



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2941

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/1-5  
5 ILCS 430/5-47 new  
5 ILCS 430/50-5

Amends the State Officials and Employees Ethics Act. Provides that no former officer and no employee or immediate family member of a former officer shall, for a period of 2 years after the end of the former officer's most recent term of office, engage in lobbying. Provides that no immediate family member of an officer shall, during the term of office to which the officer is elected, engage in lobbying. Makes a violation of these requirements a Class 4 felony. Authorizes the imposition of a fine in an amount equal to the total amount of salary, compensation, or any other form of payment that the person received in connection with the prohibited activity. Defines "immediate family member". Effective immediately.

LRB098 10884 JDS 41396 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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 changing Sections 1-5 and 50-5 and by adding Section  
6 5-47 as follows:

7 (5 ILCS 430/1-5)

8 Sec. 1-5. Definitions. As used in this Act:

9 "Appointee" means a person appointed to a position in or  
10 with a State agency, regardless of whether the position is  
11 compensated.

12 "Board members of Regional Transit Boards" means any person  
13 appointed to serve on the governing board of a Regional Transit  
14 Board.

15 "Campaign for elective office" means any activity in  
16 furtherance of an effort to influence the selection,  
17 nomination, election, or appointment of any individual to any  
18 federal, State, or local public office or office in a political  
19 organization, or the selection, nomination, or election of  
20 Presidential or Vice-Presidential electors, but does not  
21 include activities (i) relating to the support or opposition of  
22 any executive, legislative, or administrative action (as those  
23 terms are defined in Section 2 of the Lobbyist Registration

1 Act), (ii) relating to collective bargaining, or (iii) that are  
2 otherwise in furtherance of the person's official State duties.

3 "Candidate" means a person who has filed nominating papers  
4 or petitions for nomination or election to an elected State  
5 office, or who has been appointed to fill a vacancy in  
6 nomination, and who remains eligible for placement on the  
7 ballot at either a general primary election or general  
8 election.

9 "Collective bargaining" has the same meaning as that term  
10 is defined in Section 3 of the Illinois Public Labor Relations  
11 Act.

12 "Commission" means an ethics commission created by this  
13 Act.

14 "Compensated time" means any time worked by or credited to  
15 a State employee that counts toward any minimum work time  
16 requirement imposed as a condition of employment with a State  
17 agency, but does not include any designated State holidays or  
18 any period when the employee is on a leave of absence.

19 "Compensatory time off" means authorized time off earned by  
20 or awarded to a State employee to compensate in whole or in  
21 part for time worked in excess of the minimum work time  
22 required of that employee as a condition of employment with a  
23 State agency.

24 "Contribution" has the same meaning as that term is defined  
25 in Section 9-1.4 of the Election Code.

26 "Employee" means (i) any person employed full-time,

1 part-time, or pursuant to a contract and whose employment  
2 duties are subject to the direction and control of an employer  
3 with regard to the material details of how the work is to be  
4 performed or (ii) any appointed or elected commissioner,  
5 trustee, director, or board member of a board of a State  
6 agency, including any retirement system or investment board  
7 subject to the Illinois Pension Code or (iii) any other  
8 appointee.

9 "Employment benefits" include but are not limited to the  
10 following: modified compensation or benefit terms; compensated  
11 time off; or change of title, job duties, or location of office  
12 or employment. An employment benefit may also include favorable  
13 treatment in determining whether to bring any disciplinary or  
14 similar action or favorable treatment during the course of any  
15 disciplinary or similar action or other performance review.

16 "Executive branch constitutional officer" means the  
17 Governor, Lieutenant Governor, Attorney General, Secretary of  
18 State, Comptroller, and Treasurer.

19 "Gift" means any gratuity, discount, entertainment,  
20 hospitality, loan, forbearance, or other tangible or  
21 intangible item having monetary value including, but not  
22 limited to, cash, food and drink, and honoraria for speaking  
23 engagements related to or attributable to government  
24 employment or the official position of an employee, member, or  
25 officer. The value of a gift may be further defined by rules  
26 adopted by the appropriate ethics commission or by the Auditor

1 General for the Auditor General and for employees of the office  
2 of the Auditor General.

3 "Governmental entity" means a unit of local government  
4 (including a community college district) or a school district  
5 but not a State agency or a Regional Transit Board.

