

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:

Illinois State Board of Elections,)	
)	
Complainant)	
)	
v.)	Case 25 CL 001
)	
Friends of Don Harmon for State Senate,)	
)	
Respondent)	

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Acceptance of Contributions in Violation of
Contribution Limits

Background

This matter arises out of the issue of self-funding and how long the contribution limitations remain lifted subsequent to the filing of a Notification of Self-Funding. The facts are largely not in dispute. A Notification of Self-Funding was received by the Illinois State Board of Elections (“ISBE”) on January 17, 2023 from Don Harmon (“Harmon”), a Candidate for State Senator for the 39th Legislative District. The result of filing a Notification of Self-Funding is to create an exception to the contribution limits specified in 10 ILCS 5/9-8.5(b). Accordingly, as a result of Harmon’s notification, the statutory contribution limits for his Committee were removed and were removed for all candidates running for legislative office in the 39th Legislative District for that election cycle.

As required by Section 9-8.5(h), Candidates for the office of Senator in the 39th legislative district were thereafter sent *Official Notice To Candidate for the Office of State Senator, 39th District*, from Tom Newman, Director of the Division of Campaign Disclosure for the ISBE (“the Division”). The notice informed the candidates that “as a candidate for the office

of State Senator, 39th district, “you are now permitted to accept contributions in excess of any contribution limits imposed by 10 ILCS 5/9-8.5(b).” (Division’s Memo, Exhibit B).

Candidates were further advised in the Notice that the exemption limits effect only candidates for the office of State Senator, 39th District and that the exemption “lasts through the end of the current election cycle for this office, March 19, 2024, except that if Don Harmon is nominated at the primary election, the exemption from contribution limits will remain in effect through the subsequent election cycle for candidates for the office, ending on December 31, 2024.” Don Harmon was *not* running at the primary election. Subsequent to March 19, 2024, Harmon did not file Notification of Self-Funding for the election cycle beginning on March 20, 2024 to December 31, 2024. Nonetheless, the Committee, Friends of Don Harmon for State Senate (“the Committee”) accepted numerous contributions in excess of the contribution limits for the period of time from March 20, 2024 to December 31, 2024. On March 19, 2025, the Division sent a letter to the Committee which read in pertinent part as follows:

This committee has accepted the following contributions in violation of the contribution limits provided in 10 ILCS 5/9-8.5. **Please see the attached list.**

Under ILCS 5/9-8.5(j) of the Election Code, the committee has **30 days** from the date of this letter to return the amount in violation of the limits to the contributor or donate an equal amount to charity. Failure to do so will result in a contribution limit violation for which the Board may impose a fine of up to \$6,111,075 (150% of the overage amount), and a required escheatment of \$4,074,050 (the amount in violation of the contribution limits to the General Revenue Fund).

The deadline for this commission to return or donate to charity the amount in violation of the contribution limits listed above is **April 18, 2025**. (Division’s Memo, Ex. D)

The Committee failed to comply with the terms of the Division’s March 19, 2025 letter and was subsequently advised in a June 4, 2025 letter that a civil penalty would be assessed in

the total amount of \$9,846,475. (Division's Memo Ex. D). Thereafter, the Committee timely filed a Notice of Appeal, Harmon submitted *Respondent's Memorandum of Law*, the Division submitted *Memorandum of Law of the Board's Division of Campaign Disclosure*, Harmon submitted *Respondent's Reply Memorandum of Law* and a hearing on the Appeal was held on August 20, 2025. Except as it related to the Petition to Intervene as discussed below, the Division did not offer oral argument in the Appeal hearing.

Relevant Statutes

10 ILCS 5/9-8.5

Sec. 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. 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 or from an independent expenditure committee...

10 ILCS 5/9-8.5(h):

Sec. 9-8.5(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. Notice shall be sent via first class mail to the candidate and the treasurer of the candidate's committee. Notice shall also be sent by e-mail to the candidate and the treasurer of the candidate's committee if the candidate and the treasurer, as applicable, have provided the Board with an e-mail address. Upon posting of the notice on the Board's website, 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). If a public official or candidate filed a Notification of Self-funding during an election cycle that includes a general primary election or consolidated primary election and that public official or candidate is nominated, all candidates for that office, including the nominee who filed the notification of self-funding, shall be permitted to accept contributions in excess of any contribution limit imposed by subsection (b) for the subsequent election cycle. For the purposes of this subsection, "immediate family" means the spouse, parent, or child of a public official or candidate.

