

HB5838



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5838

Introduced 2/16/2012, by Rep. Paul Evans

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. Prohibits the use of a political committee's fund for the legal defense of a public official or candidate in connection with offenses involving or reflecting upon a public entity's officer or employee. Removes an obsolete reference to "other reporting organization". Effective immediately.

LRB097 18827 PJG 64064 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 Section
5 9-8.10 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 chairman or treasurer of the committee at the time
4 of the loan or credit agreement. The loan or agreement
5 shall also set forth the rate of interest for the loan, if
6 any, which may not substantially exceed the prevailing
7 market 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 the legal defense of a public official or
12 candidate. For the purposes of this item (12), "legal
13 defense" means the obtaining, providing, or financially
14 assisting with the obtaining or providing of legal counsel,
15 representation, services, advice, opinion, or guidance for
16 a public official or candidate in connection with: (i) an
17 offense involving fraud against a public entity, bribery of
18 an officer or employee of a public entity, official
19 misconduct, or inducement of an officer or employee of a
20 public entity to commit official misconduct; (ii) any other
21 infamous crime under State or federal law; or (iii) any
22 other offense that reflects upon the official's or
23 candidate's character, honesty, integrity, or ability to
24 qualify for or hold public office.

25 (b) The Board shall have the authority to investigate, upon
26 receipt of a verified complaint, violations of the provisions

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

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

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

22 (Source: P.A. 96-1019, eff. 1-1-11.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.