



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5062

Introduced 2/18/2020, by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.10

Amends the Election Code. Provides that the terms and conditions of any loan or credit agreement from a committee shall be set forth in a written agreement that shall be executed by the chair or treasurer of the committee at the time of the loan or credit agreement. Effective immediately.

LRB101 16523 SMS 65906 b

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 or from a committee

1 shall be set forth in a written agreement, including but
2 not limited to the method and amount of repayment, that
3 shall be executed by the chair or treasurer of the
4 committee at the time of the loan or credit agreement. The
5 loan or agreement shall also set forth the rate of interest
6 for the loan, if any, which may not substantially exceed
7 the prevailing market interest rate at the time the
8 agreement is executed.

9 (4) For the satisfaction or repayment of any debts or
10 for the payment of any expenses relating to a personal
11 residence. Campaign funds may not be used as collateral for
12 home mortgages.

13 (5) For clothing or personal laundry expenses, except
14 clothing items rented by the public official or candidate
15 for his or her own use exclusively for a specific
16 campaign-related event, provided that committees may
17 purchase costumes, novelty items, or other accessories
18 worn primarily to advertise the candidacy.

19 (6) For the travel expenses of any person unless the
20 travel is necessary for fulfillment of political,
21 governmental, or public policy duties, activities, or
22 purposes.

23 (7) For membership or club dues charged by
24 organizations, clubs, or facilities that are primarily
25 engaged in providing health, exercise, or recreational
26 services; provided, however, that funds received under

1 this Article may be used to rent the clubs or facilities
2 for a specific campaign-related event.

3 (8) In payment for anything of value or for
4 reimbursement of any expenditure for which any person has
5 been reimbursed by the State or any person. For purposes of
6 this item (8), a per diem allowance is not a reimbursement.

7 (9) For the purchase of or installment payment for a
8 motor vehicle unless the political committee can
9 demonstrate that purchase of a motor vehicle is more
10 cost-effective than leasing a motor vehicle as permitted
11 under this item (9). A political committee may lease or
12 purchase and insure, maintain, and repair a motor vehicle
13 if the vehicle will be used primarily for campaign purposes
14 or for the performance of governmental duties. A committee
15 shall not make expenditures for use of the vehicle for
16 non-campaign or non-governmental purposes. Persons using
17 vehicles not purchased or leased by a political committee
18 may be reimbursed for actual mileage for the use of the
19 vehicle for campaign purposes or for the performance of
20 governmental duties. The mileage reimbursements shall be
21 made at a rate not to exceed the standard mileage rate
22 method for computation of business expenses under the
23 Internal Revenue Code.

24 (10) Directly for an individual's tuition or other
25 educational expenses, except for governmental or political
26 purposes directly related to a candidate's or public

1 official's duties and responsibilities.

2 (11) For payments to a public official or candidate or
3 his or her family member unless for compensation for
4 services actually rendered by that person. The provisions
5 of this item (11) do not apply to expenditures by a
6 political committee in an aggregate amount not exceeding
7 the amount of funds reported to and certified by the State
8 Board or county clerk as available as of June 30, 1998, in
9 the semi-annual report of contributions and expenditures
10 filed by the political committee for the period concluding
11 June 30, 1998.

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

24 (c) Nothing in this Section prohibits the expenditure of
25 funds of a political committee controlled by an officeholder or
26 by a candidate to defray the customary and reasonable expenses

1 of an officeholder in connection with the performance of
2 governmental and public service functions.

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

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.