

***Important Changes to Illinois Disclosure
Law
(effective July 1, 2010)***



STATE BOARD OF ELECTIONS
CAMPAIGN DISCLOSURE DIVISION

The passage of Public Act 96-0832 results in a number of important changes to the Illinois Campaign Disclosure law. While many of these changes, such as the imposition of contribution limits, do not take effect until January 1, 2011, other parts of the new law take effect July 1, 2010. This brochure is not a complete or fully detailed digest, but an overview intended to help you understand and prepare for the new law. Some of the language in this brochure is presented in simplified form, and should not be considered an exact translation of applicable law or legislation.

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

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All political committees in Illinois will be affected by the new law to at least some degree. One important impact will be the replacement of the existing committee designation system. Currently, political committees in Illinois are designated as State, Local or State and Local. Beginning July 1, 2010, all existing political committees in Illinois must begin designating themselves as one of four new types of committees: 1) Candidate Political Committee, 2) Political Party Committee, 3) Political Action Committee or 4) Ballot Initiative Committee. The new committee designations and definitions do not actually take effect until January 1, 2011, but **all existing committees must make their designations by December 31, 2010**. Here are the four new committee types and some requirements for each:

1) Candidate Political Committee – a candidate or any other person or group who accepts contributions or makes expenditures totaling more than \$3000 in aggregate during any 12-month period on behalf of a candidate.

The name of a candidate committee must identify the name of the candidate supported. Candidate committees are the only committees allowed to use the name of a candidate.

Candidates can only establish one candidate political committee for each office sought or held.

If a candidate creates more than one committee, then each committee must include the name of the public office being sought.

If a candidate creates one committee to seek multiple offices in different elections, then the candidate must designate an election cycle for the committee. This cycle is then used to determine reporting requirements and contribution limits for the committee.

2) Political Party Committee – a state or county central committee of a political party, a legislative caucus committee*, or a committee formed by ward or township committeemen of a political party.

The name of a Political Party Committee must include the name of the political party that forms it.

The state, county, ward or township group forming a committee can only create one Political Party Committee.

*Legislative caucus committee means a committee created by the President of the Senate, Speaker of the House, Minority Leader of the Senate or House, or a committee created by 5 or more members of the same caucus of the Senate or 10 or more members of the same caucus of the House.

3) Political Action Committee – any person or group other than a candidate or political party who accepts contributions or makes expenditures totaling more than \$3000 (in aggregate) during any 12-month period for or against a candidate(s). This includes spending for electioneering communication related to any candidate.

The name of a Political Action Committee must include the name of the group or person(s) responsible for its formation.

A person or group can only establish or maintain one Political Action Committee at any given time.

4) Ballot Initiative Committee – any person or group who accepts contributions or makes expenditures totaling more than \$3000 (in aggregate) during any 12-month period supporting or opposing a public policy question to be put on a ballot. The \$3000 threshold includes electioneering communication and applies to any part of the process of getting the issue put on the ballot or working for its passage or defeat.

The name of a Ballot Initiative Committee must include a brief description of the public policy question and whether the committee is supporting or opposing it.

Existing political committees will be able to make their committee type designation by filing an amended Statement of Organization (Form D-1). All new committees are still required to file a Statement of Organization within 10 business days of reaching the \$3000 threshold. If the creation date falls within the 30 days prior to an election however, the D-1 must be filed within 2 business days. A Statement of Organization may be filed in person, through the mail, by fax (217-782-5959) or by e-mail at D1@elections.il.gov.

Some additional changes regarding the Statement of Organization apply to committees with a sponsoring entity and Ballot Initiative Committees. A sponsoring entity still needs to be listed on the Form D-1, but is no longer required to be included as part of the committee's name. Ballot Initiative Committees, as part of their D-1 filing, must sign an additional verification. This verification states that 1) the committee has been formed to support or oppose a public policy question, 2) all contributions and expenditures will be used for the purpose described in the Statement of Organization, and 3) the committee may accept unlimited contributions from any source provided it does not make any contributions or expenditures dealing with a candidate.

The new law includes a change in the definition of Electioneering Communication and introduces a new category of spending called Independent Expenditures:

Electioneering Communication is roughly defined as any broadcast advertisement or communication that 1) refers to a clearly identified candidate, political party or public policy question, 2) is made in the 60 days before a general or consolidated election or 30 days before a primary election, 3) is targeted to the relevant electorate, and 4) is clearly an appeal to vote for or against the candidate or question.

Independent Expenditures are any payment or expenditure made for electioneering communications or expressly advocating for or against a candidate, provided the spending is not made in connection (in any way) with a candidate or their committee. An Independent Expenditure is not considered to be a contribution and should not be reported as one.

Making Independent Expenditures can result in some disclosure reporting requirements:

Any entity other than a single person that spends more than \$3000 in aggregate during a 12-month period supporting or opposing a public official or candidate, including money spent on Independent Expenditures, must organize and file as a political committee.

A single person making Independent Expenditures supporting or opposing a particular candidate is required to file a special written disclosure with the Board, if the Independent Expenditures total more than \$3000 in a 12-month period. The disclosure must be filed within 2 business days of exceeding the \$3000 threshold, and must identify:

- The person making the Independent Expenditures
- The person's employer and occupation
- The public official or candidate supported or opposed
- The date(s), amount(s) and nature of each Independent Expenditure

Forms for this filing will be available from the Board and on our website, www.elections.il.gov, beginning July 1, 2010.

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

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

or

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

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

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