



Sen. Don Harmon

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09700HB1717sam001

LRB097 08733 HLH 56081 a

1 AMENDMENT TO HOUSE BILL 1717

2 AMENDMENT NO. _____. Amend House Bill 1717 by replacing
3 everything after the enacting clause with the following:

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 and freezing of election funds of
8 board and commission members.

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

1 (b) A member who maintains or controls a candidate
2 political committee must divest or freeze the funds in his or
3 her candidate political committee as provided in Section 9-8.7
4 of the Election Code.

5 (c) A member may not establish a candidate political
6 committee for the duration of his or her term on the board or
7 commission.

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

11 Section 10. The Election Code is amended by adding Section
12 9-8.7 as follows:

13 (10 ILCS 5/9-8.7 new)

14 Sec. 9-8.7. Divesting or freezing of campaign funds
15 controlled by State board and commission members.

16 (a) This Section applies to an appointed member of a board
17 or commission (i) whose appointment requires the advice and
18 consent of the Senate, (ii) who is confirmed by the Senate, who
19 holds office by a temporary appointment made under Section 9 of
20 Article V of the Illinois Constitution, or who is appointed by
21 the Governor pursuant to any statute to serve as an acting
22 member of a board or commission, and (iii) who receives a
23 salary from the State for serving on that board or commission.

24 (b) A member who maintains or controls a candidate

1 political committee must divest or freeze the funds in his or
2 her candidate political committee.

3 (c) A member may not establish a candidate political
4 committee for the duration of his or her term on the board or
5 commission.

6 (d) A member must:

7 (1) divest himself or herself of any funds in the
8 candidate political committee by (A) a direct return of
9 funds to contributors in amounts not to exceed his or her
10 individual contributions; (B) a transfer of funds to a
11 charitable organization or organizations; or (C) a
12 combination of items (A) and (B); or

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

22 If the member's committee has outstanding debt, then the
23 member may maintain his or her committee for the purpose of
24 paying any debt owed by that member's committee only if the
25 debt was incurred by the committee prior to the member's
26 appointment. During the member's term on the board or

1 commission, the committee may make payments on the committee's
2 outstanding debt, may pay reasonable costs of maintaining the
3 account or preparing reports required by this Code, and may
4 accept contributions from the member and the member's spouse,
5 parent, sibling, or child as provided by this Code. "Reasonable
6 costs" shall be defined by the Board by rule.

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

17 (e) A member who maintains or controls a candidate
18 political committee must submit an affidavit to the State Board
19 of Elections that states that the member maintains or controls
20 a candidate political committee, that the candidate political
21 committee has been divested or frozen, and that the member will
22 not establish a candidate political committee for the duration
23 of his or her term on the board or commission. Each other
24 member must submit an affidavit to the State Board of Elections
25 that states that the member does not maintain or control a
26 candidate political committee and will not establish such a

1 committee for the duration of his or her term on the board or
2 commission. A member whose term of office begins on or after
3 the effective date of this amendatory Act of the 97th General
4 Assembly must submit an affidavit under this subsection (e)
5 within 15 days after he or she is confirmed by the Senate or,
6 if the member holds office by a temporary appointment or as an
7 acting member, within 15 days after he or she is appointed. A
8 member who is serving on a board or commission on the effective
9 date of this amendatory Act of the 97th General Assembly must
10 submit an affidavit under this subsection (e) within 60 days
11 after the effective date of this amendatory Act of the 97th
12 General Assembly.

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

20 (g) Nothing in this Section prevents the spouse or
21 immediate family members of a member from seeking elected
22 office or establishing or maintaining a candidate political
23 committee.

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