



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5779

by Rep. Dwight Kay

#### 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 that he or she maintains or controls 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 the failure to divest or freeze those funds will result in their forfeiture. 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.

LRB098 17600 MGM 52711 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 to whom this Section applies and who maintains  
18 or controls a candidate political committee or political action  
19 committee must divest or freeze the funds in his or her  
20 candidate political committee and political action committee  
21 as provided in Section 9-8.7 of the Election Code.

22 (c) A member to whom this Section applies may not establish  
23 a candidate political committee or political action committee

1 for the duration of his or her term on the board or commission.

2 Section 10. The Election Code is amended by adding Section  
3 9-8.7 as follows:

4 (10 ILCS 5/9-8.7 new)

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

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

14 (b) A member to whom this Section applies and who maintains  
15 or controls a candidate political committee or political action  
16 committee must divest or freeze the funds in his or her  
17 candidate political committee and political action committee.

18 (c) A member to whom this Section applies may not establish  
19 a candidate political committee or political action committee  
20 for the duration of his or her term on the board or commission.

21 (d) A member to whom this Section applies must:

22 (1) divest himself or herself of any funds in the  
23 candidate political committee and political action  
24 committee by (A) a direct return of funds to contributors

1 in amounts not to exceed his or her individual  
2 contributions; (B) a transfer of funds to a charitable  
3 organization or organizations; or (C) a combination of  
4 items (A) and (B); or

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

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

25 A member to whom this Section applies whose term of office  
26 begins on or after the effective date of this amendatory Act of

1 the 98th General Assembly must divest or freeze those funds  
2 within 15 days after he or she is confirmed by the Senate or,  
3 if the member holds office by a temporary appointment or as an  
4 acting member, within 15 days after he or she is appointed. A  
5 member to whom this Section applies and who is serving on a  
6 board or commission on the effective date of this amendatory  
7 Act of the 98th General Assembly must divest or freeze those  
8 funds within 60 days after the effective date of this  
9 amendatory Act of the 98th General Assembly.

10 (e) A member to whom this Section applies and who maintains  
11 or controls a candidate political committee or political action  
12 committee must submit an affidavit to the State Board of  
13 Elections which states that the member maintains or controls  
14 such a committee, the committee has been divested or frozen,  
15 and the member will not establish such a committee for the  
16 duration of his or her term on the board or commission. Each  
17 other member must submit an affidavit to the State Board of  
18 Elections that states that the member does not maintain or  
19 control a candidate political committee or political action  
20 committee and will not establish such a committee for the  
21 duration of his or her term on the board or commission. A  
22 member to whom this Section applies and whose term of office  
23 begins on or after the effective date of this amendatory Act of  
24 the 98th General Assembly must submit an affidavit under this  
25 subsection (e) within 15 days after he or she is confirmed by  
26 the Senate or, if the member holds office by a temporary

1 appointment or as an acting member, within 15 days after he or  
2 she is appointed. A member to whom this Section applies and who  
3 is serving on a board or commission on the effective date of  
4 this amendatory Act of the 98th General Assembly must submit an  
5 affidavit under this subsection (e) within 60 days after the  
6 effective date of this amendatory Act of the 98th General  
7 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 to whom this Section  
13 applies and who establishes a candidate political committee or  
14 political action committee during his or her term on the board  
15 or commission is subject to a \$5,000 fine.

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

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