



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2943

Introduced 2/16/2023, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-14.1 from Ch. 46, par. 4-14.1
10 ILCS 5/9-8.10
15 ILCS 205/6.7 new

Amends the Election Code. Provides that the county clerk of a county where a decedent last resided shall (rather than may) issue certifications of death records from the electronic reporting system for death registrations and shall (rather than may) use that system to cancel the registration of any person who has died during the preceding month. Requires a county coroner, medical examiner, or physician for a county or any other individual responsible for certification of death under the Vital Records Act to promptly transmit certified records to the county clerk within 7 days after the death. Requires the county clerk and coroner to report quarterly to its affiliated county board and certify its full compliance with the provisions and accuracy of the voter rolls. Allows an individual to request a copy of the county clerk's or coroner's report and allows for relief if the county clerk fails to provide an accurate report within specified timeframes. Prohibits a political committee from making expenditures for payments to attorneys, expert witnesses, investigators, or others to provide a defense in a criminal case. Amends the Attorney General Act. Creates an Office of Election Integrity within the Office of the Attorney General. Provides that the purpose of the Office is to aid the State Board of Elections in completion of its duties under the Election Code. Provides that the Office shall develop and create a voter fraud hotline within 90 days after the effective date of the amendatory Act. Provides that by January 15 of each year, the Office shall submit a report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives detailing information on investigations of alleged election law violations or election irregularities conducted during the prior calendar year.

LRB103 29570 BMS 55965 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 Sections 4-14.1 and 9-8.10 as follows:

6 (10 ILCS 5/4-14.1) (from Ch. 46, par. 4-14.1)

7 Sec. 4-14.1. Cancellation of deceased voter's registration.

8 (a) Upon establishment of an electronic reporting system
9 for death registrations as provided in the Vital Records Act,
10 the county clerk of the county where a decedent last resided,
11 as indicated on the decedent's death certificate, shall ~~may~~
12 issue certifications of death records from that system and
13 shall ~~may~~ use that system to cancel the registration of any
14 person who has died during the preceding month. Regardless of
15 whether or not such a system has been established, it is the
16 duty of the county clerk to examine, monthly, the records
17 deposited in his or her office pursuant to the Vital Records
18 Act that relate to deaths in the county, and to cancel the
19 registration of any person who has died during the preceding
20 month. The county coroner, medical examiner, or physician for
21 a county or any other individual responsible for certification
22 of death under Section 18 of the Vital Records Act shall
23 promptly transmit certified records to the county clerk within

1 7 days after the death of the decedent. The county clerk and
2 coroner shall report quarterly to its affiliated county board
3 and certify its full compliance with this Section and accuracy
4 of the voter rolls.

5 (b) Any person may request a copy of the report required in
6 subsection (a). Failure to provide an accurate report by the
7 county clerk within 5 business days, or 48 hours if 30 days
8 before an election, may file suit for injunction or
9 declaratory relief to enforce subsection (a) or this
10 subsection (b).

11 (c) The circuit court shall have the jurisdiction to
12 order: (i) production of deposits of records; (ii) production
13 of required reports; and (iii) compliance with subsection (a),
14 including establishing the accuracy of the voter registration
15 rolls.

16 (d) If a person seeking the right to receive a copy of the
17 documents pursuant to subsection (a) or enforce the provision
18 of subsection (a) prevails in a proceeding under this Section,
19 the court shall award such person reasonable attorney's fees
20 and costs. In determining what amount of attorney's fees is
21 reasonable, the court shall consider the degree to which the
22 relief obtained relates to the relief sought.

23 (e) If the court determines that a public body willfully
24 and intentionally failed to comply with this Section, or
25 otherwise acted in bad faith, the court shall also impose upon
26 the public body a civil penalty of not less than \$2,500 nor

1 more than \$5,000 for each occurrence. In assessing the civil
2 penalty, the court shall consider in aggravation or mitigation
3 the budget of the public body and whether the public body has
4 previously been assessed penalties for violations of this
5 Section. The court may impose an additional penalty of up to
6 \$1,000 for each day the violation continues if:

7 (1) the public body fails to comply with the court's
8 order after 30 days;

9 (2) the court's order is not on appeal or stayed; and

10 (3) the court does not grant the public body
11 additional time to comply with the court's order to
12 disclose public records.

13 (Source: P.A. 96-1484, eff. 1-1-11.)

14 (10 ILCS 5/9-8.10)

15 Sec. 9-8.10. Use of political committee and other
16 reporting organization funds.

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

18 (1) In violation of any law of the United States or of
19 this State.

20 (2) Clearly in excess of the fair market value of the
21 services, materials, facilities, or other things of value
22 received in exchange.

23 (3) For satisfaction or repayment of any debts other
24 than loans made to the committee or to the public official
25 or candidate on behalf of the committee or repayment of

1 goods and services purchased by the committee under a
2 credit agreement. Nothing in this Section authorizes the
3 use of campaign funds to repay personal loans. The
4 repayments shall be made by check written to the person
5 who made the loan or credit agreement. The terms and
6 conditions of any loan or credit agreement to a committee
7 shall be set forth in a written agreement, including but
8 not limited to the method and amount of repayment, that
9 shall be executed by the chair or treasurer of the
10 committee at the time of the loan or credit agreement. The
11 loan or agreement shall also set forth the rate of
12 interest for the loan, if any, which may not substantially
13 exceed the prevailing market interest rate at the time the
14 agreement is executed.

