



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4481

Introduced 2/4/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10
10 ILCS 5/9-33 new

Amends the Election Code. Prohibits a political committee from making certain expenditures to provide a defense in any criminal case or a defense in a civil case pertaining to misconduct by a person in his or her capacity as a public official, sexual harassment claims, or discrimination claims. Requires that a person found to have used campaign contributions in violation of the Code shall return contributions to the contributor or pay to the State if the contributor cannot be identified or reimbursed. Requires the political committee to include information on the contributions returned to the contributor or paid to the State in the committee's quarterly report to the State Board of Elections.

LRB101 19697 SMS 69191 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 Section
5 9-8.10 and by adding Section 9-33 as follows:

6 (10 ILCS 5/9-8.10)

7 Sec. 9-8.10. Use of political committee and other reporting
8 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 who
22 made the loan or credit agreement. The terms and conditions
23 of any loan or credit agreement to a committee shall be set

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

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

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

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

22 (7) For membership or club dues charged by
23 organizations, clubs, or facilities that are primarily
24 engaged in providing health, exercise, or recreational
25 services; provided, however, that funds received under
26 this Article may be used to rent the clubs or facilities

1 for a specific campaign-related event.

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

6 (9) For the purchase of or installment payment for a
7 motor vehicle unless the political committee can
8 demonstrate that purchase of a motor vehicle is more
9 cost-effective than leasing a motor vehicle as permitted
10 under this item (9). A political committee may lease or
11 purchase and insure, maintain, and repair a motor vehicle
12 if the vehicle will be used primarily for campaign purposes
13 or for the performance of governmental duties. A committee
14 shall not make expenditures for use of the vehicle for
15 non-campaign or non-governmental purposes. Persons using
16 vehicles not purchased or leased by a political committee
17 may be reimbursed for actual mileage for the use of the
18 vehicle for campaign purposes or for the performance of
19 governmental duties. The mileage reimbursements shall be
20 made at a rate not to exceed the standard mileage rate
21 method for computation of business expenses under the
22 Internal Revenue Code.

23 (10) Directly for an individual's tuition or other
24 educational expenses, except for governmental or political
25 purposes directly related to a candidate's or public
26 official's duties and responsibilities.

1 (11) For payments to a public official or candidate or
2 his or her family member unless for compensation for
3 services actually rendered by that person. The provisions
4 of this item (11) do not apply to expenditures by a
5 political committee in an aggregate amount not exceeding
6 the amount of funds reported to and certified by the State
7 Board or county clerk as available as of June 30, 1998, in
8 the semi-annual report of contributions and expenditures
9 filed by the political committee for the period concluding
10 June 30, 1998.

11 (12) For payments to attorneys, expert witnesses,
12 investigators, or others to provide a defense in a criminal
13 case.

14 (13) For payments to attorneys, expert witnesses,
15 investigators, or others to provide a defense in a civil
16 case pertaining to misconduct by a person in his or her
17 capacity as a public official, sexual harassment claims, or
18 discrimination claims.

19 (b) The Board shall have the authority to investigate, upon
20 receipt of a verified complaint, violations of the provisions
21 of this Section. The Board may levy a fine on any person who
22 knowingly makes expenditures in violation of this Section and
23 on any person who knowingly makes a malicious and false
24 accusation of a violation of this Section. The Board may act
25 under this subsection only upon the affirmative vote of at
26 least 5 of its members. The fine shall not exceed \$500 for each

1 expenditure of \$500 or less and shall not exceed the amount of
2 the expenditure plus \$500 for each expenditure greater than
3 \$500. The Board shall also have the authority to render rulings
4 and issue opinions relating to compliance with this Section.

5 (c) Nothing in this Section prohibits the expenditure of
6 funds of a political committee controlled by an officeholder or
7 by a candidate to defray the customary and reasonable expenses
8 of an officeholder in connection with the performance of
9 governmental and public service functions.

10 (d) Nothing in this Section prohibits the funds of a
11 political committee which is controlled by a person convicted
12 of a violation of any of the offenses listed in subsection (a)
13 of Section 10 of the Public Corruption Profit Forfeiture Act
14 from being forfeited to the State under Section 15 of the
15 Public Corruption Profit Forfeiture Act.

16 (Source: P.A. 100-1027, eff. 1-1-19.)

17 (10 ILCS 5/9-33 new)

18 Sec. 9-33. Forfeiture of political contribution. If a
19 person is found to have used campaign contributions in
20 violation of this Code, all contributions and other receipts
21 held at the time of forfeiture by a political committee
22 controlled by that person shall, within 30 days from the date
23 of a final decision by the State Board of Elections of the
24 finding of the violation, be returned to the contributor, if
25 possible, or be paid to the State if the contributor cannot be

1 identified or reimbursed. Payments received by the State
2 pursuant to this Section shall be deposited into the General
3 Revenue Fund.

4 Information on contributions returned to the contributor
5 or paid to the State under this Section shall be included in
6 the political committee's quarterly report required under
7 subsection (b) of Section 9-10.