

Illinois
Campaign
Financing
Act

***Committee Treasurer Duties and
Responsibilities***



STATE BOARD OF ELECTIONS
CAMPAIGN DISCLOSURE DIVISION

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.

INTRODUCTION

Every political committee must have both a chair and a treasurer in order to accept contributions or make expenditures. The same person, including the candidate, may serve in both positions. The treasurer of a political committee is responsible for keeping the records and filing all required statements and reports. The Illinois Campaign Financing Law (10 ILCS 5/9-1 *et seq.*, Article 9 of Chapter 10 of the Election Code) sets forth the duties and responsibilities of the treasurer.

ASSISTANCE FROM THE STATE BOARD OF ELECTIONS

Several free publications are available from the State Board of Elections to assist treasurers in the performance of their duties. These publications, along with all disclosure forms, may be obtained from the State Board of Elections and may be downloaded from the Board website at www.elections.il.gov. A calendar, outlining reporting periods, filing periods and deadlines for the current year, is also available.

COMMITTEE REGISTRATION

A political committee must register with the State Board of Elections when it accepts contributions or makes expenditures in excess of \$5,000 in support of or opposition to a candidate, public policy question, or for electioneering communication in a 12-month period. (*Electioneering communication is roughly defined as any form of broadcast, cable or satellite communication, referring to and making an appeal to vote for or against a clearly identified candidate, political party or question of public policy, that is made within the 60-days before a general or consolidated election or 30-days before a primary election.*) Any entity other than a natural person that makes independent expenditures in excess of \$5,000 in a 12-month period also has to organize as a political committee. (*Independent expenditures are roughly defined as any payment or expenditure 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.*)

Within 10-business days after a committee exceeds the \$5,000 threshold (or within 2 business days if the committee exceeds the threshold within 30 days prior to an election), the treasurer of the committee or the candidate on whose behalf the committee was formed, must file a Statement of Organization (Form D-1). ALL committees must file the original D-1 with the State Board of Elections. A D-1 form may be mailed, faxed or e-mailed (to D1@elections.il.gov). Failure to file or late filing of a Statement of Organization will result in a civil penalty being imposed by the Board.

Political committees all have one of five designations: Candidate Political Committee, Political Party Committee, Political Action Committee, Independent Expenditure Committee, or Ballot Initiative Committee. For more information about the committee types, or for instructions on filling out the Statement of Organization, please refer to the Board's Guide to Campaign Disclosure.

COMMITTEE NAME

There are specific requirements regarding a committee's name, depending on the type of committee. A Candidate Political Committee's name must identify the candidate being supported. A Political Party Committee's name must include the name of the political party. A Political Action Committee's name must include the name of the entity forming the committee. A Ballot Initiative Committee's name must include a description of the question of public policy and whether the committee is supporting or opposing that question.

RECEIPTS

Any person who receives a contribution on behalf of a political committee must give a detailed account of that contribution to the treasurer within 5 days or upon demand. That account must contain the contributor's name and address, along with the amount and date of receipt.

The treasurer must keep a detailed record of all contributions made to the committee. He must also record the full name and mailing address of each contributor, along with the date and the amount of each contribution received. The only exception to this rule occurs when the committee is conducting a raffle licensed by the Board. For raffles, name and address information is not required for individuals whose ticket purchases total \$150 or less.

In addition, if the contributor is a natural person contributing more than \$500 within a reporting period, the occupation and employer of that person must be disclosed. A request for this information should be included on any solicitation materials. If the contribution is not accompanied by this information, a good faith effort must be made to obtain it.

Finally, if someone other than the candidate, committee officers or employees collects contributions from at least 5 people totaling \$3,000 or more during a reporting period outside the presence of the candidate or a sanctioned fundraising event, the collector's name, address and occupation will have to be disclosed on the committee's next report.

