

State Law Resources

Illinois: Campaign Finance and Ballot Measure Guide

Disclosure

These resources are current as of 11/20/20. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

WHAT'S IN THIS GUIDE

This guide summarizes key aspects of state campaign finance law and regulations. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.



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Contribution Limits and Source Restrictions

Contribution Limits

Illinois now imposes contribution limits, set forth in the chart below. 10 ILCS 5/9-8.5. Limits are per election cycle, which for three of the four types of political committees equals a calendar year. For Candidate Political Committees, however, election cycles depend on the office being sought by the candidate supported by the committee. 10 ILCS 5/9-1.9. The State Board of Elections will adjust the contribution limits on January 1 of each odd-numbered year, and will publish the updated limits on the Board's website <https://www.elections.il.gov/#News>. 10 ILCS 5/9-8.5(g). Committees that receive contributions exceeding the allowed limits must either return those contributions or donate them to charity.

| From | To Candidates ¹ | | | | To Committees | | To Ballot Measures | Independent Expenditure Committees |
|--|----------------------------|------------------|---|-----------|---|--|--|------------------------------------|
| | Governor | Other State-Wide | Legislative | Municipal | PACs | Parties | Ballot Initiative Committee ² | |
| Individuals ² | \$5,800 | \$5,800 | \$5,800 | \$5,800 | \$10,500 (or No Limit for IE-only PACs) | \$10,500 | No Limit | No Limit |
| Corporations/ Labor Union/ Association | \$11,600 | \$11,600 | \$11,600 | \$11,600 | \$23,200 (or No Limit for IE-only PACs) | \$23,200 | No Limit | No Limit |
| PACs | \$57,800 | \$57,800 | \$57,800 | \$57,800 | \$57,800 (or No Limit for IE-only PACs) | \$57,800 | No Limit | No Limit |
| Candidate Political Committee | \$57,800 | \$57,800 | \$57,800 | \$57,800 | \$57,800 (or No Limit for IE-only PACs) | No Limit, except during primary election** | No Limit | No Limit |
| Political Party Committee | \$231,600* | \$231,600* | \$144,800* for Senate; \$86,900* for House | \$57,800* | \$23,200 (or No Limit for IE-only PACs) | No Limit, except during primary election** | No Limit | No Limit |

¹ If a natural person or independent expenditure committee makes independent expenditures in support of or opposition to a particular candidate for public office in a single elective cycle in the aggregate amount of (1) \$250,000 for statewide offices or (2) \$100,000 for all other elective offices, all candidates for that office shall be permitted to accept unlimited contributions (upon notification from the State Board of Elections). 10 ILCS 5/9-8.5(h-5). (2) The State Board of Elections adjust the contribution limits on January 1 of each odd numbered year to reflect inflation pursuant to the consumer price index.

* There are no limits on contributions made by political party committees to a candidate political committee except during an election cycle in which the candidate seeks nomination at a primary election. Limit is not applicable if political party committee is not participating in that election. 10 ILCS 5/9-8.5(b).

** There are no limits on contributions to political party committees made by candidate political committees or another political party committee except 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. During this period, political party committees may only accept contributions of up to \$50,000 (in aggregate) from candidate political committees or another political party committee. 10 ILCS 5/9- 8.5(c-5). A political party committee may accept contributions in any amount from a candidate committee or political party committee if it files a Statement of Nonparticipation in the primary. 10 ILCS 5/9-8.5(c-10).

If a candidate, or his spouse or parents, contribute \$250,000 for statewide offices, or \$100,000 for other offices, then the limits described here are removed for all candidates in that election. Meeting these thresholds removes the limitations for both the primary and general elections.

Contributions on State Property

- Soliciting, offering, making or accepting campaign contributions on state property is illegal and may result in a penalty equal to 100% of the contribution made on the state property. 10 ILCS 5/9-8.15.

