

**DISCLOSURE OF CAMPAIGN
CONTRIBUTIONS and EXPENDITURES
AND
RULES and REGULATIONS**



State Board of Elections

State of Illinois

Revised February 2012

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.

(A) “Contribution” means:

- (1) a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value, knowingly received in connection with the nomination for election, election, or retention of any candidate or person to or in public office 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 made in concert or cooperation with or at the request, suggestion, or knowledge of a candidate, a political committee, 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, election, or retention of any person in or to public office, or in connection with any question of public policy;
- (3) a transfer of funds received by a political committee from another political committee;

- (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; and
- (5) an expenditure by a political committee made in cooperation, consultation, or concert with another political committee.

(B) "Contribution" 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;
- (c) communications by a corporation to its stockholders and executive or administrative personnel or their families;
- (d) communications by an association to its members and executive or administrative personnel or their families;
- (e) voter registration or other campaigns encouraging voting that make no mention of any clearly identified candidate, public question, political party, group, or combination thereof;
- (f) a loan of money by a national or State bank or credit union made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but the loan shall be listed on disclosure reports required by this Article; however, the use, ownership, or control of any security for such a loan, if provided by a person other than the candidate or his or her committee, qualifies as a contribution; or
- (g) an independent expenditure.

(C) Interest or other investment income, earnings or proceeds, and refunds or returns of all or part of a committee's previous expenditures shall not be considered contributions but shall be listed on disclosure reports required by this Article.

5/9-1.5. Expenditure.

(A) "Expenditure" means:

- (1) a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value, 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;
- (2) a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value that constitutes an electioneering communication made in concert or cooperation with or at the request, suggestion, or knowledge of a candidate, a political committee, or any of their agents; or
- (3) a transfer of funds by a political committee to another political committee.

(B) "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 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; or
- (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.

5/9-1.6. Person. "Person" or "whoever" means a natural person, trust, partnership, committee, association, corporation, or any other organization or group of persons.

5/9-1.8. Political committees.

- (a) "Political committee" includes a candidate political committee, a political party committee, a political action committee, and a ballot initiative committee.
- (b) "Candidate political committee" means the candidate himself or herself or any natural person, trust, partnership, corporation, or other organization or group of persons designated by the candidate that accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of the candidate.
- (c) "Political party committee" means the State central committee of a political party, a county central committee of a political party, a legislative caucus committee, or a committee formed by a ward or township committeeman of a political party. For purposes of this Article, a "legislative caucus committee" means a committee established for the purpose of electing candidates to the General Assembly by the person elected President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, or a committee established by 5 or more members of the same caucus of the Senate or 10 or more members of the same caucus of the House of Representatives.
- (d) "Political action committee" means any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons, other than a candidate, political party, candidate political committee, or political party committee, that accepts contributions 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. "Political action committee" includes any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons, other than a candidate, political party, candidate political committee, or political party committee, that makes electioneering communications during any 12-month period in an aggregate amount exceeding \$3,000 related to any candidate or candidates for public office.
- (e) "Ballot initiative committee" means any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons that accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 in support of

in or in opposition to any question of public policy to be submitted to the electors. “Ballot initiative committee” includes any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons that makes electioneering communications during any 12-month period in an aggregate amount exceeding \$3,000 related to any question of public policy to be submitted to the voters. The \$3,000 threshold applies to any contributions 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.

5/9-1.9. Election cycle. “Election cycle” means any of the following:

- (1) For a candidate political committee organized to support a candidate to be elected at a general primary election or general election, (i) the period beginning January 1 following the general election for the office to which a candidate seeks nomination or election and ending on the day of the general primary election for that office or (ii) the period beginning the day after a general primary election for the office to which the candidate seeks nomination or election and through December 31 following the general election.
- (2) Notwithstanding paragraph (1), for a candidate political committee organized to support a candidate for the General Assembly, (i) the period beginning January 1 following a general election and ending on the day of the next general primary election or (ii) the period beginning the day after the general primary election and ending on December 31 following a general election.
- (3) For a candidate political committee organized to support a candidate for a retention election, (i) the period beginning January 1 following the general election at which the candidate was elected through the day the candidate files a declaration of intent to seek retention or (ii) the period beginning the day after the candidate files a declaration of intent to seek retention through December 31 following the retention election.
- (4) For a candidate political committee organized to support a candidate to be elected at a consolidated primary election or consolidated election, (i) the period beginning July 1 following a consolidated election and ending on the day of the consolidated primary election or (ii) the period beginning the day after the consolidated primary election and ending on June 30 following a consolidated election.
- (5) For a political party committee, political action committee, or ballot initiative committee, the period beginning on January 1 and ending on December 31 of each calendar year.

5/9-1.10. Public Office. “Public office” means any elective office or judicial office subject to retention.

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. “Anything of value” means any item, thing, service, or good, regardless of whether it 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 item, thing, service, or good contributed and by using the contributor’s certified market value required under Section 9-6.

5/9-1.13. Transfer of funds. “Transfer of funds” means any conveyance of money 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 96th General Assembly, every political committee in existence on the effective date of this amendatory Act of the 96th 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.

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.

(date of filing)

(signature of person making the statement).”

- (c) 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.
- (d) For purposes of implementing the changes made by this amendatory Act of the 96th General Assembly, every political committee in existence on the effective date of this amendatory Act of the 96th General Assembly shall file the statement required by this Section with the Board by December 31, 2010.

5/9-5. Dissolved or inactive committee. 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 of that fact and file with the Board 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) A person who collects or accepts a contribution for a political committee shall, within 5 days after receipt of such contribution, submit to the treasurer a detailed account of the contribution, including (i) the amount, (ii) the name and address of the person making such contribution, (iii) the date on which the contribution was received, and (iv) the name and address of the person collecting or accepting the contribution for the political committee. A political committee shall disclose on the quarterly statement the name, address, and occupation of any person who collects or accepts contributions from at least 5 persons in the aggregate of \$3,000 or more outside of the presence of a candidate or not in connection with a fundraising event sanctioned or coordinated by the political committee during a reporting period. This subsection does not apply to a person who is an officer of the committee, a compensated employee, a person authorized by an officer or the candidate of a committee to accept contributions on behalf of the committee, or an entity used for processing financial transactions by credit card or other means.
- (b) Within 5 business days of contributing goods or services to a political committee, the contributor shall submit to the treasurer a detailed account of the contribution, including (i) the name and address of the person making the contribution, (ii) a description and market value of the goods or services, and (iii) 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 and the date and amount thereof;
- (c) the total of all expenditures made by or on behalf of the committee;
- (d) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof;
- (e) proof of payment, stating the particulars, for every expenditure 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.

5/9-8. 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, that are authorized by the committee and that mention the candidate, stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

5/9-8.5 Limitations on campaign contributions.

- (a) It is unlawful for a political committee to accept contributions except as provided in this Section.
- (b) During an election cycle, a candidate political committee may not accept contributions with an aggregate value over the following: (i) \$5,000 from any individual, (ii) \$10,000 from any corporation, labor organization, or association, or (iii) \$50,000 from a candidate political committee or political action

committee. A candidate political committee may accept contributions in any amount from a political party committee except during an election cycle in which the candidate seeks nomination at a primary election. During an election cycle in which the candidate seeks nomination at a primary election, a candidate political committee may not accept contributions from political party committees with an aggregate value over the following: (i) \$200,000 for a candidate political committee established to support a candidate seeking nomination to statewide office, (ii) \$125,000 for a candidate political committee established to support a candidate seeking nomination to the Senate, the Supreme Court or Appellate Court in the First Judicial district, or an office elected by all voters in a county with 1,000,000 or more residents, (iii) \$75,000 for a candidate political committee established to support a candidate seeking nomination to the House of Representatives, the Supreme Court or Appellate Court for a judicial district other than the First Judicial District, an office elected by all voters of a county of fewer than 1,000,000 residents, and municipal and county offices in Cook County other than those elected by all voters of Cook County, and (iv) \$50,000 for a candidate political committee established to support the nomination of a candidate to any other office. A candidate political committee established to elect a candidate to the General Assembly may accept contributions from only one legislative caucus committee. A candidate political committee may not accept contributions from a ballot initiative committee.

- (c) During an election cycle, a political party committee may not accept contributions with an aggregate value over the following: (i) \$10,000 from any individual, (ii) \$20,000 from any corporation, labor organization, or association, or (iii) \$50,000 from a political action committee. A political party committee may accept contributions in any amount from another political party committee or a candidate political committee, except as provided in subsection (c-5). Nothing in this Section shall limit the amounts that may be transferred between a State political committee and federal political committee. A political party committee may not accept contributions from a ballot initiative committee. A political party committee established by a legislative caucus may not accept contributions from another political party committee established by a legislative caucus.
- (c-5) During the period beginning on the date candidates may begin circulating petitions for a primary election and ending on the day of the primary election, a political party committee may not accept contributions with an aggregate value over \$50,000 from a candidate political committee or political party committee. A political party committee may accept contributions in any amount from a candidate political committee or political party committee if the political party committee receiving the contribution filed a statement of nonparticipation in the primary as provided in subsection (c-10). The Task Force on Campaign Finance Reform shall study and make recommendations on the provisions of this subsection to the Governor and General Assembly by September 30, 2012. This subsection becomes inoperative on July 1, 2013 and thereafter no longer applies.

- (c-10) A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation in a Primary Election with the Board. The Statement of Nonparticipation shall include a verification signed by the chairperson and treasurer of the committee that (i) the committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the general primary election or consolidated primary election (select one) to be held on (insert date), (ii) the political party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee does not make contributions to a candidate or candidates to be nominated at the primary election, and (iii) failure to abide by these requirements shall deem the political party committee in violation of this Article and subject the committee to a fine of no more than 150% of the total contributions or coordinated expenditures made by the committee in violation of this Article. This subsection becomes inoperative on July 1, 2013 and thereafter no longer applies.
- (d) During an election cycle, a political action committee may not accept contributions with an aggregate value over the following: (i) \$10,000 from any individual, (ii) \$20,000 from any corporation, labor organization, political party committee, or association, or (iii) \$50,000 from a political action committee or candidate political committee. A political action committee may not accept contributions from a ballot initiative committee.
- (e) A ballot initiative committee may accept contributions in any amount from any source, provided that the committee files the document required by Section 9-3 of this Article.
- (f) Nothing in this Section shall prohibit a political committee from dividing the proceeds of joint fundraising efforts; provided that no political committee may receive more than the limit from any one contributor.
- (g) On January 1 of each odd-numbered year, the State Board of Elections shall adjust the amounts of the contribution limitations established in this Section for inflation as determined by the Consumer Price Index for All Urban Consumers as issued by the United States Department of Labor and rounded to the nearest \$100. The State Board shall publish this information on its official website.
- (h) Self-funding candidates. If a public official, a candidate, or the public official's or candidate's immediate family contributes or loans to the public official's or candidate's political committee or to other political committees that transfer funds to the public official's or candidate's political committee or makes independent expenditures for the benefit of the public official's or candidate's campaign during the 12 months prior to an election in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices, then the public official or candidate shall file with the State Board of Elections, within one day, a Notification of Self-funding that shall detail each contribution or loan made by the public official, the candidate, or the public official's or candidate's immediate family. Within 2 business days after the filing of a Notification of Self-funding, the notification shall be posted on the Board's website and the Board shall give official notice of the filing to each candidate for the same office as the public official or candidate making the filing, including the public official or candidate filing the Notification of Self-funding. Upon receiving notice from the Board, all candidates for that office,

including the public official or candidate who filed a Notification of Self-funding, shall be permitted to accept contributions in excess of any contribution limits imposed by subsection (b). For the purposes of this subsection, “immediate family” means the spouse, parent, or child of a public official or candidate.

- (i) For the purposes of this Section, a corporation, labor organization, association, or a political action committee established by a corporation, labor organization, or association may act as a conduit in facilitating the delivery to a political action committee of contributions made through dues, levies, or similar assessments and the political action committee may report the contributions in the aggregate, provided that: (i) the dues, levies, or similar assessments paid by any natural person, corporation, labor organization, or association in a calendar year may not exceed the limits set forth in this Section and (ii) the corporation, labor organization, association, or a political action committee established by a corporation, labor organization, or association facilitating the delivery of contributions maintains a list of natural persons, corporations, labor organizations, and associations that paid the dues, levies, or similar assessments from which the contributions comprising the aggregate amount derive. A political action committee facilitating the delivery of contributions or receiving contributions shall disclose the amount of dues delivered or received and the name of the corporation, labor organization, association, or political action committee delivering the contributions, if applicable.
- (j) A political committee that receives a contribution or transfer in violation of this Section shall dispose of the contribution or transfer by returning the contribution or transfer, or an amount equal to the contribution or transfer, to the contributor or transferor or donating the contribution or transfer, or an amount equal to the contribution or transfer, to a charity. A contribution or transfer received in violation of this Section that is not disposed of as provided in this subsection within 15 days after its receipt shall escheat to the General Revenue Fund and the political committee shall be deemed in violation of this Section and subject to a civil penalty not to exceed 150% of the total amount of the contribution.
- (k) For the purposes of this Section, “statewide office” means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.
- (l) This Section is repealed if and when the United States Supreme Court invalidates contribution limits on committees formed to assist candidates, political parties, corporations, associations, or labor organizations established by or pursuant to federal law.

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 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 a political committee controlled by an officeholder or by a candidate 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 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 on the Board's official website (insert the current website address) or for purchase from the State Board of Elections, Springfield, 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. Disclosure of contributions and expenditures.

- (a) The treasurer of every political committee shall file with the Board reports of campaign contributions and expenditures as required by this Section on forms to be prescribed or approved by the Board.
- (b) Every political committee shall file quarterly reports of campaign contributions, expenditures, and independent expenditures. The reports shall cover the period January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31 of each year. A political committee shall file quarterly reports no later than the 15th day of the month following each period. 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 failure to file a report required by this subsection. The fine, however, shall not exceed \$1,000 for a first violation if the committee files 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. When considering the amount of the fine to be imposed, the Board shall consider whether the violation was committed inadvertently, negligently, knowingly, or intentionally and any past violations of this Section.
- (c) A political committee shall file a report of any contribution of \$1,000 or more electronically with the Board within 5 business days after receipt of the contribution, except that the report shall be filed within 2 business days after receipt if (i) the contribution is received 30 or fewer days before the date of an election and (ii) the political committee supports or opposes a candidate or public question on the ballot at that election or makes expenditures in excess of \$500 on behalf of or in opposition to a candidate, candidates, a public question, or public questions on the ballot at that election. The State Board shall allow filings of reports of contributions of \$1,000 or more by political committees that are not required to file electronically to be made by facsimile transmission. The Board shall assess a civil penalty for failure to file a report required by this subsection. Failure to report each contribution is a separate violation of this subsection. The Board shall impose fines for willful or wanton violations of this subsection (c) not to exceed 150% of the total amount of the contributions that were untimely reported, but in no case 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 for willful or wanton violations, the Board shall consider the number of days the contribution was reported late and past violations of this Section and Section 9-3. The Board may impose a fine for negligent or inadvertent violations of this subsection not to exceed 50% of the total amount of the contributions that were untimely reported, or the Board may waive the fine. When considering whether to impose a fine and the amount of the fine, the Board shall consider the following factors: (1) whether the political committee made an attempt to disclose the contribution and any attempts made to correct the violation, (2) whether the violation is attributed to a clerical or computer error, (3) the amount of the contribution, (4) whether the violation arose from a discrepancy between the date the contribution was reported transferred by a political committee and the date the contribution was received by a political committee, (5) the

number of days the contribution was reported late, and (6) past violations of this Section and Section 9-3 by the political committee.

- (d) For the purpose of this Section, a contribution is considered received on the date (i) a monetary contribution was deposited in a bank, financial institution, or other repository of funds for the committee, (ii) the date a committee receives notice a monetary contribution was deposited by an entity used to process financial transactions by credit card or other entity used for processing a monetary contribution that was deposited in a bank, financial institution, or other repository of funds for the committee, or (iii) the public official, candidate, or political committee receives the notification of contribution of goods or services as required under subsection (b) of Section 9-6.
- (e) A political committee that makes independent expenditures of \$1,000 or more during the period 30 days or fewer before an election shall electronically file a report with the Board within 5 business days after making the independent expenditure. The report shall contain the information required in Section 9-11(c) of this Article.
- (f) 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. Financial reports.

- (a) Each quarterly report of campaign contributions, expenditures, and independent expenditures under Section 9-10 shall disclose the following:
 - (1) the name and address of the political committee;
 - (2) the name and address of the person submitting the report on behalf of the committee, if other than the chairman or treasurer;
 - (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 the committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amounts and dates of those 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 the 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 the committee during the reporting period and not reported under item (6);

- (8) each loan to or from any person, political committee, or financial institution 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; the dates and amounts 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 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 the committee from (i) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (ii) mass collections made at those events; and (iii) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (10) each contribution, rebate, refund, income from investments, or other receipt in excess of \$150 received by the 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 the committee or candidate during the reporting period;
- (12) the full name and mailing address of each person to whom expenditures have been made by the committee or candidate within the reporting period in an aggregate amount or value in excess of \$150; the amount, date, and purpose of each of those expenditures; and the question of public policy or the name and address of, and the office sought by, each candidate on whose behalf that expenditure was made;
- (13) 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 that is not otherwise reported, including the amount, date, and purpose of the expenditure;
- (14) the value of each asset held as an investment, as of the final day of the reporting period;
- (15) the total sum of expenditures made by the committee during the reporting period; and
- (16) 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 those debts or obligations.

