

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-106.5 as follows:

6 (5 ILCS 420/4A-106.5)

7 Sec. 4A-106.5. Persons filing statements with county
8 clerk; notice; certification of list of names; alphabetical
9 list; receipt; examination and copying of statements. The
10 statements of economic interests required of persons listed in
11 Section 4A-101.5 shall be filed with the county clerk of the
12 county in which the principal office of the unit of local
13 government with which the person is associated is located. If
14 it is not apparent which county the principal office of a unit
15 of local government is located, the chief administrative
16 officer, or his or her designee, has the authority, for
17 purposes of this Act, to determine the county in which the
18 principal office is located. Annually, on or before February 1,
19 the ~~The~~ chief administrative officer, or his or her designee,
20 of each unit of local government with persons described in
21 Section 4A-101.5 shall certify to the appropriate county clerk
22 a list of names and addresses of persons that are required to
23 file. In preparing the lists, each chief administrative

1 officer, or his or her designee, shall set out the names in
2 alphabetical order.

3 On or before April 1 annually, the county clerk of each
4 county shall notify all persons whose names have been certified
5 to him under Section 4A-101.5, other than candidates for office
6 who have filed their statements with their nominating
7 petitions, of the requirements for filing statements of
8 economic interests. A person required to file with a county
9 clerk by virtue of more than one item among items set forth in
10 Section 4A-101.5 shall be notified of and is required to file
11 only one statement of economic interests relating to all items
12 under which the person is required to file with that county
13 clerk.

14 Except as provided in Section 4A-106.1, the notices
15 provided for in this Section shall be in writing and deposited
16 in the U.S. Mail, properly addressed, first class postage
17 prepaid, on or before the day required by this Section for the
18 sending of the notice. Alternatively, a county clerk may send
19 the notices electronically to all persons whose names have been
20 thus certified to him. A certificate executed by a county clerk
21 attesting that he or she has sent the notice by the means
22 permitted by this Section constitutes prima facie evidence
23 thereof.

24 From the lists certified to him or her under this Section
25 of persons described in Section 4A-101.5, the clerk of each
26 county shall compile an alphabetical listing of persons

1 required to file statements of economic interests in his or her
2 office under any of those items. As the statements are filed in
3 his or her office, the county clerk shall cause the fact of
4 that filing to be indicated on the alphabetical listing of
5 persons who are required to file statements. Within 30 days
6 after the due dates, the county clerk shall mail to the State
7 Board of Elections a true copy of that listing showing those
8 who have filed statements.

9 The county clerk of each county shall note upon the
10 alphabetical listing the names of all persons required to file
11 a statement of economic interests who failed to file a
12 statement on or before May 1. It shall be the duty of the
13 several county clerks to give notice as provided in Section
14 4A-105 to any person who has failed to file his or her
15 statement with the clerk on or before May 1.

16 Any person who files or has filed a statement of economic
17 interest under this Section is entitled to receive from the
18 county clerk a receipt indicating that the person has filed
19 such a statement, the date of filing, and the identity of the
20 governmental unit or units in relation to which the filing is
21 required.

22 All statements of economic interests filed under this
23 Section shall be available for examination and copying by the
24 public at all reasonable times.

25 (Source: P.A. 101-221, eff. 8-9-19.)

1 Section 10. The State Officials and Employees Ethics Act is
2 amended by changing Sections 5-10.5, 20-5, 20-50, 20-63, 20-90,
3 25-5, 25-50, 25-63, and 25-90 as follows:

4 (5 ILCS 430/5-10.5)

5 Sec. 5-10.5. Harassment and discrimination prevention
6 training.

7 (a) Until 2020, each officer, member, and employee must
8 complete, at least annually, a sexual harassment training
9 program. A person who fills a vacancy in an elective or
10 appointed position that requires training under this Section
11 must complete his or her initial sexual harassment training
12 program within 30 days after commencement of his or her office
13 or employment. The training shall include, at a minimum, the
14 following: (i) the definition, and a description, of sexual
15 harassment utilizing examples; (ii) details on how an
16 individual can report an allegation of sexual harassment,
17 including options for making a confidential report to a
18 supervisor, ethics officer, Inspector General, or the
19 Department of Human Rights; (iii) the definition, and
20 description of, retaliation for reporting sexual harassment
21 allegations utilizing examples, including availability of
22 whistleblower protections under this Act, the Whistleblower
23 Act, and the Illinois Human Rights Act; and (iv) the
24 consequences of a violation of the prohibition on sexual
25 harassment and the consequences for knowingly making a false

1 report. Proof of completion must be submitted to the applicable
2 ethics officer. Sexual harassment training programs shall be
3 overseen by the appropriate Ethics Commission and Inspector
4 General appointed under this Act.

5 (a-5) Beginning in 2020, each officer, member, and employee
6 must complete, at least annually, a harassment and
7 discrimination prevention training program. A person who fills
8 a vacancy in an elective or appointed position that requires
9 training under this subsection must complete his or her initial
10 harassment and discrimination prevention training program
11 within 30 days after commencement of his or her office or
12 employment. The training shall include, at a minimum, the
13 following: (i) the definition and a description of sexual
14 harassment, unlawful discrimination, and harassment, including
15 examples of each; (ii) details on how an individual can report
16 an allegation of sexual harassment, unlawful discrimination,
17 or harassment, including options for making a confidential
18 report to a supervisor, ethics officer, Inspector General, or
19 the Department of Human Rights; (iii) the definition and
20 description of retaliation for reporting sexual harassment,
21 unlawful discrimination, or harassment allegations utilizing
22 examples, including availability of whistleblower protections
23 under this Act, the Whistleblower Act, and the Illinois Human
24 Rights Act; and (iv) the consequences of a violation of the
25 prohibition on sexual harassment, unlawful discrimination, and
26 harassment and the consequences for knowingly making a false

1 report. Proof of completion must be submitted to the applicable
2 ethics officer. Harassment and discrimination training
3 programs shall be overseen by the appropriate Ethics Commission
4 and Inspector General appointed under this Act.