6 "Immediate family member" means a person's spouse by  
7 marriage, partner in a civil union, or his or her child by  
8 birth or adoption.

9 "Leave of absence" means any period during which a State  
10 employee does not receive (i) compensation for State  
11 employment, (ii) service credit towards State pension  
12 benefits, and (iii) health insurance benefits paid for by the  
13 State.

14 "Legislative branch constitutional officer" means a member  
15 of the General Assembly and the Auditor General.

16 "Legislative leader" means the President and Minority  
17 Leader of the Senate and the Speaker and Minority Leader of the  
18 House of Representatives.

19 "Member" means a member of the General Assembly.

20 "Officer" means an executive branch constitutional officer  
21 or a legislative branch constitutional officer.

22 "Political" means any activity in support of or in  
23 connection with any campaign for elective office or any  
24 political organization, but does not include activities (i)  
25 relating to the support or opposition of any executive,  
26 legislative, or administrative action (as those terms are

1 defined in Section 2 of the Lobbyist Registration Act), (ii)  
2 relating to collective bargaining, or (iii) that are otherwise  
3 in furtherance of the person's official State duties or  
4 governmental and public service functions.

5 "Political organization" means a party, committee,  
6 association, fund, or other organization (whether or not  
7 incorporated) that is required to file a statement of  
8 organization with the State Board of Elections or a county  
9 clerk under Section 9-3 of the Election Code, but only with  
10 regard to those activities that require filing with the State  
11 Board of Elections or a county clerk.

12 "Prohibited political activity" means:

13 (1) Preparing for, organizing, or participating in any  
14 political meeting, political rally, political  
15 demonstration, or other political event.

16 (2) Soliciting contributions, including but not  
17 limited to the purchase of, selling, distributing, or  
18 receiving payment for tickets for any political  
19 fundraiser, political meeting, or other political event.

20 (3) Soliciting, planning the solicitation of, or  
21 preparing any document or report regarding any thing of  
22 value intended as a campaign contribution.

23 (4) Planning, conducting, or participating in a public  
24 opinion poll in connection with a campaign for elective  
25 office or on behalf of a political organization for  
26 political purposes or for or against any referendum

1 question.

2 (5) Surveying or gathering information from potential  
3 or actual voters in an election to determine probable vote  
4 outcome in connection with a campaign for elective office  
5 or on behalf of a political organization for political  
6 purposes or for or against any referendum question.

7 (6) Assisting at the polls on election day on behalf of  
8 any political organization or candidate for elective  
9 office or for or against any referendum question.

10 (7) Soliciting votes on behalf of a candidate for  
11 elective office or a political organization or for or  
12 against any referendum question or helping in an effort to  
13 get voters to the polls.

14 (8) Initiating for circulation, preparing,  
15 circulating, reviewing, or filing any petition on behalf of  
16 a candidate for elective office or for or against any  
17 referendum question.

18 (9) Making contributions on behalf of any candidate for  
19 elective office in that capacity or in connection with a  
20 campaign for elective office.

21 (10) Preparing or reviewing responses to candidate  
22 questionnaires in connection with a campaign for elective  
23 office or on behalf of a political organization for  
24 political purposes.

25 (11) Distributing, preparing for distribution, or  
26 mailing campaign literature, campaign signs, or other

1 campaign material on behalf of any candidate for elective  
2 office or for or against any referendum question.

3 (12) Campaigning for any elective office or for or  
4 against any referendum question.

5 (13) Managing or working on a campaign for elective  
6 office or for or against any referendum question.

7 (14) Serving as a delegate, alternate, or proxy to a  
8 political party convention.

9 (15) Participating in any recount or challenge to the  
10 outcome of any election, except to the extent that under  
11 subsection (d) of Section 6 of Article IV of the Illinois  
12 Constitution each house of the General Assembly shall judge  
13 the elections, returns, and qualifications of its members.

