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.
- (11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.
  - (b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations, of the provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not exceed \$500 for each expenditure of \$500 or less and shall not exceed the amount of the expenditure plus \$500 for each expenditure greater than \$500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.
  - (c) Nothing in this Section prohibits the expenditure of funds of (i) a political committee controlled by an officeholder or by a candidate or (ii) an organization subject to Section 9-7.5 to defray the customary and reasonable expenses of an officeholder in connection with the performance of governmental and public service functions.

**5/9-8.15.** Contributions on State Property.

In addition to any other provision of this Code, the solicitation, acceptance, offer, and making of contributions on State property by public officials, State employees, candidates for elective office, and others are subject to the State Officials and Employees Ethics Act. If a political committee receives and retains a contribution that is in violation of Section 5-35 of the State Officials and Employees Ethics Act, then the State Board may impose a civil penalty upon that political committee in an amount equal to 100% of that contribution.

**5/9-9.** Any State political committee shall include on all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the State Board of Elections is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois."

Any local political committee shall include on all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the county clerk is (or will be) available for purchase from the county clerk (county clerk's address), Illinois."

Any political committee that acts as both a state political committee and a local political committee shall include on all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the State Board of Elections and the county clerk is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois, and from the county clerk, (county clerk's address), Illinois."

**5/9-9.5.** Disclosures in political communications

- (a) Disclosures in political communications. Any political committee, organized under the Election Code, that makes an expenditure for a pamphlet, circular, handbill, Internet or telephone communication, radio, television, or print advertisement, or other communication directed at voters and mentioning the name of a candidate in the next upcoming election shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication as the payor. This subsection does not apply to items that are too small to contain the required disclosure. Nothing in this subsection shall require disclosure on any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.

Whenever any vendor or other person provides any of the services listed in this subsection, other than any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy, the vendor or person shall keep and maintain records showing the name and addresses of the person who purchased or requested the services and the amount paid for the services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for the services.

- (b) Any political committee, organized under this Code, that makes an expenditure for a pamphlet, circular, handbill, Internet or telephone communication, radio, television, or print advertisement, or other communication directed at voters and (i) mentioning the name of a candidate in the next upcoming election, without that candidate's permission, or (ii) advocating for or against a public policy position shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication. Nothing in this subsection shall require disclosure on any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.
- (c) A political committee organized under this Code shall not make an expenditure for any unsolicited telephone call to the line of a residential telephone customer in this State using any method to block or otherwise circumvent that customer's use of a caller identification service.

**5/9-10.** Financial Reports.

- (a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to penalties provided in this Section.
- (b) This subsection does not apply with respect to general primary elections. Reports of campaign contributions shall be filed no later than the 15th day next preceding each election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election. The Board shall assess a civil penalty not to exceed \$5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. The fine, however, shall not exceed \$500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, “statewide office” and “State officer” means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that does not make an expenditure or expenditures in an aggregate amount of more than \$500 on behalf of or in opposition to any (i) candidate or candidates, (ii) public question or questions, or (iii) candidate or candidates and public question or questions on the ballot at an election shall not be required to file the reports prescribed in this subsection (b) and subsection (b-5) but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk; except that if the political committee, by the terms of its statement of organization filed in accordance with this Article, is organized to support or oppose a candidate or public question on the ballot at the next election or primary, that committee must file reports required by this subsection (b) and by subsection (b-5).
- (b-5) Notwithstanding the provisions of subsection (b) and Section 1.25 of the Statute on Statutes, any contribution of more than \$500 received (i) with respect to elections other than the general primary election, in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election or (ii) with respect to general primary elections, in the period beginning January 1 of the year of the general primary election and prior to the date of the general primary election shall be filed with and must actually be received by the State Board of Elections within 2 business days after receipt of such contribution. A continuing political committee that does not support or oppose a candidate or public question on the ballot at a general primary election and does not make expenditures in excess of \$500 on behalf of or in opposition to any candidate or public question on the ballot at the general primary

election shall not be required to file the report prescribed in this subsection unless the committee makes an expenditure in excess of \$500 on behalf of or in opposition to any candidate or public question on the ballot at the general primary election. The committee shall timely file the report required under this subsection beginning with the date the expenditure that triggered participation was made. The State Board shall allow filings of reports of contributions of more than \$500 under this subsection (b-5) by political committees that are not required to file electronically to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 business days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. In the final disposition of any matter by the Board on or after the effective date of this amendatory act of the 93<sup>rd</sup> General Assembly, the Board may impose fines for violations of this subsection not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported. When considering the amount of the fine to be imposed, the Board shall consider, but is not limited to, the following factors:

- (1) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;
- (2) the number of days the contribution was reported late; and
- (3) past violations of Sections 9-3 and 9-10 of this Article by the committee.

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

(c-5) A political committee that acts as either (i) a State and local political committee or (ii) a local political committee and that files reports electronically under Section 9-28 is not required to file copies of the reports with the appropriate county clerk if the county clerk has a system that permits access to, and duplication of, reports that are filed with the State Board of Elections. A State and

local political committee or a local political committee shall file with the county clerk a copy of its statement of organization pursuant to Section 9-3.