LOANS

Loans, including loans from the candidate to his or her own committee, are considered contributions and are required to be reported (including reporting on a Schedule A-1). The terms and conditions of any loan or credit agreement to a committee must be in writing and must include, but not be limited to, the method and amount of repayment. The rate of interest, which cannot substantially exceed the prevailing market interest rate, must also be written. This information is for internal records only and is not filed with the Board, but any endorser or guarantor of the loan must be disclosed.

IN-KIND CONTRIBUTIONS

The contributor of any in-kind contribution must notify the recipient committee of the contribution within 5 business days. If the recipient receives no notice from the contributor, the in-kind contribution must still be reported. A contribution of goods or services is considered received on the date the committee receives the required notification from the contributor. If the committee does not receive the notification, the contribution is considered received on the date the candidate or committee officer obtains knowledge of the in-kind contribution, or on the date the goods are actually received or the services are actually performed. When reporting in-kind contributions, the committee must report both the date it receives notice as well as, by way of description, the date the goods or services were actually delivered.

PROHIBITIONS

No contribution that was given anonymously may be accepted by a political committee. The treasurer must immediately forward any anonymous contribution to the State Treasurer. No political committee may accept a contribution that is known to be from someone other than the stated contributor. The use of public funds for political or campaign purposes is also prohibited. In addition, businesses that have existing contracts or bids on contracts valued in excess of \$50,000 are prohibited from making contributions to the public official (or his/her political committee) responsible for awarding the contract. Committees are also subject to limits on the amount of contributions they can receive, depending on the source. See the brochure, "Contribution Limits" for more detailed information.

EXPENDITURES

The treasurer must keep an accurate record of the total of all expenditures made by or on behalf of the committee. Any expenditure must be identified by the full name and address of the recipient, along with the date and amount of each expenditure. Proof of payment should be retained.

Any disbursement of campaign funds that meets the definition of *expenditure* in the Illinois Campaign Financing Act is considered lawful. Certain types of expenditures are specifically prohibited. Campaign funds may not be expended (1) in violation of any law, (2) if they are clearly in excess of fair market value, (3) to repay any personal loans or to repay any debts other than loans to the committee on behalf of the committee or for repayment of goods and services purchased by the committee under a credit agreement, (4) for a personal residence, (5) for clothing or personal laundry expenses, (6) for personal travel, (7) for membership or club dues for organizations primarily engaged in providing health, exercise, or recreational services, (8) for anything for which a person has been reimbursed by the State or any person, (9) for purchase or lease of a motor vehicle for personal use, (10) for tuition or other educational expenses, or (11) for payments to the candidate or his or her family unless for compensation for services actually rendered. For a more detailed explanation of each prohibition, refer to 10 ILCS 5/9-8.10 of the Campaign Disclosure Act or contact the Board.

RECORD KEEPING SYSTEM

The treasurer is responsible for setting up a record keeping system. This can be as simple or as complex as necessary, as long as it covers all the committee's receipts and expenditures. The electronic filing system called IDIS available from the Board also provides a basic record keeping system. It allows for electronic filing of disclosure reports and allows committees to print printing completed reports.

APPLICATION FOR EMPLOYER IDENTIFICATION NUMBER (FORM SS-4)

Financial institution often request that a political committee apply for an employer identification number from the IRS when opening an account. This eliminates the use of an individual's social security number on a political committee account, which could result in personal tax liability. The application for an employer identification number (Form SS-4) may be obtained from the IRS at (800) 829-4933. If further information or assistance is required, contact the IRS Taxpayer Assistance Number (800) 424-1040 or your financial institution.

PRESERVATION OF RECORDS AND REPORTS

All filed reports and statements, as well as all records and accounts necessary to compile these filings, must be preserved by the treasurer for a period of two years. All records related to raffles conducted by political committees must be preserved for a period of three years.

REPORT FILING

The treasurer is responsible for the filing of all committee reports. Reports must be filed in a timely manner, typewritten, printed legibly in black ink, or filed electronically. All committees are advised to have a backup plan in place, in the event that the treasurer is unable to file a report – medical or other emergencies are generally not considered valid excuses for failing to meet a report filing deadline. The forms provided by the State Board of Elections must be used unless prior written approval is received from the Board.

