



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3887

Introduced 1/21/2022, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. In provisions regarding a political committee's restrictions on making expenditures: (i) provides that leases, purchases, or installment payments for a motor vehicle can be made only if the political committee can demonstrate the vehicle will be used exclusively (rather than primarily) for campaign purposes or for the performance of governmental duties and adds that the vehicle may not be used for personal use by the public official or candidate or his or her immediate family member; makes conforming changes; (ii) removes an exception to the prohibition on expenditures directly for an individual's tuition or other educational expenses; (iii) provides that expenditures are not permitted for payments to a public official or candidate or his or her immediate family member (rather than a family member unless for compensation for services actually rendered by that person) and removes an exception that made the prohibition not apply to expenditures by a political committee for expenses related to providing childcare for a minor child or care for a dependent family member if the care is reasonably necessary for the public official or candidate to fulfill political or governmental duties; and (iv) prohibits expenditures for any purpose that would subsidize the lifestyle or defray ordinary and day-to-day expenses of a public official or candidate or his or her immediate family member that does not serve a campaign purpose or perform a governmental duty. Defines "immediate family member" and "personal use".

LRB102 25879 AWJ 35235 b

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 exclusively
11 ~~primarily~~ for campaign purposes or for the performance of
12 governmental duties and not for personal use by the public
13 official or candidate or his or her immediate family
14 member. Nothing in this paragraph prohibits a political
15 committee from using political funds to make expenditures
16 related to vehicles not purchased or leased by a political
17 committee, provided the expenditure relates to the use of
18 the vehicle for exclusively ~~primarily~~ campaign purposes or
19 the performance of governmental duties and the vehicle is
20 not owned or leased by the public official or his or her
21 immediate family member. Persons using vehicles not
22 purchased or leased by a political committee may be
23 reimbursed for actual mileage for the use of the vehicle
24 for campaign purposes or for the performance of
25 governmental duties. The mileage reimbursements shall be
26 made at a rate not to exceed the standard mileage rate

1 method for computation of business expenses under the
2 Internal Revenue Code. As used in this item, "personal
3 use" includes, but is not limited to, transportation to
4 and from: sporting events, supermarkets or other shopping
5 venues, family events and gatherings, school events or
6 functions, resorts and other vacation destinations, and
7 any other activity or errand that is unrelated to campaign
8 purposes or to the performance of governmental duties.

9 (10) Directly for an individual's tuition or other
10 educational expenses. ~~, except for governmental or~~
11 ~~political purposes directly related to a candidate's or~~
12 ~~public official's duties and responsibilities.~~

13 (11) For payments to a public official or candidate or
14 his or her immediate family member. ~~unless for~~
15 ~~compensation for services actually rendered by that~~
16 ~~person. The provisions of this item (11) do not apply to~~
17 ~~expenditures by a political committee for expenses related~~
18 ~~to providing childcare for a minor child or care for a~~
19 ~~dependent family member if the care is reasonably~~
20 ~~necessary for the public official or candidate to fulfill~~
21 ~~political or governmental duties.~~ The provisions of this
22 item (11) do not apply to expenditures by a political
23 committee in an aggregate amount not exceeding the amount
24 of funds reported to and certified by the State Board or
25 county clerk as available as of June 30, 1998, in the
26 semi-annual report of contributions and expenditures filed

1 by the political committee for the period concluding June
2 30, 1998.

3 (12) For any purpose that would subsidize the
4 lifestyle or defray ordinary and day-to-day expenses of a
5 public official or candidate or his or her immediate
6 family member that does not serve a campaign purpose or
7 perform a governmental duty.

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

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

26 (d) Nothing in this Section prohibits the funds of a

1 political committee which is controlled by a person convicted
2 of a violation of any of the offenses listed in subsection (a)
3 of Section 10 of the Public Corruption Profit Forfeiture Act
4 from being forfeited to the State under Section 15 of the
5 Public Corruption Profit Forfeiture Act.

6 (e) As used in this Section, "immediate family member"
7 means anyone living with a public official or candidate, or a
8 spouse, child, sibling, or parent of a public official or
9 candidate, regardless of whether that person lives with the
10 public official or candidate.

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