Anonymous & Conduit Contributions Prohibited

- No person may make or accept an anonymous campaign contribution or make or accept a contribution made in the name of another person. 10 ILCS 5/9-25.

Fundraising in Sangamon County

- In addition to the restrictions contained in the Elections Code, political committees holding fundraising events in Sangamon County are subject to the State Officials and Employees Ethics Act, which prohibits legislators from conducting fundraising events in the county in which the State Capitol is located on days that the legislature is in session. 5 ILCS 430/5-40.

² A ballot measure committee may accept unlimited contributions, but may not make contributions to any other type of committee. 10 ILCS 5/9-8.5(e).

Communications

Electioneering Communications

- An Electioneering Communication is any broadcast, satellite, cable, radio, tv, or internet advertisement or communication that:
 1. refers to a clearly identified candidate, political party or public policy question, A question of public policy in Illinois is a referenda question put to the voters at an election.
 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. 10 ILCS 5/9-1.14.

Independent Expenditures

- An Independent Expenditure is any payment or expenditure made for electioneering communications or expressly advocating for or against a candidate or public policy question, provided the spending is not made in connection, consultation, or concert with or at the suggestion of a candidate or their committee. 10 ILCS 5/9-1.15.

An Independent Expenditure is not considered to be a contribution and should not be reported as one. Additionally, an individual (single, natural person) who makes independent expenditures supporting or opposing a particular candidate or ballot measure does not qualify as a committee, but may have to file disclosure reports (see next bullet point). However, entities other than single, natural persons will be required to register as an Independent Expenditure Committee upon meeting a certain threshold.

- Independent Expenditure Committees must file a written disclosure with the State Board of Elections within 2 business days of making independent expenditures exceeding \$250,000 for statewide office or \$100,000 for other offices. 10 ILCS 5/9-10 (e-5).
- Making Independent Expenditures can result in some disclosure reporting requirements:
 - o Any entity other than a single person that spends more than \$3,000 in aggregate during a 12-month period on Independent Expenditures supporting or opposing a public official or candidate, or in support

of or opposition to a referenda question, must organize and file as an Independent Expenditure Committee. 10 ILCS 5/9-8.6(b); 10 ILCS 5/9-1.8(f).

- o A single person making Independent Expenditures supporting or opposing a particular candidate, or in support of or opposition to a referenda question, is required to file a special written disclosure with the Board, if the Independent Expenditures total more than \$3,000 in a 12-month period. 10 ILCS 5/9-8.6(a). Such individuals are then required to report every independent expenditure involving the same election in \$1,000 increments until the end of the election.
- o The disclosure must be filed within 2 business days of exceeding the \$3,000 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
- o There are no limits on contributions to Independent Expenditure Committees. 10 ILCS 5/9-3(d-5).
- o Forms for this filing are available at the Board of Elections' website, www.elections.il.gov.

Member Communications

Communications exclusively made between a labor union or a section 501(c)(6) organization and its members are explicitly exempt from the definition of "electioneering communications." 10 ILCS 5/9-1.14(b)(5)-(6).

These membership communications are also exempt from the definition of a "contribution" so long as the communications were made in a "regular publication." ILL. ADMIN. CODE tit. 26, § 100.10(a)(5)(C). However, if the membership communication is made in "publications of an extraordinary or special nature to support or oppose a candidate...or questions of public policy," then it is considered a campaign contribution or expenditure.

Disclaimers

COMMUNICATIONS MENTIONING CANDIDATES

Any communication, including an internet communication, made by a political committee that mentions the name of a candidate must disclose the name of the committee paying for any part of the communication. The disclaimer must ensure that the committee is "clearly identified within the communication as the payor." This is generally satisfied by the disclaimer, "Paid for by ____." This requirement does not apply to items that are too small to contain the disclosure statement, such as a button, or lapel sticker. This requirement also does not apply to telephonic polling communications. 10 ILCS 5/9-9.5.

