



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5765

Introduced 02/22/06, by Rep. John A. Fritchey - William Delgado - David E. Miller - Elizabeth Coulson - Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-47 new	
5 ILCS 430/50-5	
15 ILCS 305/14	
25 ILCS 160/3 new	
25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/3.1	
25 ILCS 170/5	
25 ILCS 170/6	from Ch. 63, par. 176
25 ILCS 170/6.5	
25 ILCS 170/7	from Ch. 63, par. 177
25 ILCS 170/10	from Ch. 63, par. 180
25 ILCS 170/11	from Ch. 63, par. 181
25 ILCS 170/4 rep.	

Amends the State Officials and Employees Ethics Act to impose revolving door restrictions on executive branch and legislative branch officers and employees. Amends the Secretary of State Act to give the Secretary of State Inspector General the authority to investigate lobbyist wrongdoing. Amends the General Assembly Staff Assistants Act concerning committee witness slips. Amends the Lobbyist Registration Act with respect to the following: the definition of "official"; lobbying entities; registration under the Act; serving on boards and commissions; reports; gifts; penalties; and other matters. Effective July 1, 2006.

LRB094 19539 RCE 55526 b

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by adding Section 5-47 and by changing Section 50-5 as  
6 follows:

7 (5 ILCS 430/5-47 new)

8 Sec. 5-47. Lobbying; revolving door.

9 (a) No executive branch State employee may accept  
10 compensation or other employment as a lobbyist representing  
11 clients before any State agency for which the employee worked  
12 for one year from the date the employee left that agency.

13 (b) No employee or member of the legislative branch who  
14 leaves that position between August 1 and the next November 30  
15 may accept compensation or other employment lobbying the  
16 legislature until after the adjournment of the next Spring  
17 legislative session, and no employee or member of the  
18 legislative branch who leaves that position between December 1  
19 and the next July 31 may accept compensation or other  
20 employment lobbying the legislature until after the conclusion  
21 of the next veto session.

22 (5 ILCS 430/50-5)

23 Sec. 50-5. Penalties.

24 (a) A person is guilty of a Class A misdemeanor if that  
25 person intentionally violates any provision of Section 5-15,  
26 5-30, 5-40, ~~or~~ 5-45, or 5-47 or Article 15.

27 (b) A person who intentionally violates any provision of  
28 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business  
29 offense subject to a fine of at least \$1,001 and up to \$5,000.

30 (c) A person who intentionally violates any provision of  
31 Article 10 is guilty of a business offense and subject to a

1 fine of at least \$1,001 and up to \$5,000.

2 (d) Any person who intentionally makes a false report  
3 alleging a violation of any provision of this Act to an ethics  
4 commission, an inspector general, the State Police, a State's  
5 Attorney, the Attorney General, or any other law enforcement  
6 official is guilty of a Class A misdemeanor.

7 (e) An ethics commission may levy an administrative fine of  
8 up to \$5,000 against any person who violates this Act, who  
9 intentionally obstructs or interferes with an investigation  
10 conducted under this Act by an inspector general, or who  
11 intentionally makes a false, frivolous, or bad faith  
12 allegation.

13 (f) In addition to any other penalty that may apply,  
14 whether criminal or civil, a State employee who intentionally  
15 violates any provision of Section 5-15, 5-20, 5-30, 5-35, 5-40,  
16 or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is  
17 subject to discipline or discharge by the appropriate ultimate  
18 jurisdictional authority.

19 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

20 Section 10. The Secretary of State Act is amended by  
21 changing Section 14 as follows:

22 (15 ILCS 305/14)

23 Sec. 14. Inspector General.

24 (a) The Secretary of State must, with the advice and  
25 consent of the Senate, appoint an Inspector General for the  
26 purpose of detection, deterrence, and prevention of fraud,  
27 corruption, mismanagement, gross or aggravated misconduct, or  
28 misconduct that may be criminal in nature in the Office of the  
29 Secretary of State. The Inspector General shall serve a 5-year  
30 term. If no successor is appointed and qualified upon the  
31 expiration of the Inspector General's term, the Office of  
32 Inspector General is deemed vacant and the powers and duties  
33 under this Section may be exercised only by an appointed and  
34 qualified interim Inspector General until a successor

1 Inspector General is appointed and qualified. If the General  
2 Assembly is not in session when a vacancy in the Office of  
3 Inspector General occurs, the Secretary of State may appoint an  
4 interim Inspector General whose term shall expire 2 weeks after  
5 the next regularly scheduled session day of the Senate.

6 (b) The Inspector General shall have the following  
7 qualifications:

8 (1) has not been convicted of any felony under the laws  
9 of this State, another State, or the United States;

10 (2) has earned a baccalaureate degree from an  
11 institution of higher education; and

12 (3) has either (A) 5 or more years of service with a  
13 federal, State, or local law enforcement agency, at least 2  
14 years of which have been in a progressive investigatory  
15 capacity; (B) 5 or more years of service as a federal,  
16 State, or local prosecutor; or (C) 5 or more years of  
17 service as a senior manager or executive of a federal,  
18 State, or local agency.

19 (c) The Inspector General may review, coordinate, and  
20 recommend methods and procedures to increase the integrity of  
21 the Office of the Secretary of State. The duties of the  
22 Inspector General shall supplement and not supplant the duties  
23 of the Chief Auditor for the Secretary of State's Office or any  
24 other Inspector General that may be authorized by law. The  
25 Inspector General must report directly to the Secretary of  
26 State.