For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held they shall be identified by name and quantity of security or instrument on each semi-annual report during the period.

- (b) Each report of a campaign contribution of \$1,000 or more required under subsection (c) of Section 9-10 shall disclose the following:
 - (1) the name and address of the political committee;
 - (2) the name and address of the person submitting the report on behalf of the committee, if other than the chairman or treasurer; and

- (3) the full name and mailing address of each person who has made a contribution of \$1,000 or more.
- (c) Each quarterly report shall include the following information regarding any independent expenditures made during the reporting period: (1) the full name and mailing address of each person to whom an expenditure in excess of \$150 has been made in connection with an independent expenditure; (2) the amount, date, and purpose of such expenditure; (3) a statement whether the independent expenditure was in support of or in opposition to a particular candidate; (4) the name of the candidate; (5) the office and, when applicable, district, sought by the candidate; and (6) a certification, under penalty of perjury, that such expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee. The report shall also include (I) the total of all independent expenditures of \$150 or less made during the reporting period and (II) the total amount of all independent expenditures made during the reporting period.
- (d) 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.
- (e) Each report shall be verified, dated, and signed by either the treasurer of the political committee or the candidate on whose behalf the report is filed and shall contain the following verification: “I declare that this report (including any accompanying schedules and statements) has been examined by me and, to the best of my knowledge & 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 subject to a civil penalty of up to \$5,000”.
- (f) A political committee may amend a report filed under subsection (a) or (b). The Board may reduce or waive a fine if the amendment is due to a technical or inadvertent error and the political committee files the amended report, except that a report filed under subsection (b) must be amended within 5 business days. The State Board shall ensure that a description of the amended information is available to the public. The Board may promulgate rules to enforce this subsection.

5/9-13. Audits of political committees.

- (a) The Board shall have the authority to order a political committee to conduct an audit of the financial records required to be maintained by the committee to ensure compliance with Sections 9-8.5 and 9-10. Audits ordered by the Board shall be conducted as provided in this Section and as provided by Board rule.
- (b) The Board may order a political committee to conduct an audit of its financial records for any of the following reasons: (i) a discrepancy between the ending balance of a reporting period and the beginning balance of the next reporting period, (ii) failure to account for previously reported investments or loans, or (iii) a discrepancy between reporting contributions received by or expenditures made for a political committee that are reported by another political committee, except the Board shall not order an audit pursuant to this item (iii) unless there is a willful pattern

of inaccurate reporting or there is a pattern of similar inaccurate reporting involving similar contributions by the same contributor. Prior to ordering an audit, the Board shall afford the political committee due notice and an opportunity for a closed preliminary hearing. A political committee shall hire an entity qualified to perform an audit; except, a political committee shall not hire a person that has contributed to the political committee during the previous 4 years.

- (c) In each calendar year, the Board shall randomly order no more than 3% of registered political committees to conduct an audit. The Board shall establish a standard, scientific method of selecting the political committees that are to be audited so that every political committee has an equal mathematical chance of being selected.
- (d) Upon receipt of notification from the Board ordering an audit, a political committee shall conduct an audit of the financial records required to be maintained by the committee to ensure compliance with the contribution limitations established in Section 9-8.5 and the reporting requirements established in Section 9-3 and Section 9-10 for a period of 2 years or the period since the committee was previously ordered to conduct an audit, whichever is shorter. The entity performing the audit shall review the amount of funds and investments maintained by the political committee and ensure the financial records accurately account for any contributions and expenditures made by the political committee. A certified copy of the audit shall be delivered to the Board within 60 calendar days after receipt of notice from the Board, unless the Board grants an extension to complete the audit. A political committee ordered to conduct an audit through the random selection process shall not be required to conduct another audit for a minimum of 5 years unless the Board has reason to believe the political committee is in violation of Section 9-3, 9-8.5, or 9-10.
- (e) The Board shall not disclose the name of any political committee ordered to conduct an audit or any documents in possession of the Board related to an audit unless, after review of the audit findings, the Board has reason to believe the political committee is in violation of Section 9-3, 9-8.5, or 9-10 and the Board imposed a fine.
- (f) Failure to deliver a certified audit in a timely manner is a business offense punishable by a fine of \$250 per day that the audit is late, up to a maximum of \$5,000.

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

- (1) to develop prescribed forms for filing statements of organization and required reports;
- (2) to prepare, publish, and furnish to the appropriate persons 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;
- (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) to promptly make all reports and statements filed under this Article available for public inspection and copying no later than 2 business days after their receipt and to permit copying of any such report or statement at the expense of the person requesting the copy;
- (6) to develop a filing, coding, and cross-indexing system consistent with the purposes of this Article;
- (7) to compile and maintain a list of all statements or parts of statements pertaining to each candidate;
- (8) to prepare and publish such reports as the Board may deem appropriate; and
- (9) to annually notify each political committee that has filed a statement of organization with the Board of the filing dates for each quarterly report, provided that such notification shall be made by first-class mail unless the political committee opts to receive notification electronically via email.

5/9-16. It shall be the duty of the Board and of each county clerk to provide to each candidate at the time he files his nomination papers a notice of obligations under this Article. 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. The notice of obligations under this Article shall be prepared by the Board.

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.”

(date of filing)

(signature of person filing the complaint)

5/9-21. Upon receipt of a complaint as provided in Section 9-20, 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. Any additional hearings shall be open to the public.

Whenever the Board, in an open meeting, determines, after affording due notice and an opportunity for a public hearing, that 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 file, 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 in an open meeting. 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.

5/9-23.5 Public database of founded complaints. The State Board of Elections shall establish and maintain on its official website a searchable database, freely accessible to the public, of each complaint filed with the Board under this Article with respect to which Board action was taken, including all Board actions and penalties imposed, if any. The Board must update the database within 5 business days after an action is taken or a penalty is imposed to include that complaint, action, or penalty in the database. The Task Force on Campaign Finance Reform shall make recommendations on improving access to information related to founded complaints.

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:

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 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 on the Board's website.

The Board shall provide all software necessary to comply with 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.

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 State Board of Elections shall not certify the name of any person who has not paid a civil penalty imposed against his or her political committee under this Article to appear upon any ballot for any office in any election if the penalty is unpaid by the date required for certification.

The State Board of Elections shall generate a list of all candidates whose political committees have not paid any civil penalty assessed against them under this Article. Such list shall be transmitted to any election authority whose duty it is to place the name of any such candidate on the ballot. The election authority shall not place upon the ballot the name of any candidate appearing on this list for any office in any election while the penalty is unpaid, unless the candidate has requested a hearing and the Board has not disposed of the matter by the date of certification.

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 96th 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 96th 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 96th 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 96th 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 campaign disclosure documents under Article 9 of the Act and the penalties for failure to file. Such notice shall be given in the manner prescribed in Section 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 campaign disclosure documents under Article 9 of this Act and the penalties for failure to file. Such notice shall be given in the manner prescribed in 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 1/45-35. 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 campaign disclosure documents 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 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 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 95th 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 95th 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 95th 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.
- (c-5) For the purposes of the prohibitions under subsections (b) and (c) of this Section, (i) any contribution made to a political committee established to promote the candidacy of the Governor or a declared candidate for the office of Governor shall also be considered as having been made to a political committee established to promote the candidacy of the Lieutenant Governor, in the case of the Governor, or the declared candidate for Lieutenant Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Governor, as applicable, and (ii) any contribution made to a political committee established to promote the candidacy of the Lieutenant Governor or a declared candidate for the office of Lieutenant Governor shall also be considered as having been made to a political committee established to promote the candidacy of the Governor, in the case of the Lieutenant Governor, or the declared candidate for Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Lieutenant Governor, as applicable.
- (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.

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 100
CAMPAIGN FINANCING

Section	
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AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006; amended at 31 Ill. Reg. 7142, effective May 1, 2007; emergency amendment at 33 Ill. Reg. 332, effective January 1, 2009, for a maximum of 150 days; emergency expired May 30, 2009; emergency amendment at 33 Ill. Reg. 9809, effective June 29, 2009, for a maximum of 150 days; emergency expired November 25, 2009; amended at 34 Ill. Reg. 274, effective December 15, 2009; amended at 34 Ill. Reg. 10521, effective July 9, 2010; amended at 35 Ill. Reg. 2295, effective February 4, 2011; amended at 35 Ill. Reg. 12973, effective July 19, 2011

Section 100.10 Definitions

a) General Definitions

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

"Board" means the Illinois State Board of Elections.

"Election Code" or "Code" means 10 ILCS 5.

"File", "Filed" or "Filing" means:

The statement, report or document being filed is in apparent and substantial conformity with the requirements of the Election Code. Apparent and substantial conformity requires that the filing contain the following:

The signature of the person making the filing;

Completion of all applicable sections of the report; and

Attachment of all appropriate schedules.

Inadvertent error or omission of a de minimus nature in the completion of a report, statement or document shall not be deemed to be a "willful failure to file or a willful filing of false or incomplete information" under Section 9-26 of the Election Code.

"Immediate Family" means the spouse, parent or child of the public official, candidate or any other person referred to in this Part. A parent shall include a stepparent or adoptive parent. A child shall mean a biological, adopted or stepchild.

"Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

"Public Office" means, among other things, an elective office. The term includes the political party offices of state central, county, ward, township and precinct committeeman.

"Signature" or "Signed", as used in Article 9 and this Part, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.

"Submit" or "Submitting", as used in Section 9-11 of the Election Code, means actually filing a report with the Board through the following methods:

uploading a report electronically or, if accomplished at a Board office or with the assistance of Board staff, the committee representative is present and/or authorizing the report filing;

using the U.S. Postal Service, overnight delivery, or any other delivery service;

hand delivering a report to the Board; or

faxing a Schedule A-1 to the Board.

With the exception of the chairman or the treasurer, the person submitting the report on behalf of the committee must list himself or herself as having submitted the report.

b) Definitions Interpreting Specific Sections of the Election Code

1) Assets

A) Reference: This definition of assets interprets or applies to Section 9-5 of the Election Code.

B) An asset is an item of property, other than cash or services, of any kind, tangible or intangible, that has either a fair market or salvage value in excess of \$150.

2) Candidate

A) Reference: This subsection (b)(2) interprets or applies to Section 9-1.3 of the Election Code.

B) "Candidate", as that term is defined in Section 9-1.3 of the Election Code, shall include, but not be limited to:

i) A person who circulates or authorizes the circulation of nominating petitions on his or her behalf for public office;

ii) An individual who receives contributions or makes expenditures or gives consent for any other person to receive contributions or make expenditures for the purpose of bringing about his or her nomination for election or re-election to any office;

iii) Any judicial incumbent who qualifies for retention.

3) Contributions and Anything of Value

A) Reference: This subsection (b)(3) interprets or applies Sections 9-1.4, 9-1.5, 9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15 of the Election Code [10 ILCS 5/9-1.4, 9-1.5, 9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15].

B) The term "anything of value", as used in Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code, means any item, thing, service or goods, regardless of whether valued in monetary terms according to ascertainable market value.

C) "Anything of value" that does not have an ascertainable market value may be reported by describing the item, thing, service or goods contributed; however, nothing in this subsection (b)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.

D) Interest, other investment income, earnings or proceeds, and refunds and returns shall not be reported as a contribution, but shall be reported as a receipt according to this subsection (b)(3). For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each

investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held, they shall be identified by name and quantity of security or instrument on each quarterly report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.

- E) In addition to the items expressly excluded in the Election Code, the terms "anything of value" and "contribution" shall not be deemed to include:
- i) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;
 - ii) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other periodical publication;
 - iii) Any publication by a membership association or corporation to its officers, employees, members, stockholders, or members of the immediate families of these persons, so long as the membership association or corporation is not organized primarily for the purpose of influencing the nomination for election, election, or retention of any candidate, or supporting or opposing any question or questions of public policy;
 - iv) The occasional use of real property of a person or whoever, as defined in Section 9-1.6 of the Election Code, and as defined in Section 100.10(g) of this Part, for the purpose of conveying information to officers, employees, members or stockholders of an association or a corporation, and the immediate families of these persons, including but not limited to the use of the premises for the purpose of a candidate communicating directly with officers, employees, members or stockholders and the immediate families of these persons;
 - v) Unrealized appreciation or loss of value of investments during the period they are held.
- F) A loan of money from a bank, credit union, or other financial institution to a candidate or public official, or his or her political committee, shall not be listed as a contribution from that institution. However, the loan must still be reported on political committees' quarterly reports. Security for a loan, if provided by a person other than the candidate or the candidate's political committee, does qualify as a contribution and shall be reported as having come from the person who provided it.
- G) Independent expenditures are not contributions, as that term is defined in Section 9-1.4 of the Election Code. Independent expenditures are those made for the purpose of electioneering communication, as that term is defined in Section 9-1.14, or that expressly advocates the election, nomination or defeat of a candidate and that is not made in cooperation, concert or consultation with, or at the request or suggestion of, the public official or candidate. Communications that expressly advocate the election, nomination or defeat of a candidate are

those that unequivocally state in the communication that the candidate ought to be elected, nominated or defeated. These communications typically contain the terms "vote for", "elect" or, in the case of expressly advocating the defeat of a candidate, "vote against", "vote no", "defeat", etc.

- H) "Clearly identifiable candidate" means the candidate's name (first name and surname) but does not necessarily have to include the candidate's middle name or middle initial. A clearly identifiable candidate can also be one that is described in such a way as to exclude any other candidate so as to leave no doubt in the mind of the person being communicated to as to whom the communication is referring. For example: "The Democratic Party's candidate for Mayor", "Congressman Jones", or "the former Republican candidate for Congressman who was defeated at the most recent General Election". A clearly identifiable candidate can also be described by use of a photograph or other visual image or likeness.
 - I) A communication by a corporation, a limited liability company, or an association to its members or stockholders and executive or administrative personnel, or the immediate families of these persons, is not a contribution. For purposes of this Part, a corporation is one that is registered with the Business Services Division of the Illinois Secretary of State or is similarly registered with any other state in compliance with that state's laws or that operates as or holds itself out as a corporation so that it would be required to register with the Illinois Secretary of State, regardless if it has taken affirmative action to so register. For purposes of this Part, an association is defined broadly to include any group of persons or entities that have a common purpose and that have an organizational structure with an existing membership roster and governing by-laws or other similar rules. An association includes those that are both for-profit and not-for-profit (however the entity does not necessarily have to be organized under the laws of this or any other state) and includes a labor union as that term is defined in subsection (a).
 - J) A voter registration campaign or other Get Out The Vote (GOTV) activity is not deemed to be "anything of value" or a "contribution", so long as the campaign or activity makes no mention of any clearly identified candidate, public question, political party, group or combination of these entities.
- 4) Person or Whoever
- A) Reference: This subsection (b)(4) interprets or applies Section 9-1.6 of the Election Code.
 - B) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code shall include, but not be limited to, all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, etc.
- 5) Political Committee
- A) Reference: This subsection (b)(5) interprets or applies Sections 9-1.8 and 9-1.9 of the Election Code.
 - B) A person or whoever, as defined in Section 9-1.6 of the Election Code and in subsection (b)(4), does not qualify as a political committee pursuant to Article 9

of the Election Code by simply making a contribution from his or her personal income or profits, regardless of the amount of the donations. If an entity, other than a natural person, makes an expenditure or expenditures in aggregate within a 12 month period in excess of \$3,000 supporting or opposing public officials or candidates, then the entity qualifies as a political committee.

- C) If a person or whoever solicits or receives funds for political purposes, he or she would, in fact, become a political committee and would have to comply with all provisions of Article 9 of the Election Code. The provisions of this subsection (b)(5) shall not apply to those persons who accept contributions from at least 5 individuals as provided in Section 9-6 of the Code.
- D) Political committees shall include candidate committees, political party committees, political action committees and ballot initiative committees, as those terms are defined in Section 9-1.8 of the Election Code. Candidates who form a new political party under Section 10-2 of the Code may collectively form a political party committee to support their candidacy or each candidate may individually form candidate committees. Groups of candidates who run as either independents under Section 10-3 of the Code, or as non-partisan candidates by virtue of the office being non-partisan pursuant to statute, may collectively form a political action committee to support their candidacy, or may individually form a candidate committee. Candidates of established political parties may collectively form a political action committee to support their candidacy. Candidates who exercise the option of forming a political action committee may not include the names of any of the candidates in the name of the political action committee. A political action committee must, however, include the name of the office that the candidates are seeking and the name of the political subdivision or unit of local government to which the office pertains. In all cases except political party committees, political committees are limited to those that accept contributions or make expenditures in an aggregate amount exceeding \$3,000 on behalf of or in opposition to candidates, or, in the case of a ballot initiative committee, in support of or opposition to questions of public policy.
 - i) Political Party Committees referred to in Section 9-1.8(c) of the Election Code include "legislative caucus committees" and are defined as caucuses that are established by either 5 or more members of the same caucus in the Senate or 10 or more members of the same caucus in the House of Representatives. These committees shall include any caucus declared by its membership to be a caucus. If the number of caucus members of a given caucus committee decreases below the designated threshold (5 Senate/10 House members), the caucus committee shall become a political action committee, as that term is defined in Section 9-1.8 of the Code, and be subject to the contribution limits pertaining to political action committees established in Section 9-8.6(d), unless the caucus committee either fills the vacancy or dissolves within 5 business days after the date the vacancy occurred.
 - ii) For purposes of Section 9-1.9 of the Code, a judicial candidate running for retention subsequent to his or her first retention candidacy following the candidate's election shall be subject to the election cycle established in Section 9-1.9(3), except that the period shall begin on January 1 following the candidate's retention (as opposed to his or her election) and extending to the day the candidate files his or her next

declaration to seek retention and the period beginning after that day and extending to December 31 following the candidate's retention election. This judicial retention election cycle is subject to the fundraising restrictions contained in Canon 7 of Rule 67 of the Rules of the Illinois Supreme Court (committees established to support judicial candidates may not solicit contributions more than 1 year preceding the election in which the candidate is seeking judicial office or retention thereto, and no later than 90 days following such election).