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

**5/9-11.** Each report of campaign contributions under 5/9-10 shall disclose –

- (1) the name and address of the political committee;
- (2) (Blank)
- (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 such committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions, and if a 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 such 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 any 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 such committee during the reporting period and not reported under item (6);
- (8) each loan to or from any person within the reporting period by or to such 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, and the date and amount of such 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 such committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events; and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (10) each contribution, rebate, refund, or other receipt in excess of \$150 received by such committee not otherwise listed under items (4) through (9), and if a 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 such committee or candidate during the reporting period.

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.

**5/9-12.** Each report of campaign contributions required by 5/9-10 of this Article to be filed with the Board or the Board and the county clerk shall be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made, and shall contain substantially the following:

### REPORT OF CAMPAIGN CONTRIBUTIONS

(1) name and address of the political committee:  
\_\_\_\_\_

(2) the date of the beginning of the reporting period, and the amount of funds on hand at the beginning of the reporting period:  
\_\_\_\_\_

(3) 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 amount and date of such contributions, and if a contributor is an individual who contributed more than \$500, the occupation and employer of each 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:

name	address	amount	date	occupation	employer
_____	_____	_____	_____	_____	_____

(4) the total sum of individual contributions made to or for the committee during the reporting period and not reported under item (3):  
\_\_\_\_\_

(5) 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 an aggregate amount or value in excess of \$150, together with the amounts and dates of all transfers:

name	address	amount	date
_____	_____	_____	_____

(6) the total sum of transfers made to or from such committee during the reporting period and not reported under item (5):  
\_\_\_\_\_

(7) each loan to or from any person 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, and the date and amount of such 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 each person making the loan, 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.

(8) the total amount of proceeds received by the committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events, and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

(9) each contribution, rebate, refund, or other receipt in excess of \$150 received by the committee not otherwise listed under items (3) through (8), and if the contributor is an individual who contributed more than \$500, the occupation and employer of each 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:

name	address	amount	date	occupation	employer
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(10) the total sum of all receipts by or for the committee during the reporting period:

**VERIFICATION:**

“I declare that this report of campaign contributions (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 a business offense subject to a fine of up to \$5,000.”

\_\_\_\_\_  
(date of filing)

\_\_\_\_\_  
(signature of person making the report)

**5/9-13.** Each semi-annual report of campaign contributions and expenditures under 5/9-10 shall disclose –

- (1) the name and address of the political committee;
- (2) (blank);
- (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 such committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amount and date of such 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 such 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 such committee during the reporting period and not reported under item (6);
- (8) each loan to or from any person within the reporting period by or to such 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, and the date and amount of such 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 such committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events; and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (10) each contribution, rebate, refund, or other receipt in excess of \$150 received by such 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 such committee or candidate during the reporting period;
- (12) the full name and mailing address of each person to whom expenditures have been made by such committee or candidate within the reporting period in an aggregate amount of value in excess of \$150, the amount, date, and purpose of each such expenditure and the question of public policy or the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

- (13) the total sum of expenditures made by such committee during the reporting period;
- (14) 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 such debts or obligations;
- (15) 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 such debt or obligations.

The Board shall by rule define a “good faith effort”.

**5/9-14.** Each semi-annual report of campaign contributions and expenditures required by 5/9-10 of this Article to be filed with the Board or the Board and the county clerk shall be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made, and shall contain substantially the following:

**SEMI-ANNUAL REPORT OF CAMPAIGN  
CONTRIBUTIONS AND EXPENDITURES**

- (1) name and address of the political committee:

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- (2) the date of the beginning of the reporting period, and the amount of funds on hand at the beginning of the reporting period:

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- (3) 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 amount and date of such contributions, and if a contributor is an individual who contributed more than \$500, the occupation and employer of each 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:

name	address	amount	date	occupation	employer
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- (4) the total sum of individual contributions made to or for the committee during the reporting period and not reported under item (3):

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- (5) 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 an aggregate amount or value in excess of \$150, together with the amounts and dates of all transfers:

name	address	amount	date	endorsers	occupation	employer
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(6) the total sum of transfers made to or from such committee during the reporting period and not reported under item (5):

(7) each loan to or from any person 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, and the date and amount of such 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 each person making the loan, 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:

name	address	amount	date	endorsers	occupation	employer
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(8) the total amount of proceeds received by the committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events; and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

(9) each contribution, rebate, refund, or other receipt in excess of \$150 received by the committee not otherwise listed under items (3) through (8), and if a contributor is an individual who contributed more than \$500, the occupation and employer of each 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:

name	address	amount	date	endorsers	occupation	employer
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(10) the total sum of all receipts by or for the committee during the reporting period:

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(11) the full name and mailing address of each person to whom expenditures have been made by the committee within the reporting period in an aggregate amount or value in excess of \$150, the amount, date, and purpose of each such expenditure and the question of public policy or the name and address of, and office sought by, each candidate on whose behalf the expenditure was made:

name	address	amount	date	purpose	beneficiary
_____	_____	_____	_____	_____	_____

(12) 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 which is not otherwise reported, including the amount, date, and purpose of such expenditure:

name	address	amount	date	purpose
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(13) the total sum of expenditures made by the committee during the reporting period:

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(14) 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 such debts or obligations:

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**VERIFICATION:**

“I declare that this semi-annual report of campaign contributions and expenditures (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 report is a business offense subject to a fine of up to \$5,000.”