5 For the purposes of this subsection, "unlawful
6 discrimination" and "harassment" refer ~~refers~~ to
7 discrimination and harassment prohibited under Section 2-102
8 of the Illinois Human Rights Act.

9 (b) Each ultimate jurisdictional authority shall submit to
10 the applicable Ethics Commission, at least annually, or more
11 frequently as required by that Commission, a report that
12 summarizes the harassment and discrimination prevention ~~sexual~~
13 ~~harassment~~ training program that was completed during the
14 previous year, and lays out the plan for the training program
15 in the coming year. The report shall include the names of
16 individuals that failed to complete the required training
17 program. Each Ethics Commission shall make the reports
18 available on its website.

19 (Source: P.A. 100-554, eff. 11-16-17; 101-221, eff. 8-9-19;
20 revised 9-12-19.)

21 (5 ILCS 430/20-5)

22 Sec. 20-5. Executive Ethics Commission.

23 (a) The Executive Ethics Commission is created.

24 (b) The Executive Ethics Commission shall consist of 9
25 commissioners. The Governor shall appoint 5 commissioners, and

1 the Attorney General, Secretary of State, Comptroller, and
2 Treasurer shall each appoint one commissioner. Appointments
3 shall be made by and with the advice and consent of the Senate
4 by three-fifths of the elected members concurring by record
5 vote. Any nomination not acted upon by the Senate within 60
6 session days of the receipt thereof shall be deemed to have
7 received the advice and consent of the Senate. If, during a
8 recess of the Senate, there is a vacancy in an office of
9 commissioner, the appointing authority shall make a temporary
10 appointment until the next meeting of the Senate when the
11 appointing authority shall make a nomination to fill that
12 office. No person rejected for an office of commissioner shall,
13 except by the Senate's request, be nominated again for that
14 office at the same session of the Senate or be appointed to
15 that office during a recess of that Senate. No more than 5
16 commissioners may be of the same political party.

17 The terms of the initial commissioners shall commence upon
18 qualification. Four initial appointees of the Governor, as
19 designated by the Governor, shall serve terms running through
20 June 30, 2007. One initial appointee of the Governor, as
21 designated by the Governor, and the initial appointees of the
22 Attorney General, Secretary of State, Comptroller, and
23 Treasurer shall serve terms running through June 30, 2008. The
24 initial appointments shall be made within 60 days after the
25 effective date of this Act.

26 After the initial terms, commissioners shall serve for

1 4-year terms commencing on July 1 of the year of appointment
2 and running through June 30 of the fourth following year.
3 Commissioners may be reappointed to one or more subsequent
4 terms.

5 Vacancies occurring other than at the end of a term shall
6 be filled by the appointing authority only for the balance of
7 the term of the commissioner whose office is vacant.

8 Terms shall run regardless of whether the position is
9 filled.

10 (c) The appointing authorities shall appoint commissioners
11 who have experience holding governmental office or employment
12 and shall appoint commissioners from the general public. A
13 person is not eligible to serve as a commissioner if that
14 person (i) has been convicted of a felony or a crime of
15 dishonesty or moral turpitude, (ii) is, or was within the
16 preceding 12 months, engaged in activities that require
17 registration under the Lobbyist Registration Act, (iii) is
18 related to the appointing authority, or (iv) is a State officer
19 or employee.

20 (d) The Executive Ethics Commission shall have
21 jurisdiction over all officers and employees of State agencies
22 other than the General Assembly, the Senate, the House of
23 Representatives, the President and Minority Leader of the
24 Senate, the Speaker and Minority Leader of the House of
25 Representatives, the Senate Operations Commission, the
26 legislative support services agencies, and the Office of the

1 Auditor General. The Executive Ethics Commission shall have
2 jurisdiction over all board members and employees of Regional
3 Transit Boards. The jurisdiction of the Commission is limited
4 to matters arising under this Act, except as provided in
5 subsection (d-5).

6 A member or legislative branch State employee serving on an
7 executive branch board or commission remains subject to the
8 jurisdiction of the Legislative Ethics Commission and is not
9 subject to the jurisdiction of the Executive Ethics Commission.

10 (d-5) The Executive Ethics Commission shall have
11 jurisdiction over all chief procurement officers and
12 procurement compliance monitors and their respective staffs.
13 The Executive Ethics Commission shall have jurisdiction over
14 any matters arising under the Illinois Procurement Code if the
15 Commission is given explicit authority in that Code.

16 (d-6) (1) The Executive Ethics Commission shall have
17 jurisdiction over the Illinois Power Agency and its staff. The
18 Director of the Agency shall be appointed by a majority of the
19 commissioners of the Executive Ethics Commission, subject to
20 Senate confirmation, for a term of 2 years. The Director is
21 removable for cause by a majority of the Commission upon a
22 finding of neglect, malfeasance, absence, or incompetence.

23 (2) In case of a vacancy in the office of Director of the
24 Illinois Power Agency during a recess of the Senate, the
25 Executive Ethics Commission may make a temporary appointment
26 until the next meeting of the Senate, at which time the

1 Executive Ethics Commission shall nominate some person to fill
2 the office, and any person so nominated who is confirmed by the
3 Senate shall hold office during the remainder of the term and
4 until his or her successor is appointed and qualified. Nothing
5 in this subsection shall prohibit the Executive Ethics
6 Commission from removing a temporary appointee or from
7 appointing a temporary appointee as the Director of the
8 Illinois Power Agency.

9 (3) Prior to June 1, 2012, the Executive Ethics Commission
10 may, until the Director of the Illinois Power Agency is
11 appointed and qualified or a temporary appointment is made
12 pursuant to paragraph (2) of this subsection, designate some
13 person as an acting Director to execute the powers and
14 discharge the duties vested by law in that Director. An acting
15 Director shall serve no later than 60 calendar days, or upon
16 the making of an appointment pursuant to paragraph (1) or (2)
17 of this subsection, whichever is earlier. Nothing in this
18 subsection shall prohibit the Executive Ethics Commission from
19 removing an acting Director or from appointing an acting
20 Director as the Director of the Illinois Power Agency.

