



**96TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2009 and 2010**

INTRODUCED \_\_\_\_\_, BY

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
10 ILCS 5/9-10	from Ch. 46, par. 9-10
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the general primary election from the first Tuesday in February of even-numbered years to the fourth Tuesday in June of even-numbered years. Makes conforming changes with respect to (i) filing of declarations of judicial retention, (ii) filing of campaign finance reports, and (iii) printing and mailing of legislators' newsletters and brochures. Effective immediately.

LRB096 13050 RCE 27317 b

**A BILL FOR**

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 2A-1.1, 7A-1, and 9-10 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be  
9 held on the first Tuesday after the first Monday of November;  
10 and an election to be known as the general primary election  
11 shall be held on the fourth ~~first~~ Tuesday in June ~~February~~;

12 (b) In odd-numbered years, an election to be known as the  
13 consolidated election shall be held on the first Tuesday in  
14 April except as provided in Section 2A-1.1a of this Act; and an  
15 election to be known as the consolidated primary election shall  
16 be held on the last Tuesday in February.

17 (Source: P.A. 95-6, eff. 6-20-07.)

18 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

19 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has  
20 been elected to that office and who seeks to be retained in  
21 that office under subsection (d) of Section 12 of Article VI of  
22 the Constitution shall file a declaration of candidacy to

1     succeed himself in the office of the Secretary of State on or  
2     before the fourth ~~first~~ Monday in April ~~December~~ before the  
3     general election preceding the expiration of his term of  
4     office. Within 3 business days thereafter, the Secretary of  
5     State shall certify to the State Board of Elections the names  
6     of all incumbent judges who were eligible to stand for  
7     retention at the next general election but failed to timely  
8     file a declaration of candidacy to succeed themselves in office  
9     or, having timely filed such a declaration, withdrew it. The  
10    State Board of Elections may rely upon the certification from  
11    the Secretary of State (a) to determine when vacancies in  
12    judicial office exist and (b) to determine the judicial  
13    positions for which elections will be held. The Secretary of  
14    State, not less than 63 days before the election, shall certify  
15    the Judge's candidacy to the proper election officials. The  
16    names of Judges seeking retention shall be submitted to the  
17    electors, separately and without party designation, on the sole  
18    question whether each Judge shall be retained in office for  
19    another term. The retention elections shall be conducted at  
20    general elections in the appropriate Judicial District, for  
21    Supreme and Appellate Judges, and in the circuit for Circuit  
22    Judges. The affirmative vote of three-fifths of the electors  
23    voting on the question shall elect the Judge to the office for  
24    a term commencing on the first Monday in December following his  
25    election.

26    (Source: P.A. 86-1348.)

1 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

2 Sec. 9-10. Financial reports.

3 (a) The treasurer of every state political committee and  
4 the treasurer of every local political committee shall file  
5 with the Board, and the treasurer of every local political  
6 committee shall file with the county clerk, reports of campaign  
7 contributions, and semi-annual reports of campaign  
8 contributions and expenditures on forms to be prescribed or  
9 approved by the Board. The treasurer of every political  
10 committee that acts as both a state political committee and a  
11 local political committee shall file a copy of each report with  
12 the State Board of Elections and the county clerk. Entities  
13 subject to Section 9-7.5 shall file reports required by that  
14 Section at times provided in this Section and are subject to  
15 the penalties provided in this Section.

16 (b) ~~This subsection does not apply with respect to general~~  
17 ~~primary elections.~~ Reports of campaign contributions shall be  
18 filed no later than the 15th day next preceding each election  
19 or primary in connection with which the political committee has  
20 accepted or is accepting contributions or has made or is making  
21 expenditures. Such reports shall be complete as of the 30th day  
22 next preceding each election or primary. The Board shall assess  
23 a civil penalty not to exceed \$5,000 for a violation of this  
24 subsection, except that for State officers and candidates and  
25 political committees formed for statewide office, the civil

1 penalty may not exceed \$10,000. The fine, however, shall not  
2 exceed \$500 for a first filing violation for filing less than  
3 10 days after the deadline. There shall be no fine if the  
4 report is mailed and postmarked at least 72 hours prior to the  
5 filing deadline. For the purpose of this subsection, "statewide  
6 office" and "State officer" means the Governor, Lieutenant  
7 Governor, Attorney General, Secretary of State, Comptroller,  
8 and Treasurer. However, a continuing political committee that  
9 does not make an expenditure or expenditures in an aggregate  
10 amount of more than \$500 on behalf of or in opposition to any  
11 (i) candidate or candidates, (ii) public question or questions,  
12 or (iii) candidate or candidates and public question or  
13 questions on the ballot at an election or primary shall not be  
14 required to file the reports prescribed in this subsection (b)  
15 and subsection (b-5) but may file in lieu thereof a Statement  
16 of Nonparticipation in the Election or Primary with the Board  
17 or the Board and the county clerk ; except that if the  
18 political committee, by the terms of its statement of  
19 organization filed in accordance with this Article, is  
20 organized to support or oppose a candidate or public question  
21 on the ballot at the next election or primary, that committee  
22 must file reports required by this subsection (b) and by  
23 subsection (b-5).