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(date of filing)

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(signature of person making the report)

**5/9-15.** It shall be the duty of the Board –

- (1) to develop prescribed forms for notice to political committees of their obligations under this Article and for identification of persons examining statements or reports filed under this Article, and to supply such forms, and the forms for filing statements of organization, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures to the appropriate persons and election authorities;
- (2) to prepare, publish, and furnish to the appropriate persons and election authorities a manual of instructions setting forth recommended uniform methods of bookkeeping and reporting under this Article;
- (3) to prescribe suitable rules and regulations to carry out the provisions of this Article. Such rules and regulations shall be published and made available to the public at reasonable cost. The Board may determine which of its prescribed rules and regulations shall be binding on the county clerks in carrying out their duties under this Article;
- (4) to send by first class mail, after the general primary election in even numbered years, to the chairman of each regularly constituted State central committee, county central committee and, in counties with a population of more than 3,000,000, to the committeemen of each township and ward organization of each political party notice of their obligations under this Article, along with a form for filing the statement of organization.

**5/9-16.** it shall be the duty of the Board and of each county clerk –

- (1) to make the reports and statements filed with them available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or at cost by duplicating machine, as requested by any person, at the expense of such person;
- (2) to preserve such reports and statements for a period of 2 years from the date of receipt;
- (3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this Article;
- (4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;
- (5) to prepare and publish such reports as the Board or county clerk may deem appropriate;
- (6) to report apparent violations of law to the appropriate law enforcement authorities; and
- (7) to provide to each candidate at the time he files his nomination papers a notice of obligations under this Article. Said notice shall state that the manual of instructions and forms for the statements required to be filed under this Article are available from the Board or the county clerk upon request. Said notice shall be given each candidate by the Board or county clerk and the candidate shall receipt therefore. However, if a candidate files his nomination papers by mail or if an agent of the candidate files nomination papers on behalf of the candidate, the Board or the county clerk shall within 2 business days of the day and hour endorsed on the petition send such notice to the candidate by first class mail. Such notice shall briefly outline who is required to file under the campaign disclosure law and the penalties for failure to file.

Thereafter, at least 30 days before each filing date for reports of campaign contributions and for semi-annual reports of campaign contributions and expenditures, the Board shall send by first class mail to each political committee that has filed a statement of organization with the Board or the Board and the county clerk, a notice of obligations under this Article, and appropriate forms for filing the report. The notice shall contain a statement that the manual of instructions is available from the Board or the county clerk upon request.

The Board or the appropriate clerk shall preserve the receipts for said packets and notices for a period of 2 years from the date of receipt.

**5/9-17.** All statements and reports filed under this Article with the Board or county clerk shall be available for examination and copying by the public at all reasonable times.

Any person who alters or falsifies information on a copy of a statement or report obtained from the state Board of Elections or the county clerk pursuant to Article 9 of this Code and publishes, circulates or distributes such altered or falsified information with the intent to misrepresent contributions received or expenditures made by a candidate or political committee shall be guilty of a Class B misdemeanor.

Any person who shall sell or utilize information copied from statements and reports filed with the State Board of Elections or the county clerk pursuant to Article 9 of this Code for the purpose of soliciting contributions or for the purpose of business solicitation shall be guilty of a Class B misdemeanor.

**5/9-18.** The Board may hold investigations, inquiries, and hearings concerning any matter covered by this Article, subject to such rules and regulations as the Board may establish. In the process of holding such investigations, inquiries and hearings, the Board may administer oaths and affirmations, certify to all official acts, issue subpoenas to be authorized by a vote of 5 members of the Board, compel the attendance and testimony of witnesses, and the production of papers, books, accounts, and documents. Hearings conducted by the Board shall be open to the public.

**5/9-19.** The Board may hire such investigators, examiners and hearing officers as may be necessary to carry out its functions under this Article, and may by regulation delegate any of its duties or functions under Sections 9-18 and 9-21 of this Article to such persons, except that final judgments and orders shall be issued only by the Board. Reports of violations under Section 9-23 shall be made only by the Board.

**5/9-20.** Any person who believes a violation of this Article has occurred may file a verified complaint with the Board. Such verified complaint shall be directed to a candidate or the chairman or treasurer of a political committee, and shall be subject to the following requirements.

- (1) The complaint shall be in writing.

- (2) The complaint shall state the name of the candidate or chairman or treasurer of a political committee against whom the complaint is directed.
- (3) The complaint shall state the statutory provisions which are alleged to have been violated;
- (4) The complaint shall state the time, place, and nature of the alleged offense.

The complaint shall be verified, dated, and signed by the person filing the complaint in substantially the following manner:

**VERIFICATION:**

“I declare that this complaint (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Article 9 of The Election Code. I understand that the penalty for willfully filing a false complaint shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment.”

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(date of filing)

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(signature of person filing the complaint)

**5/9-21.** Upon receipt of such complaint, the Board shall hold a closed preliminary hearing to determine whether or not the complaint appears to have been filed on justifiable grounds. Such closed preliminary hearing shall be conducted as soon as practicable after affording reasonable notice, a copy of the complaint, and an opportunity to testify at such hearing to both the person making the complaint and the person against whom the complaint is directed. If the Board fails to determine that the complaint has been filed on justifiable grounds, it shall dismiss the complaint without further hearing.