15 (4) For the satisfaction or repayment of any debts or
16 for the payment of any expenses relating to a personal
17 residence. Campaign funds may not be used as collateral
18 for home mortgages.

19 (5) For clothing or personal laundry expenses, except
20 clothing items rented by the public official or candidate
21 for his or her own use exclusively for a specific
22 campaign-related event, provided that committees may
23 purchase costumes, novelty items, or other accessories
24 worn primarily to advertise the candidacy.

25 (6) For the travel expenses of any person unless the
26 travel is necessary for fulfillment of political,

1 governmental, or public policy duties, activities, or
2 purposes.

3 (7) For membership or club dues charged by
4 organizations, clubs, or facilities that are primarily
5 engaged in providing health, exercise, or recreational
6 services; provided, however, that funds received under
7 this Article may be used to rent the clubs or facilities
8 for a specific campaign-related event.

9 (8) In payment for anything of value or for
10 reimbursement of any expenditure for which any person has
11 been reimbursed by the State or any person. For purposes
12 of this item (8), a per diem allowance is not a
13 reimbursement.

14 (9) For the lease or purchase of or installment
15 payment for a motor vehicle unless the political committee
16 can demonstrate the vehicle will be used primarily for
17 campaign purposes or for the performance of governmental
18 duties. Nothing in this paragraph prohibits a political
19 committee from using political funds to make expenditures
20 related to vehicles not purchased or leased by a political
21 committee, provided the expenditure relates to the use of
22 the vehicle for primarily campaign purposes or the
23 performance of governmental duties. Persons using vehicles
24 not purchased or leased by a political committee may be
25 reimbursed for actual mileage for the use of the vehicle
26 for campaign purposes or for the performance of

1 governmental duties. The mileage reimbursements shall be
2 made at a rate not to exceed the standard mileage rate
3 method for computation of business expenses under the
4 Internal Revenue Code.

5 (10) Directly for an individual's tuition or other
6 educational expenses, except for governmental or political
7 purposes directly related to a candidate's or public
8 official's duties and responsibilities.

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

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

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

14 (c) Nothing in this Section prohibits the expenditure of
15 funds of a political committee controlled by an officeholder
16 or by a candidate to defray the customary and reasonable
17 expenses of an officeholder in connection with the performance
18 of governmental and public service functions.

19 (d) Nothing in this Section prohibits the funds of a
20 political committee which is controlled by a person convicted
21 of a violation of any of the offenses listed in subsection (a)
22 of Section 10 of the Public Corruption Profit Forfeiture Act
23 from being forfeited to the State under Section 15 of the
24 Public Corruption Profit Forfeiture Act.

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

1 Section 10. The Attorney General Act is amended by adding
2 Section 6.7 as follows:

3 (15 ILCS 205/6.7 new)

4 Sec. 6.7. Office of Election Integrity.

5 (a) The Office of Election Integrity is created within the
6 Office of the Attorney General. The purpose of the Office is to
7 aid the State Board of Elections in completion of its duties
8 under the Election Code by:

9 (1) Receiving and reviewing notices and reports
10 generated by government officials or any other person
11 regarding alleged occurrences of election law violations
12 or election irregularities in this State.

13 (2) Initiating independent inquiries and conducting
14 preliminary investigations into allegations of election
15 law violations or election irregularities in this State.

16 (b) The Office may review complaints and conduct
17 preliminary investigations into alleged violations of the
18 Election Code or any rule adopted pursuant to the Election
19 Code and any election irregularities.

20 (c) The Attorney General in conjunction with the Chair of
21 the State Board of Elections shall appoint a Director of the
22 Office of Election Integrity.

23 (d) The Office shall be based in Springfield and shall
24 employ nonsworn investigators to conduct any investigations.
25 The positions and resources necessary for the Office to

1 accomplish its duties shall be established through and subject
2 to the legislative appropriations process.

3 (e) The Office shall develop and create a voter fraud
4 hotline within 90 days after the effective date of this
5 amendatory Act of the 103rd General Assembly.

6 (f) The Office shall oversee the voter fraud hotline.

7 (g) This Section does not limit the jurisdiction of any
8 other office or agency of this State empowered by law to
9 investigate, act upon, or dispose of alleged election law
10 violations.

11 (h) By January 15 of each year, the Office shall submit a
12 report to the Governor, the President of the Senate, the
13 Minority Leader of the Senate, the Speaker of the House of
14 Representatives, and the Minority Leader of the House of
15 Representatives detailing information on investigations of
16 alleged election law violations or election irregularities
17 conducted during the prior calendar year. The report shall
18 include the total number of complaints received and
19 independent investigations initiated and the number of
20 complaints referred to another State agency for further
21 investigation or prosecution. For each alleged violation or
22 irregularity investigated, the report shall include:

23 (1) the source of the alleged violation or
24 irregularity;

25 (2) the law allegedly violated or the nature of the
26 irregularity reported;

1 (3) the county in which the alleged violation or
2 irregularity occurred;

3 (4) whether the alleged violation or irregularity was
4 referred to another State agency for further investigation
5 or prosecution and, if so, to which State agency; and

6 (5) the current status of the investigation or
7 resulting criminal case.