- iii) Any corporation, labor organization, political committee or association that acts as a conduit in facilitating the delivery of dues, levies or similar assessments to a political action committee as provided in Section 9-8.5(i) of the Code shall not be considered to be a political action committee within the meaning of the disclosure and regulation requirements of Article IX of the Code.
 - iv) For purposes of Section 9-1.9(4) of the Code, the election cycle for a candidate political committee organized to support a candidate to be elected at a consolidated primary or a consolidated election shall run from:
 - the period beginning July 1 following the consolidated election for which the candidate seeks nomination or election and ending on the day of the consolidated primary election for that office; or
 - the period beginning the day after a consolidated primary election for the office to which the candidate seeks nomination or election and through June 30 following that consolidated election.
 - E) If an entity forming a political action committee under Section 9-2(d) is not a clearly identifiable trust, partnership, committee, association, corporation or other organization, but rather a group of persons lacking any formal organizational structure, the name of the political committee shall include the name (first and last) of the person or persons responsible for its formation or its continuing operation.
 - F) The name of a ballot initiative committee must include a brief description of the question or questions and whether the committee is organized to support or oppose the question or questions. The name shall not exceed 70 characters (based on U.S. Post Office restrictions applicable to mailing labels) and shall include keywords that would provide a reasonable person with a general understanding of the subject matter of the question or questions and whether the committee was formed to support or oppose the question or questions.
 - G) A political committee that fails to make the designation required by Section 9-2 of the Code on or before December 31, 2010 may be subject to a complaint filed by the Board or a third party. The complaint shall be filed under the provisions of Sections 9-20 and 9-21 of the Code.
- 6) Statement of Organization
- A) Reference: This subsection (b)(6) interprets Section 9-3 of the Election Code.

- B) A committee officer must, in filling out the Form D-1, use the name that appears on his or her birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.
- C) The prohibition contained in Section 9-3(d)(iii) of the Election Code against making contributions from a ballot initiative committee to a candidate or candidates for nomination for election, election or retention to public office shall not include refunds of contributions to the candidate so long as the refund does not exceed the amount the candidate originally contributed.
- D) For the purpose of this subsection (b)(6), the term "person" contained in the definition of "sponsoring entity" shall not include a political committee. The term "sponsoring entity" is defined in Section 100.170.
- E) A complaint for willfully filing a false or incomplete Statement of Organization shall be subject to the provisions of Sections 9-20 and 9-21 of the Code.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.20 Official Forms

- a) Reference: This Section interprets or applies Sections 9-7.5, 9-10(a) and 9-15(1) of the Election Code.
- b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports, except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 30 Ill. Reg. 17496, effective November 3, 2006)

Section 100.30 Forwarding of Documents (Repealed)

(Source: Repealed at 16 Ill. Reg. 6982, effective April 21, 1992)

Section 100.40 Vacancies in Office - Custody of Records

Reference: This Section interprets or applies Sections 9-2, 9-5, 9-7, 9-10, 9-13 and 9-15 of the Election Code.

- a) **Death**
Upon the death of the treasurer of a committee, the candidate or, if the candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and amend the Statement of Organization (Form D-1) within 10 days after the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.
- b) **Removal from Office**
In the case of a single candidate related committee whose officers were originally named by the

candidate, the candidate shall have the right to remove any and all officers of his or her committee, provided the removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for the candidate related committee. If a candidate removes from office any or all officers of the committee, all records related to the committee shall be maintained by the candidate. If former officers request, the candidate shall allow them access to records and provide reasonable opportunity to make copies.

- c) **Resignation**
If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he or she shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.
- d) **Inability to Sign**
All reports 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. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a letter within 30 days after the filing indicating that the substituted signature is authorized and the treasurer accepts responsibility as if he or she had signed. The substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a nonfiling.
- e) All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer or candidate shall have any proprietary or possessory interest in the documents in derogation of the rights of the committee itself.
- f) If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within 10 days following the change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.
- g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a turnover order.
- h) A committee that fails to preserve the records and accounts required by Section 9-7 of the Election Code or by this Part for the periods required by statute or rule may be required to reconstruct its records and accounts if doing so is necessary to the audit of its records. If a committee is required to reconstruct its records, it must pay all of the costs and charges, including bank or accountants fees, for the reconstruction of the records.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.50 Multiple Filings by State and Local Committees (Repealed)

(Source: Repealed at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.60 Filing Option for a Federal Political Committee

- a) Reference: This Section interprets or applies Section 9-15 of the Election Code.

- b) Any "person" or "whoever", as defined by Section 9-1.6 of the Election Code, qualifying as a political committee under Article 9 of the Election Code and filing Federal Election Commission reports may choose to comply with the provisions of Article 9 of the Election Code by so indicating on a Statement of Organization (Form D-1) filed with the State Board of Elections.
- c) A political committee may choose to file reports pursuant to this Section, either by amendment or for the first time, by stating on Part 5 of the Statement of Organization (Form D-1) the following: "Campaign financing reports will be filed pursuant to Section 100.60, Campaign Financing Regulations, State Board of Elections."
- d) Pursuant to the state filing waiver program (2 USC 439), a federal political committee also qualifying as a political committee under Article 9 of the Election Code shall not file a copy of all Federal Election Commission reports with the State Board of Elections.
- e) This Section shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by Article 9 or in support of or in opposition to a question of public policy.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.70 Reports of Contributions and Expenditures

- a) Reference: This Section interprets or applies Sections 9-6, 9-10 and 9-11 of the Election Code.
- b) All contributions, as that term is defined in Section 9-1.4 of the Election Code, of \$1,000 or more, including loans and in-kind contributions, must be reported to the State Board of Elections on a Schedule A-1 within 5 business days after receipt, except that, if the contribution is received within 30 days prior to an election, the contribution must be reported on a Schedule A-1 within 2 business days after receipt. In order to determine whether the report shall be filed within 2 business days rather than 5 business days after receipt, any contribution of \$1,000 or more that is received within 30 days prior to an election shall be reported within 2 business days. The requirement to file a Schedule A-1 Report with 2 business days shall only apply to those committees organized to support or oppose candidates, public officials or a public question that is on the ballot at that election, committees that spend in excess of \$500 on a public official, candidate or public question that is on the ballot at that election, or committees organized to support or oppose a candidates who has filed a declaration of intent to be a write-in candidate at that election.
- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code or to require the itemization of expenditures not otherwise required to be itemized under Article 9.
- d) Quarterly and A-1 Reports
 - 1) Every active political committee must file quarterly reports, as required by Section 9-10(b) of the Election Code.

- 2) Every active political committee must file Schedule A-1 reports, as required by Section 9-10(c) of the Election Code when a contribution of \$1,000 or more from a single source is received within a single quarterly reporting period.
 - A) The reports must be filed within 2 business days after receipt if the contribution is received within 30 days prior to an election and:
 - i) The political committee is, by the terms of its Form D-1 Statement of Organization, organized to support or oppose a candidate or a public question on the ballot at the next election; or
 - ii) The political committee makes expenditures in excess of \$500, including expenditures for in-kind contributions and electioneering communications, on behalf of or in opposition to any candidate or public question on the ballot at an election.
 - B) All other A-1 reports must be filed within 5 business days after receipt.
- e) A committee that, having determined that it will not participate in an election, subsequently makes an expenditure in excess of \$500 or expends or has expended an aggregate amount in excess of \$500 on behalf of or in opposition to a candidate or candidates or on behalf of a question or questions of public policy that will appear on the ballot at the next election shall, beginning with the date of that expenditure, report contributions of \$1,000 or more received, as defined in Section 9-10(d) of the Election Code, by the chairman, treasurer or candidate, within 30 days prior to the election, within 2 business days after receipt by that person.
- f) The authorization of persons to collect contributions on behalf of a political committee (see Section 9-6(a) of the Election Code) shall be in writing; shall state that the person is empowered to accept contributions on behalf of the committee; and shall include the signature of the officer or candidate granting the authorization. The authorization shall be provided to the person prior to acceptance of any contributions on behalf of the committee.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.75 Limitation on Campaign Contributions

Political committees are limited in the amount of contributions that they can accept. Appendix A, Table A lists the 4 types of political committees (Candidate, Political Party, Political Action and Ballot Initiative) and the specific contribution limitations applicable to each. Appendix A, Table B lists the election cycles for Candidate Committees (subdivided according to the office sought), Political Party Committees, Political Action Committees and Ballot Initiative Committees. A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation for the specified primary election with the Board. The Statement shall be filed with the Board no earlier than July 1 immediately prior to the first day candidates may begin circulating nominating petitions and ending on the day before the date candidates may begin circulating nominating petitions for that primary election. The Statement shall include a verification signed by the chairperson and the treasurer of the committee and shall state that:

- a) The committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the specified general primary election or consolidated primary election.
- b) The political party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee accepting

the contributions does not make contributions to a candidate or candidates to be nominated at the primary election.

- c) Failure to abide by the requirements of subsections (a) and (b) shall deem the political party committee to be in violation of Article 9 and subject to a fine of no more than 150% of the total contributions and/or coordinated expenditures made by the committee in violation of that Article.
- d) For political committees referred to in Section 9-1.8 (candidate, political party and political action), any contribution or transfer received in violation of Section 9-8.5(a) through (d) shall be disposed of within 15 days by:
 - 1) Returning the contribution or transfer, or an amount equal to the contribution or transfer, to the contributor or transferor; or
 - 2) Donating the contribution or transfer, or an amount equal to the contribution or transfer, to a charitable organization.
- e) If a political committee fails to dispose of the contribution or transfer as provided in subsection (d):
 - 1) The contribution or transfer shall escheat to the State's General Revenue Fund within 30 days after the expiration of the 15 day period provided in subsection (d); and
 - 2) The political committee shall be deemed to be in violation of this Section and be subject to a civil penalty not to exceed 150% of the total amount of the contribution.
- f) When considering the amount of the civil penalty to be imposed, the Board will consider all relevant factors, including, but not limited to, the following:
 - 1) Whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly or intentionally;
 - 2) Whether any attempt was made by the committee to return the contribution or transfer; and
 - 3) Past violations of Article 9 of the Election Code. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
- g) When a contribution is determined to have been received by a political committee in violation of Section 9-8.5(a) through (d), the Board will send notice of violation to the chairman and the treasurer of each political committee, together with an order assessing a civil penalty calculated in accord with this subsection (g). The notice of violation and order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of violation shall state that the Board has assessed a civil penalty that will be final unless the committee shows cause as to why the penalty should not be assessed. The provisions of 26 Ill. Adm. Code 125.425 relating to procedures to appeal civil penalty assessments shall apply to penalties assessed under this Section.
- h) For purposes of adjusting the amounts of contribution limitations under Section 9-8.5(g) of the Election Code, the Board will base the adjustments on the Consumer Price Index for All Urban

Consumers – US City Average (Not Seasonally Adjusted), as provided by the United States Department of Labor. Adjustments shall be calculated:

- 1) On January 1, or the first business day following January 1, of each odd-numbered year, whichever comes first;
 - 2) As a percent change, rounded to the nearest tenth, in the index point level of the 24 month period immediately preceding the most current month for which data is available. The change will then be applied to the existing contribution limits as of December 31 of the year immediately preceding the adjustment and rounded to the nearest \$100.
- i) For purposes of Section 9-8.5(h), contributions or loans from a public official or a candidate, or a public official's or candidate's immediate family, to the public official's or candidate's political committee shall not be subject to the contribution limits found in Section 9-8.5.

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.80 Report Forms

- a) Reference: This Section interprets or applies Sections 9-10 and 9-11 of the Election Code.
- b) All reports submitted by political committees pursuant to Article 9 of the Election Code shall either be typed or printed legibly in black ink.
- c) Computer sheets filed in lieu of forms or schedules shall not exceed 8½" x 14". They shall be rejected if not camera ready.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.85 Independent Expenditures

- a) When determining whether a natural person making an independent expenditure or expenditures has exceeded the \$3,000 threshold triggering the requirement to file a written disclosure with the Board, the phrase "a public official or candidate" shall also include a slate of candidates. An independent expenditure made by a natural person shall be reported if the expenditure exceeds \$3,000, regardless of how many public officials or candidates are supported or opposed by the expenditure. The report shall list the total amount expended and the names of all the public officials and candidates covered by the expenditure. The natural person shall not prorate the amount of the expenditure based on the number of covered public officials or candidates.
- b) An expenditure or expenditures in excess of \$3,000 made by an entity supporting or opposing a public official or candidate shall cause that entity to establish as a political committee regardless of how many public officials or candidates are supported or opposed by the expenditure. The entity shall not prorate the amount of the expenditure based on the number of covered public officials or candidates when determining whether it has to organize as a political committee.
- c) After the filing of the initial written disclosure, each time an additional independent expenditure in excess of \$150 is made in support of or in opposition to the public official or candidate, an additional written disclosure shall be filed within 2 business days, until the natural person has not made any independent expenditures in support of or opposition to that public official or candidate for a period of 12 months.
- d) The written disclosure must include:

- 1) If a natural person, the name, address, occupation and each employer of the natural person.
- 2) The name and address of the public official, candidate, or each candidate listed on the slate of candidates.
- 3) The date and amount of each independent expenditure.
- 4) The nature/description of each independent expenditure.

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.90 Provision Circumvention

- a) Reference: This Section interprets or applies Section 9-26 of the Election Code.
- b) The State Board of Elections will view any attempt to circumvent the clear intentions of the Act by means of subterfuge as violations of Article 9 of the Election Code.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.100 Proof of Identification; Application for Inspection and Copying (Repealed)

(Source: Repealed at 24 Ill. Reg. 14214, effective September 11, 2000)

Section 100.110 Loans by One Political Committee to Another

- a) If a political committee lends or donates funds to a second political committee while the lending or donating committee owes the State Board of Elections a civil penalty assessed under the provisions of Section 9-10, 9-23 or 9-26 of the Election Code, the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.
- b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section 9-10, 9-23 or 9-26 of the Election Code, any political committee formed within 24 months from the date of the final order imposing a civil penalty assessment on the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.
- c) A political committee that seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.
- d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated under the Election Code, or if a civil penalty has been assessed by Board staff and the process of going out of existence is begun or about to begin, the political committee must first pay the civil penalty or, if it lacks sufficient funds to pay the civil penalty in full, pay to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon payment of the civil penalty, either in full or in part, shall the committee be permitted to exit the reporting system established by Article 9 of

the Illinois Election Code.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.120 Receipt of Campaign Contributions

- a) Every person or political committee that contributes goods or services to a committee shall provide to the treasurer of the political committee, within 5 business days after making the contribution, a detailed account of the contribution, including the name and address of the person or political committee making the contribution; a description and the market value of the goods or services; and the date on which the contribution was made. The ascertainable market value of goods and services assigned by the contributor or, if the contributor fails to provide the information to the recipient committee, by the recipient committee, shall be prima facie correct unless rebutted by clear and convincing evidence.
- b) An entity defined by Section 9-1.6 of the Election Code or a political committee as defined by Sections 9-1.8 of the Election Code shall acknowledge, to the donor, receipt of any notice it receives under subsection (a). No committee shall retain an in-kind contribution it has knowingly received unless it also receives the information from the contributor required by subsection (a) unless return of the contribution is impossible. If the contributor does not comply with subsection (a) and if the in-kind contribution cannot be returned, the beneficiary political committee shall nonetheless have the responsibility to report the in-kind contributions or expenditures from the contributor if it actually knows or reasonably should have known from the facts available to it that an in-kind contribution had been made in its behalf.
- c) A monetary contribution is any contribution other than a gift of goods or services. The receipt date of the contribution is determined as follows:
 - 1) A monetary contribution to a political committee is deemed to have been received on the date the contribution was deposited in a bank, financial institution or other repository of funds for the committee.
 - 2) If not deposited into a bank, financial institution or other repository of funds, a monetary contribution is deemed to have been received as follows:
 - A) A cash contribution that is not deposited into a bank, financial institution or other repository of funds is deemed to be received on the date that the cash is given to any employee or agent of the committee.
 - B) A contribution in the form of a business check, personal check, money order, or cashier's check that is not deposited into a bank, financial institution, or other repository of funds is deemed to be received on the date the check is cashed and the cash becomes available to the committee. A contribution by credit card or other implement used for processing a monetary contribution that was deposited in a bank, financial institution or other repository of funds for the committee is deemed to be received on the date the committee received notice of the deposit.
- d) A contribution of goods or services (in-kind contributions) possession of which is not actually obtained by the recipient committee is deemed received on the date the public official, candidate or political committee received the notification of contribution of goods or services as required under Section 9-6(b) of the Election Code and subsection (a) of this Section. If no notification has been received, the in-kind contribution is deemed received on the date the candidate, chairman or treasurer of the recipient committee, or the public official, obtains knowledge of the in-kind

contribution. A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.125 Receipt by Mail of Pre-Election and Semiannual Reports of Campaign Contributions and Expenditures

- a) Quarterly reports of campaign contributions and expenditures must be received by the Board within the filing periods set forth in Section 9-10 of the Election Code. Subject to subsections (b) and (c) of this Section, if the reports are filed by mail and received by the Board after the filing deadline, they shall be considered delinquent and subject to penalties as provided in Section 9-10 and 26 Ill. Adm. Code 125.425. However, pursuant to Section 9-10(b), if the envelope containing the reports bears a postmark showing that the envelope was mailed at least 72 hours prior to the due date, the reports shall be considered timely filed, regardless of when received in the office of the State Board of Elections.
- b) If the envelope containing the quarterly report is not received by the Board, the envelope is received but does not have a postmark printed by the United States Postal Service, or if the postmark is illegible, the report will either be deemed to have not been received or be deemed to have been received on the date the envelope officially arrives in the office of the State Board of Elections. However, if the political committee is assessed a civil penalty for failing to file or delinquently filing the report and, as part of the committee's appeal of the civil penalty assessment, it is alleged by the treasurer, chairman or candidate on a signed and notarized affidavit verifying that the report was mailed more than 72 hours prior to the filing deadline, and this is the first time the committee has made this claim as part of its appeal, the presumptive date of receipt will be rebutted by the testimony contained in the affidavit and the report will be deemed to have been timely received.
- c) When the committee raises the defense described in subsection (b) as part of its appeal for any subsequent civil penalty assessments, the appeal affidavit shall be accompanied by a certificate issued by the United States Postal Service showing the date on which the envelope was deposited with the United States Postal Service. The Board shall not consider this defense as valid in the absence of the certificate.
- d) When a political committee raises the defense described in subsection (b) at any time after an appeal has been granted pursuant to subsection (b), that defense will be denied without consideration by the Board unless a certificate, issued by the United States Postal Service, verifying the date upon which the transmitting envelope was deposited with the United States Postal Service, is attached to the appeal affidavit. If the certificate is attached to the appeal affidavit, the Board will hear and determine the appeal as it deems appropriate.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.130 Reporting by Certain Nonprofit Organizations (Repealed)

(Source: Repealed at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.140 Prohibited Contributions – State Property

- a) Upon receipt of a notice of violation of Section 5-35 of the State Officials and Employees Ethics Act [5 ILCS 430/5-35], the State Board of Elections may assess a penalty not to exceed 100% of the value of the contribution giving rise to the violation. In determining whether to assess a

penalty and the amount of a penalty, the Board will consider any mitigating or aggravating factors contained in the notice, including but not limited to the number of past violations of Article 9 of the Election Code, the amount of the contribution and whether, in the Board's view, the violation was unintentional or willful.