Whenever in the judgment of the Board, after affording due notice and an opportunity for a public hearing, any person has engaged or is about to engage in an act or practice which constitutes or will constitute a violation of any provision of this Article or any regulation or order issued thereunder, the Board shall issue an order directing such person to take such action as the Board determines may be necessary in the public interest to correct the violation. In addition, if the act or practice engaged in consists of the failure to file any required report within the time prescribed by this Article, the Board, as part of its order, shall further provide that if, within the 12-month period following the issuance of the order, such person fails to file within the time prescribed by this Article any subsequent report as may be required, such person may be subject to a civil penalty pursuant to Section 9-23. The Board shall render its final judgment within 60 days of the date the complaint is filed; except that during the 60 days preceding the date of the election in reference to which the complaint is filed, the Board shall render its final judgment within 7 days of the date the complaint is filed, and during the 7 days preceding such election, the Board shall render such judgment before the date of such election, if possible.

At any time prior to the issuance of the Board’s final judgment, the parties may dispose of the complaint by a written stipulation, agreed settlement or consent order. Any such stipulation, settlement or order shall, however, be submitted in writing to the Board and shall become effective only if approved by the Board. If the act or practice complained of consists of the failure to file any required report within the time prescribed by this Article, such

stipulation, settlement or order may provide that if, within the 12-month period following the approval of such stipulation, agreement or order, the person complained of fails to file within the time prescribed by this Article any subsequent reports as may be required, such person may be subject to a civil penalty pursuant to Section 9-23.

Any person filing a complaint pursuant to Section 9-20 may, upon written notice to the other parties and to the Board, voluntarily withdraw the complaint at any time prior to the issuance of the Board's final determination.

**5/9-22.** Any party to a Board hearing, any person who files a complaint on which a hearing was denied or not acted upon within the time specified in Section 9-21 of this Act, and any party adversely affected by a judgment of the Board may obtain judicial review, which shall be governed by the provisions of the "Administrative Review Act," as amended, and all amendments and modifications thereof and the rules adopted pursuant thereto, except that –

- (1) such judicial review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court,
- (2) such judicial review shall be obtained by filing a petition for review within 7 days after entry of the order of other action complained of,
- (3) the time limit for filing such petition for review may be waived with the consent of all parties involved, and
- (4) if such petition for review is appealing an order of the Board, the effect of such order of the Board shall not be stayed unless the Appellate Court so orders upon the motion of the petitioner and upon prior notice to the Board.

**5/9-23.** Whenever the Board, pursuant to 5/9-21, has issued an order, or has approved a written stipulation, agreed settlement or consent order, directing a person determined by the Board to be in violation of any provision of this Article or any regulation adopted thereunder, to cease or correct such violation or otherwise comply with this Article and such person fails or refuses to comply with such order, stipulation, settlement or consent order within the time specified by the Board, the Board, after affording notice and an opportunity for a public hearing, may impose a civil penalty on such person in an amount not to exceed \$5,000; except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. For the purpose of this Section, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

Civil penalties imposed on any such person by the Board shall be enforceable in the Circuit Court. The Board shall petition the Court for an order to enforce collection of the penalty and, if the Court finds it has jurisdiction over the person against whom the penalty was imposed, the Court shall issue the appropriate order. Any civil penalties collected by the Court shall be forwarded to the State Treasurer.

In addition to or in lieu of the imposition of a civil penalty, the Board may report such violation and the failure or refusal to comply with the order of the Board to the Attorney General and the appropriate State's Attorney.

**5/9-24.** The Board may also petition the Circuit Court to issue an order of the Court compelling compliance with an order issued by the Board or to restrain or prohibit a person who is engaging or has engaged in acts or practices which constitute a violation of any provision of this Article from engaging in such acts or practices. If the Court finds that it has jurisdiction over the person of the alleged violator and that a violation has occurred or is occurring by reasons of the acts or practices of such person, the Court shall issue the appropriate order.

**5/9-25.** No person shall make an anonymous contribution or contribution in the name of another person, and no person shall knowingly accept any anonymous contribution or contribution made by one person in the name of another person. Anonymous contributions shall escheat to the State of Illinois. Any political committee that receives such contribution shall forward it immediately to the State Treasurer.

**5/9-25.1** Election Interference.

- (a) As used in this Section, “public funds” means any funds appropriated by the Illinois General Assembly or by any political subdivision of the State of Illinois.
- (b) No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political campaign purposes to any candidate or political organization. This Section shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot, or for dissemination of information and arguments published and distributed under law in connection with a proposition to amend the Constitution of the State of Illinois.
- (c) The first time any person violated any provision of this Section, that person shall be guilty of a Class B misdemeanor. Upon the second or any subsequent violation of any provision of this Section, the person violating any provision of this Section shall be guilty of a Class A misdemeanor.

**5/9-25.2** Contributions; candidate or treasurer of political committee.

- (a) No candidate may knowingly receive any contribution solicited or received in violation of Section 33-3.1 or Section 33-3.2 of the Criminal code of 1961.
- (b) The receipt of political contributions in violation of this Section shall constitute a Class A misdemeanor. The appropriate State’s Attorney or the Attorney General shall bring actions in the name of the people of the State of Illinois.

**5/9-26.** Willful failure to file or willful filing of false or incomplete information required by this Article shall constitute a business offense subject to a fine of up to \$5,000.

Willful filing of a false complaint under this Article shall constitute a Class B misdemeanor.

