

# HB4087



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB4087**

Introduced 1/16/2020, by Rep. Andrew S. Chesney

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. Prohibits a political committee from making expenditures for payments to attorneys, expert witnesses, investigators, or others to provide a defense in a criminal case.

LRB101 15292 SMS 64469 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 chair or treasurer of the committee at the time of  
4           the loan or credit agreement. The loan or agreement shall  
5           also set forth the rate of interest for the loan, if any,  
6           which may not substantially exceed the prevailing market  
7           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 payments to attorneys, expert witnesses,  
12           investigators, or others to provide a defense in a criminal  
13           case.

14           (b) The Board shall have the authority to investigate, upon  
15           receipt of a verified complaint, violations of the provisions  
16           of this Section. The Board may levy a fine on any person who  
17           knowingly makes expenditures in violation of this Section and  
18           on any person who knowingly makes a malicious and false  
19           accusation of a violation of this Section. The Board may act  
20           under this subsection only upon the affirmative vote of at  
21           least 5 of its members. The fine shall not exceed \$500 for each  
22           expenditure of \$500 or less and shall not exceed the amount of  
23           the expenditure plus \$500 for each expenditure greater than  
24           \$500. The Board shall also have the authority to render rulings  
25           and issue opinions relating to compliance with this Section.

26           (c) Nothing in this Section prohibits the expenditure of

1 funds of a political committee controlled by an officeholder or  
2 by a candidate to defray the customary and reasonable expenses  
3 of an officeholder in connection with the performance of  
4 governmental and public service functions.

5 (d) Nothing in this Section prohibits the funds of a  
6 political committee which is controlled by a person convicted  
7 of a violation of any of the offenses listed in subsection (a)  
8 of Section 10 of the Public Corruption Profit Forfeiture Act  
9 from being forfeited to the State under Section 15 of the  
10 Public Corruption Profit Forfeiture Act.

11 (Source: P.A. 100-1027, eff. 1-1-19.)