- b) Persons against whom a penalty has been assessed by the Board may appeal the penalty. The provisions of 26 Ill. Adm. Code 125.425 governing the appeal procedures for violations of Article 9 shall apply to appeals of penalties assessed under this Section.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.150 Electronic Filing of Reports

- a) The State Board of Elections will make software available to committees required to report electronically under Section 9-28 of the Election Code.
- b) Once a committee exceeds the threshold that requires it to report electronically, it must continue to report electronically until it dissolves, whether or not its accumulation, receipts or expenditures fall beneath the levels set by statute for mandatory electronic filing.
- c) Once a committee is required to file its reports electronically under Section 9-28, it must continue to file all reports electronically, except as follows:
 - 1) A paper report shall be considered a timely filing if it is received by the Board on or before the filing deadline, provided that it covers the initial reporting period during which the mandatory electronic filing threshold is exceeded and that the report is filed electronically within 30 days after receipt of notice from the Board that this report was required to have been filed electronically. If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.
 - 2) A paper report shall be considered a non-filing if the committee has previously received the notification referred to in subsection (c)(1). If the report is not filed electronically by the filing deadline, it shall be considered as having never been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue until such time as it is filed electronically.
 - 3) A paper report shall be considered a timely filing if at least one previous report was required to have been filed electronically and the committee had never been notified by the Board that it was required to electronically file its reports, provided that the report is filed electronically within 30 days after the notification referred to in subsection (c)(1). If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.
 - 4) A paper report shall be considered a timely filing if it is received on or before the filing deadline and the committee has never exceeded the \$10,000 threshold requiring the electronic filing of its reports, regardless of whether the committee filed previous reports electronically.
 - 5) If a committee is assessed a civil penalty for delinquent filing a report required to be filed electronically and, in the course of its appeal, raises the defense that computer related issues (including, but not limited to, software, firewalls, system failures)

prohibited the timely filing of an electronic report, the Board may consider that defense when determining the final outcome of the appeal.

- 6) The electronic filing requirement established in this Section shall not apply to Reports of Independent Expenditures required to be filed by natural persons pursuant to Section 9-8.6, as those persons are not necessarily political committees.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.160 Good Faith

- a) For purposes of this Section, "contributor" includes the terms "lender" and "endorser". A committee acts in good faith under Section 9-11 of the Election Code if:
 - 1) its written solicitation for funds includes a clear written request for the name of the contributor's employer and the occupation of the contributor;
 - 2) in the event it receives a contribution lacking the name of the contributor's employer and the occupation of the contributor in circumstances in which the information is required, it makes at least one effort to obtain the missing information; and
 - 3) in the event its request for information is unanswered, the committee includes in its report the best and most current information it may have from whatever source, including its own records and earlier reports, about the name of the contributor's employer and the occupation of the contributor.
- b) The request shall appear in a clear and conspicuous manner on any response material contained in the solicitation.
- c) An effort to obtain missing information must be in writing, or be made orally and documented by writing, and must be made on or before the close of the reporting period in which the contribution or loan was received. The request must clearly ask for the missing information and must contain no other language except thanks to the contributor or lender for the contribution or loan. If the request is in writing, it must be accompanied by a pre-addressed return postcard or envelope.
- d) If the name of the employer of a contributor that is required to be reported under Article 9 of the Election Code is unknown at the time the contribution must be reported and a good faith effort has been made to secure that information, the contribution may be reported without the information. However, if the omitted information subsequently becomes known to the committee, the report that omits the information must be amended to add the information.
- e) For the purpose of this Section, "employer" includes all natural and non-natural persons, including but not limited to corporations, partnerships and unincorporated associations.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.170 Sponsoring Entity

- a) A sponsoring entity is a person that contributes not less than 33% of the total funding of any political committee at any time during a quarterly reporting period following the 30th day after the committee has filed its statement of organization.
- b) Person includes natural persons, corporations, partnerships and unincorporated associations.

- c) Total funding means the sum of the funds available at the beginning of the reporting period and the total receipts for the quarterly reporting period.
- d) Total receipts means any contributions as defined in Section 9-1.4 of the Election Code that are received by the committee.
- e) Each political committee shall disclose the name and address of any sponsoring entity on the committee's Statement of Organization.
- f) If, at any time during a quarterly reporting period, a committee that has not previously identified a sponsoring entity receives 33% of its total funding during that quarterly reporting period from a single person, the committee must amend its Statement of Organization to identify the sponsoring entity.
- g) The name of the sponsoring entity shall be the full name of the person and not an acronym.
- h) A committee is required to identify its sponsoring entity so long as it receives not less than 33% of its total funding from a single person. A committee may amend its Statement of Organization to delete the sponsoring entity from its Statement of Organization if, for 4 consecutive quarterly reporting periods, it fails to receive not less than 33% of its total funding from a single person.
- i) If, at any time during a quarterly reporting period, a committee that has identified a sponsoring entity receives not less than 33% of its total funding from a different single person than the person identified as its sponsoring entity, it shall amend its Statement of Organization to include the name and street address of the new sponsoring entity.
- j) If a committee receives support from 2 or more persons, each one of which would independently of the other meet the definition of a sponsoring entity, the committee's Statement of Organization shall include all those persons.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.175 Audit Findings for Political Committees

- a) The Board may order a political committee to conduct an audit of its financial records based upon criteria outlined in Section 9-13(b) of the Election Code. These criteria are limited to a situation in which:
 - 1) there is a discrepancy between the committee's ending and beginning balances contained in 2 or more successive reports;
 - 2) there is a failure to account for a previous investment or loan in a subsequent report or reports; and
 - 3) there is a willful pattern of nonreconciliation of contributions received from or expenditures made from one political committee to another political committee, such that the reported amounts of the one committee do not correspond with the reported amounts of the other committee.
- b) Conditions Precedent to Requirement for an Audit

- 1) Prior to ordering an audit, the Board will send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the Form D-1 Statement of Organization as being supported by the committee a notice in the form of a pre-audit letter stating that the Board intends to order the committee to conduct an audit based upon reasons outlined in the letter.
 - 2) Prior to conducting an audit, the committee will be afforded an opportunity for a closed preliminary hearing to give reasons why the committee should not be ordered to conduct an audit, and the committee will be given an opportunity to correct the deficiencies or omissions that gave rise to the issuance of the pre-audit letter. At the conclusion of the closed preliminary hearing, a recommendation will be issued stating whether grounds exist to order the audit.
 - 3) If, after the closed preliminary hearing, the Board determines that there are insufficient grounds upon which to order an audit, no further action will be taken.
 - 4) If, after the closed preliminary hearing, the Board determines that there are sufficient grounds upon which to order an audit, the committee will be ordered to conduct an audit as provided in Section 9-13 of the Election Code.
 - 5) The procedures contained in 26 Ill. Adm. Code 125, Subparts A and B shall apply to the closed preliminary hearing to the extent that they are not inconsistent with the provisions of Section 9-13.
- c) Selection of Committees for Auditing
- 1) In each calendar year, the Board shall randomly select no more than 3% of the registered political committees to conduct an audit. No later than December 31 of the year preceding the selection, the Board will decide, based on staff recommendations, what percentage of political committees will be selected for audits in the year of the selection. The selection:
 - A) shall be made no later than the first business day in February; and
 - B) shall be made from all political committees on file with the Board whose status is active at the time of the random selection.
 - 2) The method of selection shall be the same method that the Board uses to select the 5% of the total number of precincts in a given election authority jurisdiction for the purposes of conducting a post-election retabulation as provided in Sections 24A-15, 24B-15 and 24C-15 of the Election Code. Once a committee has been selected to conduct an audit based on the random selection provided in subsection (c)(1), the Board shall send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the Form D-1 as being supported by this committee, a notice that the committee has been selected to conduct an audit. The provisions in subsection (b) relating to the closed preliminary hearing shall not apply to committees that have been randomly selected to conduct an audit; however, the committee may be excused from conducting an audit pursuant to subsection (h).
- d) Auditor

- 1) A political committee that has been ordered to conduct an audit pursuant to subsection (a) shall hire an entity qualified to perform the audit, i.e., a licensed certified public accountant (CPA) or other person qualified to perform an audit. The auditor shall:
 - A) have the proper training and experience to perform a financial analysis of campaign finance committees. Such training may be the result of possession of a CPA license, possession of a degree in accounting from an accredited accounting or business school and/or experience as an accountant gained from past employment; and
 - B) not have contributed to the political committee during the 4 year period immediately preceding the order of the audit.
- 2) If the person selected by the committee to perform an audit is not a CPA, the committee shall, prior to the person conducting the audit, submit to the Board for approval the person selected. The committee shall include with the submission any information regarding the qualifications of the person to perform an audit that would inform the Board of the qualifications. The committee may appear before the Board to argue the selected person's qualifications. The Board shall provide written notice to the committee stating whether the selected person is approved and, if not approved, the reasons for denial of approval. If the Board does not approve of the person selected, the committee shall, within 10 business days after the date of the nonapproval notice, select another person to conduct the audit and submit that person for Board approval in accordance with this subsection (d).
- e) Any audit ordered by the Board shall include and cover all financial records required to be maintained by the committee as provided in Section 9-7 of the Election Code. The audit shall be conducted in such a way as to ensure compliance with the contribution limitations set forth in Section 9-8.5 and the reporting requirements set forth in Sections 9-3 and 9-10. The records shall include any and all financial records in the possession or under the control of the committee or the financial institution in which the committee's funds are held, including, but not limited to:
 - 1) Bank statements;
 - 2) Deposit slips;
 - 3) Internal registers or ledgers; and
 - 4) Records maintained and stored in any type of electronic medium.
- f) The audit shall only cover the 2 year period immediately preceding the order of the audit or the period of time since the committee was last ordered to conduct an audit, whichever is shorter. However, if any portion of these time periods covers a time in which the contribution limits provision of Article 9 of the Election Code was not in effect, those limits shall not be included in the scope of the audit.
- g) If the Board determines that the committee is in violation of Sections 9-3, 9-8.5 or 9-10, it may assess a penalty for non-compliance consistent with the penalty provisions contained in those Sections and 26 Ill. Adm. Code 125.425. However, no additional penalty shall be imposed by the Board for any violation found as a result of a Board ordered audit if the Committee has previously been assessed a penalty for that violation.
- h) Excused from Audit

- 1) Any political committee, other than a state central committee or a county central committee, ordered by the Board to conduct an audit whose chairman, treasurer or candidate on whose behalf the committee was formed, that states under oath, in a signed and notarized affidavit, that the committee lacks the financial means to hire a CPA or other qualified person may, in lieu of conducting an audit, dissolve as a political committee and file a final report with the Board within 10 business days following the date of the notice of audit. The committee must remain dissolved for a period of at least 4 years.
- 2) If the committee fails to dissolve within 10 business days after the date of the notice of audit, the Board staff shall contact the committee within 2 business days and inform it that the option of excusing itself from conducting an audit will not be available to the committee unless it dissolves within 5 business days after being informed. If the committee does not dissolve within the 5 business days, the committee shall be required to conduct the audit under the provisions of Section 9-13 of the Code and Section 100.175 of this Part.
- 3) In order to be excused from conducting an audit, the committee must have a funds balance that does not exceed the cost of hiring a CPA or other qualified person, such cost being typical for the county in which the committee is located. The committee must submit with its affidavit a written cost estimate from at least one CPA or other qualified person located in the county in which the chairman, treasurer or candidate resides. The provisions of subsection (d) pertaining to restrictions on CPAs or other qualified persons chosen to conduct an audit shall also apply to the CPA or other qualified person whose fee is used as a basis to determine the financial ability of the committee to pay the cost of a CPA or other qualified person.
- 4) If a political committee dissolves as a result of its financial inability to conduct an audit, as provided in subsection (h)(1), and then reactivates during the 4 year period it was required to remain dissolved, as a condition of its reactivation, within 60 days after reactivation, the committee must conduct an audit covering the 2 year period immediately prior to the committee's dissolution.

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.180 Business Entity Registration Procedures

- a) This Section and Section 100.185 are adopted to comply with Public Act 95-971, as amended by Public Act 96-848. Any business entity whose existing State contracts, whose bids and proposals on State contracts or whose bids and proposals on State contracts combined with the business entity's existing State contracts in aggregate annually total more than \$50,000 shall register with SBEL in accordance with Section 9-35 of the Election Code [10 ILCS 5/9-35]. Those business entities that wish to submit a bid or proposal on a State contract must register with SBEL prior to submitting their bid or proposal. SBEL will provide a certificate of registration upon successful completion of the registration process.
- b) Definitions
 - 1) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", "affiliated person", and "executive employee" shall have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37] (Procurement Code).

- 2) The term "annually", as used in Section 20-160 of the Procurement Code, when referring to the aggregation of State contracts, shall mean the calendar year in which the contracts are bid on or awarded.
 - 3) Unless otherwise indicated, any time frame involving a certain number of days shall refer to business days. Business days shall be those days in which the office of SBEL is open to the public for a minimum of 7 hours.
 - 4) The term "political committee" shall mean any political committee required to file as such under the provisions of Article 9 of the Election Code (campaign disclosure law), regardless of whether the committee has filed a Statement of Organization pursuant to Section 9-3 of the Election Code.
 - 5) The term "minor child" shall mean any affiliated person who has not attained 18 years of age as of the time of registration of the business entity with which the person is affiliated.
- c) Business entities shall register on a secure website provided by SBEL by first creating an on-line account. SBEL will verify the authenticity of that account at the time of registration.
- d) Registration Procedures
- 1) The following information must be supplied at the time of, and for the purpose of listing in, the registration:
 - A) The name and address of the business entity. The address shall be the office designated by the entity as its principal office or its headquarters.
 - B) The name and address of each affiliated entity of the business entity, including a description of the affiliation. The address shall be that of the principal office or headquarters of the affiliated entity.
 - C) The name and address of each affiliated person of the business entity, including a description of the affiliation. (Every affiliated person or persons within a business entity that is required to register electronically must be listed on the registration form. If there are no affiliated persons, the person whose position within the business entity comes closest to meeting the definition of affiliated person shall be listed on the registration form. The electronic registration system will not accept a blank entry where a name is required.) The name and address of a minor child who must be disclosed on the business entity's registration by virtue of the fact that such person falls under the definition of affiliated person shall not be posted on the SBEL website.
 - D) The Federal Employer Identification Number (FEIN), if the business has obtained such a number. If the business does not have a FEIN, an Illinois Business Tax Number (IBT) must be provided. If the business has neither of these numbers, it must provide an identifying number unique to that business that is capable of verification by SBEL. A sole proprietorship may use a social security number as a unique identifier if it does not have a FEIN or an IBT.
 - 2) Registration shall be accomplished in one of the two following methods:

- A) A web-based program through which information may be entered, saved and transmitted upon completion. Changes may be made by accessing the program, making the changes, and submitting those changes to SBEL via the program contained on SBEL's website.
 - B) A format, provided by SBEL, designed specifically for large business entities through which data may be submitted in lieu of completion of the web-based option. Though this method is geared toward larger business entities, any business entity may choose to use this method.
- e) The Board shall provide a certificate of registration to the business entity upon registration and upon any change of information submitted by the entity. The certificate shall be electronic and accessible to the business entity through the SBEL website and shall be password protected.
- 1) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after registration, to each affiliated entity and each affiliated person listed by the registrant.
 - 2) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after the addition of any affiliated entity or affiliated person whose identity is required to be disclosed, to that affiliated person or entity. The delivery of the registration certificate to a minor child who is an affiliated person shall be accomplished by providing it as described in this Section to either parent or the legal guardian of the minor child. The business entity shall document in writing the date of submission of the certificate of registration to the appropriate entities and persons.
 - 3) Any business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution, in writing at the time of the contribution, that the business entity is registered with SBEL under Section 20-160. The business entity shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.
 - 4) Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution that it is affiliated with a business entity registered with SBEL under Section 20-160 and the business entity with which it is affiliated. The notification shall be in writing and shall occur at the time the contribution is made to the committee. The affiliated entities or persons shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.
 - 5) In the determination of a complaint alleging a failure to comply with any notification requirement contained in this subsection (e), the failure of a party responsible for providing the required notification to submit written documentation of compliance shall create a rebuttable presumption of noncompliance against that party.
- f) Pursuant to 30 ILCS 500/20-160, each bid submitted to and every contract executed by the State on or after January 1, 2009 shall contain:
- 1) A certification by the bidder or contractor that either:

- A) the bidder or contractor is not required to register as a business entity with SBEL pursuant to this Section; or
 - B) the bidder or contractor has registered as a business entity with SBEL and acknowledges a continuing duty to update the registration; and
- 2) A statement that the contract is voidable under Section 50-60 of the Procurement Code as a result of the bidder's or contractor's failure to comply with Section 20-160 of the Procurement Code.
- g) A business entity 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, 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 contract is awarded. Any change of information, including but not limited to changes in affiliated entities or affiliated persons, must be reported to SBEL within 5 business days following the change or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(a)).
- h) A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 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 contract or for a period of 2 years following the expiration or termination of the contract, whichever is longer.
 - 1) Any change in information, including but not limited to changes in affiliated entities or affiliated persons, shall be reported to SBEL on a quarterly basis within 10 business days following the final day of January, April, July and October of each year (see Section 100.185(c)).
 - 2) If a business entity required to register under Section 20-160(d) of the Procurement Code has a pending bid or proposal on a State contract, then any change in information shall be reported to SBEL within 5 business days or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(c)).
- i) Pursuant to 30 ILCS 500/20-160, a copy of the business entity's certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register. The chief procurement officer of the State agency shall not accept a bid or proposal unless:
 - 1) the certificate of registration is submitted to the agency with the bid or proposal; or
 - 2) a statement that the bidder or contractor is not required to register as a business entity with SBEL is submitted to the agency with the bid or proposal.
- j) A registration, and any changes to a registration, must include the business entity's verification of accuracy.
- k) The requirements of this Section apply regardless of the method of source selection used in awarding the contract.
- l) SBEL will keep and maintain the paper registrations filed in accordance with P.A. 95-1038 and the emergency rules enacted by SBEL in its principal office in Springfield for a period of 3 years

following the creation of the electronic registration system on August 1, 2009. The public may view these paper registration submissions of business entities at SBEL's principal office in Springfield during normal business hours. Copies of registrations of business entities submitted to SBEL shall also be available for public inspection at SBEL's principal office in Springfield. The searchable database provided for in Section 9-35 of the Election Code shall be accessible to the public at all times following its creation.

m) Inactive Status

- 1) The provisions of this subsection apply to a business entity required to register with SBEL under Section 20-160 of the Procurement Code, that had an existing contract or had bid on a contract within the time periods set out in subsection (h), and that had a duty to maintain the accuracy of its registration. A business entity that has registered with SBEL may change its status to “inactive” provided that:
 - A) the entity bid on a contract the value of which exceeded the \$50,000 qualifying threshold, but was not awarded that contract;
 - B) the entity had a combination of bids and contracts that exceeded the \$50,000 qualifying threshold; however, the entity was not awarded the contract and/or the two year period following the expiration of the contract has lapsed or the term of office of the officeholder responsible for awarding the contract has concluded; or
 - C) the entity has contracts exceeding the \$50,000 qualifying threshold; however the two year period following the expiration of the contract has lapsed or the term of office of the officeholder responsible for awarding the contract has concluded.
- 2) Nothing in this Section shall affect the duty of a business entity to update its registration when required to do so, nor remove the entity from the prohibition against making contributions to the officeholder responsible for awarding the contract.
- 3) This “inactive” designation shall be determined by the business entity. The Board shall provide a form in an electronic format accessible on the SBEL website for the entity to indicate that it is currently in inactive status. The form shall include the name and address of the entity; the contract or bid that created the obligation to register with the SBEL, as well as the agency or office that was responsible for awarding the contract, or, if the entity was not required to register with the SBEL. A designation that registration was not required; and the beginning date on which the obligation to update the entity’s registration relative to each contract or bid no longer existed. The form shall be signed by the Chief Executive Officer of the business entity or his/her designee, or a person who serves in that capacity, indicating that the signatory verifies that the entity qualifies to be in inactive status based on the criteria contained in subsection (m).
- 4) In the event a business entity that had previously declared its inactive status on the form prescribed by subsection (m)(3) submits a bid for a State contract whose value exceed \$50,000, the entity shall rescind its inactive status prior to submitting a bid, shall update its registration so that the information required by Section 9-35(b)(1), (2) and (3) of the Election Code is current. In addition, the entity shall abide by the contribution prohibitions contained in Section 50-37(b) and (c) of the Procurement Code. The rescinding of an entity’s inactive status shall be on an electronic form accessible on the SBEL website.

- n) The complaint provisions contained in Sections 9-20 through 9-22 of the Election Code shall apply to complaints filed alleging a violation of this Section.

(Source: Amended at 35 Ill. Reg. 12973, effective July 19, 2011)

Section 100.185 Assessment of Civil Penalties

- a) The provisions of Sections 9-20 through 9-24 of the Election Code relating to complaints for violations of Article 9 of the Election Code shall apply to complaints for violations of Section 9-35(c) (failure to re-register electronically within 60 days following the establishment of the electronic registration system), Section 9-35(d) (failure to notify affiliated persons and entities of a business entity that the business entity is registered with the Board) and Section 9-35(e) (the intentional, willful or material failure to disclose required registration information and failure to update a registration), except that the complaint shall be directed to the registered agent of the business entity or its chief executive officer. In addition, the provision of Section 9-21 pertaining to the 60 day period prior to an election shall not apply to complaints filed under this Section. Willful or intentional failure to disclose material information on a business entity's registration shall subject that entity to a civil penalty assessed by the Board not to exceed \$5,000 per occurrence. If the Board determines that a business entity has intentionally, willfully or materially failed to disclose required information on its registration, it shall refer that determination to the chief procurement officer of the agency or agencies that accepted a bid or entered into a contract with that business. Failure to provide notice under Section 9-35(d) is a business offense, the penalty for which shall not to exceed \$1,001.
- b) The provisions of 26 Ill. Adm. Code 125, Subparts A, B and C shall apply to complaints filed against business entities.
- c) Failure to update a registration as required by Section 20-160(d) and (e) of the Procurement Code and Section 100.180(i)(1)(2) of this Part, (any change in information must be reported to the SEBL within 10 business days following the last day of the quarterly period or within 5 business days following that change or no later than a day before the contract is awarded, whichever date is earlier), will result in a \$1,000 per day penalty for each day the information remains unreported. For purposes of this Section, the information required to be updated is the information required of a business entity under Section 9-35(b) of the Election Code, including name and address of the business entity and any affiliated person or entity. In the event a request is made to view a paper based Illinois Business Registration prior to its release to the requestor, SBEL will redact any information pertaining to minor children that is included on the paper based registration.
- d) Any penalty assessed against a business entity by SBEL for violation of Section 9-35 of the Election Code shall be paid within 30 days after the assessment of the penalty. The 30 day period shall commence on the date the letter is sent by SBEL to the business entity assessing the penalty. Any assessed penalty that remains unpaid more than 30 days after the issuance of the final order assessing the penalty shall be posted on the SBEL website, indicating the name of the business entity owing the penalty and stating that the penalty remains unpaid.

(Source: Amended at 34 Ill. Reg. 274, effective December 15, 2009)

Section 100.APPENDIX A Contributions Allowed Per Election Cycle

Section 100.TABLE A Contribution Limits Per Election Cycle

- a) CANDIDATE POLITICAL COMMITTEE

- 1) \$5,000 from an individual
- 2) \$10,000 from a corporation, labor organization or association
- 3) \$50,000 from a candidate political committee or political action committee
- 4) No limits from political party committee except during an election cycle in which the candidate seeks nomination at a primary election
- 5) During an election cycle in which the candidate seeks nomination at a primary election, a political party committee may contribute:
 - A) \$200,000 to a candidate for statewide office
 - B) \$125,000 to a candidate for Senate, Supreme or Appellate Court in Cook County, county-wide office in Cook County
 - C) \$75,000 to a candidate for House of Representatives, Supreme or Appellate Court outside of Cook County, county-wide office outside of Cook County, and local candidates within Cook County
 - D) \$50,000 to any other candidate

b) POLITICAL PARTY COMMITTEE

- 1) \$10,000 from an individual
- 2) \$20,000 from a corporation, labor organization or association
- 3) \$50,000 from a political action committee
- 4) No transfers permitted between legislative caucus committees
- 5) Primary Election Only (petition circulation through election)
 - A) \$50,000 from a candidate political committee
 - B) \$50,000 from another political party committee
 - C) Not applicable if political party committee is not participating in election; a political party committee may accept contributions in any amount from a candidate committee or political party committee if the political party committee receiving the contribution filed a statement of nonparticipation in the primary
- 6) No limits on transfers between State political committee and federal political committee

c) POLITICAL ACTION COMMITTEE

- 1) \$10,000 from an individual
- 2) \$20,000 from a corporation, labor organization, political party committee or association

- 3) \$50,000 from a political action committee or candidate political committee
- d) BALLOT INITIATIVE COMMITTEE

No limits from any source – cannot contribute to any other type of committee

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.APPENDIX A Contributions Allowed Per Election Cycle

Section 100.TABLE B Election Cycles

- a) CANDIDATE POLITICAL COMMITTEE
 - 1) Support candidate to be elected at a general primary election or general election
 - A) Beginning January 1 following a general election for office to which candidate seeks nomination or election and ending on day of general primary election for that office, or
 - B) Beginning day after a general primary election for the office to which the candidate seeks nomination or election and through December 31 following the general election
 - 2) Support candidate for General Assembly
 - A) Beginning January 1 following a general election and ending on day of next general primary election, or
 - B) Beginning day after a general primary election and ending on December 31 following a general election (2 year)
 - 3) Support candidate for retention
 - A) Beginning January 1 following general election when candidate was elected through day candidate files declaration of intent to seek retention, or
 - B) Beginning day after candidate files declaration of intent to seek retention through December 31 following retention election
 - 4) Support candidate to be elected at consolidated primary election or consolidated election
 - A) Beginning July 1 following a consolidated election and ending on day of consolidated primary election, or
 - B) Beginning day after consolidated primary election and ending on June 30 following consolidated election
- b) POLITICAL PARTY COMMITTEE
 - Beginning January 1 and ending on December 31 of each calendar year (1 calendar year)

- c) POLITICAL ACTION COMMITTEE
Beginning January 1 and ending on December 31 of each calendar year (1 calendar year)
- d) BALLOT INITIATIVE COMMITTEE
Beginning January 1 and ending on December 31 of each calendar year (1 calendar year)

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 125
PRACTICE AND PROCEDURE

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125.710	Advisory Opinions
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AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. 6337, effective April 3, 2006; amended at 30 Ill. Reg. 10266, effective June 1, 2006; amended at 31 Ill. Reg. 16738, effective December 14, 2007; amended at 35 Ill. Reg. 2351, effective February 4, 2011.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section 125.5 Applicability

This Subpart A shall apply to the practices and procedures of the State Board of Elections, and all proceedings conducted by the Board under Subpart A. This Part is not intended to apply to State Electoral Board hearings, or to proceedings under Subpart B of this Part (closed preliminary hearings) where any provisions of Subpart B makes a more specific or contradictory provision to anything contained in Subpart A.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.10 Definitions

As used in this Part, the following terms shall have the meanings specified:

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

"Board" means the State Board of Elections.

"Complainant" means a party initiating a proceeding under Article 9 by the filing of a complaint.

"Election Code" or "Code" means 10 ILCS 5.

"File", "Filed" or "Filing" means, with respect to reports, statements and documents required to be filed with the State Board of Elections or the appropriate election authority:

delivery to the principal office of the State Board of Elections, Springfield, Illinois, or the appropriate election authority by the close of business of the prescribed filing date;

delivery to the permanent branch office of the State Board of Elections, Chicago, Illinois, by the close of business of the prescribed filing date; or

deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

"General Counsel" means the person designated and appointed as General Counsel of the Board, or any individual acting in his or her stead in the event of:

a vacancy in the position of General Counsel; or

the absence, incapacity or unavailability of the General Counsel.

"Party" means an individual, trust, partnership, committee, corporation, association, public or private organization or group of persons of any character, or any governmental agency, entitled or required to participate in any hearing or proceeding.

"Respondent" means a party against whom a complaint is directed.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.15 Board Offices and Business Hours

- a) The principal office of the State Board of Elections is located at Springfield, Illinois, and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:00 a.m. to 4:30 p.m.
- b) The permanent branch office of the State Board of Elections is located at Chicago, Illinois and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:30 a.m. to 5:00 p.m.
- c) When the last day for the filing of nominating petitions and/or objections to nominating petitions as required by the Election Code is a Saturday, Sunday or holiday, Board offices shall remain open from 8:30 a.m. to 5:00 p.m. on that day.
- d) On the day of any election, or at any other time, the offices of the Board may be kept open any additional time the Board deems necessary to carry out its duties.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.20 Documents Pertaining to Hearings

- a) All documents, including but not limited to complaints, notices and motions, permitted or required to be filed with the Board in connection with any proceeding before the Board shall be filed with the office of the General Counsel.
- b) All documents permitted or required to be filed with the office of the General Counsel may be filed either:
 - 1) by personal delivery to the Board's principal office located in Springfield, Illinois or the Board's permanent branch office located in Chicago, Illinois; or
 - 2) by mail, postage prepaid with the United States Postal Service, addressed to the General Counsel at the Board's principal office or permanent branch office in Chicago.
- c) All documents filed by mail shall be deemed filed as of the date and time the documents are actually received by the office of the General Counsel. If that office customarily and regularly utilizes a time-date stamp for the recording of the receipt of documents, the time and date stamp impression affixed to any filed document shall be prima facie evidence that the document was filed on the date and at the time shown by the stamp.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.30 Form of Documents

- a) All documents filed with the office of the General Counsel shall be stamped or printed with the docket number and the title of the proceeding in connection with which they are filed. Upon the filing of a complaint, the office of the General Counsel shall assign a docket number to the complaint and proceeding, and all documents thereafter filed pertaining to that particular

complaint or proceeding shall include the docket number first assigned. Except as otherwise provided, 8 copies of all documents shall be filed with the office of the General Counsel. When the Board or the General Counsel waives the necessity of filing 8 copies of documents, that waiver shall be binding. Documents shall be printed or typewritten or reproduced from a printed or typewritten copy on unglazed white paper.

- b) Reproduction may be made by copying machines or any other process that produces legible black on white copy. At least one copy of each document shall be signed by the party filing or by his or her authorized representative or attorney. The first document filed by a party in any proceeding shall bear the address and telephone number of the party or of his or her attorney or representative and the designation of the address shall be deemed to be consent by the filing party to have a copy of all documents filed or to be filed later served upon the party at the designated address.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.40 Service of Documents

Except as provided in Section 125.240, whenever this Part requires any document to be served upon a party or other person, service shall be complete when the document is served by abode service as provided in the Civil Practice Law [735 ILCS 5/2-203(a)], in person upon the party or his or her attorney or designated representative, or deposited for mailing with the United States Postal Service, postage prepaid, registered or certified, addressed to the party at his or her last known address.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.50 Computation of Time

Computation of any period of time expressed in days and prescribed by this Part shall begin with the first day following the day on which the act or event initiating the period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or State legal holiday. Computations of any period of time expressed in hours and prescribed by this Part shall begin 60 minutes after the act or event initiating the period of time occurs, and shall run until the end of the last 60-minute period; provided, however, that all 60-minute periods falling within a Saturday, Sunday or State legal holiday shall be excluded in computing the period of time.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.55 Time of Notices

Whenever this Part requires a notice to be given within a period of time, that requirement shall be construed to mean that notice shall be received by the party entitled to the notice; provided however, that evidence that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received by the party entitled to the notice.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.60 Appearances

- a) Any person entitled to participate in Board proceedings may appear as follows:
 - 1) A natural person may appear in his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both;
 - 2) A business, unincorporated association or nonprofit or government organization may appear by any bona fide officer, employee or representative, or may be represented by an attorney licensed and registered to practice in the State of Illinois, or both.
- b) The Board is not authorized to permit attorneys not licensed in the State of Illinois to appear in its proceedings. However, attorneys licensed in states other than Illinois may apply to the Illinois Supreme Court for the right to practice before the Board. The title of the pleading should be

"Motion to Appear Pro Hac Vice Before an Administrative Agency" and should be directed to the Clerk of the Illinois Supreme Court. The moving attorney must provide written confirmation of his or her successful admission to the Board's Hearing Officer prior to entering an appearance in any Board proceeding.

- c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Board, together with proof of service on all parties or their respective attorneys.