A prosecution for any offense designated by this Article shall be commenced no later than 18 months after the commission of the offense.

The appropriate State's Attorney or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

**5/9-27.** As to any civil or criminal proceedings instituted under this Article, venue shall lie in the county where the political committee was organized or in the county where the defendant resides.

**5/9-27.5.** Fundraising in Sangamon County. In addition to any other provision of this Code, fundraising events in Sangamon County by certain executive branch officers and candidates, legislative branch members and candidates, political caucuses, and political committees are subject to the State Officials and Employees Ethics Act. If a political committee receives and retains a contribution that is in violation of Section 5-40 of the State Officials and Employees Ethics Act, then the State Board may impose a civil penalty upon that political committee in an amount equal to 100% of that contribution.

**5/9-28.** Electronic filing and availability. The Board shall by rule provide for the electronic filing of expenditure and contribution reports as follows:

Beginning July 1, 1999, or as soon thereafter as the Board has provided adequate software to the political committee, electronic filing is required for all political committees that during the reporting period (i) had at any time a balance or an accumulation of contributions of \$25,000 or more, (ii) made aggregate expenditures of \$25,000 or more, or (iii) received loans of an aggregate of \$25,000 or more.

Beginning July 1, 2003, electronic filing is required for all political committees that during the reporting period (i) had at any time a balance or an accumulation of contributions of \$10,000 or more, (ii) made aggregate expenditures of \$10,000 or more, or (iii) received loans of an aggregate of \$10,000 or more.

The Board may provide by rule for the optional electronic filing of expenditure and contribution reports for all other political committees. The Board shall promptly make all reports filed under this Article by all political committees publicly available by means of a searchable database that is accessible through the World Wide Web.

The Board shall provide all software necessary to comply within this Section to candidates, public officials, political committees, and election authorities.

The Board shall implement a plan to provide computer access and assistance to candidates, public officials, political committees, and election authorities with respect to electronic filings required under this Article.

For the Purposes of this Section, "political committees" includes entities required to report to the Board under Section 9-7.5.

**5/9-28.5** Injunctive relief for electioneering communications.

- (a) Whenever the Attorney General, or a State's Attorney with jurisdiction over any portion of the relevant electorate, believes that any person, as defined in Section 9-1.6, is making, producing, publishing, republishing, or broadcasting an electioneering communication paid for by any person, as defined in Section 9-1.6, who has not first complied with the registration and disclosure requirements of this Article, he or she may bring an action in the name of the People of the State of Illinois or, in the case of a State's Attorney, the People of the County, against such person or persons to restrain by preliminary or permanent injunction the making, producing, publishing, republishing, or broadcasting of such electioneering communication until the registration and disclosure requirements have been met.
- (b) Any political committee that believes any person, as defined in Section 9-1.6, is making, producing, publishing, republishing, or broadcasting an electioneering communication paid for by any person, as defined in Section 9-1.6, who has not first complied with the registration and disclosure requirements of this Article may bring an action in the circuit court against such person or persons to restrain by preliminary or permanent injunction the making, producing, publishing, republishing, or broadcasting of such electioneering communication until the registration and disclosure requirements have been met.

**5/9-30.** Ballot forfeiture. The name of a person who has not paid a civil penalty imposed against him or her under this Article shall not appear upon any ballot for any office in any election while the penalty is unpaid.

**5/9-35.** Registration of business entities.

- i. This Section governs the procedures for the registration required under Section 20-160 of the Illinois Procurement Code. For the purposes of this Section, the terms "officeholder", "State contract", "business entity" "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code.
- ii. 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. Each registration must contain substantially the 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. Any 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, 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.
- vii. The State Board of Elections of its official website shall have a searchable database containing (i) all information required to be submitted to the Board under Section 201-60 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 the database 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 an electronic connection to any searchable database of State contracts maintained by the Comptroller, searchable by business entity.
- viii. The State Board of Elections shall have rulemaking authority to implement this Section.

**5/9-40.** Campaign Finance Reform Task Force.

- (a) There is hereby created the Campaign Finance Reform Task Force. The purpose of the Task Force is to conduct a thorough review of the implementation of campaign finance reform legislation in the State of Illinois, and the feasibility of implementing a mechanism of campaign finance regulation that would subsidize political campaigns in exchange for voluntary adherence to specified expenditure limitations.
- (b) The Task Force shall consist of 11 members, appointed as follows: 2 each by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate; and 3 by the Governor, one of whom shall serve as chairperson. Members shall be adults and residents of Illinois. The individual (or his or her successor) who appointed a member may remove that appointed member before the expiration of his or her term on the Task Force for official misconduct, incompetence, or neglect of duty. Members shall serve without compensation, but may be reimbursed for expenses. Appointments shall be made within 60 days after the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly.
- (c) The Task Force shall conduct meetings and conduct a public hearing before filing any report mandated by this Section. At the public hearings, the Task Force shall allow interested persons to present their views and comments. The Task Force shall submit all reports required by this Section to the Governor, the State Board of Elections, and the General Assembly. In addition to the reports required by this Section, the Task Force may provide, at its discretion, interim reports and recommendations. The State Board of Elections shall provide administrative support to the Task Force.
- (d) The Task Force shall study the feasibility of implementing a mechanism of campaign finance regulation that would subsidize political campaigns in exchange for voluntary adherence to specified expenditure limitations. In conducting its study, the Task Force shall consider a system of public financing by State government for the conduct and finance of election campaigns for the following: (1) Representatives and Senators in the General Assembly, (2) constitutional office of State government, and (3) judges. The Task Force may propose financing campaigns through funding mechanisms including, but not limited to, fines, voluntary contributions, surcharges on lobbying activities, and a whistleblower fund. In determining a plan for election to each office, the Task Force shall consider the following factors:
  - (i) the amount of funds raised by past candidates for that office;
  - (ii) the amount of funds expended by past candidates for that office;
  - (iii) the disparity in the amount of funds raised by candidates of different political parties;
  - (iv) the amount of funds expended by entities not affiliated with a candidate;
  - (v) the amount of money contributed to or expended by a committee of a political party to promote a candidate;
  - (vi) jurisprudence with relation to campaign finance and public financing; and