(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 30 days after the Board sends notification to the political committee of the excess contribution by certified mail 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.

10 ILCS 5/9-19:

Sec. 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.

26 Ill. Adm. Code 1245.425:

a) A report required to be filed within a specified time pursuant to Code Section 9-10 is delinquent if not received by the Board on or before the due date. Reports received via U.S. mail 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).

c) When a report required by Code Section 9-10(b) is delinquent, the Board will provide the committee a notice of delinquency. For all violations of Code Section 9-10, within 365 days of the violation, the Board will send by first class mail a notice of violation to the chair and the treasurer of each delinquent political committee with an order assessing a civil penalty calculated in accord with subsection (d). The notice of violation and order shall also be sent by certified mail to that committee's address. The notice of violation shall state that the Board has issued a civil penalty that will be final unless the committee shows cause during an appeal in accord with subsection (g) why the penalty should not be assessed.

d) The Board will calculate the civil penalty for delinquent filings under Code Section 9-10 and subsection (c) of this Section 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 \$10,000 or less, the political committee will be assessed a fine of \$10 per business day for the first violation, \$25 per business day for the second violation, \$50 per business day for the third violation, and \$75 per business day for the fourth and each subsequent violation, to a maximum of \$250 for the first violation, \$500 for the second violation, \$1,000 for the third violation, and \$1,500 for the fourth and each subsequent violation.

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 \$10,000, the political committee will be assessed a fine of \$20 per business day for the first violation, \$50 per business day for the second violation, \$100 per business day for the third violation, and \$150 for the fourth and each subsequent violation, to a maximum of \$500 for the first violation, \$1,000 for the second violation, \$2,000 for the third violation, and \$3,000 for the fourth and each subsequent violation.

- 3) For the purposes of subsection (d)(1)-(2):
- A) calculation of a committee's total receipts shall include in-kind contributions in addition to monetary contributions; and
 - B) calculation of a committee's balance remaining at the end of the reporting period shall include the value of any investments held by the committee.
- 4) If the delinquent filing is a quarterly report, the Board will assess a civil penalty even if a committee has no receipts or expenditures to disclose on the quarterly report. No civil penalty shall be assessed against a committee if the quarterly report is mailed and postmarked at least 3 days prior to the filing deadline unless the committee has been previously notified by the Board it must file its reports electronically under Code Section 9-28.
- 5) If the report at issue is a Schedule A-1 (report of contributions of \$1,000 or more), a civil penalty for a violation of Code Section 9-10(c) may not exceed the amount of the contribution.
- 6) If the report at issue is a Schedule B-1 (report of independent expenditures of \$1,000 or more), a civil penalty for a violation of Code Section 9-10(e) may not exceed the amount of the independent expenditure.
- e) The Board will calculate other civil penalties as follows:
- 1) If the delinquently filed report is a Statement of Organization (Form D-1), the Board will 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.
 - 2) If a committee receives a contribution or transfer in violation of Code Section 9-8.5, the civil penalty will be calculated as 150% of the amount of the contribution or transfer that exceeded the contribution limitations, except that if in the Board's opinion the violation was committed inadvertently or negligently, the civil penalty will be reduced to 10% of the calculated civil penalty for a first violation and 50% of the calculated civil penalty for a second violation.
 - 3) If an independent expenditure committee makes a contribution in violation of Code Section 9-8.6(d), the Board will assess a fine equal to the amount of any contributions received in excess of the contribution limits for that particular contributor, during the two years preceding the date of the first contribution made in violation of the Act during a given quarterly reporting period.
- f) In addition to the civil penalties provided for in Code Section 9-10(g), 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 Code Section 9-23 and this subsection (f). The Board will calculate civil penalties in accordance with subsections (d) and (e). A committee that violates both Code Section 9-10 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 Code Section 9-23, 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 appeals the proposed civil penalty.

g) Appeals. A political committee assessed a civil penalty under Code Sections 9-3, 9-8.15, 9-8.5, 9-8.6, 9-8.10, or 9-10 or that has received notice of a proposed civil penalty for violation of a Board order under Code Section 9-23 may:

- 1) submit, within 30 calendar days after the mailing of the assessment notice, a request for waiver of appearance and either a written notice of appeal, if submitted by an attorney for the committee, or an appeal affidavit, if submitted by the candidate, chair, or treasurer of the committee, in the form provided by the Board. The notice of appeal or appeal affidavit must state with specificity 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. Any basis for appeal not stated in the notice of appeal or appeal affidavit may be deemed waived. An 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]. A Committee submitting a waiver of appearance must submit all evidence supporting its appeal with its notice of appeal or appeal affidavit; or
- 2) submit, within 30 calendar days after the mailing of the assessment notice, a request for hearing and either a written notice of appeal, if submitted by an attorney for the committee, or an appeal affidavit, if submitted by the candidate, chair, or treasurer of the committee, in the form provided by the Board, stating with specificity 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. Any basis for appeal not stated in the notice of appeal or appeal affidavit may be deemed waived. An 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; or
- 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If notice of appeal or 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.
- 4) to be considered timely, an appeal must either be received by the Board within 30 calendar days after the date on the assessment notice or mailed to the Board and postmarked within 30 calendar days after the date on the assessment notice. If the envelope containing an appeal is received after the 30 day period and lacks a postmark, or if the postmark is illegible, the appeal shall not be considered timely filed and will be returned to the sender, if possible.

h) An appeal filed pursuant to subsection (g)(1) or (g)(2) by the political committee shall be assigned to a Hearing Officer, who will provide notice and a hearing to the committee, if requested, or if the Hearing Officer determines a hearing is necessary to understand the applicable facts. A Hearing Officer may seek clarification or supporting evidence from the committee regarding the basis for appeal, provided such clarification or evidence is limited and specific to the scope of the defense contained within the notice of appeal or appeal affidavit. Upon the conclusion of the hearing, the Hearing Officer shall issue a written report that includes findings of fact, conclusions of law, and a recommendation whether or not to grant the appeal. If the committee waived its right to hearing, and no hearing was held, the Hearing Officer's report, findings of fact, conclusions of law, and recommendation shall be based solely upon the notice of appeal or appeal affidavit and any supplementary evidence simultaneously submitted with it.

i) The standard of review for an appeal filed pursuant to subsection (g)(1) or (g)(2) is whether the committee has demonstrated by a preponderance of the evidence that the assessment was in error. Error may be shown by proving the committee did not violate Article 9, the Board's assessment was incorrect, an affirmative defense is applicable, or other meritorious basis exists to grant the appeal.

Preliminary Matter

Petition To Intervene

On August 19, 2025, a Petition to Intervene was filed by Jeffrey Schwat, Senior Counsel & Interim Director of Litigation for Liberty Justice Center on behalf of his client Nick Biotti. Both attorney for the Division and for the Committee in the instant matter opposed the Petition. Counsel for the Petitioner did not attend the hearing. The Division presented arguments against the Petition to Intervene to which the Committee concurred and the Petition was taken under advisement.

Article 26, Section 125.130(a) of the Illinois Administrative Code lists the conditions under which intervention is permitted. The first condition is that the “[a]pplicant is so situated that he or she may be adversely affected by a final order of the Board.” The second condition as

specified in 125.30(a)(2) is if “[a]n applicant’s claim or defense in the adjudicative proceeding has a question of law or fact in common.” Petitioner Biotti meets neither of these conditions. As Biotti’s petition indicates and as the division pointed out, Petitioner Biotti is essentially a member of the media and his interests align more closely with the general public rather than someone who may be adversely affected by a final order of the Board. His stated concern at paragraphs 5 and 6 of his petition that the Board may be deadlocked and, therefore, the complaint may be dismissed unless he is able to move the matter forward to obtain judicial review in no way distinguishes him from the general public. For this reason, it is my opinion that the Petition to Intervene should be denied. Further, Petitioner Biotti has no question in law or fact to meet the other condition for intervention. Rather, Petitioner Biotti identified himself as a constituent and “watchdog” with a focus group on campaign finance. His petition is devoid of any mention of a case or proceeding pending with any question of law or fact in common with the issues presented in the instant case. Accordingly, for this additional reason, it is my opinion that the Petition to Intervene should be denied.

Issue Presented

To understand the issue presented in this case, it is important to note what is not at issue. What is not at issue is whether or not Notification of Self-Funding lifts contribution limits. It is well established and neither party disputes that contribution limits are lifted upon a candidate’s Notification of Self-Funding and, in this case, neither party disputes that Harmon’s January 17, 2023 Notification of Self-Funding served to lift contribution limits. The sole issue presented here is how long the contribution limits remained lifted under Section 9-8.5(h) subsequent to Harmon’s Notification of Self-Funding.