(Source: Amended at 35 Ill. Reg.2351, effective February 4, 2011)

Section 125.70 Non-legal Assistance

Any party involved in any proceeding conducted pursuant to this Part shall have the right to the presence and participation of additional persons, in addition to, or instead of, an attorney, in order to provide technical assistance and consultation. The Hearing Officer may, at his or her discretion, restrict the number of additional persons who may attend and participate in the proceedings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.75 Parties

- a) The person initiating a proceeding shall be designated the complainant. Any adverse party shall be designated the respondent.
- b) Misnomer of a party is not a ground for dismissal, but the name of any party may be corrected at any time.
- c) If a complete determination of a controversy cannot be had without the presence of other parties, the Board may direct them to be brought in. If a person not a party has an interest the order may affect, the Board, on its own initiative or on application, may direct the person to be made a party. Service of process and subsequent pleadings shall be had as directed by the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.80 Answer

Any respondent may file a written answer to a complaint prior to, or at the time of, any proceeding or hearing, but shall not be required to file an answer. The failure to file an answer shall not be deemed an admission of any allegation in the complaint nor a consent to the requested relief. An answer may include affirmative defenses and jurisdictional objections. An answer shall be filed with the Hearing Officer, and at least one copy of the same shall be signed by the respondent or his or her attorney and shall contain evidence of service as provided in this Subpart. At least one copy of the answer shall be served upon all other parties to the proceeding, in accordance with Section 125.40, and the General Counsel.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.90 Qualifications of Hearing Officer

Whenever possible a person appointed Hearing Officer for an adjudicatory proceeding conducted pursuant to this Part shall be a licensed attorney. Unless all parties to the proceeding so stipulate, the Hearing Officer who conducted the closed preliminary hearing shall not conduct the public hearing. Closed preliminary hearings are deemed non-adjudicatory by this Part and by Section 125.245.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.95 Authority of Hearing Officer

The Hearing Officer has the authority to conduct and preside over an adjudicatory hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. He or she shall have all powers necessary to conduct a fair and

impartial hearing, including, but not limited to, the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by depositions if necessary, and in general conduct the proceedings according to recognized principles of administrative law and the provisions of this Part;
- c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- d) Rule upon offers of proof and receive relevant evidence;
- e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;
- f) Dispose of procedural requests or similar matters;
- g) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part;
- h) In connection with a public hearing on a complaint, render proposed Findings of Fact and Conclusions of Law and make recommendations for a final order of the Board;
- i) Enter any order that further carries out the purpose of this Part;
- j) Issue subpoenas and rule upon objections to subpoenas and discovery orders;
- k) Consider and rule upon all motions presented in the course of the proceedings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.100 Disqualification of Hearing Officer

Any party to a hearing may file a timely written request for disqualification of a Hearing Officer, setting forth the nature of the personal bias, prejudice or other disqualification of the presiding Hearing Officer, and the Hearing Officer shall be disqualified. When a Hearing Officer is disqualified, or it becomes impractical for him or her to continue, another presiding Hearing Officer shall be appointed in the manner provided for initial appointment, unless it is further shown that substantial bias or prejudice will result from the appointment. A Hearing Officer may at any time voluntarily disqualify himself or herself. A request for disqualification shall be considered timely if made within 3 days after receipt of the notice of the appointment of the Hearing Officer by the party requesting the disqualification and at least 24 hours prior to the commencement of the hearing or pre-hearing conference. However, in the case of a complaint filed within 60 days preceding the date of an election in reference to which the complaint is filed, the request shall be considered timely only if verbal notice of the request is given to the General Counsel within 8 hours after the requesting party has received telegraphic or telephonic notice of the appointment of the Hearing Officer.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.110 Motions

- a) Unless made orally on the record during a hearing, or unless the Hearing Officer directs otherwise, motions shall be in writing and accompanied by any affidavits or other matters relied upon. The original copy of all motions shall be served upon the Hearing Officer and copies shall be served upon all other parties to the proceeding and the General Counsel.
- b) A party may file a response in support of or in opposition to a motion within such time as the Hearing Officer directs. If no response is filed, the parties shall not be deemed to have waived

objections to the motion. Service of a response shall be the same as provided in subsection (a).

- c) No oral argument will be heard on a motion unless the Hearing Officer directs otherwise.
- d) The Hearing Officer shall rule upon all motions, except that he or she shall have no authority to make a recommendation to the Board to dismiss or decide a hearing on the merits, without granting all parties to the proceeding a right to be heard and to establish a record.
- e) Unless otherwise ordered by the Board, the filing of a motion shall not stay the proceeding or extend the time for the performance of any act.
- f) A party may participate in the proceedings without waiving any jurisdictional objection.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.115 Consolidation and Severance of Claims: Additional Parties

In the interest of convenience and expeditious and complete determination of claims, the Hearing Officer or the Board may consolidate or sever adjudicative claims involving any number of parties, and may order additional parties to be brought in pursuant to the provisions of Section 125.75(c).

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.120 Amendments

Complaints may be amended under any of the following circumstances:

- a) to correct any technical defects;
- b) to conform to the evidence presented at the hearing;
- c) to conform to new matters that arise at the hearing if it appears from the original and amended pleadings that the cause of action asserted in the amended pleading grew out of the same transaction or occurrence, or arose from or relate to the same disclosure period set forth in the original pleading. For the purpose of preserving the cause of action under those conditions, an amendment adding a person as a respondent relates back to the date of the filing of the original pleading so amended.

Section 125.130 Intervention

- a) Upon timely written application, the Hearing Officer may permit any person to intervene in a proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following conditions is met:
 - 1) the applicant is so situated that he or she may be adversely affected by a final order of the Board; or
 - 2) an applicant's claim or defense and the adjudicative proceeding have a question of law or fact in common.
- b) A petition for intervention shall be filed with the Hearing Officer and a copy shall be served on each party and upon the General Counsel prior to the date set for hearing of the matters set forth in the complaint. The Hearing Officer may permit intervention only upon good cause shown for the delay. The Hearing Officer may grant continuances of the hearing as justice may require.
- c) An intervenor shall have all the rights of an original party, except that the Hearing Officer may, in his or her order allowing intervention, provide that the applicant shall be bound by orders previously entered, the applicant shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, the applicant shall not raise new issues or add new parties, or in other respects the applicant shall not interfere with the control of the hearing, as justice and the

avoidance of undue delay may require.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.135 Pre-hearing Conferences

- a) Upon notice by the Hearing Officer in any proceeding or upon request by any party, the Hearing Officer may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for the following purposes:
 - 1) formulation and simplification of issues;
 - 2) necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
 - 3) possibility of stipulations concerning the admissibility of evidence;
 - 4) limitation of the number of witnesses;
 - 5) propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
 - 6) other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) In exercising his or her discretion to direct parties to appear for a conference, the Hearing Officer shall give due consideration to the time requirements of Section 9-21 of the Election Code.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.140 Settlement Pursuant to Conferences

At any time upon suggestion of the Hearing Officer or upon request of any party, an opportunity shall be afforded all parties to dispose of the case by written stipulation, agreed settlement or consent order, unless otherwise precluded by law. Any stipulation, agreed settlement, or consent order shall be submitted in writing to the Board and shall become effective only if approved by the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.150 Record of Conferences

A record of any conference held pursuant to Section 125.140 shall be kept only if all parties to the proceeding request such a record. If a request is made, the record of the conference shall be deemed a part of the record of the hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.160 Continuances

- a) A hearing may be continued for good cause by the Hearing Officer upon his or her own motion or upon motion of a party to the hearing after due consideration of any time limitations imposed by the Election Code or by this Part. Notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive continuances so that the hearing may be resolved expeditiously.
- b) For good cause, and only if pursuant to a written stipulation among all parties, a hearing may be continued for a period of time in excess of the time limits set forth in Section 9-21 of the Election Code; provided, however:

- 1) No continuance, or series of continuances, may total more than 45 days;
- 2) If the complaint was filed within 60 days preceding the date of an election, in no event shall the continuance extend beyond 2 days prior to the date of the election.
- c) Any request for a continuance, the reasons for a continuance, and any written stipulation shall be made part of the hearing record.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.170 Order of Proceedings

The following shall be the order of all proceedings held, pursuant to Subpart C of this Part, subject to modification by the Hearing Officer for good cause:

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint or answer;
- b) presentation of opening statements;
- c) complainant's case;
- d) respondent's case;
- e) complainant's case in rebuttal;
- f) statements from interested citizens, if authorized by the Hearing Officer;
- g) complainant's closing statement, which may include legal argument;
- h) respondent's closing statement, which may include legal argument; and
- i) ruling on any reserved motions.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.175 Failure of Party to Appear

Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Officer shall not deter the hearing from proceeding unless the Hearing Officer, for good cause, orders a continuance.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.180 Evidence

- a) Except with respect to matters of privilege, the rules of evidence as applied in civil cases in courts of this State shall not be strictly applied to hearings under this Part. Admissibility of evidence shall be liberally interpreted in order to present all matters that are or may be relevant to the issues affecting the parties.
- b) The Hearing Officer shall exclude immaterial, irrelevant and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit that evidence.
- d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matters of the hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.185 Official Notice

Notice may be taken of matters of which the Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

Section 125.190 Examination of Adverse Party or Agent

Upon the hearing of an adjudicatory action, any party to the action or any person for whose immediate benefit the action is prosecuted or defended, or the officers, directors or managing agents of any party to the action, may be called and examined, as if under cross-examination, at the instance of any adverse party. The party calling for the examination may rebut the testimony given by countertestimony and may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.192 Participation by Board Members and Staff

- a) Any Board member or staff member of the Board may be designated by the Board to participate in hearings conducted under this Part and may interrogate witnesses, raise points of law and have all rights of an interested party. The Board member or staff member shall not have the authority to rule on objections, motions or petitions, overrule the Hearing Officer during the hearing, or otherwise usurp the authority of the Hearing Officer conferred under this Part.
- b) The Board or staff members shall not be subject to any rule or motion adopted during the hearing excluding witnesses, but shall be permitted to participate in all hearings as a representative of the Board even if also a witness.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.195 Hostile Witnesses

If the Hearing Officer in an adjudicatory hearing determines that a witness is hostile or unwilling, the witness may be examined by the party calling the witness as if under cross-examination. The party calling a witness, upon a showing that he or she called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.197 Admission of Business Records in Evidence

Any writing or record, whether in the form of any entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event, except as otherwise privileged, shall be admissible as evidence of the act, transaction, occurrence or event, if made in the regular course of any business, and if it was the regular course of the business to make the memorandum or record at the time of the act, transaction, occurrence or event or within a reasonable time afterwards. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but shall not affect its admissibility. The term "business", as used in this Section, includes business, profession, occupation and calling of every kind, and shall specifically include campaigns for nomination or election or campaigns in support of or opposition to any referendum or question of public policy.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.199 Compelling Appearance at Hearing

The appearance at an adjudicatory hearing of a party or a person who is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear. If the party or person is a non-resident of the State, the Hearing Officer shall provide by order terms and conditions in connection with his or her appearance at the hearing as are just, including payment of his or her reasonable expenses. The notice also may require production at the hearing of documents or tangible things.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section 125.210 Applicability

The rules in this Subpart shall apply to closed preliminary hearings conducted pursuant to Section 9-21 of the Election Code.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.220 Commencement of Proceeding

A proceeding to adjudicate an alleged violation of Title 9 of the Election Code shall be commenced by the filing of a complaint in accordance with Section 125.20.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.230 Form of Complaint

All complaints shall conform to Section 125.30, and shall contain the following:

- a) The complaint shall be directed to and state the name of the person, candidate, or the chairman or treasurer of a political committee against whom the complaint is directed;
- b) The complaint shall state the provisions of the Election Code or rules that are alleged to have been violated;
- c) The complaint shall state the time, place and nature of the alleged offense; and
- d) The complaint shall be verified, dated and signed by the complainant, 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 six months, or both fine and imprisonment."

(Date of filing)

(Signature of person filing the complaint)

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.235 Board Members as Complainants

- a) Nothing in this Part shall prohibit a member of the Board from filing a complaint in his or her individual capacity.
- b) After filing the complaint, the complaining member shall decline to be present at or participate in any Board decision affecting the complaint or the proceedings pertaining to the complaint.
- c) In all other respects, the provisions of this Part shall apply to situations in which a member of the Board is a complainant.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.240 Service of Complaint

- a) If a complaint is filed within 60 days prior to the date of an election in reference to which the complaint is filed, the complainant shall serve a copy of the complaint upon all respondents prior to the time of filing, and the complaint filed with the office of the General Counsel shall have attached to it proof of service, consisting of any one of the following:
 - 1) a written acknowledgment signed by the person served;
 - 2) in case of service by personal delivery, an affidavit of the person who made delivery; or
 - 3) abode service in accordance with the Civil Practice Law [735 ILCS 5/Art. II].
- b) In all other cases, service shall conform to Section 125.40.
- c) When a complainant has attempted to serve a respondent who is no longer residing at his or her last known address, proof of service shall be complete when the complainant has filed an affidavit indicating that a diligent effort has been made to locate the respondent but that effort has been unsuccessful and the respondent's whereabouts are unknown.

(Source: Amended at 29 Ill. Reg. 18796, effective November 7, 2005)

Section 125.245 Appointment of Examiner - Order of Closed Preliminary Hearing

- a) Complaints may be filed by Board members, Board staff, or private persons in accordance with Section 9-20 of the Election Code.
- b) In accordance with the time constraints stated in Section 9-21 of the Election Code, the Executive Director shall appoint a Hearing Officer, who shall be a licensed attorney or a Board employee of the classification Election Specialist III or higher, who possesses at least two years experience as an Election Specialist of any rating, and the Director of the Division of Campaign Disclosure shall enter an order directing a closed preliminary hearing be held on the complaint, designating the time and place of the hearing.
- c) The Hearing Officer may be the Director of the Division of Campaign Disclosure or any person designated by the Executive Director.
- d) A copy of the order shall be served on the complainant, if different from the Board or its staff, and upon the respondent. The order shall have attached a copy of the complaint.

- e) The order shall contain a recitation that the respondent may be represented by counsel at the closed preliminary hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.250 Time of Preliminary Hearing (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.252 Scope of Preliminary Hearing – Procedures – Evidence

The closed preliminary hearing is not an adjudication, but shall be an inquiry to elicit evidence on whether the complaint was filed on justifiable grounds and has some basis in fact and law.

- a) The closed preliminary hearing shall be conducted by the Hearing Officer.
- b) Minutes of the closed preliminary hearing shall be kept by the Board staff and signed by the Hearing Officer. A party may record the proceedings by employing his or her own court reporter or otherwise recording the hearing. Minutes of the closed preliminary hearing shall be made available to any party upon request.
- c) The closed preliminary hearing need not be strictly adversarial in nature.
 - 1) Any person offering evidence, written or oral, shall affirm to the Hearing Officer that his or her evidence is true to the best of his or her information and belief;
 - 2) Evidence may be submitted in narrative form;
 - 3) The Hearing Officer shall not be bound to follow rules of evidence acceptable in an Illinois court of record, but may admit and rely upon for his or her recommendation evidence or information of a type commonly relied upon by reasonably prudent men in the conduct of their affairs, as provided by Section 10-40(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(a)];
 - 4) The complainant bears the burden of introducing evidence or information sufficient under subsection (c)(3) for the Board to conclude that the complaint has been filed on justifiable grounds;
 - 5) The complainant will ordinarily present evidence or information supporting the complaint first in order. The complainant will present his or her case first, except when convenience to the Hearing Officer or the respondent requires the respondent to proceed first. The consent, in such cases, of the complainant will be required. The respondent may then present any information or evidence; and
 - 6) The Hearing Officer may ask the complainant or respondent any questions relevant to the charges of the complaint. Any question is relevant if it has the possibility of eliciting an answer that tends to make the ultimate fact of justifiable grounds more or less likely.
- d) At the close of the hearing, the Hearing Officer shall summarize his or her conclusions concerning the evidence and information represented and draft a recommendation to the Board addressing whether the complaint was filed on justifiable grounds. The Hearing Officer shall also attach to the minutes any documents tendered to the Board during the hearing, and submit his or her recommendation and the minutes to the Board for their consideration. The Hearing Officer shall send a copy to the General Counsel.
- e) The Hearing Officer shall have no authority to rule on any questions of law raised by the complainant or respondent, but shall note in the minutes all such matters for the Board's disposition.
- f) At any time before the Hearing Officer submits the recommendation and minutes, the complainant

and respondent may settle the matters between them, subject to the approval of the Board. If the Board or a member of its staff is the complainant, the Hearing Officer shall have the authority to enter into a stipulation for settlement pursuant to Section 125.254 of this Part, subject to Board approval.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.253 Responsibilities of the General Counsel

- a) Upon receipt of a copy of the recommendation of the Hearing Officer and the minutes, the General Counsel shall:
 - 1) Review the minutes for questions of law and evidence;
 - 2) Offer remarks and recommendations on all matters of law noted in the minutes;
 - 3) Comment upon matters of evidence when that comment would assist the Board in understanding the recommendation of the Hearing Officer, or the recommendation is against the manifest weight of the evidence or otherwise subject to dispute; and
 - 4) Transmit remarks and recommendations to the Board in accordance with the time constraints stated in Section 9-21 of the Election Code.
- b) If no question of law or fact requires the General Counsel's comment or recommendation, he or she shall so note without further remark.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.254 Stipulated Settlement