27 (d) In addition to the authority otherwise provided by this  
28 Section, but only when investigating the Office of the  
29 Secretary of State, its employees, or their actions for fraud,  
30 corruption, mismanagement, gross or aggravated misconduct, or  
31 misconduct that may be criminal in nature, the Inspector  
32 General is authorized:

33 (1) To have access to all records, reports, audits,  
34 reviews, documents, papers, recommendations, or other  
35 materials available that relate to programs and operations  
36 with respect to which the Inspector General has

1 responsibilities under this Section.

2 (2) To make any investigations and reports relating to  
3 the administration of the programs and operations of the  
4 Office of the Secretary of State that are, in the judgement  
5 of the Inspector General, necessary or desirable.

6 (3) To request any information or assistance that may  
7 be necessary for carrying out the duties and  
8 responsibilities provided by this Section from any local,  
9 State, or federal governmental agency or unit thereof.

10 (4) To require by subpoena the appearance of witnesses  
11 and the production of all information, documents, reports,  
12 answers, records, accounts, papers, and other data and  
13 documentary evidence necessary in the performance of the  
14 functions assigned by this Section, with the exception of  
15 subsection (c) and with the exception of records of a labor  
16 organization authorized and recognized under the Illinois  
17 Public Labor Relations Act to be the exclusive bargaining  
18 representative of employees of the Secretary of State,  
19 including, but not limited to, records of representation of  
20 employees and the negotiation of collective bargaining  
21 agreements. A subpoena may be issued under this paragraph  
22 (4) only by the Inspector General and not by members of the  
23 Inspector General's staff. A person duly subpoenaed for  
24 testimony, documents, or other items who neglects or  
25 refuses to testify or produce documents or other items  
26 under the requirements of the subpoena shall be subject to  
27 punishment as may be determined by a court of competent  
28 jurisdiction, unless (i) the testimony, documents, or  
29 other items are covered by the attorney-client privilege or  
30 any other privilege or right recognized by law or (ii) the  
31 testimony, documents, or other items concern the  
32 representation of employees and the negotiation of  
33 collective bargaining agreements by a labor organization  
34 authorized and recognized under the Illinois Public Labor  
35 Relations Act to be the exclusive bargaining  
36 representative of employees of the Secretary of State.

1 Nothing in this Section limits a person's right to  
2 protection against self-incrimination under the Fifth  
3 Amendment of the United States Constitution or Article I,  
4 Section 10, of the Constitution of the State of Illinois.

5 (5) To have direct and prompt access to the Secretary  
6 of State for any purpose pertaining to the performance of  
7 functions and responsibilities under this Section.

8 (d-5) In addition to the authority otherwise provided by  
9 this Section, the Secretary of State Inspector General shall  
10 investigate complaints and allegations of wrongdoing related  
11 to the Lobbyist Registration Act. When investigating those  
12 complaints and allegations, the Inspector General is  
13 authorized:

14 (1) To have access to all records, reports, audits,  
15 reviews, documents, papers, recommendations, or other  
16 materials available that relate to programs and operations  
17 with respect to which the Inspector General has  
18 responsibilities under this Section.

19 (2) To request any information or assistance that may  
20 be necessary for carrying out the duties and  
21 responsibilities provided by this Section from any local,  
22 State, or federal governmental agency or unit thereof.

23 (3) To require by subpoena the appearance of witnesses  
24 and the production of all information, documents, reports,  
25 answers, records, accounts, papers, and other data and  
26 documentary evidence necessary in the performance of the  
27 functions assigned by this Section. A subpoena may be  
28 issued under this paragraph (3) only by the Inspector  
29 General and not by members of the Inspector General's  
30 staff. A person duly subpoenaed for testimony, documents,  
31 or other items who neglects or refuses to testify or  
32 produce documents or other items under the requirements of  
33 the subpoena shall be subject to punishment as may be  
34 determined by a court of competent jurisdiction, unless the  
35 testimony, documents, or other items are covered by the  
36 attorney-client privilege or any other privilege or right

1 recognized by law. Nothing in this Section limits a  
2 person's right to protection against self-incrimination  
3 under the Fifth Amendment of the United States Constitution  
4 or Section 10 of Article I of the Constitution of the State  
5 of Illinois.

6 (4) To have direct and prompt access to the Secretary  
7 of State for any purpose pertaining to the performance of  
8 functions and responsibilities under this Section.

9 (e) The Inspector General may receive and investigate  
10 complaints or information from an employee of the Secretary of  
11 State concerning the possible existence of an activity  
12 constituting a violation of law, rules, or regulations;  
13 mismanagement; abuse of authority; or substantial and specific  
14 danger to the public health and safety. Any person ~~employee~~ who  
15 knowingly files a false complaint or files a complaint with  
16 reckless disregard for the truth or the falsity of the facts  
17 underlying the complaint may be subject to discipline as set  
18 forth in the rules of the Department of Personnel of the  
19 Secretary of State.

20 The Inspector General may not, after receipt of a complaint  
21 or information ~~from an employee~~, disclose the identity of the  
22 source ~~employee~~ without the consent of the source ~~employee~~,  
23 unless the Inspector General determines that disclosure of the  
24 identity is reasonable and necessary for the furtherance of the  
25 investigation.

26 Any employee who has the authority to recommend or approve  
27 any personnel action or to direct others to recommend or  
28 approve any personnel action may not, with respect to that  
29 authority, take or threaten to take any action against any  
30 employee as a reprisal for making a complaint or disclosing  
31 information to the Inspector General, unless the complaint was  
32 made or the information disclosed with the knowledge that it  
33 was false or with willful disregard for its truth or falsity.

