

Illinois
Campaign
Financing
Act

Are you required to FILE?



STATE BOARD OF ELECTIONS
CAMPAIGN DISCLOSURE DIVISION

A GUIDE: ARE YOU REQUIRED TO FILE?

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

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

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

I) WHO IS REQUIRED TO FILE?

Candidates, groups or individuals who raise or spend more than \$5,000 in any 12-month period in support of or in opposition to a candidate or question of public policy, or for electioneering communication generally must file paperwork to create a political committee with the State Board of Elections. Once created, political committees must then file disclosure reports with the Board, detailing the money they raise and spend. This filing obligation continues until a committee ceases operations, disposes of any remaining assets, and files an acceptable Final Report with the Board.

Any entity other than a natural person who spends more than \$5,000 during a 12-month period on independent expenditures* or other expenditures supporting or opposing a candidate must organize as a political committee and file disclosures with the Board. Individuals who spend more than \$3,000 during any 12-month period on independent expenditures supporting or opposing a particular candidate are required to file a special written disclosure with the Board. This disclosure, which must be filed within two business days of exceeding the \$3,000 threshold, gives information about the person making the independent expenditures as well as the dates, amounts and nature of the spending. Once the threshold is reached, the individual is required to report additional independent expenditures made in connection with the same election, in \$1,000 increments, until the conclusion of the election.

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

**Electioneering communication is defined as any broadcast, cable or satellite communication, including radio, TV or internet communication, that refers to a clearly identified candidate, political party or question of public policy that will appear on the ballot, is made within the 60-days before a general or consolidated

election or 30-days before a primary election, is targeted to the relevant electorate and is clearly an appeal to vote for or against the candidate or question. Electioneering communication does not include communications by Section 501(c)(3) organizations, exclusively between labor unions and their members or Section 501(c)(6) organizations and their members.

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

- (1) A candidate for federal office;
- (2) A candidate or committee who does not accept or expend more than \$5,000 in a 12-month period on behalf of or in opposition to either a candidate (or candidates) or a question of public policy to be submitted to voters.

III) WHAT IS A COMMITTEE?

For reporting purposes, the Illinois Campaign Financing Act divides political committees into five designations – Candidate Political Committee, Political Party Committee, Political Action Committee, Independent Expenditure Committee, and Ballot Initiative Committee. Detailed descriptions of these committee types can be found in Section 9-1.8 of the Act.

Simply put, a Candidate Political Committee is formed to support or oppose a candidate for any elective office or judicial office subject to retention; a Political Party Committee is formed by a state or county central committee of a political party, a legislative caucus committee or by ward or township committeemen of a political party; a Political Action Committee is formed by a person or group other than a candidate to support or oppose a candidate(s); an Independent Expenditure Committee is a special type of Political Action Committee that is not subject to contribution limits but is also unable to contribute directly to candidates or most committees or to coordinate its expenditures with a candidate or committee; a Ballot Initiative Committee is formed to support or oppose a public policy question to be put on the ballot.

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

Once a committee exceeds the \$5,000 threshold, it must file a Statement of Organization (Form D-1) within 10-business days. If the committee creates in the 30 days before an election, it must file the Statement of Organization within 2 business days. The form is filed with the State Board of Elections and may be filed in person, by mail, by e-mail (D1@elections.il.gov) or by fax.

It is permissible to file a Statement of Organization prior to reaching the \$5,000 threshold, but a committee that does so is then subject to the same reporting requirements as any other committee, even if the \$5,000 threshold is never reached.

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

V) WHO MUST FILE ELECTRONICALLY?

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

Established political committees that have filed a D-1 Statement of Organization may obtain a user name and password to access the Board's IDIS electronic filing system.

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

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

VI) KEEP IN MIND...

Even though you may not expect to accept or expend more than \$5,000 in a 12-month period, the State Board of Elections recommends that you keep accurate and detailed records of all contributions received and all expenditures made.

IN-KIND CONTRIBUTIONS must be counted towards the \$5,000 threshold. Contributions or expenditures made by a candidate on behalf of his own candidacy or committee must also be counted toward the threshold.

For more information, visit the Board website at www.elections.il.gov, or contact Board staff:

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