- a) Whenever a closed preliminary hearing is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the Election Code or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order approved by the Board. However, if the committee has previously failed to comply with the requirements of the Election Code or rule, any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Code or rules shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed. "Repeated failures" means more than one.
- b) Any written stipulation or agreed order issued pursuant to this Section shall include a provision known as the "Standing Order" provision, as referred to in Section 125.420, requiring that all subsequent reports, statements or filings required by Article 9 be made within the time limits set forth in Article 9, and that any failure or refusal to comply with filing deadlines will result in the imposition of the civil penalties stated in Section 125.425. Any Standing Order provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.
- c) Any person who fails or refuses to comply with the terms of a Standing Order provision shall be notified by the Board, by service as set forth in Section 125.425, that the Board will issue an order imposing a civil penalty in accordance with the schedule set forth in this Part. The person shall be afforded an opportunity to appear at the next regularly scheduled or special Board meeting and to show cause why the civil penalty shall not be imposed. For purposes of this subsection (b), cause shall consist of proof that the report was submitted on time, as evidenced by a date stamp on the received document or other evidence submitted to the Board.
- d) Any civil penalties imposed pursuant to this Section may be enforced and collected in accordance with Section 125.430.
- e) In approving any stipulation or agreed order under this Part, the Board shall consider, but not be

limited to, any evidence offered and noted by the Hearing Officer of the following factors:

- 1) A party's history of compliance with the Election Code or rules of the Board;
- 2) Any evidence of respondent's ignorance of a material fact that led to the conduct that was the source of the complaint;
- 3) The degree of cooperation exhibited by the respondent with Board staff or the Hearing Officer; and
- 4) Factors in mitigation or factors in aggravation of the circumstances complained of in the complaint.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.255 Transcript of Preliminary Hearing (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.260 Report of Hearing Examiner (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.262 Board Determination

- a) After the submission of the recommendations of the Hearing Officer, the minutes, and the recommendations of the General Counsel, if any, the Board shall determine whether the complaint was filed on justifiable grounds. If the Board determines that the complaint was filed on justifiable grounds, and if the respondent is unwilling to take action necessary to correct the violation or refrain from the conduct giving rise to the violation, it shall order a public hearing to be conducted in accordance with Subpart C of this Part.
- b) The Board may consider and discuss the Hearing Officer's recommendation through a conference telephone call begun in open session and continued in executive session in lieu of an in-person meeting, and that consideration and discussion shall be deemed part of the closed preliminary hearing process. Any action on the Hearing Officer's recommendations must be taken in open session or, if taken as part of the telephonic conference call, that portion of the conference call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board. That portion of the broadcast call shall be open to the media and public.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.265 Judicial Review

Judicial review of a final order of the Board entered or effected pursuant to Section 125.262 shall be in accordance with Section 9-22 of the Election Code.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.270 Record of Preliminary Hearing on Appeal Administrative Review

Upon appeal from a final order of the Board dismissing a complaint following a closed preliminary hearing, minutes and documentary evidence received during the preliminary hearing, together with the recommendation of the Hearing Officer, the recommendation of the General Counsel, if any, and the final order of the Board, shall constitute the record on administrative review pursuant to the Administrative Review Law [735 ILCS 5/Art. III]. A party that has caused a verbatim transcript of the closed preliminary hearing to be made may, at that party's election, submit that transcript for inclusion in the record on administrative review. Legal counsel for the Board shall be instructed to seek leave of the Court to file the record on administrative review "in camera" with the Court having jurisdiction over the review. Any public inspection or release may be subject to order of that Court. Before the record is filed, the Hearing Officer shall notify the parties that the record has been prepared, shall receive corrections

from any parties, shall examine the record for accuracy, and then shall certify that it is a true and accurate record of the hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.272 Order of Public Hearing

- a) In the event that the Board orders a public hearing, the Board shall, as Section 9-21 of the Election Code requires, appoint a Hearing Officer to conduct a public hearing on the complaint and shall immediately serve upon all parties a written Notice of Appointment of the Hearing Officer, stating the name, business address and telephone number of the Hearing Officer, together with a copy of the Board's order after the closed preliminary hearing. If the complaint is filed within 60 days preceding the date of an election in reference to which the complaint is filed, the General Counsel also shall promptly give telephonic, e-mail or facsimile notice of the appointment to all parties and that notice shall be deemed supplementary to the written Notice of Appointment.
- b) The Hearing Officer shall, in accordance with the time constraints stated in Section 9-21 of the Election Code, designate a time and place for the public hearing and shall serve a written Notice of Hearing upon all parties, stating the time and place of the hearing. If the complaint is filed within 60 days preceding the date of an election in reference to which the complaint is filed, the Hearing Officer also shall promptly give telephonic notice of the hearing to all parties, which shall be deemed supplementary to the written Notice of Hearings.
- c) The Notice of Hearing shall contain a statement that the respondents have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections, including public hearing proceedings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.275 Time and Conduct of Public Hearing (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section 125.310 Applicability

This Subpart applies to all public adjudicative hearings ordered by the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.320 Initiation of Hearing

- a) Hearings conducted pursuant to Subpart C shall be initiated once the Board has determined that a complaint alleging a violation of Article 9 has been filed upon justifiable grounds and further determines that a hearing is necessary under Section 125.262(a).
- b) Hearings may also be initiated when, in the exercise of its discretion, the Board determines there are reasonable grounds to believe that a violation of any other election law may have occurred.
- c) The Board may determine that any adjudicative hearing shall be held before the Board. In the absence of that determination, an adjudicative hearing shall be conducted by a Hearing Officer.
- d) Any hearing before the Board shall be conducted in the same manner as provided for the calling and conduct of hearings by a Hearing Officer, except that, after the conclusion of a hearing, the Board shall issue its final order without the necessity of written comment from the General Counsel.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.330 Appointment of Hearing Officer

In all public adjudicative hearings to be conducted by a Hearing Officer, the General Counsel shall appoint the Hearing Officer and shall serve notice of the appointment upon all parties in accordance with Section 125.40. The notice shall state the name, office address, and telephone number of the person appointed as Hearing Officer. The General Counsel shall also provide to the parties telephonic or telegraphic notice of the appointment of a Hearing Officer as the circumstances of the proceeding may warrant.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.340 Notice of Hearing

In adjudicative hearings, the Hearing Officer shall, after receipt of notification of appointment, designate a time and place for the public hearing, within any time limits as may be prescribed by law. The Hearing Officer shall serve notice of the time and place of hearing upon all parties in accordance with Section 125.40.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.350 Discovery Procedures

- a) Discovery procedures may be ordered by the Hearing Officer upon the written request of any party, or upon his or her own motion, when necessary to expedite the proceedings, to insure a clear and concise record, to insure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing, and when the allowance of discovery procedures will not interfere with or impair the time requirements applicable to the proceeding.
 - 1) Discovery may consist of the following:
 - A) production of documents or things;
 - B) depositions;
 - C) written interrogatories; and
 - D) requests for admissions of fact.
 - 2) The Hearing Officer may restrict or deny discovery when necessary to prevent undue delay or harassment.
- b) The Hearing Officer shall order the following discovery upon written request of any party:
 - 1) a list of witnesses who are known to the party and who have knowledge of relevant facts;
 - 2) a list of any expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing.
- c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Part may be examined regarding any matter, not privileged, that is relevant to the subject matter of the pending case or that may lead to the discovery of relevant information.
- d) Except as otherwise provided, all depositions and written interrogatories taken pursuant to this Section shall be for purposes of discovery only. The depositions and interrogatories may be used for purposes of impeachment, as admissions, or as any affidavit could be used. Upon application to the Hearing Officer, either before or after the taking of the deposition or the filing of written interrogatories and upon a showing that at the time of the hearing the party deposed or interrogated will not be available due to death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing Officer may order that the deposition or interrogatories be used as evidence in the hearing.
- e) Upon transcription of a deposition, it shall be made available to the deponent for examination,

unless his or her signature is waived at the deposition. Any changes in form or substance that the deponent desires to make shall be entered upon the deposition by the person taking the deposition, with a statement of the reasons given by the deponent making the changes. The deposition shall then be signed by the deponent unless he or she is ill, cannot be found or refuses to sign, in which event the person taking the deposition's certificate shall state the reason for the omission of the signature.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.360 Subpoenas

- a) Upon application to the Hearing Officer by any party, or upon the request of the Hearing Officer, the General Counsel may issue a subpoena in the name of the Board for attendance at a deposition or hearing, which may include a command to produce books, papers, documents or tangible things designated in the subpoena and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by Section 125.350. The Hearing Officer, upon motion, and in any event at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable or oppressive.
- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed:
 - 1) to attend and give testimony at the time and place specified; and/or
 - 2) to produce books, papers, documents or tangible things designated in the subpoena at the time and place specified.
- c) A subpoena duces tecum may be limited to the production of documents and not require personal attendance of the person to whom it is directed.
- d) The party requesting the issuance of a subpoena shall tender with the request a check reimbursing the witness for the round trip cost of travel between the witness' place of residence and the place where his or her presence is requested. Reimbursement shall be equal to that provided by statute for civil costs in the Circuit Courts of Illinois.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.370 Transcript of Proceedings

All proceedings at public hearings shall be recorded by a certified court reporter but need not be transcribed unless requested by a party, who shall pay for the transcription of the portion requested, except as otherwise provided by the Board or by law. Any transcript will be retained through and including the time allotted for appeal, rehearing or other manner of review prior to final disposition as provided by the Board or by law. Before the transcript is filed, the Hearing Officer shall notify the parties that the transcript has been produced, shall receive corrections from any person, shall examine the transcript for accuracy, and, within a reasonable time, shall certify that it is a true and correct transcript of the hearing. Only after that certification may the transcript be made available for public inspection.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.380 Official Record

The transcript and the record offered in connection with the hearing shall constitute the official record. The record in a public hearing shall include:

- a) pre-hearing records, if any;
- b) all pleadings (including all complaints, answers, notices, motions, briefs and rulings);
- c) evidence received;

- d) a statement of matters officially noticed;
- e) offers of proof, objections and rulings;
- f) Findings of fact, Conclusions of Law and Recommendations of the Hearing Officer.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.390 Briefs and Oral Argument

The parties may submit written briefs to the Hearing Officer or the Board, as the case may be, within 5 days after the close of the hearing, or within such other time as is consistent with the responsibility for decision as required by law. Upon request at the time of submission of briefs or on its own motion, the Board or the Hearing Officer may permit oral argument by the parties.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART D: FINAL ORDERS

Section 125.410 Hearing Officer’s Report

Upon the conclusion of the hearing held pursuant to Subpart C, the Hearing Officer shall issue a written report that shall include findings of fact, conclusions of law, and recommendations. This report shall be prepared as soon as possible after the conclusion of the public hearing and shall be transmitted to the Board, with a copy to the General Counsel.

- a) Findings of Fact shall be based exclusively on the evidence presented at the hearing, including any matters officially noticed. Conclusions of law and recommendations shall be based upon a consideration of the record as a whole.
- b) The General Counsel, after receipt of the Hearing Officer's report, shall promptly submit comments or opinion on the Hearing Officer's report to the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.420 Order of the Board; Civil Penalties

- a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Section 9-21 of the Election Code [10 ILCS 5/9-21], the Board shall review the reports submitted by the Hearing Officer and the General Counsel, and any objections, briefs or memoranda filed by any party to the hearing, and shall issue its final order within the time specified in Section 9-21 of the Election Code [10 ILCS 5/9-21]. If the hearing was extended by stipulation or order of the Hearing Officer pursuant to Section 125.160, then the Board decision shall be issued:
 - 1) within 36 hours after the Hearing Officer's report, if the complaint was filed within 60 days prior to an election and related to that election; or
 - 2) within 60 days in all other instances.
 - A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion, if the Board determines supplemental testimony will provide undiscovered relevant testimony.
 - B) The Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or consent order through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of the conference call. The call shall be broadcast over speaker phone

or other similar device at both the permanent and branch offices of the Board and the broadcast shall be open to the media and public. The entire conference shall also be recorded by a certified court reporter.

- b) Whenever the Board determines a person to be in violation of any provision of Article 9 or any regulation adopted under Article 9, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct the violation or otherwise comply with Article 9 or the regulation within such time as the Board may specify, but not within less than 15 business days.
- c) The Board shall also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it will impose a civil penalty, not to exceed \$5,000, on any person who fails or refuses to comply with the final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.
- d) Standing Orders
 - 1) Any final order, written stipulation, agreed settlement or consent order issued shall include a provision, referred to as a "Standing Order" provision, requiring that all subsequent reports, statements or filings required by Article 9, during the period the Standing Order provision is in effect, must be made within the time limits set forth in Article 9, and that any failure or refusal to comply with those filing deadlines shall result in the imposition of civil penalties by the Board in an amount not to exceed \$5,000.
 - 2) Any Standing Order shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order. This Standing Order provision shall not apply to final orders rendered for delinquent filings under Section 9-10 of the Election Code.
- e) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Election Code, any rule adopted under the Code, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of false or incomplete information required by the Election Code and such willful failure to file or willful filing of false and incomplete information may possibly constitute a criminal violation of the Election Code pursuant to Section 9-26 of the Election Code.
- f) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.
- g) All parties to the proceeding shall be notified promptly of any and all orders and exact copies of an order shall be personally delivered or mailed by certified or registered mail to each attorney of record.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.425 Civil Penalty Assessments

- a) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Documents are deemed received by the Board as of the date stamped by Board staff on the documents submitted.
- b) If a report is or continues to be delinquent, it is subject to a civil penalty as set out in subsection (d) of this Section.
- c) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send a notice of delinquency to the chairman and the treasurer of each delinquent political committee, together with an order assessing a civil penalty calculated in accord with subsection (d). The notice of delinquency and order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has

issued a civil penalty that will be final unless the committee shows cause in accord with subsection (e) why the penalty should not be assessed.

- d) The Board will calculate the civil penalty as follows:
- 1) If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a quarterly report, the political committee shall be assessed a fine of \$25 per business day for the first violation, \$50 per business day for the second violation, and \$75 per business day for the third and each subsequent violation, to a maximum of \$5000. However, the civil penalty for any committee shall not exceed \$1000 for first time offense involving a filing that is less than 10 days late.
 - 2) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a quarterly report, the political committee shall be assessed a fine of \$50 per business day for the first violation, \$100 per business day for the second violation, and \$200 per business day for the third and each subsequent violation, to a maximum of \$5000. However, the civil penalty for any committee shall not exceed \$1000 for a first time offense involving a filing that is less than 10 days late.
 - 3) In the situation described in subsection (d)(1) or (d)(2), no civil penalty shall be assessed against a committee if the report is mailed and postmarked at least 72 hours prior to the filing deadline.
 - 4) When considering the amount of the civil penalty to be imposed, the Board shall consider all relevant factors, including, but not limited to:
 - A) Whether, in the Board's opinion, the violation was committed inadvertently, negligently, knowingly or intentionally; and
 - B) Past violations of Article 9 of the Election Code by the committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
 - 5) If the delinquently filed report is a Schedule A-1 (report of contributions of \$1000 or more), in the final disposition of any appeal of a penalty assessed by the Board for the delinquency, the Board will consider assessing a civil penalty as follows:
 - A) In the case of a willful or wanton violation, the Board shall impose a penalty of no less than 10% and no more than 150% of the total amount of the contributions that were delinquently reported.
 - B) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(A), the Board shall consider the following factors:
 - i) the number of days the contribution was reported late; and
 - ii) past violations of Sections 9-3 and 9-10 of the Election Code by the committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
 - C) In the case of negligent or inadvertent violations, the Board may:

- i) impose a fine not to exceed 50% of the total amount of the delinquently reported contributions; or
 - ii) waive the fine.
 - D) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(C), the Board shall consider the following factors:
 - i) Whether the political committee made an attempt to disclose the contribution and any attempts to correct the violation;
 - ii) Whether the violation was attributed to a clerical or computer error;
 - iii) The amount of the contribution;
 - iv) Whether the violation arose from a discrepancy between the date the contribution was reported transferred by a political committee and the date the contribution was received by a political committee;
 - v) The number of days the contribution was reported late; and
 - vi) Past violations of Sections 9-3 and 9-10 of the Election Code by the political committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
- 6) If the delinquently filed report is a Statement of Organization (form D-1), the Board shall assess a civil penalty of \$50 for each business day that the report remains unfiled after its due date. The penalties shall not exceed \$5,000.
- e) In addition to the civil penalties provided for in Section 9-10(b) and (c) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection (e). The Board will calculate civil penalties in accord with subsection (d). A committee that violates both Section 9-10 of the Election Code and an order of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an order of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board order notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) or (c) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board order under Section 9-23 may:
 - 1) submit, within 30 calendar days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit, in the form provided by the Board, stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or
 - 2) submit, within 30 calendar days after the mailing of the assessment notice, a request for hearing and appeal affidavit, in the form provided by the Board, stating the reasons for the late filing or violation of the Board order, as the case may be, to show why a civil

penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure; or

- 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.

f) Post-Appeal Hearing Defense or Evidence

- 1) Any defense and any accompanying evidence upon which the appeal is based that is presented to the Board following an appeal hearing, either by personal appearance before or a written appeal submitted to a Hearing Officer, shall be limited to the defense and evidence that was presented at the appeal hearing. The defense and evidence shall include, but not be limited to, interpretation of statute and rules, consideration of written or oral testimony tendered at the appeal hearing and consideration of documentary evidence tendered at the hearing.
- 2) Any defense and accompanying evidence that was not known, and could not reasonably be expected to have been known, by the respondent at the time of the appeal hearing may be presented to the Board. The Board may, upon motion or on its own motion, remand the defense and evidence back to the original Hearing Officer, or may submit it to a new Hearing Officer for consideration. If an issue exists as to the applicability of this exception, the Board shall rule upon the issue immediately after presentation of the disputed defense and evidence. The respondent in the case shall be given an opportunity to demonstrate to the Board that the disputed defense and evidence was not known at the time of the appeal hearing and the respondent should not have been expected to have been aware of the defense and evidence at the time of the appeal hearing.
- 3) Nothing in this Part shall be construed to prevent the respondent from being represented by counsel at the presentation before the Board when the counsel did not represent the respondent at the appeal hearing. Counsel shall be licensed to practice law in the State of Illinois as required by Section 125.60 of this Part.