34 (f) The Inspector General must adopt rules, in accordance  
35 with the provisions of the Illinois Administrative Procedure  
36 Act, establishing minimum requirements for initiating,

1 conducting, and completing investigations. The rules must  
2 establish criteria for determining, based upon the nature of  
3 the allegation, the appropriate method of investigation, which  
4 may include, but is not limited to, site visits, telephone  
5 contacts, personal interviews, or requests for written  
6 responses. The rules must also clarify how the Office of the  
7 Inspector General shall interact with other local, State, and  
8 federal law enforcement investigations.

9 Any employee of the Secretary of State subject to  
10 investigation or inquiry by the Inspector General or any agent  
11 or representative of the Inspector General concerning  
12 misconduct that is criminal in nature shall have the right to  
13 be notified of the right to remain silent during the  
14 investigation or inquiry and the right to be represented in the  
15 investigation or inquiry by an attorney or a representative of  
16 a labor organization that is the exclusive collective  
17 bargaining representative of employees of the Secretary of  
18 State. Any investigation or inquiry by the Inspector General or  
19 any agent or representative of the Inspector General must be  
20 conducted with an awareness of the provisions of a collective  
21 bargaining agreement that applies to the employees of the  
22 Secretary of State and with an awareness of the rights of the  
23 employees as set forth in State and federal law and applicable  
24 judicial decisions. Any recommendations for discipline or any  
25 action taken against any employee by the Inspector General or  
26 any representative or agent of the Inspector General must  
27 comply with the provisions of the collective bargaining  
28 agreement that applies to the employee.

29 (g) On or before January 1 of each year, the Inspector  
30 General shall report to the President of the Senate, the  
31 Minority Leader of the Senate, the Speaker of the House of  
32 Representatives, and the Minority Leader of the House of  
33 Representatives on the types of investigations and the  
34 activities undertaken by the Office of the Inspector General  
35 during the previous calendar year.

36 (Source: P.A. 93-559, eff. 8-20-03.)



1 Section 15. The General Assembly Staff Assistants Act is  
2 amended by adding Section 3 as follows:

3 (25 ILCS 160/3 new)

4 Sec. 3. During the period the General Assembly is in  
5 session, each legislative committee shall designate a staff  
6 person to ensure that any witness slips proffered for committee  
7 testimony are entered into an electronic database and posted  
8 with bill information on the General Assembly website.

9 Section 20. The Lobbyist Registration Act is amended by  
10 changing Sections 2, 3, 3.1, 5, 6, 6.5, 7, 10, and 11 as  
11 follows:

12 (25 ILCS 170/2) (from Ch. 63, par. 172)

13 Sec. 2. Definitions. As used in this Act, unless the  
14 context otherwise requires:

15 (a) "Person" means any individual, firm, partnership,  
16 committee, association, corporation, or any other organization  
17 or group of persons.

18 (b) "Expenditure" means a payment, distribution, loan,  
19 advance, deposit, or gift of money or anything of value, and  
20 includes a contract, promise, or agreement, whether or not  
21 legally enforceable, to make an expenditure, for the ultimate  
22 purpose of influencing executive, legislative, or  
23 administrative action, other than compensation as defined in  
24 subsection (d).

25 (c) "Official" means any officer, member, or employee as  
26 those terms are defined in the State Officials and Employees  
27 Ethics Act.÷

28 ~~(1) the Governor, Lieutenant Governor, Secretary of~~  
29 ~~State, Attorney General, State Treasurer, and State~~  
30 ~~Comptroller;~~

31 ~~(2) Chiefs of Staff for officials described in item~~

32 ~~(1);~~

1           ~~(3) Cabinet members of any elected constitutional~~  
2           ~~officer, including Directors, Assistant Directors and~~  
3           ~~Chief Legal Counsel or General Counsel;~~

4           ~~(4) Members of the General Assembly.~~

5           (d) "Compensation" means any money, thing of value or  
6           financial benefits received or to be received in return for  
7           services rendered or to be rendered, for lobbying as defined in  
8           subsection (e).

9           Monies paid to members of the General Assembly by the State  
10          as remuneration for performance of their Constitutional and  
11          statutory duties as members of the General Assembly shall not  
12          constitute compensation as defined by this Act.

13          (e)    "Lobby" and "lobbying"   ~~"Lobbying"~~ means any  
14          communication with an official of the executive or legislative  
15          branch of State government as defined in subsection (c) for the  
16          ultimate purpose of influencing any executive, legislative, or  
17          administrative action.

18          (f)    "Influencing" means any communication, action,  
19          reportable expenditure as prescribed in Section 6 or other  
20          means used to promote, support, affect, modify, oppose or delay  
21          any executive, legislative or administrative action or to  
22          promote goodwill with officials as defined in subsection (c).

23          (g)    "Executive action" means the proposal, drafting,  
24          development, consideration, amendment, adoption, approval,  
25          promulgation, issuance, modification, rejection or  
26          postponement by a State entity of a rule, regulation, order,  
27          decision, determination, contractual arrangement, purchasing  
28          agreement or other quasi-legislative or quasi-judicial action  
29          or proceeding.