Positions of the Parties

According to the Division's interpretation, the contribution limits are lifted through the next election cycle. The Division contends that the election cycle is the election at which General Assembly offices appear on the ballot. Thus, in this case, that election was March 19, 2024 and was the deadline when the lifting of the contribution limits terminated.

The Committee's interpretation relies on the wording in subsection (h) referencing "the election for that office." According to the Committee, contribution limits are lifted for the years when the self-funding candidate runs for office. Under this interpretation, the contribution limits for the Committee would not be lifted until March 17, 2026, the election at which Harmon would be running or, at a minimum, until December 31, 2024, the end of the 2024 General Election cycle at which any candidate for General Assembly would be running.

Standard of Review

The standard of review is contained in 26 Ill. Adm. Code 1245.425(j). The standard of review for an appeal of civil penalty assessments "is whether the committee has demonstrated by a preponderance of the evidence that the assessment was in error. Error may be shown by proving the committee did not violate Article 9, the Board's assessment was incorrect, an affirmative defense is applicable, or other meritorious basis exists to grant the appeal."

Discussion

The primary rules of statutory construction are well established and articulated in the Division's memo.

"The primary rule of statutory construction is to ascertain and give effect to the intention of the legislature, and the best evidence of that intent "is the language employed by the General Assembly, which must be given its plain and ordinary meaning." *Goodman v. Ward*, 241 Ill.2d 398, 408 (2011). The statute should be

evaluated “as a whole, with each provision construed in connection with every other section.” *Cinkus v. Vill. of Stickney Mun. Officers Electoral Bd.*, 228 Ill.2d 200, 216-217 (2008) (citations omitted). Each word, clause, and sentence must be given a reasonable construction and should not be rendered superfluous. *Bettis v. Marsaglia*, 2014 IL 117050, at ¶13 (citation omitted). When the statutory language “is plain and unambiguous, the statute must be applied as written without resort to aids of statutory construction.” *Goodman*, 241 Ill.2d at 408. Aids of statutory construction be used only when there is ambiguity to consider the purpose of the law, the problems it was intended to remedy, and the legislative history of the statute. *Cinkus*, 228 Ill.2d at 217.” Division memo at page 4.

The parties in this matter have offered varying interpretations of the words contained in the controlling statutes and it is with consideration of the foregoing rules of construction that the statutes are analyzed.

The Division argues that there is no ambiguity in Section 9-8.5(b) and 9-8.5(h) and that its interpretation begins and ends with the plain language of the statutes. Section 9-8.5(b) establishes limitations on contributions to candidate political committees during an election cycle. The meaning of the term “election cycle” for a candidate political committee organized to support a candidate for the General Assembly is “(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.” .As the Division further points out, there are two election cycles every two years for General Assembly candidates and the term “Election Cycle” does not change depending on the length of the General Assembly term. The Election Cycle applicable here is January 1, 2023 to March 19, 2024.

The Division also contends that the plain language of Section 9-8.5(h) clearly establishes that the period of self-funding is for “the 12 the months prior to an election”. Absent in the statute is any reference to an election *at which the candidate is running*. Despite this lack of reference, the Committee argues that because Harmon was not running at the March 19, 2024

election, the removal of contribution limits lasted until he would actually be running at the March, 2026 election.

However, the Committee's argument ignores the references in Section 9-8.5(h) to election cycles. As the Division argues, this Section provides for an exception to the time limits imposed by Section 9-8.5(b) by reference to election cycles thus further establishing that election cycles govern the duration of contribution limit lifting. The second to the last sentence of Section 9-8.5(h) reads as follows: "If a public official or candidate filed a Notification of Section-funding during an election cycle that includes a general primary election or consolidated primary election and that public official or candidate is nominated, all candidates for that office, including the nominee who filed the notification of self-funding, shall be permitted to accept contributions in excess of any contribution limit imposed by subsection (b) for the subsequent election cycle."

The Committee has made some interesting albeit unsupported arguments regarding interpretation of Section 9-8.5(h). The Committee argues that because Harmon was not running at the March 19, 2024 Election, lifting the contribution limits through that election only unfairly provides an advantage to self-funding candidates. According to the Committee, other than an incumbent, few candidates begin campaigning for office more than two years prior to the election at which they will be running and the period of self-funding could be prematurely closed to candidates who have not yet decided to run. The Committee's argument ignores the fact that while candidates may not begin "early" campaigning, there is nothing in the statute that prohibits a candidate from doing so. Thus, while Section 9-8.5(h) may set out a statutory scheme that supports those who have made early decisions to run, there is nothing inherently wrong with

such a result and the Committee's argument in relation to such an interpretation does nothing to further its case.