- g) If a political committee or organization required to report under the provisions of Article 9 of the Election Code that is subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board order if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

- h) Notwithstanding any provision of this Section to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board order when the committee or organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. The stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board orders occur. Violation of Article 9 of the Election Code or a Board order will cause the civil penalty otherwise stayed to become immediately due and may expose the committee or organization to further liability in accord with this Section.

- i) For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning the first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.

- j) Notwithstanding any other provision of this Section:

- 1) if an active political committee or organization is assessed no more than one civil penalty under Section 9-10 during a two year period, it shall, after two years have lapsed following the assessment, be considered as never having violated Section 9-10. For a single violation, the two year period begins to run with the mailing of the assessment letter. If an active political committee or organization is assessed more than one civil penalty and has paid all assessed civil penalties, it shall be considered for assessment purposes as not having violated that Section if it is assessed no other civil penalty during a two year period following receipt of payment by the Board;
 - 2) if a committee or organization is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during the two year period beginning with the date of the assessment letter, or the final Board order if the assessment is appealed and the appeal is denied, any successor committee or organization shall be considered, for assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty;
 - 3) if a committee or organization is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee or organization has not paid the civil penalties, any successor committee or organization that subsequently pays all civil penalties due shall be considered as never having violated Section 9-10 if, for two years from the date of receipt of payment by the Board, the successor committee or organization is assessed no other civil penalty.
- k) Upon notice by the Hearing Officer or upon request by any party, the Hearing Officer may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for purposes including, but not limited to:
- 1) the formulation and simplification of issues;
 - 2) the necessity or desirability of amending the assessment notice for the purpose of clarification or correction;
 - 3) the possibility of stipulations concerning material facts;
 - 4) the limitations of the number of witnesses;
 - 5) other matters as may aid in the simplification of evidence and the disposition of the proceeding.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.430 Enforcement Actions in the Circuit Court

- a) Whenever the Board, pursuant to Sections 9-21 and 9-23 of the Election Code, has issued an order directing a person determined by the Board to be in violation of Article 9 or any rule or regulation adopted under that statute to cease or correct a violation or otherwise comply with Article 9, and the Board imposes a civil penalty for failure or refusal to comply with its order within the specified time, the Board shall enforce the civil penalty by filing with the Circuit Court a petition for an order to enforce collection of the penalty.
- b) The Board may also petition the Circuit Court to issue an order 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 that constitute a violation of any provisions of Article 9 from engaging in those acts or practices.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.440 Reconsideration

Any member of the Board, or any party affected by a final order of the Board, may file a written motion to reconsider. The motion shall set forth in specific detail the grounds alleged for reconsideration and must be filed with the Board not later than 7 days after the effective date of the Board's order.

- a) Oral argument shall be permitted on the motion only at the Board's discretion.
- b) The Board may consider, discuss and take action upon the motion through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of the conference call, the call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board, and the broadcast shall be open to the media and public. The entire conference call shall also be recorded by a certified court reporter.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.445 Public Database of Founded Complaints

The public database of founded complaints required under Section 9-23.5 of the Election Code applies only to complaints that have been determined by the Board to have been filed upon justifiable grounds. The database shall not include complaints that, upon completion of a closed preliminary hearing, were determined by the Board not to have been filed upon justifiable grounds. The searchable database of founded complaints shall include, but not be limited to: case number, complainant, respondent, date the complaint was filed, Section of the Code alleged to be violated, date of public hearing, final board action and date of imposition of a penalty for violation of final board action, if any.

(Source: Added at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS PURSUANT TO SECTION 9-18

Section 125.510 Applicability (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.520 Staff Review and Enforcement of Reporting Requirements

Prior to filing a written complaint pursuant to Section 9-20 of the Election Code, the State Board of Elections, through its staff, will:

- a) Notify in writing each political committee that has failed to file a required report, or whose report is incorrect, incomplete, inaccurate or otherwise not in compliance with the law. Notification for failure to file a quarterly report shall be sent to all established political committees required to file that report. Telephonic notice shall also be given whenever possible to an officer of the political committee.
- b) The written notice required by subsection (a) shall be given by personal service or First Class mail. With respect to documents required that have been filed, the notice shall specify to the extent possible the deficiencies claimed in the reports.
- c) The notice shall also set a time, place and date for a pre-complaint conference to be held in accordance with Section 125.530. The conference must be afforded to any political committee or its chairman or treasurer, or to any other person affected, prior to a complaint being filed by or on behalf of the Board.
- d) For good cause shown, the Director of the Division of Campaign Disclosure of the Board may extend the time for compliance for an additional 30 days after the date of the pre-complaint conference. No further extensions of time shall be given without express Board approval, and in those cases in which the reporting committee is subject to a "Standing Order" provision as provided in Section 125.420, no extensions of time shall be given.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.530 Compliance Conference

Whenever a compliance conference is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the Election Code or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order. However, if the campaign committee has previously failed to comply with the requirements of the Election Code or any rule of the Board, any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Election Code or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.540 Staff Initiated Complaint (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.550 Investigations, Inquiries or Hearings

The Board, or General Counsel with prior consent of the Chairman and Vice Chairman, may undertake other investigations or inquiries as may be reasonable or necessary concerning any matter covered by the Act. Once an investigation or inquiry has been so undertaken, the General Counsel shall have the authority to hire factfinders or investigators or to carry out other directions the Board may give. Subpoenas may be issued upon vote by the Board in order to carry out the investigation, inquiry or hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART F: RULE-MAKING AND NON-ADJUDICATIVE HEARINGS

Section 125.610 Applicability

This Subpart shall apply to all rulemaking and other non-adjudicative hearings and procedures except for closed preliminary hearings under Subpart B of this Part. Hearings conducted pursuant to this Subpart shall be deemed in the nature of legislative hearings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.620 Adoption of Rules

Whenever the Board proposes to adopt, amend or repeal a rule, the Board shall conduct a public hearing if it determines that this would be the most efficient way to facilitate public comment on the rulemaking or if *the agency receives a request for a public hearing within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected* [5 ILCS 100/5-40]. In all cases, the Board shall accept from interested persons all written comments pertaining to the rulemaking that are submitted during the 45 day First Notice period. If the Board finds that an emergency requires adoption of a rule, it shall proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule that shall be effective for a period of up to 150 days.

- a) **Revision of Proposed Rules.** After any rulemaking hearing and prior to submission of Second Notice to JCAR, the Board may revise the proposed rules in response to suggestions made at the hearing and written submissions received prior or subsequent to the hearing, without conducting a further hearing on the revisions.
- b) **Notice of Final Rule.** Any person heard on the original proposal, who has given his or her name and address to the Board, shall be given notice of the Board's final action.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.630 Rulemaking Hearings

The Board may either:

- a) hold rulemaking hearings itself; or
- b) designate a subcommittee of the Board, a member of the Board's staff, or a Hearing Officer to hold such a hearing. Pursuant to Section 125.60(b), whenever possible, any person designated as a Hearing Officer shall be a licensed attorney in the State of Illinois.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.640 Notice of Hearing

- a) Notice of Hearing shall be given at least 10 days prior to the date of the hearing:
 - 1) By posting the Notice on the State Board of Elections website;
 - 2) By posting the Notice at the principal and permanent branch offices of the State Board of Elections; and
 - 3) If the Board determines necessary, by public advertisement in a newspaper of general circulation in Chicago or Springfield, depending on where the hearing is to take place.
- b) The Board shall make available copies of any proposed rules and supporting statements, if any, at the time the hearing date on proposed rules is announced.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.650 Conduct of the Hearing

The hearing shall be conducted in such manner so as to insure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. The hearing may provide for:

- a) the prior submission of testimony and exhibits in writing;
- b) the examination of witnesses under oath;
- c) a limitation on the amount of time each witness may testify; and
- d) restriction or elimination of merely cumulative testimony.

Section 125.660 Examination of Witness

Examination of witnesses by any member of the Board, by counsel to the Board or by a Hearing Officer shall be permitted. Examination by any other person shall be permitted in the discretion of the party conducting the hearing. Repetitious examination may be limited.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.670 Record

All testimony shall be recorded either stenographically or by tape recording. The transcript, all written testimony, all exhibits offered in connection with the hearing, and all written submissions shall constitute the record.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.680 Report of Hearing

If a hearing is conducted by a member of the Board's staff, or by a Hearing Officer, a written report shall be submitted to the Board at its next regularly scheduled meeting. This report shall also be included in the submission of the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR). The report shall summarize the record and shall include such other comments, suggestions, conclusions or recommendations as the party preparing the report deems necessary.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART G: ADVISORY OPINIONS

Section 125.710 Advisory Opinions

- a) Request and Scope
 - 1) An advisory opinion may be requested from the State Board of Elections by any of the following:
 - A) a member of the Board;
 - B) any candidate for public office or the chairman or treasurer of any campaign committee that is, or may be, required to file any campaign disclosure reports.
 - 2) Advisory opinions under this Subpart shall be limited to issues pertaining to Section 9-8.10 of the Code.
- b) The request must be submitted in writing to the General Counsel and shall set forth the specific facts, activity or transaction that the requesting party is undertaking, or intends to undertake, and the specific issues on which the requesting party seeks an advisory opinion.
 - 1) Requests presenting general questions of interpretation, hypothetical questions, or matters relating to activities of third parties shall not qualify as requests for an advisory opinion.
 - 2) Issuance of any advisory opinion shall at all times be discretionary with the Board.
- c) The General Counsel shall review all requests for advisory opinions and, if the General Counsel determines that the request is incomplete or does not otherwise qualify under subsection (b), he or she shall, within 14 days after the receipt of the request, notify the requesting party and specify any deficiencies in the request. The requesting party may appeal any determination by the General Counsel directly to the Board.
- d) If the General Counsel determines that the request may qualify for an advisory opinion, or if the Board overrules the determination by the General Counsel under subsection (c), the request shall be referred to the Campaign Disclosure Division of the State Board of Elections for review and written comment. The written comment shall be directed to the General Counsel, and the General Counsel shall in turn review and provide written comment on the request to the Board. The General Counsel shall also advise the party making the request for opinion that the request has been submitted to the Board.
- e) Board Determination
 - 1) Within 60 days after a request is received that qualifies for an advisory opinion, the Board shall issue to the requesting party either:
 - A) a written advisory opinion; or
 - B) a statement that the Board declines to issue an advisory opinion.

- 2) An advisory opinion shall be issued only upon the affirmative vote of 5 members of the Board.
- f) An advisory opinion rendered by the Board may be relied upon by:
 - 1) the requesting party;
 - 2) any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered; and
 - 3) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.
- g) Nothing contained in this Section shall preclude the distribution by the Board or any of its staff of information consistent with the Election Code, any prior opinions of the Board, and any relevant federal or state case law.
- h) A copy of each advisory opinion shall be sent to the requesting party and to any legal representatives of the requesting party.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.720 Reconsideration of Advisory Opinion

- a) The Board may reconsider an advisory opinion previously issued if the circumstances under which the opinion was issued have changed and either:
 - 1) The requesting party submits a written request for reconsideration within 30 calendar days after receipt of the opinion and, upon the motion of a member of the Board who voted with the majority that originally approved the opinion, the Board adopts the motion to reconsider by the affirmative vote of 5 members; or
 - 2) Upon motion of a member of the Board who voted with the majority that originally adopted the advisory opinion, the Board adopts the motion to reconsider by an affirmative vote of 5 members.
- b) Adoption of a motion to reconsider vacates the advisory opinion to which it relates. The advisory opinion shall cease to be effective:
 - 1) With respect to the party requesting the opinion, when written notice of the adoption of the motion to reconsider is given to that party;
 - 2) With respect to all other persons who might claim that the opinion applies to them pursuant to Section 125.710(f)(2), upon adoption of the motion to reconsider by the Board.
- c) In the event an advisory opinion is reconsidered, action taken in good faith and in reliance upon the opinion prior to its reconsideration shall estop the Board from claiming any violation of Section 9-8.10 of the Election Code or of any rules or regulations of the Board to which the advisory opinion applied.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.730 Public Availability of Advisory Opinions

- a) When issued, each advisory opinion shall be made public and shall be sent by mail or personal delivery to the requesting party.
- b) A copy of all advisory opinions shall be kept on file and shall be made available for public

inspection through the Office of the General Counsel in both the Chicago and Springfield offices. Opinions will be available for inspection during normal working hours.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.740 Conflict Between this Part and the IAPA

In the event of any conflict between this Part and the Illinois Administrative Procedure Act [5 ILCS 100], the provisions of the Illinois Administrative Procedure Act shall control.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART H: MISCELLANEOUS PROVISIONS

Section 125.810 Ex Parte Communications

- a) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, members of the Board, employees of the Board and Hearing Officers shall not, after the commencement of any proceeding pursuant to Article 9 or this Part, communicate, directly or indirectly with any party in connection with any pending issue except upon notice and opportunity for all parties to participate.
- b) With respect to any complaint filed pursuant to Subpart B, the prohibition provided for in subsection (a) shall commence with the filing of the complaint.
- c) Nothing in this Section shall prohibit Board staff or Board members from communicating with each other, or a Hearing Officer or Board member from communicating with employees of the Board, to obtain their aid and advice on technical matters that fall within the area of expertise of the employee consulted.
- d) Ex parte communications may also be governed by Section 5-50 of the State officials and Employees Ethics Act [5 ILCS 430/5-50].
- e) The Board may institute sanctions against any violator of this Section as it may deem appropriate and authorized by law.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.820 Effective Date (Repealed)

(Source: Repealed at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.830 Interpretation

The use of the masculine shall include the feminine or neuter where appropriate; the use of the singular shall include the plural where necessary. Whenever the word "shall" is used it shall be considered mandatory. The use of "may" is deemed permissive.

Section 125.840 Severability

The rules promulgated in this Part are severable and the invalidity or unenforceability of one or more shall not affect the validity of any other rule that may be given independent effect or application.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 210
RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section
210.10 Licensing of Raffles Conducted by Political Committees
210. APPENDIX A Application Form

AUTHORITY: Implementing and authorized by the Raffles Act [230 ILCS 15].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 6907, effective May 1, 1990, for a maximum of 150 days; emergency expired September 28, 1990; adopted at 15 Ill. Reg. 4450, effective March 16, 1991; amended at 29 Ill. Reg. 18810, effective November 7, 2005; amended at 35 Ill. Reg. 2407, effective February 4, 2011.

Section 210.10 Licensing of Raffles Conducted by Political Committees

- a) No raffle or other game of chance defined in and authorized by Section 8.1 of the Raffles Act [230 ILCS 15/8.1] (the Act) shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (Board).
- b) "Political committee" as used in this Part shall mean a political committee as defined by Section 9-1.8 of the Election Code [10 ILCS 5/9-1.8].
- c) No political committee, group, association, or other entity shall receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section 9-1.8 of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.
- d) Application for a license to conduct a raffle shall be made on forms provided by the Board and shall supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A.
- e) Only the chairman or treasurer of a political committee whose name is listed on the committee's D-1 statement at the time the application is filed shall sign the application for a license to conduct a raffle.
- f) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code; provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.
- g) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.
- h) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board shall hear such a complaint under the provisions of 26 Ill. Adm. Code 125.Subpart C. The complainant shall prove its case before the Board. Nothing in this Part prohibits the Board from filing a complaint, but unless it

does so, the Board shall not act as an advocate for the complainant. Failure of a committee to abide by the Act and its license voids the license whether or not a complaint is filed.

- i) All receipts and/or expenditures for raffles conducted under this Section and the Act shall be reported on the report next required to be submitted by the committee after each separate raffle under Article 9 of the Election Code and on such other reports as may be required by that Article.

(Source: Amended at 35 Ill. Reg.2407, effective February 4, 2011)

Section 210.APPENDIX A Application Form

FORM DR

LICENSE APPLICATION TO
CONDUCT A RAFFLE

1. Name and address of political committee.

2. Type of Committee (Circle One)

Candidate	Political Party	Political Action Committee	Ballot Initiative
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3. Name and address of officers.

A. Chairman

_____ Phone Number: _____

B. Treasurer

_____ Phone Number: _____

4. Name and address of individuals responsible for the conduct of the raffle.

5. Locations where raffle chances will be sold or issued.

6. First and last dates for sale of raffle chances.

7. Locations where winning chances will be determined.

8. Dates of determination of winning chances.

Briefly describe the prizes:

The undersigned hereby swear and affirm that _____ is organized as a political committee in Illinois as required by Article 9 of the Election Code and is eligible to receive a raffle license as prescribed by law, and further, that the above stated facts are true. We acknowledge the receipt of copies of 230 ILCS 15/8.1 and of 26 Ill. Adm. Code 210.10 and understand that failure to abide by the Election Code shall void any license granted to this committee.

Chairman (Signature)

For Office Use Only

Identification No. _____

Treasurer (Signature)

Date of Creation: _____

Subscribed and Sworn to before me this
__ day of _____, 20__.

Approved _____
(Date)

Notary Public

(Signature)

(Source: Amended at 35 Ill. Reg. 2407, effective February 4, 2011)