30          (h)    "Legislative action" means the development, drafting,  
31          introduction, consideration, modification, adoption,  
32          rejection, review, enactment, or passage or defeat of any bill,  
33          amendment, resolution, report, nomination, administrative rule  
34          or other matter by either house of the General Assembly or a  
35          committee thereof, or by a legislator. Legislative action also  
36          means the action of the Governor in approving or vetoing any

1 bill or portion thereof, and the action of the Governor or any  
2 agency in the development of a proposal for introduction in the  
3 legislature.

4 (i) "Administrative action" means the execution or  
5 rejection of any rule, regulation, legislative rule, standard,  
6 fee, rate, contractual arrangement, purchasing agreement or  
7 other delegated legislative or quasi-legislative action to be  
8 taken or withheld by any executive agency, department, board or  
9 commission of the State.

10 (j) "Lobbyist" means any natural person who undertakes to  
11 lobby State government as provided in subsection (e).

12 (k) "Lobbying entity" means any entity that hires, retains,  
13 employs, or compensates a natural person to lobby State  
14 government as provided in subsection (e).

15 (Source: P.A. 88-187.)

16 (25 ILCS 170/3) (from Ch. 63, par. 173)

17 Sec. 3. Persons required to register.

18 (a) Except as provided in Section ~~Sections 4 and 9~~, any  
19 natural ~~the following persons shall register with the Secretary~~  
20 ~~of State as provided herein: (1) Any person who, for~~  
21 ~~compensation or otherwise, undertakes to lobby, or any either~~  
22 ~~individually or as an employee or contractual employee of~~  
23 ~~another person, undertakes to influence executive, legislative~~  
24 ~~or administrative action. (2) Any person or entity who employs~~  
25 ~~another person for the purposes of lobbying, shall register~~  
26 ~~with the Secretary of State as provided in this Act, unless~~  
27 ~~that person or entity qualifies for one or more of the~~  
28 ~~following exemptions influencing executive, legislative or~~  
29 ~~administrative action.~~

30 (1) Persons or entities who, for the purpose of  
31 influencing executive, legislative, or administrative  
32 action and who do not make expenditures that are reportable  
33 pursuant to Section 6, appear without compensation or  
34 promise thereof only as witnesses before committees of the  
35 House and Senate for the purpose of explaining or arguing

1 for or against the passage of or action upon any  
2 legislation then pending before those committees, or who  
3 seek without compensation or promise thereof the approval  
4 or veto of any legislation by the Governor.

5 (2) Persons or entities who own, publish, or are  
6 employed by a newspaper or other regularly published  
7 periodical, or who own or are employed by a radio station,  
8 television station, or other bona fide news medium that in  
9 the ordinary course of business disseminates news,  
10 editorial or other comment, or paid advertisements that  
11 directly urge the passage or defeat of legislation. This  
12 exemption is not applicable to such an individual insofar  
13 as he or she receives additional compensation or expenses  
14 from some source other than the bona fide news medium for  
15 the purpose of influencing executive, legislative, or  
16 administrative action. This exemption does not apply to  
17 newspapers and periodicals owned by or published by trade  
18 associations and profit corporations engaged primarily in  
19 endeavors other than dissemination of news.

20 (3) Persons or entities performing professional  
21 services in drafting bills or in advising and rendering  
22 opinions to clients as to the construction and effect of  
23 proposed or pending legislation when those professional  
24 services are not otherwise, directly or indirectly,  
25 connected with executive, legislative, or administrative  
26 action.

27 (4) Persons or entities who are employees of  
28 departments, divisions, or agencies of State government  
29 and who appear before committees of the House and Senate  
30 for the purpose of explaining how the passage of or action  
31 upon any legislation then pending before those committees  
32 will affect those departments, divisions, or agencies of  
33 State government.

34 (5) Employees of the General Assembly, legislators,  
35 legislative agencies, and legislative commissions who, in  
36 the course of their official duties only, engage in

1 activities that otherwise qualify as lobbying.

2 (6) Persons or entities in possession of technical  
3 skills and knowledge relevant to certain areas of  
4 executive, legislative, or administrative actions, whose  
5 skills and knowledge would be helpful to officials when  
6 considering those actions, whose activities are limited to  
7 making occasional appearances for or communicating on  
8 behalf of a registrant, and who do not make expenditures  
9 that are reportable pursuant to Section 6 even though  
10 receiving expense reimbursement for those occasional  
11 appearances.

12 (7) Any full-time employee of a bona fide church or  
13 religious organization who represents that organization  
14 solely for the purpose of protecting the right of the  
15 members thereof to practice the religious doctrines of that  
16 church or religious organization, or any such bona fide  
17 church or religious organization.

18 (8) Persons who receive no compensation other than  
19 reimbursement for expenses of up to \$500 per year while  
20 engaged in lobbying State government, unless those persons  
21 make expenditures that are reportable under Section 6.

22 (9) Any attorney or group or firm of attorneys in the  
23 course of representing a client in any administrative or  
24 judicial proceeding, or any witness providing testimony in  
25 any administrative or judicial proceeding, in which ex  
26 parte communications are not allowed and who does not make  
27 expenditures that are reportable pursuant to Section 6.

28 (10) Persons or entities who, in the scope of their  
29 employment as a vendor, offer or solicit an official for  
30 the purchase of any goods or services when (1) the  
31 solicitation is limited to either an oral inquiry or  
32 written advertisements and informative literature; or (2)  
33 the goods and services are subject to competitive bidding  
34 requirements of the Illinois Procurement Code; or (3) the  
35 goods and services are for sale at a cost not to exceed  
36 \$5,000; and (4) the persons or entities do not make

1 expenditures that are reportable under Section 6.