21 (4) No person rejected by the Senate for the office of
22 Director of the Illinois Power Agency shall, except at the
23 Senate's request, be nominated again for that office at the
24 same session or be appointed to that office during a recess of
25 that Senate.

26 (d-7) The Executive Ethics Commission shall have

1 jurisdiction over complainants and respondents in violation of
2 subsection (d) of Section 20-90 ~~subsection (e) of Section~~
3 ~~20-63~~.

4 (e) The Executive Ethics Commission must meet, either in
5 person or by other technological means, at least monthly and as
6 often as necessary. At the first meeting of the Executive
7 Ethics Commission, the commissioners shall choose from their
8 number a chairperson and other officers that they deem
9 appropriate. The terms of officers shall be for 2 years
10 commencing July 1 and running through June 30 of the second
11 following year. Meetings shall be held at the call of the
12 chairperson or any 3 commissioners. Official action by the
13 Commission shall require the affirmative vote of 5
14 commissioners, and a quorum shall consist of 5 commissioners.
15 Commissioners shall receive compensation in an amount equal to
16 the compensation of members of the State Board of Elections and
17 may be reimbursed for their reasonable expenses actually
18 incurred in the performance of their duties.

19 (f) No commissioner or employee of the Executive Ethics
20 Commission may during his or her term of appointment or
21 employment:

22 (1) become a candidate for any elective office;

23 (2) hold any other elected or appointed public office
24 except for appointments on governmental advisory boards or
25 study commissions or as otherwise expressly authorized by
26 law;

1 (3) be actively involved in the affairs of any
2 political party or political organization; or

3 (4) advocate for the appointment of another person to
4 an appointed or elected office or position or actively
5 participate in any campaign for any elective office.

6 (g) An appointing authority may remove a commissioner only
7 for cause.

8 (h) The Executive Ethics Commission shall appoint an
9 Executive Director. The compensation of the Executive Director
10 shall be as determined by the Commission. The Executive
11 Director of the Executive Ethics Commission may employ and
12 determine the compensation of staff, as appropriations permit.

13 (i) The Executive Ethics Commission shall appoint, by a
14 majority of the members appointed to the Commission, chief
15 procurement officers and may appoint procurement compliance
16 monitors in accordance with the provisions of the Illinois
17 Procurement Code. The compensation of a chief procurement
18 officer and procurement compliance monitor shall be determined
19 by the Commission.

20 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 8-9-19.)

21 (5 ILCS 430/20-50)

22 Sec. 20-50. Investigation reports.

23 (a) If an Executive Inspector General, upon the conclusion
24 of an investigation, determines that reasonable cause exists to
25 believe that a violation has occurred, then the Executive

1 Inspector General shall issue a summary report of the
2 investigation. The report shall be delivered to the appropriate
3 ultimate jurisdictional authority and to the head of each State
4 agency affected by or involved in the investigation, if
5 appropriate. The appropriate ultimate jurisdictional authority
6 or agency head shall respond to the summary report within 20
7 days, in writing, to the Executive Inspector General. The
8 response shall include a description of any corrective or
9 disciplinary action to be imposed. If the appropriate ultimate
10 jurisdictional authority does not respond within 20 days, or
11 within an extended time period as agreed to by the Executive
12 Inspector General, an Executive Inspector General may proceed
13 under subsection (c) as if a response had been received.

14 (b) The summary report of the investigation shall include
15 the following:

16 (1) A description of any allegations or other
17 information received by the Executive Inspector General
18 pertinent to the investigation.

19 (2) A description of any alleged misconduct discovered
20 in the course of the investigation.

21 (3) Recommendations for any corrective or disciplinary
22 action to be taken in response to any alleged misconduct
23 described in the report, including but not limited to
24 discharge.

25 (4) Other information the Executive Inspector General
26 deems relevant to the investigation or resulting

1 recommendations.

2 (c) Within 30 days after receiving a response from the
3 appropriate ultimate jurisdictional authority or agency head
4 under subsection (a), the Executive Inspector General shall
5 notify the Commission and the Attorney General if the Executive
6 Inspector General believes that a complaint should be filed
7 with the Commission. If the Executive Inspector General desires
8 to file a complaint with the Commission, the Executive
9 Inspector General shall submit the summary report and
10 supporting documents to the Attorney General. If the Attorney
11 General concludes that there is insufficient evidence that a
12 violation has occurred, the Attorney General shall notify the
13 Executive Inspector General and the Executive Inspector
14 General shall deliver to the Executive Ethics Commission a copy
15 of the summary report and response from the ultimate
16 jurisdictional authority or agency head. If the Attorney
17 General determines that reasonable cause exists to believe that
18 a violation has occurred, then the Executive Inspector General,
19 represented by the Attorney General, may file with the
20 Executive Ethics Commission a complaint. The complaint shall
21 set forth the alleged violation and the grounds that exist to
22 support the complaint. The complaint must be filed with the
23 Commission within 12 months after the Executive Inspector
24 General's receipt of the allegation of the violation or within
25 18 months after the most recent act of the alleged violation or
26 of a series of alleged violations, whichever is later, except

1 where there is reasonable cause to believe that fraudulent
2 concealment has occurred. To constitute fraudulent concealment
3 sufficient to toll this limitations period, there must be an
4 affirmative act or representation calculated to prevent
5 discovery of the fact that a violation has occurred. If a
6 complaint is not filed with the Commission within 6 months
7 after notice by the Inspector General to the Commission and the
8 Attorney General, then the Commission may set a meeting of the
9 Commission at which the Attorney General shall appear and
10 provide a status report to the Commission.

11 (c-5) Within 30 days after receiving a response from the
12 appropriate ultimate jurisdictional authority or agency head
13 under subsection (a), if the Executive Inspector General does
14 not believe that a complaint should be filed, the Executive
15 Inspector General shall deliver to the Executive Ethics
16 Commission a statement setting forth the basis for the decision
17 not to file a complaint and a copy of the summary report and
18 response from the ultimate jurisdictional authority or agency
19 head. An Inspector General may also submit a redacted version
20 of the summary report and response from the ultimate
21 jurisdictional authority if the Inspector General believes
22 either contains information that, in the opinion of the
23 Inspector General, should be redacted prior to releasing the
24 report, may interfere with an ongoing investigation, or
25 identifies an informant or complainant.

