

SB3817



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3817

Introduced 1/21/2022, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. Prohibits the use of a political committee's fund for the legal defense of a public official or candidate in connection with offenses involving or reflecting upon a public entity's officer or employee. Effective immediately.

LRB102 25827 AWJ 35171 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 Section 9-8.10 as follows:

6 (10 ILCS 5/9-8.10)

7 Sec. 9-8.10. Use of political committee and other
8 reporting organization funds.

9 (a) A political committee shall not make expenditures:

10 (1) In violation of any law of the United States or of
11 this State.

12 (2) Clearly in excess of the fair market value of the
13 services, materials, facilities, or other things of value
14 received in exchange.

15 (3) For satisfaction or repayment of any debts other
16 than loans made to the committee or to the public official
17 or candidate on behalf of the committee or repayment of
18 goods and services purchased by the committee under a
19 credit agreement. Nothing in this Section authorizes the
20 use of campaign funds to repay personal loans. The
21 repayments shall be made by check written to the person
22 who made the loan or credit agreement. The terms and
23 conditions of any loan or credit agreement to a committee

1 shall be set forth in a written agreement, including but
2 not limited to the method and amount of repayment, that
3 shall be executed by the chair or treasurer of the
4 committee at the time of the loan or credit agreement. The
5 loan or agreement shall also set forth the rate of
6 interest for the loan, if any, which may not substantially
7 exceed the prevailing market interest rate at the time the
8 agreement is executed.

9 (4) For the satisfaction or repayment of any debts or
10 for the payment of any expenses relating to a personal
11 residence. Campaign funds may not be used as collateral
12 for home mortgages.

13 (5) For clothing or personal laundry expenses, except
14 clothing items rented by the public official or candidate
15 for his or her own use exclusively for a specific
16 campaign-related event, provided that committees may
17 purchase costumes, novelty items, or other accessories
18 worn primarily to advertise the candidacy.

19 (6) For the travel expenses of any person unless the
20 travel is necessary for fulfillment of political,
21 governmental, or public policy duties, activities, or
22 purposes.

23 (7) For membership or club dues charged by
24 organizations, clubs, or facilities that are primarily
25 engaged in providing health, exercise, or recreational
26 services; provided, however, that funds received under

1 this Article may be used to rent the clubs or facilities
2 for a specific campaign-related event.

3 (8) In payment for anything of value or for
4 reimbursement of any expenditure for which any person has
5 been reimbursed by the State or any person. For purposes
6 of this item (8), a per diem allowance is not a
7 reimbursement.

8 (9) For the lease or purchase of or installment
9 payment for a motor vehicle unless the political committee
10 can demonstrate the vehicle will be used primarily for
11 campaign purposes or for the performance of governmental
12 duties. Nothing in this paragraph prohibits a political
13 committee from using political funds to make expenditures
14 related to vehicles not purchased or leased by a political
15 committee, provided the expenditure relates to the use of
16 the vehicle for primarily campaign purposes or the
17 performance of governmental duties. Persons using vehicles
18 not purchased or leased by a political committee may be
19 reimbursed for actual mileage for the use of the vehicle
20 for campaign purposes or for the performance of
21 governmental duties. The mileage reimbursements shall be
22 made at a rate not to exceed the standard mileage rate
23 method for computation of business expenses under the
24 Internal Revenue Code.

25 (10) Directly for an individual's tuition or other
26 educational expenses, except for governmental or political

1 purposes directly related to a candidate's or public
2 official's duties and responsibilities.

3 (11) For payments to a public official or candidate or
4 his or her family member unless for compensation for
5 services actually rendered by that person. The provisions
6 of this item (11) do not apply to expenditures by a
7 political committee for expenses related to providing
8 childcare for a minor child or care for a dependent family
9 member if the care is reasonably necessary for the public
10 official or candidate to fulfill political or governmental
11 duties. The provisions of this item (11) do not apply to
12 expenditures by a political committee in an aggregate
13 amount not exceeding the amount of funds reported to and
14 certified by the State Board or county clerk as available
15 as of June 30, 1998, in the semi-annual report of
16 contributions and expenditures filed by the political
17 committee for the period concluding June 30, 1998.

18 (12) For the legal defense of a public official or
19 candidate. For the purposes of this item (12), "legal
20 defense" means the obtaining, providing, or financially
21 assisting with the obtaining or providing of legal
22 counsel, representation, services, advice, opinion, or
23 guidance for a public official or candidate in connection
24 with: (i) an offense involving fraud against a public
25 entity, bribery of an officer or employee of a public
26 entity, official misconduct, or inducement of an officer

1 or employee of a public entity to commit official
2 misconduct; (ii) any other infamous crime under State or
3 federal law; or (iii) any other offense that reflects upon
4 the official's or candidate's character, honesty,
5 integrity, or ability to qualify for or hold public
6 office.

7 (b) The Board shall have the authority to investigate,
8 upon receipt of a verified complaint, violations of the
9 provisions of this Section. The Board may levy a fine on any
10 person who knowingly makes expenditures in violation of this
11 Section and on any person who knowingly makes a malicious and
12 false accusation of a violation of this Section. The Board may
13 act under this subsection only upon the affirmative vote of at
14 least 5 of its members. The fine shall not exceed \$500 for each
15 expenditure of \$500 or less and shall not exceed the amount of
16 the expenditure plus \$500 for each expenditure greater than
17 \$500. The Board shall also have the authority to render
18 rulings and issue opinions relating to compliance with this
19 Section.

20 (c) Nothing in this Section prohibits the expenditure of
21 funds of a political committee controlled by an officeholder
22 or by a candidate to defray the customary and reasonable
23 expenses of an officeholder in connection with the performance
24 of governmental and public service functions.

25 (d) Nothing in this Section prohibits the funds of a
26 political committee which is controlled by a person convicted

1 of a violation of any of the offenses listed in subsection (a)
2 of Section 10 of the Public Corruption Profit Forfeiture Act
3 from being forfeited to the State under Section 15 of the
4 Public Corruption Profit Forfeiture Act.

5 (Source: P.A. 102-15, eff. 6-17-21.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.