

HB3574



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3574

Introduced 2/22/2021, by Rep. Seth Lewis

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. Prohibits a political committee from making expenditures for payments to attorneys, expert witnesses, investigators, or others to provide a defense in a criminal case.

LRB102 11801 SMS 17136 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 purchase of or installment payment for a
9 motor vehicle unless the political committee can
10 demonstrate that purchase of a motor vehicle is more
11 cost-effective than leasing a motor vehicle as permitted
12 under this item (9). A political committee may lease or
13 purchase and insure, maintain, and repair a motor vehicle
14 if the vehicle will be used primarily for campaign
15 purposes or for the performance of governmental duties. A
16 committee shall not make expenditures for use of the
17 vehicle for non-campaign or non-governmental purposes.
18 Persons using vehicles not purchased or leased by a
19 political committee may be reimbursed for actual mileage
20 for the use of the vehicle for campaign purposes or for the
21 performance of governmental duties. The mileage
22 reimbursements shall be made at a rate not to exceed the
23 standard mileage rate method for computation of business
24 expenses under the 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 in an aggregate amount not exceeding
8 the amount of funds reported to and certified by the State
9 Board or county clerk as available as of June 30, 1998, in
10 the semi-annual report of contributions and expenditures
11 filed by the political committee for the period concluding
12 June 30, 1998.

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

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

1 rulings and issue opinions relating to compliance with this
2 Section.

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

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

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