26 (c-10) If, after reviewing the documents, the Commission

1 believes that further investigation is warranted, the
2 Commission may request that the Executive Inspector General
3 provide additional information or conduct further
4 investigation. The Commission may also appoint a Special
5 Executive Inspector General to investigate or refer the summary
6 report and response from the ultimate jurisdictional authority
7 to the Attorney General for further investigation or review. If
8 the Commission requests the Attorney General to investigate or
9 review, the Commission must notify the Attorney General and the
10 Inspector General. The Attorney General may not begin an
11 investigation or review until receipt of notice from the
12 Commission. If, after review, the Attorney General determines
13 that reasonable cause exists to believe that a violation has
14 occurred, then the Attorney General may file a complaint with
15 the Executive Ethics Commission. If the Attorney General
16 concludes that there is insufficient evidence that a violation
17 has occurred, the Attorney General shall notify the Executive
18 Ethics Commission and the appropriate Executive Inspector
19 General.

20 (d) A copy of the complaint filed with the Executive Ethics
21 Commission must be served on all respondents named in the
22 complaint and on each respondent's ultimate jurisdictional
23 authority in the same manner as process is served under the
24 Code of Civil Procedure.

25 (e) A respondent may file objections to the complaint
26 within 30 days after notice of the petition has been served on

1 the respondent.

2 (f) The Commission shall meet, either in person or by
3 telephone, at least 30 days after the complaint is served on
4 all respondents in a closed session to review the sufficiency
5 of the complaint. The Commission shall issue notice by
6 certified mail, return receipt requested, to the Executive
7 Inspector General, Attorney General, and all respondents of the
8 Commission's ruling on the sufficiency of the complaint. If the
9 complaint is deemed to sufficiently allege a violation of this
10 Act, then the Commission shall include a hearing date scheduled
11 within 4 weeks after the date of the notice, unless all of the
12 parties consent to a later date. If the complaint is deemed not
13 to sufficiently allege a violation, then the Commission shall
14 send by certified mail, return receipt requested, a notice to
15 the Executive Inspector General, Attorney General, and all
16 respondents of the decision to dismiss the complaint.

17 (g) On the scheduled date the Commission shall conduct a
18 closed meeting, either in person or, if the parties consent, by
19 telephone, on the complaint and allow all parties the
20 opportunity to present testimony and evidence. All such
21 proceedings shall be transcribed.

22 (h) Within an appropriate time limit set by rules of the
23 Executive Ethics Commission, the Commission shall (i) dismiss
24 the complaint, (ii) issue a recommendation of discipline to the
25 respondent and the respondent's ultimate jurisdictional
26 authority, (iii) impose an administrative fine upon the

1 respondent, (iv) issue injunctive relief as described in
2 Section 50-10, or (v) impose a combination of (ii) through
3 (iv).

4 (i) The proceedings on any complaint filed with the
5 Commission shall be conducted pursuant to rules promulgated by
6 the Commission.

7 (j) The Commission may designate hearing officers to
8 conduct proceedings as determined by rule of the Commission.

9 (k) In all proceedings before the Commission, the standard
10 of proof is by a preponderance of the evidence.

11 (l) Within 30 days after the issuance of a final
12 administrative decision that concludes that a violation
13 occurred, the Executive Ethics Commission shall make public the
14 entire record of proceedings before the Commission, the
15 decision, any recommendation, any discipline imposed, and the
16 response from the agency head or ultimate jurisdictional
17 authority to the Executive Ethics Commission.

18 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19.)

19 (5 ILCS 430/20-63)

20 Sec. 20-63. Rights of persons subjected to discrimination,
21 harassment, or sexual harassment.

22 (a) As used in this Section, "complainant" means a known
23 person identified in a complaint filed with an Executive
24 Inspector General as a person subjected to alleged
25 discrimination, harassment, or sexual harassment in violation

1 of Section 5-65 of this Act, subsection (a) of Section 4.7 of
2 the Lobbyist Registration Act, or Article 2 of the Illinois
3 Human Rights Act, regardless of whether the complaint is filed
4 by the person.

5 (b) A complainant shall have the following rights:

6 (1) within 5 business days of the Executive Inspector
7 General receiving a complaint in which the complainant is
8 identified, to be notified by the Executive Inspector
9 General of the receipt of the complaint, the complainant's
10 rights, and an explanation of the process, rules, and
11 procedures related to the investigation of an allegation,
12 and the duties of the Executive Inspector General and the
13 Executive Ethics Commission;

14 (2) within 5 business days after the Executive
15 Inspector General's decision to open or close an
16 investigation into the complaint or refer the complaint to
17 another appropriate agency, to be notified of the Executive
18 Inspector General's decision; however, if the Executive
19 Inspector General reasonably determines that publicly
20 acknowledging the existence of an investigation would
21 interfere with the conduct or completion of that
22 investigation, the notification may be withheld until
23 public acknowledgment of the investigation would no longer
24 interfere with that investigation;

25 (3) after an investigation has been opened, to have any
26 interviews of the complainant audio recorded by the

1 Executive Inspector General and to review, in person and in
2 the presence of the Executive Inspector General or his or
3 her designee, any transcript or interview report created
4 from that audio recorded interview. The complainant may
5 provide any supplemental statements or evidence throughout
6 the investigation ~~to review statements and evidence given~~
7 ~~to the Executive Inspector General by the complainant and~~
8 ~~the Executive Inspector General's summarization of those~~
9 ~~statements and evidence, if such summary exists. The~~
10 ~~complainant may make suggestions of changes for the~~
11 ~~Executive Inspector General's consideration, but the~~
12 ~~Executive Inspector General shall have the final authority~~
13 ~~to determine what statements, evidence, and summaries are~~
14 ~~included in any report of the investigation;~~

15 (4) to have a union representative, attorney,
16 co-worker, or other support person who is not involved in
17 the investigation, at the complainant's expense, present
18 at any interview or meeting, whether in person or by
19 telephone or audio-visual communication, between the
20 complainant and the Executive Inspector General or
21 Executive Ethics Commission;