An entity that only contributes or donates to a political committee, whether a candidate, party or independent expenditure committee, is not a “political committee” as defined by Illinois law. This is true even if the entity contributes more than \$5,000 to one or more political committees.

An entity that makes “expenditures” (for example, by sending mailers to voters, or producing broadcast advertising) in excess of \$5,000 becomes a “political committee” required to register with the State Board of Elections. Once required to register, the disclaimer requirement described above becomes applicable.

Example #1:

If your 501(c)(4) made contributions of no more than \$5,000 in the aggregate to all candidates and political committees in a calendar year, the 501(c)(4) would not be required to register as a PAC.

Example #2:

If your 501(c)(4) made IEs of no more than \$5,000 on all ballot measures, they would not be required to register as a IE committee and would not be required to include a disclaimer on their IE communications.

UNAUTHORIZED COMMUNICATIONS MENTIONING CANDIDATES

Any political committee which solicits or receives contributions or makes expenditures on behalf of a candidate without that candidate’s written authorization (i.e. independent expenditures) must include a notice on the front of any literature or publications and following all broadcast advertisements that mention a candidate or the candidate’s opponent stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of the committee. 10 ILCS 5/9-8. This applies regardless of whether the communication supports the candidate or opposes the candidate’s opponent.

COMMUNICATIONS SOLICITING FUNDS

Any communication by a political committee soliciting funds must contain the following statement:

“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.” 10 ILCS 5/9-9.

Registration and Reporting

Types of Political Committees

CANDIDATE POLITICAL COMMITTEE

A Candidate Political Committee is created when candidate or any other person or group designated by the candidate who accepts contributions or makes expenditures totaling more than \$5,000 in aggregate during any 12-month period on behalf of a candidate. 10 ILCS 5/9-1.8(b).

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.

POLITICAL PARTY COMMITTEE

A Political Party Committee is a state or county central committee of a political party, a legislative caucus committee³, or a committee formed by ward or township committeemen of a political party. 10 ILCS 5/9-1.8(c).

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.

POLITICAL ACTION COMMITTEE

A Political Action Committee is any person or group other than a candidate or political party who accepts contributions or makes expenditures totaling more than \$5,000 (in aggregate) during any 12-month period for or against a candidate(s). This includes spending for electioneering communication related to any candidate. 10 ILCS 5/9-1.8(d).

The name of a Political Action Committee must include the name of the group or persons responsible for its formation. 10 ILCS 5/9-2(d). This requirement does not apply to independent expenditure committees.

³ 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.

BALLOT INITIATIVE COMMITTEE

A Ballot Initiative Committee is any person or group who accepts contributions or makes expenditures totaling more than \$5,000 (in aggregate) during any 12-month period supporting or opposing a public policy question to be put on a ballot. The \$5,000 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. 10 ILCS 5/9-1.8(e).

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.

Ballot Initiative Committees must include an additional verification when filing their Form D-1, Statement of Organization (see below).

INDEPENDENT EXPENDITURE COMMITTEE

An Independent Expenditure Committee is any organization, committee or group of persons (any entity other than a single, natural person) that makes independent expenditures during any 12-month period in an aggregate amount exceeding \$ 5,000 in support of or in opposition to a candidate or a question of public policy to be put on a ballot. 10 ILCS 5/9-1.8(e), 10 ILCS 5/9-8.6(b).

Independent Expenditure committees are exempt from normal contribution limits, but are prohibited from making contributions to committees other than another independent expenditure committee or a ballot initiative committee. On an Independent Expenditure Committee's Statement of Organization form, the chairperson must sign additional verification confirming the committee is formed exclusively for making independent expenditures. 10 ILCS 5/9-3(d-5).

Committee Administration

CHAIRMAN AND TREASURER

Every political committee is required to have both a Chairman and Treasurer. The same person, including the candidate (in the case of Candidate Political Committees) may hold both positions. 10 ILCS 5/9-2(f).

