

# HB3908



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3908

Introduced 2/22/2021, by Rep. Michelle Mussman

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. Prohibits a political committee from making expenditures for payments pursuant to a settlement agreement entered by a public official or candidate related to allegations of sexual harassment or unlawful discrimination under State or federal law.

LRB102 11770 SMS 17105 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 pursuant to a settlement agreement  
14 entered by a public official or candidate related to  
15 allegations of sexual harassment or unlawful  
16 discrimination under State or federal law.

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

1 \$500. The Board shall also have the authority to render  
2 rulings and issue opinions relating to compliance with this  
3 Section.

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

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

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