2 (b) It is a violation of this Act to engage in lobbying or  
3 to employ any person for the purpose of lobbying who is not  
4 registered with the Office of the Secretary of State, except  
5 upon condition that the person register and the person does in  
6 fact register within 2 business days after being employed or  
7 retained for lobbying services.

8 (Source: P.A. 93-615, eff. 11-19-03.)

9 (25 ILCS 170/3.1)

10 Sec. 3.1. Prohibition on serving on boards and commissions.  
11 Notwithstanding any other law of this State, on and after  
12 February 1, 2004, but not before that date, a person required  
13 to be registered under this Act, his or her spouse, and his or  
14 her immediate family members living with that person may not  
15 serve on a board, commission, authority, or task force  
16 authorized or created by State law or by executive order of the  
17 Governor if the lobbyist is engaged in the same subject area as  
18 defined in Section 5(c-6) as the board or commission; except  
19 that this restriction does not apply to any of the following:

20 (1) a registered lobbyist, his or her spouse, or any  
21 immediate family member living with the registered  
22 lobbyist, who is serving in an elective public office,  
23 whether elected or appointed to fill a vacancy; ~~and~~

24 (2) a registered lobbyist, his or her spouse, or any  
25 immediate family member living with the registered  
26 lobbyist, who is serving on a State advisory body that  
27 makes nonbinding recommendations to an agency of State  
28 government but does not make binding recommendations or  
29 determinations or take any other substantive action ; and

30 (3) a registered lobbyist, his or her spouse, or any  
31 immediate family member living with the registered  
32 lobbyist, if no one in the household is employed by the  
33 State at a base salary in excess of 60% of the Governor's  
34 salary.

35 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

1 (25 ILCS 170/5)

2 Sec. 5. Lobbyist registration and disclosure. Every person  
3 required to register under Section 3 shall before any service  
4 is performed which requires the person to register, but in any  
5 event not later than 2 business days after being employed or  
6 retained, and on or before each January 31 and July 31  
7 thereafter, file in the Office of the Secretary of State a  
8 ~~written~~ statement in a format prescribed by the Secretary of  
9 State containing the following information with respect to each  
10 person or entity employing or retaining the person required to  
11 register:

12 (a) The registrant's name, permanent address, e-mail  
13 address, if any, fax number, if any, business telephone  
14 number, and temporary address, if the registrant has a  
15 temporary address while lobbying.

16 (a-5) If the registrant is an organization or business  
17 entity, the information required under subsection (a) for  
18 each person associated with the registrant who will be  
19 lobbying, regardless of whether lobbying is a significant  
20 part of his or her duties.

21 (b) The name and address of the person or persons  
22 employing or retaining registrant to perform such services  
23 or on whose behalf the registrant appears.

24 (c) A brief description of the executive, legislative,  
25 or administrative action in reference to which such service  
26 is to be rendered.

27 (c-5) Each executive and legislative branch agency the  
28 registrant expects to lobby during the registration  
29 period.

30 (c-6) The nature of the client's business, by  
31 indicating all of the following categories that apply: (1)  
32 banking and financial services, (2) manufacturing, (3)  
33 education, (4) environment, (5) healthcare, (6) insurance,  
34 (7) community interests, (8) labor, (9) public relations or  
35 advertising, (10) marketing or sales, (11) hospitality,

1 (12) engineering, (13) information or technology products  
2 or services, (14) social services, (15) public utilities,  
3 (16) racing or wagering, (17) real estate or construction,  
4 (18) telecommunications, (19) trade or professional  
5 association, (20) travel or tourism, (21) transportation,  
6 and (22) other (setting forth the nature of that other  
7 business).

8 The registrant must file an amendment to the statement  
9 within 14 calendar days to report any substantial change or  
10 addition to the information previously filed, except that a  
11 registrant must file an amendment to the statement to disclose  
12 a new agreement to retain the registrant for lobbying services  
13 before any service is performed which requires the person to  
14 register, but in any event not later than 2 business days after  
15 entering into the retainer agreement.

16 ~~Not later than 12 months after the effective date of this~~  
17 ~~amendatory Act of the 93rd General Assembly, or as soon~~  
18 ~~thereafter as the Secretary of State has provided adequate~~  
19 ~~software to the persons required to file, all statements and~~  
20 ~~amendments to statements required to be filed shall be filed~~  
21 ~~electronically. The Secretary of State shall promptly make all~~  
22 ~~filed statements and amendments to statements publicly~~  
23 ~~available by means of a searchable database that is accessible~~  
24 ~~through the World Wide Web. The Secretary of State shall~~  
25 ~~provide all software necessary to comply with this provision to~~  
26 ~~all persons required to file. The Secretary of State shall~~  
27 ~~implement a plan to provide computer access and assistance to~~  
28 ~~persons required to file electronically.~~

29 Persons required to register under this Act prior to July  
30 1, 2003, shall remit a single, annual and nonrefundable \$50  
31 registration fee. All fees collected for registrations prior to  
32 July 1, 2003, shall be deposited into the Lobbyist Registration  
33 Administration Fund for administration and enforcement of this  
34 Act. Beginning July 1, 2003, all persons other than entities  
35 qualified under Section 501(c)(3) of the Internal Revenue Code  
36 required to register under this Act shall remit a single,