22 (5) to submit an impact statement that shall be
23 included with the Executive Inspector General's summary
24 report to the Executive Ethics Commission for its
25 consideration;

26 (6) to testify at a hearing held under subsection (g)

1 of Section 20-50, to the extent the hearing is based on an
2 allegation of a violation of Section 5-65 of this Act or
3 subsection (a) of Section 4.7 of the Lobbyist Registration
4 Act involving the complainant, and have a single union
5 representative, attorney, co-worker, or other support
6 person who is not involved in the investigation, at the
7 complainant's expense, accompany him or her while
8 testifying;

9 (7) to review, within 5 business days prior to its
10 release, any portion of a summary report of the
11 investigation subject to public release under this Article
12 related to the allegations concerning the complainant,
13 after redactions made by the Executive Ethics Commission,
14 and offer suggestions for redaction or provide a response
15 that shall be made public with the summary report; and

16 (8) to file a complaint with the Executive Ethics
17 Commission for any violation of the complainant's rights
18 under this Section by the Executive Inspector General.

19 (c) The complainant shall have the sole discretion in
20 determining whether to exercise the rights set forth in this
21 Section. All rights under this Section shall be waived if the
22 complainant fails to cooperate with the Executive Inspector
23 General's investigation of the complaint.

24 (d) The notice requirements imposed on Inspectors General
25 by this Section shall be waived if the Inspector General is
26 unable to identify or locate the complainant.

1 (e) (Blank). ~~A complainant receiving a copy of any summary~~
2 ~~report, in whole or in part, under this Section shall keep the~~
3 ~~report confidential and shall not disclose the report prior to~~
4 ~~the publication of the report by the Executive Ethics~~
5 ~~Commission. A complainant that violates this subsection (e)~~
6 ~~shall be subject to an administrative fine by the Executive~~
7 ~~Ethics Commission of up to \$5,000.~~

8 (Source: P.A. 101-221, eff. 8-9-19.)

9 (5 ILCS 430/20-90)

10 Sec. 20-90. Confidentiality.

11 (a) The identity of any individual providing information or
12 reporting any possible or alleged misconduct to an Executive
13 Inspector General or the Executive Ethics Commission shall be
14 kept confidential and may not be disclosed without the consent
15 of that individual, unless the individual consents to
16 disclosure of his or her name or disclosure of the individual's
17 identity is otherwise required by law. The confidentiality
18 granted by this subsection does not preclude the disclosure of
19 the identity of a person in any capacity other than as the
20 source of an allegation.

21 (b) Subject to the provisions of Section 20-52,
22 commissioners, employees, and agents of the Executive Ethics
23 Commission, the Executive Inspectors General, and employees
24 and agents of each Office of an Executive Inspector General,
25 the Attorney General, and the employees and agents of the

1 office of the Attorney General shall keep confidential and
2 shall not disclose information exempted from disclosure under
3 the Freedom of Information Act or by this Act, provided the
4 identity of any individual providing information or reporting
5 any possible or alleged misconduct to the Executive Inspector
6 General for the Governor may be disclosed to an Inspector
7 General appointed or employed by a Regional Transit Board in
8 accordance with Section 75-10.

9 (c) In his or her discretion, an Executive Inspector
10 General may notify complainants and subjects of an
11 investigation with an update on the status of the respective
12 investigation, including when the investigation is opened and
13 closed.

14 (d) A complainant, as defined in subsection (a) of Section
15 20-63, or a respondent who receives a copy of any summary
16 report, in whole or in part, shall keep the report confidential
17 and shall not disclose the report, or any portion thereof,
18 prior to the publication of the summary report by the Executive
19 Ethics Commission pursuant to this Act. A complainant or
20 respondent who violates this subsection (d) shall be in
21 violation of this Act and subject to an administrative fine by
22 the Executive Ethics Commission of up to \$5,000.

23 (Source: P.A. 100-588, eff. 6-8-18.)

24 (5 ILCS 430/25-5)

25 Sec. 25-5. Legislative Ethics Commission.

1 (a) The Legislative Ethics Commission is created.

2 (b) The Legislative Ethics Commission shall consist of 8
3 commissioners appointed 2 each by the President and Minority
4 Leader of the Senate and the Speaker and Minority Leader of the
5 House of Representatives.

6 The terms of the initial commissioners shall commence upon
7 qualification. Each appointing authority shall designate one
8 appointee who shall serve for a 2-year term running through
9 June 30, 2005. Each appointing authority shall designate one
10 appointee who shall serve for a 4-year term running through
11 June 30, 2007. The initial appointments shall be made within 60
12 days after the effective date of this Act.

13 After the initial terms, commissioners shall serve for
14 4-year terms commencing on July 1 of the year of appointment
15 and running through June 30 of the fourth following year.
16 Commissioners may be reappointed to one or more subsequent
17 terms.

18 Vacancies occurring other than at the end of a term shall
19 be filled by the appointing authority only for the balance of
20 the term of the commissioner whose office is vacant.

21 Terms shall run regardless of whether the position is
22 filled.

23 (c) The appointing authorities shall appoint commissioners
24 who have experience holding governmental office or employment
25 and may appoint commissioners who are members of the General
26 Assembly as well as commissioners from the general public. A

1 commissioner who is a member of the General Assembly must
2 recuse himself or herself from participating in any matter
3 relating to any investigation or proceeding in which he or she
4 is the subject or is a complainant. A person is not eligible to
5 serve as a commissioner if that person (i) has been convicted
6 of a felony or a crime of dishonesty or moral turpitude, (ii)
7 is, or was within the preceding 12 months, engaged in
8 activities that require registration under the Lobbyist
9 Registration Act, (iii) is a relative of the appointing
10 authority, (iv) is a State officer or employee other than a
11 member of the General Assembly, or (v) is a candidate for
12 statewide office, federal office, or judicial office.