- (vii) such other factors, not confined to the foregoing, that the Task Force determines to be related to the public financing of elections in this State.

The Task Force shall also study the feasibility of creating public financing within the statutory system of limits, or if the system of limits should be changed to facilitate a system of public financing and the need for a process to protect candidates who receive public financing against candidates who do not opt to participate in public financing or who self-finance.

The Task Force shall submit the report required by this subsection no later than December 31, 2011. The Task Force may provide, at its discretion, interim reports and recommendations before that date.

- (e) The Task Force shall examine and make recommendations related to the provisions of this amendatory Act of the 96<sup>th</sup> General Assembly in Section 9-8.5 (c-5) and (c-10) limiting contributions to a political party committee from a candidate political committee or political party committee. The Task Force shall submit a report with recommendations required by this subsection no later than September 30, 2012. The Task Force may provide, at its discretion, interim reports and recommendations before that date.
- (f) The Task Force shall review the implementation of this amendatory Act of the 96<sup>th</sup> General Assembly and any additional campaign finance reform legislation considered by the General Assembly. The Task Force shall examine each provision of this amendatory Act of the 96<sup>th</sup> General Assembly and make recommendations for changes, deletions, or improvements. In conducting its review of campaign finance reform implementation, the Task Force shall also consider and address a variety of empirical measures, case studies, and comparative analyses, including, but not limited to the following:
  - (i) campaign finance legislation in other states as well as the federal system of campaign finance regulation;
  - (ii) the impact of contribution limits in Illinois, including the impact on contributions from individuals, corporations, associations, and labor organizations;
  - (iii) the impact of contribution limits on independent expenditures in Illinois;
  - (iv) the effectiveness, reliability, and cost of various enforcement mechanisms;
  - (v) the best practices in mandating timely disclosure of the origin of campaign contributions; and
  - (vi) the best way to require and conduct random audits and audits for cause.

The Task Force shall also submit a report detailing the following: (i) the effectiveness of enforcement mechanisms, (ii) whether the disclosure requirements and the definition of “receipt” result in accurate reporting; (iii) issues related to audits, (iv) the effect of using the same election cycle for all members of the General Assembly, and (v) the impact of Section 9-8.5(h). The Task Force shall submit reports required by this subsection no later than March 1, 2013 and March 1, 2015.

- (g) The Task Force shall submit a final report by March 10, 2015. The Task Force is abolished and this Section is repealed on March 15, 2015.

## SUPPLEMENTARY STATUTES

**10 ILCS 5/7-12(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 semi-annual reports of campaign contributions and expenditures under Article 9 of the Act. Such notice shall be given in the manner prescribed by paragraph (7) of 5/9-16 of this Code.

**10 ILCS 5/10-6.1.** The board or clerk with whom a certificate of nomination or nomination papers are filed shall notify the person for whom such papers are filed of the obligation to file statements of organization, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures under Article 9 of this Act. Such notice shall be given in the manner prescribed by paragraph (7) of Section 9-16 of this Code. (Amended by Public Act 81-1189 effective 11/29/79.)

**105 ILCS 5/9-10(6).** The secretary of the board of education shall notify the candidates for whom a petition for nomination is filed or the appropriate committee of the obligations under the Campaign Financing Act as provided in the general election law. Such notice shall be given on a form prescribed by the State Board of Elections and in accordance with requirements of the general election law.

**60 ILCS 5/6A-1.** The clerk of the township or board of election commissioners, as the case may be, shall notify the person for whom such nomination papers are filed of the obligation to file statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures in the manner prescribed by the general election law.

**10 ILCS 5/29B-10.** Code of Fair Campaign Practices. At a time a political committee, as defined in Article 9, files its statement of organization, the State Board of Elections, in the case of a state political committee or a political committee acting as both a state political committee and a local political committee, or the county clerk, in the case of 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.

**230 ILCS 15/8.1** Raffles Act.

- (a) Political Committees. For the purposes of this Section the terms defined in this subsection have the meanings given them.

“Net Proceeds” means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees and other reasonable operating expenses incurred as a result of operating a raffle.

“Raffle” means a form of lottery, as defined in Section 28-2 (b) of the “Criminal Code of 1961”, conducted by a political committee licensed under this Section, in which:

1. the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
2. the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

“Unresolved Claim” means a claim for civil penalty under Sections 9-3, 9-10, and 9-23 of The Election Code which has been begun by the State Board of Elections, has been disputed by the political committee under the applicable rules of the State Board of Elections, and has not been finally decided either by the State Board of Elections, or, where application for review has been made to the Courts of Illinois, remains finally undecided by the Courts.