1 annual, and nonrefundable \$350 registration fee. Entities  
2 required to register under this Act which are qualified under  
3 Section 501(c)(3) of the Internal Revenue Code shall remit a  
4 single, annual, and nonrefundable \$150 registration fee. Each  
5 individual required to register under this Act shall submit, on  
6 an annual basis, a picture of the registrant. A registrant may,  
7 in lieu of submitting a picture on an annual basis, authorize  
8 the Secretary of State to use any photo identification  
9 available in any database maintained by the Secretary of State  
10 for other purposes. Of each registration fee collected for  
11 registrations on or after July 1, 2003, \$50 shall be deposited  
12 into the Lobbyist Registration Administration Fund for  
13 administration and enforcement of this Act and is intended to  
14 be used to implement and maintain electronic filing of reports  
15 under this Act, the next \$100 shall be deposited into the  
16 Lobbyist Registration Administration Fund for administration  
17 and enforcement of this Act, and any balance shall be deposited  
18 into the General Revenue Fund.

19 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;  
20 93-617, eff. 12-9-03.)

21 (25 ILCS 170/6) (from Ch. 63, par. 176)

22 Sec. 6. Reports.

23 (a) Lobbyist reports. Except as otherwise provided in this  
24 Section, every lobbyist registered under this Act who is solely  
25 employed by a lobbying entity ~~person required to register as~~  
26 ~~prescribed in Section 3~~ shall file an affirmation report,  
27 verified under oath pursuant to Section 1-109 of the Code of  
28 Civil Procedure, with to the Secretary of State attesting to  
29 the accuracy of any reports filed pursuant to subsection (b) as  
30 those reports pertain to work performed by the lobbyist. Any  
31 lobbyist registered under this Act who is not solely employed  
32 by a lobbying entity shall personally file reports required of  
33 lobbying entities pursuant to subsection (b). A lobbyist may,  
34 if authorized so to do by a lobbying entity by whom he or she is  
35 employed or retained, file lobbying entity reports pursuant to

1 section (b) provided that the lobbying entity may delegate the  
2 filing of the lobbying entity report to only one lobbyist in  
3 any reporting period ~~all expenditures for lobbying made or~~  
4 ~~incurred by the lobbyist on his behalf or the behalf of his~~  
5 ~~employer. In the case where an individual is solely employed by~~  
6 ~~another person to perform job related functions any part of~~  
7 ~~which includes lobbying, the employer shall be responsible for~~  
8 ~~reporting all lobbying expenditures incurred on the employer's~~  
9 ~~behalf as shall be identified by the lobbyist to the employer~~  
10 ~~preceding such report. Persons who contract with another person~~  
11 ~~to perform lobbying activities shall be responsible for~~  
12 ~~reporting all lobbying expenditures incurred on the employer's~~  
13 ~~behalf. Any additional lobbying expenses incurred by the~~  
14 ~~employer which are separate and apart from those incurred by~~  
15 ~~the contractual employee shall be reported by the employer.~~

16 (b) Lobbying entity reports. Except as otherwise provided  
17 in this Section, every lobbying entity registered under this  
18 Act shall report all revenues and expenditures related to  
19 lobbying. The report shall itemize each individual expenditure  
20 or transaction over \$10, shall include an aggregate total for  
21 all non-itemized expenditures or transactions, \$100 and shall  
22 include the name of the official on whose behalf the  
23 expenditure was made, the name of the client on whose behalf  
24 the expenditure was made, the total amount of the expenditure,  
25 a description of the expenditure, the address and location of  
26 the expenditure if the expenditure was for an intangible item  
27 such as lodging, the date on which the expenditure occurred and  
28 the subject matter of the lobbying activity, if any.

29 The report shall include the names and addresses of all  
30 clients who retained the lobbying entity together with an  
31 itemized description for each client of the following: (1)  
32 lobbying regarding executive action, including the name of any  
33 agency lobbied, the names of any officials lobbied, the  
34 specific subject matter discussed with each agency or official,  
35 and the total amount billed to the client, together with  
36 subtotals for professional services and reimbursements; (2)

1 lobbying regarding legislative action, including the names of  
2 any officials lobbied, the specific subject matter discussed,  
3 including bill numbers when available, and the total amount  
4 billed to the client, together with subtotals for professional  
5 services and reimbursements; and (3) lobbying regarding  
6 administrative action, including the specific subject matter  
7 and the total billed to the client, including subtotals for  
8 professional services and reimbursements. Registrants who made  
9 no reportable expenditures during a reporting period shall file  
10 a report stating that no expenditures were incurred.

11 Expenditures attributable to lobbying officials shall be  
12 listed and reported according to the following categories:

13 (1) travel and lodging on behalf of others.

14 (2) meals, beverages and other entertainment.

15 (3) gifts (indicating which, if any, are on the basis  
16 of personal friendship).

17 (4) honoraria.

18 (5) any other thing or service of value not listed  
19 under categories (1) through (4), setting forth a  
20 description of the expenditure. The category travel and  
21 lodging includes, but is not limited to, all travel and  
22 living accommodations made for or on behalf of State  
23 officials in the State capital during sessions of the  
24 General Assembly.

25 ~~Individual expenditures required to be reported as~~  
26 ~~described herein which are equal to or less than \$100 in value~~  
27 ~~need not be itemized but are required to be categorized and~~  
28 ~~reported by officials in an aggregate total in a manner~~  
29 ~~prescribed by rule of the Secretary of State.~~

30 (b-3) Expenditures incurred for hosting receptions,  
31 benefits and other large gatherings held for purposes of  
32 goodwill or otherwise to influence executive, legislative or  
33 administrative action to which there are 25 or more State  
34 officials invited shall be reported listing only the total  
35 amount of the expenditure, the date of the event, ~~and~~ the  
36 estimated number of officials in attendance, and the names of

1 any officials known to have attended.