13 (c-5) If a commissioner is required to recuse himself or
14 herself from participating in a matter as provided in
15 subsection (c), the recusal shall create a temporary vacancy
16 for the limited purpose of consideration of the matter for
17 which the commissioner recused himself or herself, and the
18 appointing authority for the recusing commissioner shall make a
19 temporary appointment to fill the vacancy for consideration of
20 the matter for which the commissioner recused himself or
21 herself.

22 (d) The Legislative Ethics Commission shall have
23 jurisdiction over current and former members of the General
24 Assembly regarding events occurring during a member's term of
25 office and current and former State employees regarding events
26 occurring during any period of employment where the State

1 employee's ultimate jurisdictional authority is (i) a
2 legislative leader, (ii) the Senate Operations Commission, or
3 (iii) the Joint Committee on Legislative Support Services. The
4 Legislative Ethics Commission shall have jurisdiction over
5 complainants and respondents in violation of subsection (d) of
6 Section 25-90 ~~subsection (e) of Section 25-63~~. The jurisdiction
7 of the Commission is limited to matters arising under this Act.

8 An officer or executive branch State employee serving on a
9 legislative branch board or commission remains subject to the
10 jurisdiction of the Executive Ethics Commission and is not
11 subject to the jurisdiction of the Legislative Ethics
12 Commission.

13 (e) The Legislative Ethics Commission must meet, either in
14 person or by other technological means, monthly or as often as
15 necessary. At the first meeting of the Legislative Ethics
16 Commission, the commissioners shall choose from their number a
17 chairperson and other officers that they deem appropriate. The
18 terms of officers shall be for 2 years commencing July 1 and
19 running through June 30 of the second following year. Meetings
20 shall be held at the call of the chairperson or any 3
21 commissioners. Official action by the Commission shall require
22 the affirmative vote of 5 commissioners, and a quorum shall
23 consist of 5 commissioners. Commissioners shall receive no
24 compensation but may be reimbursed for their reasonable
25 expenses actually incurred in the performance of their duties.

26 (f) No commissioner, other than a commissioner who is a

1 member of the General Assembly, or employee of the Legislative
2 Ethics Commission may during his or her term of appointment or
3 employment:

4 (1) become a candidate for any elective office;

5 (2) hold any other elected or appointed public office
6 except for appointments on governmental advisory boards or
7 study commissions or as otherwise expressly authorized by
8 law;

9 (3) be actively involved in the affairs of any
10 political party or political organization; or

11 (4) advocate for the appointment of another person to
12 an appointed or elected office or position or actively
13 participate in any campaign for any elective office.

14 (f-5) No commissioner who is a member of the General
15 Assembly may be a candidate for statewide office, federal
16 office, or judicial office. If a commissioner who is a member
17 of the General Assembly files petitions to be a candidate for a
18 statewide office, federal office, or judicial office, he or she
19 shall be deemed to have resigned from his or her position as a
20 commissioner on the date his or her name is certified for the
21 ballot by the State Board of Elections or local election
22 authority and his or her position as a commissioner shall be
23 deemed vacant. Such person may not be reappointed to the
24 Commission during any time he or she is a candidate for
25 statewide office, federal office, or judicial office.

26 (g) An appointing authority may remove a commissioner only

1 for cause.

2 (h) The Legislative Ethics Commission shall appoint an
3 Executive Director subject to the approval of at least 3 of the
4 4 legislative leaders. The compensation of the Executive
5 Director shall be as determined by the Commission. The
6 Executive Director of the Legislative Ethics Commission may
7 employ, subject to the approval of at least 3 of the 4
8 legislative leaders, and determine the compensation of staff,
9 as appropriations permit.

10 (i) In consultation with the Legislative Inspector
11 General, the Legislative Ethics Commission may develop
12 comprehensive training for members and employees under its
13 jurisdiction that includes, but is not limited to, sexual
14 harassment, employment discrimination, and workplace civility.
15 The training may be recommended to the ultimate jurisdictional
16 authorities and may be approved by the Commission to satisfy
17 the sexual harassment training required under Section 5-10.5 or
18 be provided in addition to the annual sexual harassment
19 training required under Section 5-10.5. The Commission may seek
20 input from governmental agencies or private entities for
21 guidance in developing such training.

22 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
23 101-221, eff. 8-9-19.)

24 (5 ILCS 430/25-50)

25 Sec. 25-50. Investigation reports.

1 (a) If the Legislative Inspector General, upon the
2 conclusion of an investigation, determines that reasonable
3 cause exists to believe that a violation has occurred, then the
4 Legislative Inspector General shall issue a summary report of
5 the investigation. The report shall be delivered to the
6 appropriate ultimate jurisdictional authority, to the head of
7 each State agency affected by or involved in the investigation,
8 if appropriate, and the member, if any, that is the subject of
9 the report. The appropriate ultimate jurisdictional authority
10 or agency head and the member, if any, that is the subject of
11 the report shall respond to the summary report within 20 days,
12 in writing, to the Legislative Inspector General. If the
13 ultimate jurisdictional authority is the subject of the report,
14 he or she may only respond to the summary report in his or her
15 capacity as the subject of the report and shall not respond in
16 his or her capacity as the ultimate jurisdictional authority.
17 The response shall include a description of any corrective or
18 disciplinary action to be imposed. If the appropriate ultimate
19 jurisdictional authority or the member that is the subject of
20 the report does not respond within 20 days, or within an
21 extended time as agreed to by the Legislative Inspector
22 General, the Legislative Inspector General may proceed under
23 subsection (c) as if a response had been received. A member
24 receiving and responding to a report under this Section shall
25 be deemed to be acting in his or her official capacity.

26 (b) The summary report of the investigation shall include

1 the following:

2 (1) A description of any allegations or other
3 information received by the Legislative Inspector General
4 pertinent to the investigation.

5 (2) A description of any alleged misconduct discovered
6 in the course of the investigation.

7 (3) Recommendations for any corrective or disciplinary
8 action to be taken in response to any alleged misconduct
9 described in the report, including, but not limited to,
10 discharge.

11 (4) Other information the Legislative Inspector
12 General deems relevant to the investigation or resulting
13 recommendations.