24 (b-5) Notwithstanding the provisions of subsection (b) and  
25 Section 1.25 of the Statute on Statutes, a report of any  
26 contribution of more than \$500 received ~~(i) with respect to~~

1 ~~elections other than the general primary election,~~ in the  
2 interim between the last date of the period covered by the last  
3 report filed under subsection (b) prior to the election or  
4 primary and the date of the election or primary ~~(ii) with~~  
5 ~~respect to general primary elections, in the period beginning~~  
6 ~~January 1 of the year of the general primary election and prior~~  
7 ~~to the date of the general primary election~~ shall be filed with  
8 and must actually be received by the State Board of Elections  
9 within 2 business days after receipt of such contribution. A  
10 ~~continuing political committee that does not support or oppose~~  
11 ~~a candidate or public question on the ballot at a general~~  
12 ~~primary election and does not make expenditures in excess of~~  
13 ~~\$500 on behalf of or in opposition to any candidate or public~~  
14 ~~question on the ballot at the general primary election shall~~  
15 ~~not be required to file the report prescribed in this~~  
16 ~~subsection unless the committee makes an expenditure in excess~~  
17 ~~of \$500 on behalf of or in opposition to any candidate or~~  
18 ~~public question on the ballot at the general primary election.~~  
19 The committee shall timely file the report required under this  
20 subsection beginning with the date the expenditure that  
21 triggered participation was made. The State Board shall allow  
22 filings of reports of contributions of more than \$500 under  
23 this subsection (b-5) by political committees that are not  
24 required to file electronically to be made by facsimile  
25 transmission. For the purpose of this subsection, a  
26 contribution is considered received on the date the public

1 official, candidate, or political committee (or equivalent  
2 person in the case of a reporting entity other than a political  
3 committee) actually receives it or, in the case of goods or  
4 services, 2 business days after the date the public official,  
5 candidate, committee, or other reporting entity receives the  
6 certification required under subsection (b) of Section 9-6.  
7 Failure to report each contribution is a separate violation of  
8 this subsection. In the final disposition of any matter by the  
9 Board on or after the effective date of this amendatory Act of  
10 the 93rd General Assembly, the Board may impose fines for  
11 violations of this subsection not to exceed 100% of the total  
12 amount of the contributions that were untimely reported, but in  
13 no case when a fine is imposed shall it be less than 10% of the  
14 total amount of the contributions that were untimely reported.  
15 When considering the amount of the fine to be imposed, the  
16 Board shall consider, but is not limited to, the following  
17 factors:

18 (1) whether in the Board's opinion the violation was  
19 committed inadvertently, negligently, knowingly, or  
20 intentionally;

21 (2) the number of days the contribution was reported  
22 late; and

23 (3) past violations of Sections 9-3 and 9-10 of this  
24 Article by the committee.

25 (c) In addition to such reports the treasurer of every  
26 political committee shall file semi-annual reports of campaign

1 contributions and expenditures no later than July 20th,  
2 covering the period from January 1st through June 30th  
3 immediately preceding, and no later than January 20th, covering  
4 the period from July 1st through December 31st of the preceding  
5 calendar year. Reports of contributions and expenditures must  
6 be filed to cover the prescribed time periods even though no  
7 contributions or expenditures may have been received or made  
8 during the period. The Board shall assess a civil penalty not  
9 to exceed \$5,000 for a violation of this subsection, except  
10 that for State officers and candidates and political committees  
11 formed for statewide office, the civil penalty may not exceed  
12 \$10,000. The fine, however, shall not exceed \$500 for a first  
13 filing violation for filing less than 10 days after the  
14 deadline. There shall be no fine if the report is mailed and  
15 postmarked at least 72 hours prior to the filing deadline. For  
16 the purpose of this subsection, "statewide office" and "State  
17 officer" means the Governor, Lieutenant Governor, Attorney  
18 General, Secretary of State, Comptroller, and Treasurer.

19 (c-5) A political committee that acts as either (i) a State  
20 and local political committee or (ii) a local political  
21 committee and that files reports electronically under Section  
22 9-28 is not required to file copies of the reports with the  
23 appropriate county clerk if the county clerk has a system that  
24 permits access to, and duplication of, reports that are filed  
25 with the State Board of Elections. A State and local political  
26 committee or a local political committee shall file with the

1 county clerk a copy of its statement of organization pursuant  
2 to Section 9-3.