2 (b-5) Each individual expenditure required to be reported  
3 shall include all expenses made for or on behalf of State  
4 officials and their immediate family members ~~of the immediate~~  
5 ~~family of those persons.~~

6 ~~The category travel and lodging includes, but is not~~  
7 ~~limited to, all travel and living accommodations made for or on~~  
8 ~~behalf of State officials in the capital during sessions of the~~  
9 ~~General Assembly.~~

10 (b-7) Matters excluded from reports. Reasonable and bona  
11 fide expenditures made by the registrant who is a member of a  
12 legislative or State study commission or committee while  
13 attending and participating in meetings and hearings of such  
14 commission or committee need not be reported.

15 Reasonable and bona fide expenditures made by the  
16 registrant for personal sustenance, lodging, travel, office  
17 expenses and clerical or support staff need not be reported.

18 ~~Salaries, fees, and other compensation paid to a lobbyist~~  
19 ~~the registrant~~ for the purposes of lobbying need not be  
20 reported, but total billings by lobbying entities or, if the  
21 lobbyist was personally employed by more than one lobbying  
22 entity, to clients shall be included in the report.  
23 Expenditures made for activities covered in items (1) through  
24 (10) of Section 3(a) may be excluded from the report.

25 Any contributions required to be reported under Article 9  
26 of the Election Code need not be reported.

27 ~~The report shall include: (1) the name of each State~~  
28 ~~government entity lobbied; (2) whether the lobbying involved~~  
29 ~~executive, legislative, or administrative action, or a~~  
30 ~~combination; (3) the names of the persons who performed the~~  
31 ~~lobbyist services; and (4) a brief description of the~~  
32 ~~legislative, executive, or administrative action involved.~~

33 ~~Except as otherwise provided in this subsection, gifts and~~  
34 ~~honoraria returned or reimbursed to the registrant within 30~~  
35 ~~days of the date of receipt shall not be reported.~~

36 ~~A gift or honorarium returned or reimbursed to the~~

1 ~~registrant within 10 days after the official receives a copy of~~  
2 ~~a report pursuant to Section 6.5 shall not be included in the~~  
3 ~~final report unless the registrant informed the official,~~  
4 ~~contemporaneously with the receipt of the gift or honorarium,~~  
5 ~~that the gift or honorarium is a reportable expenditure~~  
6 ~~pursuant to this Act.~~

7 ~~(c) Reports under this Section shall be filed by July 31,~~  
8 ~~for expenditures from the previous January 1 through the later~~  
9 ~~of June 30 or the final day of the regular General Assembly~~  
10 ~~session, and by January 31, for expenditures from the entire~~  
11 ~~previous calendar year.~~

12 ~~Registrants who made no reportable expenditures during a~~  
13 ~~reporting period shall file a report stating that no~~  
14 ~~expenditures were incurred. Such reports shall be filed in~~  
15 ~~accordance with the deadlines as prescribed in this subsection.~~

16 A registrant who terminates employment or duties which  
17 required him to register under this Act shall give the  
18 Secretary of State, within 30 days after the date of such  
19 termination, written notice of such termination and shall  
20 include therewith a report of the revenues and expenditures  
21 described herein, covering the period of time since the filing  
22 of his last report to the date of termination of employment.  
23 Such notice and report shall be final and relieve such  
24 registrant of further reporting under this Act, unless and  
25 until he later takes employment or assumes duties requiring him  
26 to again register under this Act.

27 (d) Failure to file any such report within the time  
28 designated or the reporting of incomplete information shall  
29 constitute a violation of this Act.

30 A registrant shall preserve for a period of 2 years all  
31 receipts and records used in preparing reports under this Act.

32 (e) Within 30 days after a filing deadline, the lobbyist  
33 shall notify each official on whose behalf an expenditure has  
34 been reported. Notification shall include the name of the  
35 registrant, the total amount of the expenditure, a description  
36 of the expenditure, the date on which the expenditure occurred,

1 and the subject matter of the lobbying activity.

2 (f) Lobbyist and lobbying entity reports shall be filed by  
3 July 31, for the period January 1 through June 30 immediately  
4 preceding, and by January 31 for the period July 1 through  
5 December 31 immediately preceding. A report filed under this  
6 Act is due in the Office of the Secretary of State no later  
7 than the close of business on the date on which it is required  
8 to be filed.

9 (g) All reports filed under this Act shall be filed in a  
10 format or on forms prescribed by the Secretary of State.

11 (Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

12 (25 ILCS 170/6.5)

13 Sec. 6.5. Disposition of Gifts ~~Response to report by~~  
14 ~~official.~~

15 (a) Every person required to register as prescribed in  
16 Section 3 and required to file a report with the Secretary of  
17 State as prescribed in Section 6 shall, at least 25 days before  
18 filing the report, provide a copy of the report to each  
19 official listed in the report by first class mail or hand  
20 delivery. An official may, within 10 days after receiving the  
21 copy of the report, provide written objections to the report by  
22 first class mail or hand delivery to the person required to  
23 file the report. If those written objections conflict with the  
24 final report that is filed, the written objections shall be  
25 filed along with the report.