14 (c) Within 30 days after receiving a response from the
15 appropriate ultimate jurisdictional authority or agency head
16 under subsection (a), the Legislative Inspector General shall
17 notify the Commission and the Attorney General if the
18 Legislative Inspector General believes that a complaint should
19 be filed with the Commission. If the Legislative Inspector
20 General desires to file a complaint with the Commission, the
21 Legislative Inspector General shall submit the summary report
22 and supporting documents to the Attorney General. If the
23 Attorney General concludes that there is insufficient evidence
24 that a violation has occurred, the Attorney General shall
25 notify the Legislative Inspector General and the Legislative
26 Inspector General shall deliver to the Legislative Ethics

1 Commission a copy of the summary report and response from the
2 ultimate jurisdictional authority or agency head. If the
3 Attorney General determines that reasonable cause exists to
4 believe that a violation has occurred, then the Legislative
5 Inspector General, represented by the Attorney General, may
6 file with the Legislative Ethics Commission a complaint. The
7 complaint shall set forth the alleged violation and the grounds
8 that exist to support the complaint. Except as provided under
9 subsection (1.5) of Section 20, the complaint must be filed
10 with the Commission within 12 months after the Legislative
11 Inspector General's receipt of the allegation of the violation
12 or within 18 months after the most recent act of the alleged
13 violation or of a series of alleged violations, whichever is
14 later, except where there is reasonable cause to believe that
15 fraudulent concealment has occurred. To constitute fraudulent
16 concealment sufficient to toll this limitations period, there
17 must be an affirmative act or representation calculated to
18 prevent discovery of the fact that a violation has occurred. If
19 a complaint is not filed with the Commission within 6 months
20 after notice by the Inspector General to the Commission and the
21 Attorney General, then the Commission may set a meeting of the
22 Commission at which the Attorney General shall appear and
23 provide a status report to the Commission.

24 (c-5) Within 30 days after receiving a response from the
25 appropriate ultimate jurisdictional authority or agency head
26 under subsection (a), if the Legislative Inspector General does

1 not believe that a complaint should be filed, the Legislative
2 Inspector General shall deliver to the Legislative Ethics
3 Commission a statement setting forth the basis for the decision
4 not to file a complaint and a copy of the summary report and
5 response from the ultimate jurisdictional authority or agency
6 head. The Inspector General may also submit a redacted version
7 of the summary report and response from the ultimate
8 jurisdictional authority if the Inspector General believes
9 either contains information that, in the opinion of the
10 Inspector General, should be redacted prior to releasing the
11 report, may interfere with an ongoing investigation, or
12 identifies an informant or complainant.

13 (c-10) If, after reviewing the documents, the Commission
14 believes that further investigation is warranted, the
15 Commission may request that the Legislative Inspector General
16 provide additional information or conduct further
17 investigation. The Commission may also refer the summary report
18 and response from the ultimate jurisdictional authority to the
19 Attorney General for further investigation or review. If the
20 Commission requests the Attorney General to investigate or
21 review, the Commission must notify the Attorney General and the
22 Legislative Inspector General. The Attorney General may not
23 begin an investigation or review until receipt of notice from
24 the Commission. If, after review, the Attorney General
25 determines that reasonable cause exists to believe that a
26 violation has occurred, then the Attorney General may file a

1 complaint with the Legislative Ethics Commission. If the
2 Attorney General concludes that there is insufficient evidence
3 that a violation has occurred, the Attorney General shall
4 notify the Legislative Ethics Commission and the appropriate
5 Legislative Inspector General.

6 (d) A copy of the complaint filed with the Legislative
7 Ethics Commission must be served on all respondents named in
8 the complaint and on each respondent's ultimate jurisdictional
9 authority in the same manner as process is served under the
10 Code of Civil Procedure.

11 (e) A respondent may file objections to the complaint
12 within 30 days after notice of the petition has been served on
13 the respondent.

14 (f) The Commission shall meet, at least 30 days after the
15 complaint is served on all respondents either in person or by
16 telephone, in a closed session to review the sufficiency of the
17 complaint. The Commission shall issue notice by certified mail,
18 return receipt requested, to the Legislative Inspector
19 General, the Attorney General, and all respondents of the
20 Commission's ruling on the sufficiency of the complaint. If the
21 complaint is deemed to sufficiently allege a violation of this
22 Act, then the Commission shall include a hearing date scheduled
23 within 4 weeks after the date of the notice, unless all of the
24 parties consent to a later date. If the complaint is deemed not
25 to sufficiently allege a violation, then the Commission shall
26 send by certified mail, return receipt requested, a notice to

1 the Legislative Inspector General, the Attorney General, and
2 all respondents the decision to dismiss the complaint.

3 (g) On the scheduled date the Commission shall conduct a
4 closed meeting, either in person or, if the parties consent, by
5 telephone, on the complaint and allow all parties the
6 opportunity to present testimony and evidence. All such
7 proceedings shall be transcribed.

8 (h) Within an appropriate time limit set by rules of the
9 Legislative Ethics Commission, the Commission shall (i)
10 dismiss the complaint, (ii) issue a recommendation of
11 discipline to the respondent and the respondent's ultimate
12 jurisdictional authority, (iii) impose an administrative fine
13 upon the respondent, (iv) issue injunctive relief as described
14 in Section 50-10, or (v) impose a combination of items (ii)
15 through (iv).

16 (i) The proceedings on any complaint filed with the
17 Commission shall be conducted pursuant to rules promulgated by
18 the Commission.

19 (j) The Commission may designate hearing officers to
20 conduct proceedings as determined by rule of the Commission.

21 (k) In all proceedings before the Commission, the standard
22 of proof is by a preponderance of the evidence.

23 (l) Within 30 days after the issuance of a final
24 administrative decision that concludes that a violation
25 occurred, the Legislative Ethics Commission shall make public
26 the entire record of proceedings before the Commission, the

1 decision, any recommendation, any discipline imposed, and the
2 response from the agency head or ultimate jurisdictional
3 authority to the Legislative Ethics Commission.

4 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19;
5 revised 9-12-19.)