3 (d) A copy of each report or statement filed under this  
4 Article shall be preserved by the person filing it for a period  
5 of two years from the date of filing.

6 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-957,  
7 eff. 1-1-09.)

8 Section 10. The General Assembly Compensation Act is  
9 amended by changing Section 4 as follows:

10 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

11 Sec. 4. Office allowance. Beginning July 1, 2001, each  
12 member of the House of Representatives is authorized to approve  
13 the expenditure of not more than \$61,000 per year and each  
14 member of the Senate is authorized to approve the expenditure  
15 of not more than \$73,000 per year to pay for "personal  
16 services", "contractual services", "commodities", "printing",  
17 "travel", "operation of automotive equipment",  
18 "telecommunications services", as defined in the State Finance  
19 Act, and the compensation of one or more legislative assistants  
20 authorized pursuant to this Section, in connection with his or  
21 her legislative duties and not in connection with any political  
22 campaign. On July 1, 2002 and on July 1 of each year  
23 thereafter, the amount authorized per year under this Section  
24 for each member of the Senate and each member of the House of

1 Representatives shall be increased by a percentage increase  
2 equivalent to the lesser of (i) the increase in the designated  
3 cost of living index or (ii) 5%. The designated cost of living  
4 index is the index known as the "Employment Cost Index, Wages  
5 and Salaries, By Occupation and Industry Groups: State and  
6 Local Government Workers: Public Administration" as published  
7 by the Bureau of Labor Statistics of the U.S. Department of  
8 Labor for the calendar year immediately preceding the year of  
9 the respective July 1st increase date. The increase shall be  
10 added to the then current amount, and the adjusted amount so  
11 determined shall be the annual amount beginning July 1 of the  
12 increase year until July 1 of the next year. No increase under  
13 this provision shall be less than zero.

14 A member may purchase office equipment if the member  
15 certifies to the Secretary of the Senate or the Clerk of the  
16 House, as applicable, that the purchase price, whether paid in  
17 lump sum or installments, amounts to less than would be charged  
18 for renting or leasing the equipment over its anticipated  
19 useful life. All such equipment must be purchased through the  
20 Secretary of the Senate or the Clerk of the House, as  
21 applicable, for proper identification and verification of  
22 purchase.

23 Each member of the General Assembly is authorized to employ  
24 one or more legislative assistants, who shall be solely under  
25 the direction and control of that member, for the purpose of  
26 assisting the member in the performance of his or her official

1 duties. A legislative assistant may be employed pursuant to  
2 this Section as a full-time employee, part-time employee, or  
3 contractual employee, at the discretion of the member. If  
4 employed as a State employee, a legislative assistant shall  
5 receive employment benefits on the same terms and conditions  
6 that apply to other employees of the General Assembly. Each  
7 member shall adopt and implement personnel policies for  
8 legislative assistants under his or her direction and control  
9 relating to work time requirements, documentation for  
10 reimbursement for travel on official State business,  
11 compensation, and the earning and accrual of State benefits for  
12 those legislative assistants who may be eligible to receive  
13 those benefits. The policies shall also require legislative  
14 assistants to periodically submit time sheets documenting, in  
15 quarter-hour increments, the time spent each day on official  
16 State business. The policies shall require the time sheets to  
17 be submitted on paper, electronically, or both and to be  
18 maintained in either paper or electronic format by the  
19 applicable fiscal office for a period of at least 2 years.  
20 Contractual employees may satisfy the time sheets requirement  
21 by complying with the terms of their contract, which shall  
22 provide for a means of compliance with this requirement. A  
23 member may satisfy the requirements of this paragraph by  
24 adopting and implementing the personnel policies promulgated  
25 by that member's legislative leader under the State Officials  
26 and Employees Ethics Act with respect to that member's

1 legislative assistants.