26 (b) If an official who receives a gift from a lobbyist or  
27 lobbying entity returned the gift, reimbursed the giver for the  
28 gift, donated the gift to charity, or otherwise surrendered  
29 possession of the gift to a person or entity outside of his or  
30 her household, then the official shall return a copy of the  
31 report supplied to the official under Section 6 to the  
32 Secretary of State indicating the disposition of the gift.  
33 Reports filed pursuant to this Section shall be filed with the  
34 Secretary of State by September 1, for gifts received during  
35 the period January 1 through June 30 immediately preceding, or

1 by March 1, for gifts received during the period July 1 to  
2 December 31 immediately preceding. Reports filed pursuant to  
3 this Section shall not be admissible as evidence of a violation  
4 of Article 10 of the State Officials and Employees Ethics Act,  
5 provided that the gifts were disposed of in accordance with  
6 Section 10-30 of the State Officials and Employees Ethics Act.

7 (c) Failure to provide a copy of the report to an official  
8 listed in the report within the time designated in this Section  
9 is a violation of this Act.

10 (Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

11 (25 ILCS 170/7) (from Ch. 63, par. 177)

12 Sec. 7. Duties of the Secretary of State.

13 (a) It shall be the duty of the Secretary of State to  
14 provide appropriate forms for the registration and reporting of  
15 information required by this Act and to keep such registrations  
16 and reports on file in his office for 3 years from the date of  
17 filing. He shall also provide and maintain a register with  
18 appropriate blanks and indexes so that the information required  
19 in Sections 5 and 6 of this Act may be accordingly entered.  
20 Such records shall be considered public information and open to  
21 public inspection.

22 ~~A report filed under this Act is due in the Office of the~~  
23 ~~Secretary of State no later than the close of business on the~~  
24 ~~date on which it is required to be filed.~~

25 (b) Within 10 days after a filing deadline, the Secretary  
26 of State shall notify persons he determines are required to  
27 file but have failed to do so.

28 (c) The Secretary of State shall provide adequate software  
29 to the persons required to file under this Act, and all  
30 registrations, reports, statements, and amendments required to  
31 be filed shall be filed electronically. ~~Not later than 12~~  
32 ~~months after the effective date of this amendatory Act of the~~  
33 ~~93rd General Assembly, or as soon thereafter as the Secretary~~  
34 ~~of State has provided adequate software to the persons required~~  
35 ~~to file, all reports required under this Act shall be filed~~

1 ~~electronically.~~ The Secretary of State shall promptly make all  
2 filed reports publicly available by means of a searchable  
3 database that is accessible through the World Wide Web. The  
4 Secretary of State shall provide all software necessary to  
5 comply with this provision to all persons required to file. The  
6 Secretary of State shall implement a plan to provide computer  
7 access and assistance to persons required to file  
8 electronically.

9 (d) Not later than 12 months after the effective date of  
10 this amendatory Act of the 93rd General Assembly, the Secretary  
11 of State shall include registrants' pictures when publishing or  
12 posting on his or her website the information required in  
13 Section 5.

14 (e) The Secretary of State shall receive and investigate  
15 allegations of violations of this Act. Any employee of the  
16 Secretary of State who receives an allegation shall immediately  
17 transmit it to the Secretary of State Inspector General.

18 (Source: P.A. 93-615, eff. 11-19-03.)

19 (25 ILCS 170/10) (from Ch. 63, par. 180)

20 Sec. 10. Penalties.

21 (a) Any person who violates any of the provisions of this  
22 Act shall be guilty of a business offense and shall be fined  
23 not more than \$10,000 for each violation. Every day that a  
24 report or registration is late shall constitute a separate  
25 violation. In determining the appropriate fine for each  
26 violation, the trier of fact shall consider the scope of the  
27 entire lobbying project, the nature of activities conducted  
28 during the time the person was in violation of this Act, and  
29 whether or not the violation was intentional or unreasonable.

30 (b) In addition to the penalties provided for in subsection  
31 (a) of this Section, any person convicted of any violation of  
32 any provision of this Act is prohibited for a period of three  
33 years from the date of such conviction from lobbying.

34 (c) There is created in the State treasury a special fund  
35 to be known as the Lobbyist Registration Administration Fund.



1 All fines collected in the enforcement of this Section shall be  
2 deposited into the Fund. These funds shall, subject to  
3 appropriation, be used by the Office of the Secretary of State  
4 for implementation and administration of this Act.

5 (Source: P.A. 88-187.)

6 (25 ILCS 170/11) (from Ch. 63, par. 181)

7 Sec. 11. Enforcement ~~Venue~~.

8 (a) The Secretary of State Inspector General appointed  
9 under Section 14 of the Secretary of State Act shall initiate  
10 investigations of violations of this Act upon receipt of an  
11 allegation. If the Inspector General finds credible evidence of  
12 a violation, he or she shall make the information available to  
13 the public and transmit copies of the evidence to the alleged  
14 violator. If the violator does not correct the violation within  
15 30 days, the Inspector General shall transmit the full record  
16 of the investigation to any appropriate State's Attorney or to  
17 the Attorney General.

18 (b) Any violation of this Act may be prosecuted in the  
19 county where the offense is committed or in Sangamon County. In  
20 addition to the State's Attorney of the appropriate county, the  
21 Attorney General of Illinois also is authorized to prosecute  
22 any violation of this Act.

23 (Source: P.A. 76-1848.)

24 (25 ILCS 170/4 rep.)

25 Section 25. The Lobbyist Registration Act is amended by  
26 repealing Section 4.

27 Section 99. Effective date. This Act takes effect July 1,  
28 2006.