



**ILLINOIS SUPREME COURT RULES LIMITED CIRCUMSTANCES
ALLOW CAMPAIGN FUNDS TO BE USED FOR LEGAL FEES**

In late March, the Illinois Supreme Court issued a decision in *Byron Sigcho-Lopez v. The Illinois State Board of Elections, et al.*, 2022 IL 127253. In the decision, the Court held the Illinois Election Code allows campaign funds to be used, in limited circumstances, to pay for legal fees. The decision was 4-0, with three Justices recusing themselves.

Byron Sigcho-Lopez, Alderman for Chicago's 25th Ward, filed a complaint with the Illinois Election Board in late 2019. The 25th Ward Regular Democratic Organization had paid over \$200,000 in legal fees for Alderman Sigcho-Lopez's predecessor, Daniel Solis. The legal fees were paid to a firm that Alderman Solis had retained when he began cooperating with the FBI and the U.S. Department of Justice in an investigation of alleged political corruption of Illinois officials. Solis himself had faced federal allegations of corruption. Alderman Sigcho-Lopez's complaint alleged this was a violation of the Campaign Disclosure Act. Sigcho-Lopez alleged that the payment of the legal fees was for a personal debt not related to campaign or for governmental or political purposes.

The Election Board dismissed the complaint, and the First District Appellate Court affirmed the dismissal. The Illinois Supreme Court ruled that the complaint was not factually or legally justified and affirmed the dismissal. The Court found that Solis was not indicted on federal charges, so the expenditures were for work he did with federal investigators using his official capacity to expose public corruption. The Court found that the payments did not violate the Campaign Disclosure Act because they were made "to defray the customary and reasonable expenses of an officeholder in connection with the performance of governmental and

public service functions.” The Court ruled that in limited circumstances, under the plain language of the campaign disclosure and regulation provisions of the Election Code, “the [Election] Board may appropriately allow the use of campaign funds to pay for legal expenses in defending such allegations.” However, the Court distinguished “that a public official’s actions that result ... in convictions of official misconduct or corruption are ‘clearly committed for their own interests.’” would be an unreasonable interpretation of the Election Code.

The Court stated that until the General Assembly amends the Election Code to prohibit payment of campaign funds for legal fees incurred in the defense of criminal allegations against a public official or candidate, such matters would have to be addressed on a case by case basis by the Election Board.

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Dated: April 18, 2022

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