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SPRINGFIELD

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FILE NO. S-1178

**SPECIAL DISTRICTS:  
Expenditures of Park District  
Funds For Campaign Purposes**

Honorable James R. Washburn  
House Minority Leader  
Illinois House of Representatives  
300 State Capitol Building  
Springfield, Illinois 62706

Dear Representative Washburn:

This responds to your letter requesting my opinion concerning the use of park district funds to campaign for the passage of certain bonding referenda. You first ask whether park district officials may use district funds for such purposes, and in my opinion they may not.

Section 8 of article VII of the Illinois Constitution of 1970 provides in pertinent part:

"Townships, school districts special districts and units, designated by law as units of local government, which exercise

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limited governmental powers or powers in  
respect to limited governmental subjects  
shall have only powers granted by law.  
\* \* \*

It is evident, therefore, that a "special district" such as  
a park district, may not expend district funds absent statutory  
authorization.

The general powers of park districts are set forth  
in article 8 of the Park District Code. (Ill. Rev. Stat. 1975,  
ch. 105, pars. 8-1 et seq.) I find nothing in article 8 or  
any other provision of the Park District Code authorizing an  
expenditure of park district funds for the purpose described  
in your letter. It is therefore my opinion that park district  
officials may not make such expenditures.

You next ask what penalties, if any, may be imposed  
upon park district officials who expend district funds without  
authority. In this regard, I point out section 33-3 of the  
Criminal Code of 1961 (Ill. Rev. Stat. 1975, ch. 38, par. 33-3),  
which provides in pertinent part that:

"A public officer or employee commits  
misconduct when, in his official capacity,  
he commits any of the following acts:

\* \* \*

(b) Knowingly performs an act which he  
knows he is forbidden by law to perform;

\* \* \*

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In People v. Campbell, 3 Ill. App. 3d 984, at 988, the court held that the language of this provision "negates the theory that every person is presumed to know the law, and requires an allegation and proof of a special knowledge on the part of those charged under par. 33-3(b)". Therefore, if it can be demonstrated that the park district officials in question possessed the special knowledge spoken of by the court in People v. Campbell, those officials would be subject to the penalties provided under section 33-3.

Finally, you ask whether a park district which expends over \$1,000 in support of a referendum has to file as a "local political committee" under article 9 of The Election Code. (Ill. Rev. Stat. 1975, ch. 46, pars. 9-1 et seq.)

Section 9-1.7 of The Election Code (Ill. Rev. Stat. 1975, ch. 46, par. 9-1.7) provides in part that a "local political committee" is:

" \* \* \* [T]he candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which --

\* \* \*

(b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$1,000 in support of or in opposition to any question of public policy to be

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submitted to the electors of an area encompassing no more than one county.

\* \* \*

In the absence of specific language to the contrary, it is presumed that the legislature intends that the words in a statute be given their ordinary and popularly understood meanings. (Bowman v. Armour & Co., 17 Ill. 2d 43.) Section 9-1.7 defines a "local political committee" as any "organization or group of persons" which accepts contributions or makes expenditures of \$1,000 or more in support of any question of public policy.

In the situation you describe the commissioners of a park district have expended more than \$1,000 in district funds in support of a question of public policy. These commissioners clearly qualify as a "group of persons" and therefore it is my opinion that they constitute a "local political committee" within the meaning of the statute. I am further of the opinion, however, that since the action of the commissioners in question was beyond their power, it would be more appropriate if they filed in their own names, as a private interest group, rather than in the name of the park district.

Very truly yours,

A T T O R N E Y   G E N E R A L