“Owes” means that a political committee has been finally determined under applicable rules of the State Board of Elections to be liable for a civil penalty under Sections 9-3, 9-10, and 9-23 of The Election Code.

(b) Licenses issued pursuant to this Section shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of this Section. The State Board of Elections shall act on a license application within 30 days from the date of application.

(c) Licenses issued by the State Board of Elections are subject to the following restrictions:

1. No political committee shall conduct raffles or chances without having first obtained a license therefor pursuant to this Section.
2. The application for license shall be prepared in accordance with regulations of the State Board of Elections and must specify the area or areas within the State in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will be determined.
3. A license authorizes the licensee to conduct raffles as defined in this Section. The following are ineligible for any license under this Section:
  - i. any political committee which has an officer who has been convicted of a felony;
  - ii. any political committee which has an officer who is or has been a professional gambler or gambling promoter;
  - iii. any political committee which has an officer who is not of good moral character;

- iv. any political committee which has an officer who is also an officer of a firm or corporation in which a person defined in (i), (ii) or (iii) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- v. any political committee in which a person defined in (i), (ii) or (iii) is an officer, director, or employee, whether compensated or not;
- vi. any political committee in which a person defined in (i), (ii) or (iii) is to participate in the management or operation of a raffle as defined in this Section;
- vii. any committee which, at the time of its application for a license to conduct a raffle, owes the State Board of Elections any unpaid civil penalty authorized by Sections 9-3, 9-10, and 9-23 of The Election Code, or is the subject of an unresolved claim for a civil penalty under Sections 9-3, 9-10, and 9-23 of The Election Code;
- viii. any political committee which, at the time of its application to conduct a raffle, has not submitted any report or document required to be filed by Article 9 of The Election Code and such report or document is more than 10 days overdue.

(d)

1. The conducting of raffles is subject to the following restrictions:
  - i. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the political committee permitted to conduct that game.
  - ii. No person except a bona fide member of the political committee may participate in the management or operation of the raffle.
  - iii. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
  - iv. Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.
  - v. A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.
2. If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued under the provisions of this Section.

(e)

1. Each political committee licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item

- or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
2. Each political committee licensed to conduct raffles shall report on the next report due to be filed under Article 9 of The Election Code its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this subsection. Such reports shall be included in the regular reports required of political committees by Article 9 of The Election Code.
  3. Records required by this subsection shall be preserved for 3 years, and political committees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.
    - i. Violation of any provision of this Section is a Class C misdemeanor.
    - ii. Nothing in the Section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

**720 ILCS 5/33-3.1** Solicitation misconduct (State government).

- (a) An employee of an executive branch constitutional officer commits solicitation misconduct (State government) when, at any time, he or she knowingly solicits or receives contributions, as that term is defined in Section 9-1.4 of the Election Code, from a person engaged in a business or activity over which the person has regulatory authority.
- (b) For the purpose of this Section, “employee of an executive branch constitutional officer” means a full-time or part-time employee, full-time or part-time salaried appointee, or any contractual employee of any office, board, commission, agency, department, authority, administrative unit, or corporate outgrowth under the jurisdiction of an executive branch constitutional officer; and “regulatory authority” means having the responsibility to investigate, inspect, license, or enforce regulatory measures necessary to the requirements of any State or federal statute or regulation relating to the business or activity.
- (c) An employee of an executive branch constitutional officer, including one who does not have regulatory authority, commits a violation of this Section if that employee knowingly acts in concert with an employee of an executive branch constitutional officer who does have regulatory authority to solicit or receive contributions in violation of this Section.
- (d) Solicitation misconduct (State government) is a Class A misdemeanor. An employee of an executive branch constitutional officer convicted of committing solicitation misconduct (State government) forfeits his or her employment.
- (e) An employee of an executive branch constitutional officer who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee or on behalf of the employee or others in furtherance of the enforcement of this Section shall be entitled to all relief necessary to make the employee whole.

- (f) Any person who knowingly makes a false report of solicitation misconduct (State government) to the State Police, the Attorney General, a State's Attorney, or any law enforcement official is guilty of a Class C misdemeanor.

**720 ILCS 5/33-3.2** Solicitation misconduct (local government)

- (a) An employee of a chief executive officer of a local government commits solicitation misconduct (local government) when, at any time, he or she knowingly solicits or receives contributions, as that term is defined in Section 9-1.4 of the Election Code, from a person engaged in a business or activity over which the person has regulatory authority.
- (b) For the purpose of this Section, "chief executive officer of a local government" means an executive officer of a county, township or municipal government or any administrative subdivision under jurisdiction of the county, township, or municipal government including but not limited to: chairman or president of a county board or commission, mayor or village president, township supervisor, county executive, municipal manager, assessor, auditor, clerk, coroner, recorder, sheriff or State's Attorney; "employee of a chief executive officer of a local government" means a full-time or part-time salaried employee, full-time or part-time salaried appointee, or any contractual employee of any office, board, commission, agency, department, authority, administrative unit, or corporate outgrowth under the jurisdiction of a chief executive officer of a local government" and "regulatory authority" means having the responsibility to investigate, inspect, license, or enforce regulatory measures necessary to the requirements of any State, local, or federal statute or regulation relating to the business or activity.
- (c) An employee of a chief executive officer of a local government, including one who does not have regulatory authority, commits a violation of this Section if that employee knowingly acts in concert with an employee of a chief executive officer of a local government who does have regulatory authority to solicit or receive contributions in violation of this Section.
- (d) Solicitation misconduct (local government) is a Class A misdemeanor. An employee of a chief executive officer of a local government convicted of committing solicitation misconduct (local government) forfeits his or her employment.
- (e) An employee of a chief executive officer of a local government who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee or on behalf of the employee or others in furtherance of the enforcement of this Section shall be entitled to all relief necessary to make the employee whole.
- (f) Any person who knowingly makes a false report of solicitation misconduct (local government) to the State Police, the Attorney General, a State's Attorney, or any law enforcement official is guilty of a Class C misdemeanor.