Along with this argument, the Committee argues that the Division's interpretation could reduce campaign finance compliance to accounting gimmicks and provides in its memo illustrations of how such "gimmicks" might work. The fact that a statute may allow for misuse does not, in itself, support a finding that the statute is somehow unclear or ambiguous. Indeed, as the rules of statutory construction require and as the Division contends, where a statute is unambiguous, resort to arguments of policy are inapplicable.

Applying the rules of statutory construction here, one must give the words "election cycle" in both subsections (b) and (h) its plain meaning as supported by the definition provided in 10 ILCS 5/9-1.9(2). When applying these rules of statutory construction, it must be concluded that the election cycle here has been correctly defined by the Division.

Moving from a review of the statutory language, the past conduct of the Committee is also helpful in providing an interpretation of the statutes at issue here. According to the Division and not contested by the Committee, Harmon has filed a Notification of Self-Funding on five occasions, said dates being 12/4/2019, 6/19/20, 2/25/21, 1/17/23 and 1/24/25 and the following chart presented by the Division is helpful in understanding these dates and clarifying Harmon's own understanding of the period for which contribution limits were lifted:

<u>Election Cycle for Candidate Committee Supporting General Assembly Candidate</u>	<u>Date of Notification of Self Funding Filed by Senator Harmon</u>	<u>Dates of Lifted Contribution Limits</u>
2020 GP (1/1/19 – 3/19/20)	12/4/19	12/4/19 – 3/19/20
2020 GE (3/20/20 – 12/31/20)	6/19/20	6/19/20 – 12/31/20
2022 GP (1/1/21 – 6/28/22)	2/25/21	2/25/21 – 6/28/22
2022 GE (6/29/22 – 12/31/22)	None; limits lifted due to nomination at 2022 GP	6/29/22 – 12/31/22
2024 GP (1/1/23 – 3/19/24)	1/17/23	1/17/23 – 3/19/24
2024 GE (3/20/24 – 12/31/24)	None	None
2026 GP (1/1/25 – 3/17/26)	1/24/25	1/24/25 – 3/17/26

The evidence presented establishes that the Committee knew that the periods of time for the lifting of self-funding limits were governed by election cycles. Nonetheless, the Committee for the first time, either changed its interpretation of the time period for the lifting of the contribution limits or simply chose to ignore them. When counsel for the Committee was asked at the hearing why the Committee’s conduct was consistent with the Division’s interpretation of the deadline for the lifting of contribution limits until Harmon’s Notification of Self-Funding on January 17, 2023, counsel advised that prior interpretations were not relevant and “[if] the rules require you to wear a belt, there’s no prohibition against wearing belt and suspenders. But if you just wear a belt, you’re not breaking the rule, it doesn’t change the rule.” (Transcript 8/20/25, p. 30-31). All of this is to say, according to Harmon and the Committee, that the dates of Harmon’s prior Notifications of Self-Funding which correlated to election cycles consistent with the Division’s interpretation were simply acts of excess caution. This argument, however articulated, is unpersuasive. The statute did not change. The Candidate and Committee’s conduct inexplicably changed when it did not file a Notification of Self-Funding after the March 19, 2024 election and no cognizable justification was given for its failure to do so.

Finally, the Committee argues that the penalty provisions of Section 9-8.5 are unconstitutional for various reasons. The Committee concedes that the Board is without authority to consider constitutional arguments and, therefore, those arguments are not addressed herein.

RECOMMENDATION

In light of the foregoing, the Committee failed to establish by a preponderance of the evidence that the assessment was in error or that no actual violation of Article 9 occurred. Based upon the plain language of 10 ILCS 5/9-8.5(b) and (h), as well as Harmon's prior acts and Notifications of Self-Funding, the evidence establishes that the Committee did, in fact, exceed the contribution limits and that the assessment of civil penalties was appropriate. Accordingly, it is my recommendation that the appeal be **denied** and that the assessment of penalties stands.

Respectfully submitted,



Barbara Goodman
Hearing Officer

October 7, 2025