All expenditures made by a committee must be authorized by the committee's treasurer or chairman. 10 ILCS 5/9-2(g)

The treasurer must maintain records of:

- total contributions received and total expenditures made by the political committee,
- internal records reflecting the full name, mailing address, date and amount of every donation received and expenditure made by the political committee, regardless of amount, and
- proof of payment (i.e. canceled checks, receipts, vouchers) for all expenditures. 10 ILCS 5/9-7.

All records related to the financial activity of a political committee must be retained for 2 years. 10 ILCS 5/9-7.

SEPARATE SEGREGATED ACCOUNTS

State law requires that committees establish a separate segregated bank account so as to protect against mixing of committee funds with the private funds of officers, members or associates of the committee, which is prohibited. 10 ILCS 5/9-6(c).

Registration

STATEMENT OF ORGANIZATION

All political committees must file a D-1 Statement of Organization with the State Board of Elections. 10 ILCS 5/9-3.

The Statement of Organization must be filed within 10 business days of reaching the \$5,000 threshold, unless a committee reaches the threshold within 30 days of an election, in which case it must file its Statement of Organization within 2 business days. 10 ILCS 5/9-1.8; 9-3. 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. Forms D-1 are available for download at: <http://www.elections.il.gov/Downloads/CampaignDisclosure/PDF/d1.pdf>.

The Statement of Organization (Form D1) must contain the following information:

- the name and address of the political committee;
- the scope, area of activity, party affiliation, candidate affiliation and his or her county of residence, and the purposes of the political committee;
- the name, address, and position of each custodian of the committee's books;
- the name, address, and position of the committee's principal officers, including the chairman, and treasurer;
- a statement of how the committee will dispose of residual funds upon dissolution;
- a listing of all banks or other financial institutions used by the committee; and
- the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization. 10 ILCS 5/9-3.

Any change in information on Statement of Organization must be reported within 10 days following such change. 10 ILCS 5/9-3.

Ballot Initiative Committees' Statement of Organization

Ballot Initiative Committees, as part of their D-1 filing, must sign an additional verification stating that:

- the committee has been formed to support or oppose a public policy question,
- all contributions and expenditures will be used for the purpose described in the Statement of Organization, and

- the committee may accept unlimited contributions from any source provided it does not make any contributions or expenditures dealing with a candidate. 10 ILCS 5/9-3(d).

Independent Expenditure Committee's Statement of Organization

Independent Expenditure Committees must, as part of their D-1 filing, sign similar verifications as above and verify that all contributions and expenditures will be used for the purposes described in the Statement of Organization and that the committee is formed exclusively for the purposes of making Independent Expenditures. 10 ILCS 5/9-3(d-5).

SPONSORING ENTITY

If any person, political committee, organization, corporation, or association that contributes at least 33% of the total funding to a political committee, that person or entity becomes the committee's sponsoring entity. 10 ILCS 5/9-3.

A sponsoring entity must be listed on the committee's Form D-1, but is not required to be included as part of the committee's name (as was previously the case).

Reporting

The reporting requirements below apply to all political committees, regardless of type.

Political committees must file their disclosure reports electronically with the Illinois Board of Elections. E-filing software may be downloaded. For information on obtaining a filer identification number and password (required to file reports electronically), please click [here](#). The Board must make all reports publicly available by means of a searchable database that is accessible through the internet. 10 ILCS 5/9-28.

QUARTERLY REPORTS

"Report of Campaign Contributions and Expenditures" Forms D-2 are to be filed every 3 months for the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Each report is due by the 15th of the month following the reporting period.

REPORTING CONTRIBUTIONS OF \$1,000 OR MORE

All committees, regardless of type, are required to report contributions of \$1,000 or more from a single source using Schedule A-1. This requirement applies to contributions of all types, include loans, personal money, in-kind contributions, and contributions from a candidate to his or her own committee.

Schedules A-1 must be filed within 5 days of receiving the qualifying contribution; during the 30 days prior to an election in which the committee is participating, Schedules A-1 must be filed within 2 business days of receiving the qualifying contribution.