**5 ILCS 430/5-35 Contributions on State Property**

Contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, by State employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act, or by any officers, employees, or agents of any political organization, except as provided in this Section. For purposes of this Section, “State property” means any building or portion thereof owned or exclusively leased by the State or any State agency at the time the contribution is solicited, offered, accepted, or made. “State property” does not however, include any portion of a building that is rented or leased from the State or any State agency by a private person or entity.

An inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of this Section so long as reasonable and timely action is taken to return the contribution to its source.

The provisions of this Section do not apply to the residences of State officers and employees, except that no fundraising events shall be held at residences owned by the State or paid for, in whole or in part, with State funds.

**5 ILCS 430/5-40 Fundraising in Sangamon County**

Except as provided in this Section, any executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a fundraising function in Sangamon County on any day the legislature is in session (i) during the period beginning February 1 and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during the fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.

During the period beginning June 1 and ending on the first day of fall veto session each year, this Section does not apply to (i) a member of the General Assembly whose legislative or representative district is entirely within Sangamon County or (ii) a candidate for the General Assembly from that legislative or representative district. Title 26: Elections.

**30 ILCS 500/20-160 Business entities; certification; registration with the State Board of Elections**

- (a) For purposes of this Section, the terms “business entity”, “contract”, “State Contract”, “contract with a State agency”, “State agency”, “affiliated entity”, and “affiliated person” have the meanings ascribed to those terms in Section 50-37.
- (b) Every bid submitted to and every contract executed by the State on or after January 1, 2009 (the effective date of Public Act 95-971) shall contain (1) a certification by the bidder or contractor that either (i) the bidder or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder or contractor has registered as a

business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 for the bidder's or contractor's failure to comply with this Section.

- (c) Within 30 days after the effective date of this amendatory Act of the 95<sup>th</sup> General Assembly, each business entity (i) whose aggregate bids and proposals on State contracts annually total more than \$50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000 or (iii) whose contracts with State agencies, in the aggregate, annually total more than \$50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection shall submit a copy of the certificate of registration to the applicable chief procurement officer within 90 days after the effective date of the amendatory Act of the 95<sup>th</sup> General Assembly. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections within 2 business days following such change. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (e).
- (d) Any business entity, not required under subsection (c) to register within 30 days after the effective date of this amendatory Act of the 95<sup>th</sup> General Assembly, whose aggregate bids and proposals on State contracts annually total more than \$50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity required to register under this subsection has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded. Any change in information must be reported to the State Board of Elections within 5 business days following such change or no later than a day before the contract is awarded, whichever date is earlier.
- (e) A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 must maintain its registration under this Section and has a continuing duty to ensure that the registration is accurate 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. A business entity, required to register under this subsection, has a continuing duty to report any change on a quarterly basis to the State Board of Elections within 10 business days following the last day of January, April, July and October of each year. Any update pursuant to this paragraph that is received beyond that date is presumed late and the civil penalty

authorized by subsection (e) of Section 9-35 of the Election Code (10 ILCS 5/9-35) may be assessed. Also, if a business entity required to register under this subsection has a pending bid or proposal, any change in information shall be reported to the State Board of Elections within 5 business days or no later than a day before the contract is awarded, whichever date is earlier.

- (f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including but not limited to changes of affiliated entities or affiliated persons.
- (g) A copy of a certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register under this Section. A chief procurement officer shall not accept a bid or proposal unless the certificate is submitted to the agency with the bid or proposal.
- (h) A registration, and any changes to a registration, must include the business entity's verification of accuracy and subjects the business entity to the penalties of the laws of this State for perjury. In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, proposal, or other procurement relationship voidable by the chief procurement officer if he or she deems it to be in the best interest of the State of Illinois.
- (i) This Section applies regardless of the method of source selection used in awarding the contract.

**30 ILCS 500/50-37 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 are not limited to grants for job training or 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.

"State agency" means and includes all boards, 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 does include colleges, universities, public employee retirement systems, and institutions 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.

“Officeholder” means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the 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.

“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 States Internal Revenue Service as a 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) 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.

“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 as the President, Chairman of the Board, or Chief 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 committee 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 proposals on State contracts total more than \$50,000, or whose aggregate pending bids and proposals 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 proposal during the period beginning on the date the invitation for bids or request for proposals is issued and ending on the day after the date the contract is awarded.
- (d) All contracts between State agencies and a business 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 no more than 30 days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.