6 (5 ILCS 430/25-63)

7 Sec. 25-63. Rights of persons subjected to discrimination,
8 harassment, or sexual harassment.

9 (a) As used in this Section, "complainant" means a known
10 person identified in a complaint filed with the Legislative
11 Inspector General as a person subjected to alleged
12 discrimination, harassment, or sexual harassment in violation
13 of Section 5-65 of this Act or Article 2 of the Illinois Human
14 Rights Act, regardless of whether the complaint is filed by the
15 person.

16 (b) A complainant shall have the following rights:

17 (1) within 5 business days of the Legislative Inspector
18 General receiving a complaint in which the complainant is
19 identified, to be notified by the Legislative Inspector
20 General of the receipt of the complaint, the complainant's
21 rights, and an explanation of the process, rules, and
22 procedures related to the investigation of ~~investigating~~
23 an allegation, and the duties of the Legislative Inspector
24 General and the Legislative Ethics Commission;

25 (2) within 5 business days after the Legislative

1 Inspector General's decision to open or close an
2 investigation into the complaint or refer the complaint to
3 another appropriate agency, to be notified of the
4 Legislative Inspector General's decision; however, if the
5 Legislative Inspector General reasonably determines that
6 publicly acknowledging the existence of an investigation
7 would interfere with the conduct or completion of that
8 investigation, the notification may be withheld until
9 public acknowledgment of the investigation would no longer
10 interfere with that investigation;

11 (3) after an investigation has been opened, to have any
12 interviews of the complainant audio recorded by the
13 Legislative Inspector General and to review, in person and
14 in the presence of the Legislative Inspector General or his
15 or her designee, any transcript or interview report created
16 from that audio recorded interview. The complainant may
17 provide any supplemental statements or evidence throughout
18 the investigation ~~to review statements and evidence given~~
19 ~~to the Legislative Inspector General by the complainant and~~
20 ~~the Legislative Inspector General's summarization of those~~
21 ~~statements and evidence, if such summary exists. The~~
22 ~~complainant may make suggestions of changes for the~~
23 ~~Legislative Inspector General's consideration, but the~~
24 ~~Legislative Inspector General shall have the final~~
25 ~~authority to determine what statements, evidence, and~~
26 ~~summaries are included in any report of the investigation;~~

1 (4) to have a union representative, attorney,
2 co-worker, or other support person who is not involved in
3 the investigation, at the complainant's expense, present
4 at any interview or meeting, whether in person or by
5 telephone or audio-visual communication, between the
6 complainant and the Legislative Inspector General or
7 Legislative Ethics Commission;

8 (5) to submit a complainant impact statement that shall
9 be included with the Legislative Inspector General's
10 summary report to the Legislative Ethics Commission for its
11 consideration;

12 (6) to testify at a hearing held under subsection (g)
13 of Section 25-50, to the extent the hearing is based on an
14 allegation of a violation of Section 5-65 of this Act
15 involving the complainant, and have a single union
16 representative, attorney, co-worker, or other support
17 person who is not involved in the investigation, at the
18 complainant's expense, accompany him or her while
19 testifying;

20 (7) to review, within 5 business days prior to its
21 release, any portion of a summary report of the
22 investigation subject to public release under this Article
23 related to the allegations concerning the complainant,
24 after redactions made by the Legislative Ethics
25 Commission, and offer suggestions for redaction or provide
26 a response that shall be made public with the summary

1 report; and

2 (8) to file a complaint with the Legislative Ethics
3 Commission for any violation of the complainant's rights
4 under this Section by the Legislative Inspector General.

5 (c) The complainant shall have the sole discretion in
6 determining whether or not to exercise the rights set forth in
7 this Section. All rights under this Section shall be waived if
8 the complainant fails to cooperate with the Legislative
9 Inspector General's investigation of the complaint.

10 (d) The notice requirements imposed on the Legislative
11 Inspector General by this Section shall be waived if the
12 Legislative Inspector General is unable to identify or locate
13 the complainant.

14 (e) (Blank). ~~A complainant receiving a copy of any summary~~
15 ~~report, in whole or in part, under this Section shall keep the~~
16 ~~report confidential and shall not disclose the report prior to~~
17 ~~the publication of the report by the Legislative Ethics~~
18 ~~Commission. A complainant that violates this subsection (c)~~
19 ~~shall be subject to an administrative fine by the Legislative~~
20 ~~Ethics Commission of up to \$5,000.~~

21 (Source: P.A. 101-221, eff. 8-9-19; revised 9-12-19.)

22 (5 ILCS 430/25-90)

23 Sec. 25-90. Confidentiality.

24 (a) The identity of any individual providing information or
25 reporting any possible or alleged misconduct to the Legislative

1 Inspector General or the Legislative Ethics Commission shall be
2 kept confidential and may not be disclosed without the consent
3 of that individual, unless the individual consents to
4 disclosure of his or her name or disclosure of the individual's
5 identity is otherwise required by law. The confidentiality
6 granted by this subsection does not preclude the disclosure of
7 the identity of a person in any capacity other than as the
8 source of an allegation.

9 (b) Subject to the provisions of Section 25-50(c),
10 commissioners, employees, and agents of the Legislative Ethics
11 Commission, the Legislative Inspector General, and employees
12 and agents of the Office of the Legislative Inspector General
13 shall keep confidential and shall not disclose information
14 exempted from disclosure under the Freedom of Information Act
15 or by this Act.

16 (c) In his or her discretion, the Legislative Inspector
17 General may notify complainants and subjects of an
18 investigation with an update on the status of the respective
19 investigation, including when the investigation is opened and
20 closed.

21 (d) A complainant, as defined in subsection (a) of Section
22 25-63, or a respondent who receives a copy of any summary
23 report, in whole or in part, shall keep the report confidential
24 and shall not disclose the report, or any portion thereof,
25 prior to the publication of the summary report by the
26 Legislative Ethics Commission pursuant to this Act. A

1 complainant or respondent who violates this subsection (d)
2 shall be in violation of this Act and subject to an
3 administrative fine by the Legislative Ethics Commission of up
4 to \$5,000.

5 (Source: P.A. 100-588, eff. 6-8-18.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.