ELECTRONIC FILING

Any political committee that at any time during any reporting period has a balance of \$10,000 or more, or \$10,000 or more in receipts or expenditures, must file campaign disclosure reports electronically. The IDIS electronic filing system is available at no cost on the Board's website, www.elections.il.gov. Once a political committee is required to file electronically, it must continue to file electronically until the committee dissolves. All political committees are encouraged to file electronically, even if not required by law.

RESIGNATION OR DEATH OF TREASURER

In the event a committee treasurer resigns, dies or is replaced, the committee must amend its Statement of Organization (Form D-1) within 10 days. The treasurer may also notify the Board in writing of their resignation. A treasurer who resigns must verify the accuracy of the committee records to his successor. The resigning treasurer is accountable for any business transacted through the date of his resignation. Upon the death of the treasurer, the candidate or the remaining officers of the committee (if the candidate is unable or unwilling to do so) must appoint a new treasurer. If there are no remaining officers, the person or persons who succeed to the interests of the committee in its funds is responsible for all report filings until new officers are chosen or until the committee terminates.

CHANGES IN STATEMENT OF ORGANIZATION

Any change in information included on the Statement of Organization must be reported within 10 days. Only the committee name and address, along with any changed information, need be included on the D-1 form. This amended Statement of Organization should be filed with the Board, either in Springfield or Chicago.

LIABILITY OF TREASURER

The treasurer, as well as the chair or the candidate, may be held liable for any information reported in relation to campaign disclosure. Anyone who believes that grounds exist to warrant filing of a complaint may do so. Failure to file or willful filing of false or incomplete information is a business offense subject to a fine.

REQUIRED REPORTS

All political committees must file four Quarterly Reports each year. Each report covers a three-month period (January through March, April through June, July through September, October through December) and must include all transactions that have taken place during that three-month period, including any information previously reported on a Schedule A-1.

A Schedule A-1 (Report of Campaign Contributions of \$1,000 or more) must be filed if a committee receives any contribution of \$1,000 or more from a single source. An A-1 must be filed within 5 business days of receipt of the contribution by the committee, except that in the 30-day period before an election an A-1 must be filed within 2 business days. Receipts of loans, in-kind contributions and personal monies must also be reported on an A-1 if they total \$1,000 or more. Schedule A-1 forms may be faxed (unless the committee is required to file electronically) – if faxed, do not send an original.

A political committee that makes independent expenditures of \$1,000 or more must electronically report the expenditures on a Schedule B-1. The report must be filed within 5 business days, except that if the independent expenditure is made within the 60-day period before an election, the report must be filed within 2 business days. Each Schedule B-1 must include the date, amount and purpose of each independent expenditure, as well as the name and office of the candidate supported or opposed by the independent expenditure. A statement that the expenditure was not made in coordination in any way with that candidate is also required.

An Independent Expenditure Committee that, during a single election cycle, makes independent expenditures supporting or opposing a particular candidate totaling more than \$250,000 for statewide races and \$100,000 for all other races must file a written disclosure of this fact with the Board within 2 business days of exceeding the threshold.

If a committee dissolves or determines it will no longer receive any contributions or make any expenditures, it may terminate its status as a committee by filing a Final Report. This report must be all-inclusive from either the committee's date of creation or the beginning of the current Quarterly reporting period, and must show a zero closing balance. All committee assets and investments must be liquidated and their disposition reported prior to the filing of a Final Report. Filing an acceptable Final Report relieves the committee of any further filing obligations. If the committee dissolves with outstanding debts and obligations, the treasurer must notify the Board of the disposition of all debts and obligations. If a committee dissolves while owing the Board a penalty, any remaining committee funds must be applied toward that penalty before the committee can file a Final Report, and any successor committee formed within 24-months of dissolution is responsible for the remaining penalty. If the committee remains dissolved for more than 24 months, the penalty is abated.

