



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5845

Introduced 2/16/2012, by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-57 new
10 ILCS 5/9-8.7 new

Amends the State Officials and Employees Ethics Act and the Election Code. Provides that any member of a board or commission whose appointment requires the advice and consent of the Senate and who is (i) confirmed by the Senate, (ii) holds office by a temporary appointment made under Section 9 of Article V of the Illinois Constitution, or (iii) is appointed by the Governor as an acting member must divest or freeze the funds in any candidate political committee and political action committee maintained or controlled by the member and may not establish a candidate political committee or political action committee for the duration of his or her term on the board or commission. Provides that failure to divest or freeze those funds will result in forfeiture of those funds. Provides that an appointed member of a board or commission who establishes a candidate political committee or political action committee during his or her term on the board or commission shall be subject to a \$5,000 fine. Provides that a member may maintain his or her committee for the purpose of paying any debt owed by that member's committee if the debt was incurred by the committee prior to the member's appointment. Provides that the committee may make payments on the committee's outstanding debt, pay reasonable costs of maintaining the account or preparing reports, and accept certain contributions from the member and the member's spouse, parent, sibling, or child. Effective immediately.

LRB097 20531 JDS 66093 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by adding Section 5-57 as follows:

6 (5 ILCS 430/5-57 new)

7 Sec. 5-57. Divesting or freezing of election funds of State
8 board and commission members.

9 (a) This Section applies to an appointed member of a board
10 or commission whose appointment requires the advice and consent
11 of the Senate and who is (i) confirmed by the Senate, (ii)
12 holds office by a temporary appointment under Section 9 of
13 Article V of the Illinois Constitution, or (iii) is appointed
14 by the Governor pursuant to any statute to serve as an acting
15 member of a board or commission. This Section does not apply to
16 members of the General Assembly.

17 (b) A member who maintains or controls a candidate
18 political committee or political action committee must divest
19 or freeze the funds in his or her candidate political committee
20 and political action committee as provided in Section 9-8.7 of
21 the Election Code.

22 (c) A member may not establish a candidate political
23 committee or political action committee for the duration of his

1 or her term on the board or commission.

2 (d) For purposes of this Section, "salary" means
3 compensation other than reimbursement for reasonable expenses
4 related to travel and attendance at meetings.

5 Section 10. The Election Code is amended by adding Section
6 9-8.7 as follows:

7 (10 ILCS 5/9-8.7 new)

8 Sec. 9-8.7. Divesting or freezing of election funds of
9 State board and commission members.

10 (a) This Section applies to an appointed member of a board
11 or commission whose appointment requires the advice and consent
12 of the Senate and who is (i) confirmed by the Senate, (ii)
13 holds office by a temporary appointment made under Section 9 of
14 Article V of the Illinois Constitution, or (iii) is appointed
15 by the Governor pursuant to any statute to serve as an acting
16 member of a board or commission.

17 (b) A member who maintains or controls a candidate
18 political committee or political action committee must divest
19 or freeze the funds in his or her candidate political committee
20 and political action committee.

21 (c) A member may not establish a candidate political
22 committee or political action committee for the duration of his
23 or her term on the board or commission.

24 (d) A member must:

1 (1) divest himself or herself of any funds in the
2 candidate political committee and political action
3 committee by (A) a direct return of funds to contributors
4 in amounts not to exceed his or her individual
5 contributions; (B) a transfer of funds to a charitable
6 organization or organizations; or (C) a combination of
7 items (A) and (B); or

8 (2) freeze the funds in the candidate political
9 committee and political action committee by placing the
10 funds in an account that is frozen for the duration of his
11 or her term as a member of the board or commission; for the
12 purposes of this paragraph (2), an account is deemed frozen
13 if the only activity in the account is related to covering
14 the reasonable costs of maintaining the account or
15 preparing reports required by this Code; "reasonable
16 costs" shall be defined by the Board by rule.

17 If the member's committee has outstanding debt, then the
18 member may maintain his or her committee for the purpose of
19 paying any debt owed by that member's committee only if the
20 debt was incurred by the committee prior to the member's
21 appointment. During the member's term on the board or
22 commission, the committee may make payments on the committee's
23 outstanding debt, may pay reasonable costs of maintaining the
24 account or preparing reports required by this Code, and may
25 accept contributions from the member and the member's spouse,
26 parent, sibling, or child as provided by this Code. "Reasonable

1 costs" shall be defined by the Board by rule.

2 A member whose term of office begins on or after the
3 effective date of this amendatory Act of the 97th General
4 Assembly must divest or freeze those funds within 15 days after
5 he or she is confirmed by the Senate or, if the member holds
6 office by a temporary appointment or as an acting member,
7 within 15 days after he or she is appointed. A member who is
8 serving on a board or commission on the effective date of this
9 amendatory Act of the 97th General Assembly must divest or
10 freeze those funds within 60 days after the effective date of
11 this amendatory Act of the 97th General Assembly.

12 (e) A member who maintains or controls a candidate
13 political committee or political action committee must submit
14 an affidavit to the State Board of Elections that states that
15 the member maintains or controls such a committee, that the
16 committee has been divested or frozen, and that the member will
17 not establish such a committee for the duration of his or her
18 term on the board or commission. Each other member must submit
19 an affidavit to the State Board of Elections that states that
20 the member does not maintain or control a candidate political
21 committee or political action committee and will not establish
22 such a committee for the duration of his or her term on the
23 board or commission. A member whose term of office begins on or
24 after the effective date of this amendatory Act of the 97th
25 General Assembly must submit an affidavit under this subsection
26 (e) within 15 days after he or she is confirmed by the Senate

1 or, if the member holds office by a temporary appointment or as
2 an acting member, within 15 days after he or she is appointed.
3 A member who is serving on a board or commission on the
4 effective date of this amendatory Act of the 97th General
5 Assembly must submit an affidavit under this subsection (e)
6 within 60 days after the effective date of this amendatory Act
7 of the 97th General Assembly.

8 (f) Failure to divest or freeze an account in accordance
9 with this Section shall result in forfeiture of all funds
10 maintained in the candidate political committee and political
11 action committee accounts. Forfeited funds shall be deposited
12 into the General Revenue Fund. A member who establishes a
13 candidate political committee or political action committee
14 during his or her term on the board or commission is subject to
15 a \$5,000 fine.

16 (g) Nothing in this Section prevents the spouse or
17 immediate family members of a member from seeking elected
18 office or establishing or maintaining a candidate political
19 committee or political action committee.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.