



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4119

by Rep. Tony M. McCombie

#### 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 against any claims that a person has committed misconduct in his or her capacity as a public official, any claims of sexual harassment, or any claims of discrimination. 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.

LRB103 33362 AWJ 63174 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 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  
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 primarily for  
11          campaign purposes or for the performance of governmental  
12          duties. Nothing in this paragraph prohibits a political  
13          committee from using political funds to make expenditures  
14          related to vehicles not purchased or leased by a political  
15          committee, provided the expenditure relates to the use of  
16          the vehicle for primarily campaign purposes or the  
17          performance of governmental duties. Persons using vehicles  
18          not purchased or leased by a political committee may be  
19          reimbursed for actual mileage for the use of the vehicle  
20          for campaign purposes or for the performance of  
21          governmental duties. The mileage reimbursements shall be  
22          made at a rate not to exceed the standard mileage rate  
23          method for computation of business expenses under the  
24          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 for expenses related to providing  
8 childcare for a minor child or care for a dependent family  
9 member if the care is reasonably necessary for the public  
10 official or candidate to fulfill political or governmental  
11 duties. The provisions of this item (11) do not apply to  
12 expenditures by a political committee in an aggregate  
13 amount not exceeding the amount of funds reported to and  
14 certified by the State Board or county clerk as available  
15 as of June 30, 1998, in the semi-annual report of  
16 contributions and expenditures filed by the political  
17 committee for the period concluding June 30, 1998.

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

21 (13) For payments to attorneys, expert witnesses,  
22 investigators, or others to provide a defense in a civil  
23 case against any claims that a person has committed  
24 misconduct in his or her capacity as a public official,  
25 any claims of sexual harassment, or any claims of  
26 discrimination.

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 (10 ILCS 5/9-33 new)

2 Sec. 9-33. Forfeiture of political contribution. If a  
3 person is found to have used campaign contributions in  
4 violation of this Code, all contributions and other receipts  
5 held at the time of forfeiture by a political committee  
6 controlled by that person shall, within 30 days from the date  
7 of a final decision by the State Board of Elections of the  
8 finding of the violation, be returned to the contributor, if  
9 possible, or be paid to the State if the contributor cannot be  
10 identified or reimbursed. Payments received by the State  
11 pursuant to this Section shall be deposited into the General  
12 Revenue Fund.

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