All required reports must be filed with the State Board of Elections.

FUNDRAISING

If funds are solicited through ticket sales, literature, broadcast media, the Internet or other forms of political advertisement, a notice must be included: "A copy of our report filed with the State Board of Elections is (or will be) available on the Board's official website, www.elections.il.gov, or for purchase from the State Board of Elections, Springfield, Illinois."

Most types of political committees are limited in the amount of contributions they can receive from specific types of donors. Contribution limits are based on election cycles, which are calendar years for all but Candidate Political Committees. For candidate committees, the election cycles depend on the office being sought by the candidate. For more complete information on contribution limits, please refer to the Board's Guide to Campaign Disclosure or the pamphlet "Contribution Limits".

No constitutional office holder or candidate, member of the General Assembly or candidate, political caucus of the General Assembly, or any political committee on behalf of any of the above may hold a fundraising function in Sangamon County on any day the legislature is in session. The prohibition runs from February 1 through the later of the adjournment dates of either house of the spring session, and applies during the fall veto session as well. Between June 1 and the first day of the fall veto session,

the ban does not apply to members or candidates for the General Assembly whose districts are located entirely within Sangamon County.

No candidate, public official, state employee or member of any political organization may intentionally solicit, offer or receive contributions on State property. The only exception to this rule is if it occurs at a fundraising event for which the State property has been leased or rented by a private person or entity.

It is illegal for certain state and local government employees to knowingly solicit or receive political contributions from a person engaged in a business activity over which the employee has regulatory authority. This ban applies to salaried employees of State executive branch constitutional offices and employees of chief executive officers of counties, townships or municipalities.

Businesses that either have contracts or bid on contracts with the state that total more than \$50,000 a year are prohibited from making contributions to the office holder or candidate for the office responsible for awarding the contracts.

DISCLOSURE ON POLITICAL COMMUNICATIONS

Any pamphlet, circular, handbill, advertisement or any other communication directed at voters that mentions the name of a candidate in the next upcoming election must identify as the payor the political committee responsible for its preparation or distribution. This rule does not apply to items that are too small to contain the required disclosure. There is also an exception for telephone communications that use random sampling or other scientific survey methods to gauge public opinion about a candidate or question of public policy.

RAFFLES

Raffles are a legal means of fundraising for political committees, with some restrictions. A license is required and may be obtained free of charge by submitting an application to the State Board of Elections. The application must reflect certain information, such as when and where chances will be sold and where the drawing will be held. A single license may be valid for a specified number of raffles for a period of up to one year. An applicant is ineligible to receive a raffle license if it owes a civil penalty to the Board or has an outstanding overdue report. For each raffle held by a committee, a stand-alone Raffle Report must be filed. This report lists the gross receipts, expenses, net proceeds and the distribution of cash and non-cash prizes from the raffle and must be filed with the committee's next Quarterly or Final Report, whichever comes first. A committee conducting a Board-licensed raffle is not required to keep name and address information for individuals who purchase raffle tickets, provided the individual's total purchase is \$150 or less. However, receipts from raffles must also be considered when determining if contribution limits from a particular entity have been reached.

TRANSFER OF RECORDS

All reports and records required under the Campaign Disclosure Act must remain the property of the political committee. Outgoing officers must transfer all reports and records to new officers within 10 days or face possible legal action.

FEDERAL REQUIREMENTS

Please be aware that some committees may have additional reporting requirements with the Internal Revenue Service. In particular, committees and political organizations may need to file certain forms with the IRS, including Forms 8871, 8872, 990, and 1120-POL. For more information please contact the IRS at 877-829-5500 or visit the IRS website at www.irs.gov.

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

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2329 S MacArthur Blvd
Springfield, IL 62704
(217) 782-4141
(800) 527-VOTE (8683)
(217) 782-5959 (FAX)
(217) 782-1518 (TDD)
webmaster@elections.il.gov

or

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