2 As used in this Section the term "personal services" shall  
3 include contributions of the State under the Federal Insurance  
4 Contribution Act and under Article 14 of the Illinois Pension  
5 Code. As used in this Section the term "contractual services"  
6 shall not include improvements to real property unless those  
7 improvements are the obligation of the lessee under the lease  
8 agreement. Beginning July 1, 1989, as used in the Section, the  
9 term "travel" shall be limited to travel in connection with a  
10 member's legislative duties and not in connection with any  
11 political campaign. Beginning on the effective date of this  
12 amendatory Act of the 93rd General Assembly, as used in this  
13 Section, the term "printing" includes, but is not limited to,  
14 newsletters, brochures, certificates, congratulatory mailings,  
15 greeting or welcome messages, anniversary or birthday cards,  
16 and congratulations for prominent achievement cards. As used in  
17 this Section, the term "printing" includes fees for  
18 non-substantive resolutions charged by the Clerk of the House  
19 of Representatives under subsection (c-5) of Section 1 of the  
20 Legislative Materials Act. No newsletter or brochure that is  
21 paid for, in whole or in part, with funds provided under this  
22 Section may be printed or mailed during a period beginning May  
23 1 ~~December 15~~ of the year of ~~preceding~~ a general primary  
24 election and ending the day after the general primary election  
25 and during a period beginning September 1 of the year of a  
26 general election and ending the day after the general election,

1 except that such a newsletter or brochure may be mailed during  
2 those times if it is mailed to a constituent in response to  
3 that constituent's inquiry concerning the needs of that  
4 constituent or questions raised by that constituent. Nothing in  
5 this Section shall be construed to authorize expenditures for  
6 lodging and meals while a member is in attendance at sessions  
7 of the General Assembly.

8 Any utility bill for service provided to a member's  
9 district office for a period including portions of 2  
10 consecutive fiscal years may be paid from funds appropriated  
11 for such expenditure in either fiscal year.

12 If a vacancy occurs in the office of Senator or  
13 Representative in the General Assembly, any office equipment in  
14 the possession of the vacating member shall transfer to the  
15 member's successor; if the successor does not want such  
16 equipment, it shall be transferred to the Secretary of the  
17 Senate or Clerk of the House of Representatives, as the case  
18 may be, and if not wanted by other members of the General  
19 Assembly then to the Department of Central Management Services  
20 for treatment as surplus property under the State Property  
21 Control Act. Each member, on or before June 30th of each year,  
22 shall conduct an inventory of all equipment purchased pursuant  
23 to this Act. Such inventory shall be filed with the Secretary  
24 of the Senate or the Clerk of the House, as the case may be.  
25 Whenever a vacancy occurs, the Secretary of the Senate or the  
26 Clerk of the House, as the case may be, shall conduct an

1 inventory of equipment purchased.

2 In the event that a member leaves office during his or her  
3 term, any unexpended or unobligated portion of the allowance  
4 granted under this Section shall lapse. The vacating member's  
5 successor shall be granted an allowance in an amount, rounded  
6 to the nearest dollar, computed by dividing the annual  
7 allowance by 365 and multiplying the quotient by the number of  
8 days remaining in the fiscal year.

9 From any appropriation for the purposes of this Section for  
10 a fiscal year which overlaps 2 General Assemblies, no more than  
11 1/2 of the annual allowance per member may be spent or  
12 encumbered by any member of either the outgoing or incoming  
13 General Assembly, except that any member of the incoming  
14 General Assembly who was a member of the outgoing General  
15 Assembly may encumber or spend any portion of his annual  
16 allowance within the fiscal year.

17 The appropriation for the annual allowances permitted by  
18 this Section shall be included in an appropriation to the  
19 President of the Senate and to the Speaker of the House of  
20 Representatives for their respective members. The President of  
21 the Senate and the Speaker of the House shall voucher for  
22 payment individual members' expenditures from their annual  
23 office allowances to the State Comptroller, subject to the  
24 authority of the Comptroller under Section 9 of the State  
25 Comptroller Act.

26 (Source: P.A. 95-6, eff. 6-20-07.)

1 Section 15. The Legislative Commission Reorganization Act  
2 of 1984 is amended by changing Section 9-2.5 as follows:

3 (25 ILCS 130/9-2.5)

4 Sec. 9-2.5. Newsletters and brochures. The Legislative  
5 Printing Unit may not print for any member of the General  
6 Assembly any newsletters or brochures during the period  
7 beginning May 1 ~~December 15~~ of the year of ~~preceding~~ a general  
8 primary election and ending the day after the general primary  
9 election and during a period beginning September 1 of the year  
10 of a general election and ending the day after the general  
11 election. A member of the General Assembly may not mail, during  
12 a period beginning May 1 ~~December 15~~ of the year of ~~preceding~~ a  
13 general primary election and ending the day after the general  
14 primary election and during a period beginning September 1 of  
15 the year of a general election and ending the day after the  
16 general election, any newsletters or brochures that were  
17 printed, at any time, by the Legislative Printing Unit, except  
18 that such a newsletter or brochure may be mailed during those  
19 times if it is mailed to a constituent in response to that  
20 constituent's inquiry concerning the needs of that constituent  
21 or questions raised by that constituent.

22 (Source: P.A. 95-6, eff. 6-20-07.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.