More than one \$1,000 contribution may be included on a single Schedule A-1.

REPORTING INDEPENDENT EXPENDITURES OF \$1,000 OR MORE

Committees that make Independent Expenditures of \$1,000 or more within 30 days of an election must report these expenditures using Schedule B-1.

Schedules B-1 must be filed within 5 days of making the expenditure.

IN-KIND CONTRIBUTIONS

Within 5 business days of contributing goods or services of more than \$50 value to a political committee, the contributor must certify the value of the contribution to the political committee. The notice must include the name and address of the contributor, a description and market value of the goods or services, and the date on which the contribution was made. 10 ILCS 5/9-6.

ITEMIZATION OF CONTRIBUTIONS AND EXPENDITURES

Contributions or expenditures in the aggregate that exceed \$150 must be itemized. Aggregate contributions of more than \$150 are reported on Schedule A; aggregate expenditures of more than \$150 are reported on Schedule B; independent expenditures of more than \$150 are reported on Schedule B-9; and in-kind donations with a value of more than \$150 are reported on Schedule I.

Termination

A political committee may terminate by filing a Final Report. Final Reports are filed using Form D-2. When filing this report, the committee must indicate a zero balance, but is permitted to carry a debt at the time of termination. A Final Report should cover a reporting period beginning on the starting date of the most recent un-filed Quarterly Report or the committee's date of creation, whichever is later. 10 ILCS 5/9-5.

Any remaining committee funds following payment of debts and liabilities must be returned to the contributors in amounts not to exceed their individual contributions, or transferred to other political or charitable organization(s) consistent with the positions of the committee or candidate represented. 10 ILCS 5/9-5.

Enforcement and Penalties

The State Board of Elections is empowered to hold investigations, inquiries, and hearings concerning alleged violations of the campaign finance rules. 10 ILCS 5/9-18.

The Board is also empowered to conduct audits of political committee funds. 10 ILCS 5/9-13.

The name of a person who has not paid a civil penalty may not appear upon any ballot for any office in any election while the penalty is unpaid. 10 ILCS 5/9-30. Each year the Board published a "Ballot Forfeiture" list of those candidates and committees who have delinquent penalties.

Civil penalties will be assessed for any late filing of a Statement of Organization or campaign disclosure report. For a committee's first violation, the fine will be stayed unless the committee subsequently files another late report within a 2-year period. Upon the second violation, the committee will be required to pay civil penalties assessed for both violations.

Civil penalties may be assessed for any late filing of a Schedule A-1 Report of Contributions of \$1000. Each contribution is considered a separate violation when determining the penalty, which can range from 10% to 150% of the contribution(s) reported late. 10 ILCS 5/9-10(c)

Late filing of a Quarterly Report may result in a civil penalty of up to \$5,000.

Willful failure to file/filing of false or incomplete information required by the Illinois Campaign Disclosure Act is a business offense subject to a fine of up to \$5,000. 10 ILCS 5/9-26. Willful filing of a false complaint under this Article shall constitute a Class B misdemeanor. 10 ILCS 5/9-26.

Contact Information for State and Local Agencies

The Illinois State Board of Elections consists of eight members, four Republicans and four Democrats, appointed by the Governor and confirmed by the Illinois Senate. 10 ILCS 5/1A-3.

Illinois State Board of Elections

2329 S. MacArthur Blvd
Springfield, IL 62704
217.782.4141

James R. Thompson Center

100 W Randolph, Suite 14-100
Chicago, IL 60601
312.814.6440

Written by

Michael J. Kasper
151 N. Franklin, Suite 2500
Chicago, Illinois 60606

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

Email: advocacy@afj.org
Telephone: 1-866-NPLOBBY
(675-6229)

For assistance regarding state law in Illinois, please contact:

Michael J. Kasper
151 N. Franklin, Suite 2500
Chicago, Illinois 60606
Telephone: 312 -704-3292