14 "Prohibited source" means any person or entity who:

15 (1) is seeking official action (i) by the member or  
16 officer or (ii) in the case of an employee, by the employee  
17 or by the member, officer, State agency, or other employee  
18 directing the employee;

19 (2) does business or seeks to do business (i) with the  
20 member or officer or (ii) in the case of an employee, with  
21 the employee or with the member, officer, State agency, or  
22 other employee directing the employee;

23 (3) conducts activities regulated (i) by the member or  
24 officer or (ii) in the case of an employee, by the employee  
25 or by the member, officer, State agency, or other employee  
26 directing the employee;



1           (4) has interests that may be substantially affected by  
2           the performance or non-performance of the official duties  
3           of the member, officer, or employee;

4           (5) is registered or required to be registered with the  
5           Secretary of State under the Lobbyist Registration Act,  
6           except that an entity not otherwise a prohibited source  
7           does not become a prohibited source merely because a  
8           registered lobbyist is one of its members or serves on its  
9           board of directors; or

10          (6) is an agent of, a spouse of, or an immediate family  
11          member who is living with a "prohibited source".

12          "Regional Transit Boards" means (i) the Regional  
13          Transportation Authority created by the Regional  
14          Transportation Authority Act, (ii) the Suburban Bus Division  
15          created by the Regional Transportation Authority Act, (iii) the  
16          Commuter Rail Division created by the Regional Transportation  
17          Authority Act, and (iv) the Chicago Transit Authority created  
18          by the Metropolitan Transit Authority Act.

19          "State agency" includes all officers, boards, commissions  
20          and agencies created by the Constitution, whether in the  
21          executive or legislative branch; all officers, departments,  
22          boards, commissions, agencies, institutions, authorities,  
23          public institutions of higher learning as defined in Section 2  
24          of the Higher Education Cooperation Act (except community  
25          colleges), and bodies politic and corporate of the State; and  
26          administrative units or corporate outgrowths of the State

1 government which are created by or pursuant to statute, other  
2 than units of local government (including community college  
3 districts) and their officers, school districts, and boards of  
4 election commissioners; and all administrative units and  
5 corporate outgrowths of the above and as may be created by  
6 executive order of the Governor. "State agency" includes the  
7 General Assembly, the Senate, the House of Representatives, the  
8 President and Minority Leader of the Senate, the Speaker and  
9 Minority Leader of the House of Representatives, the Senate  
10 Operations Commission, and the legislative support services  
11 agencies. "State agency" includes the Office of the Auditor  
12 General. "State agency" does not include the judicial branch.

13 "State employee" means any employee of a State agency.

14 "Ultimate jurisdictional authority" means the following:

15 (1) For members, legislative partisan staff, and  
16 legislative secretaries, the appropriate legislative  
17 leader: President of the Senate, Minority Leader of the  
18 Senate, Speaker of the House of Representatives, or  
19 Minority Leader of the House of Representatives.

20 (2) For State employees who are professional staff or  
21 employees of the Senate and not covered under item (1), the  
22 Senate Operations Commission.

23 (3) For State employees who are professional staff or  
24 employees of the House of Representatives and not covered  
25 under item (1), the Speaker of the House of  
26 Representatives.

1           (4) For State employees who are employees of the  
2 legislative support services agencies, the Joint Committee  
3 on Legislative Support Services.

4           (5) For State employees of the Auditor General, the  
5 Auditor General.

6           (6) For State employees of public institutions of  
7 higher learning as defined in Section 2 of the Higher  
8 Education Cooperation Act (except community colleges), the  
9 board of trustees of the appropriate public institution of  
10 higher learning.

11           (7) For State employees of an executive branch  
12 constitutional officer other than those described in  
13 paragraph (6), the appropriate executive branch  
14 constitutional officer.

15           (8) For State employees not under the jurisdiction of  
16 paragraph (1), (2), (3), (4), (5), (6), or (7), the  
17 Governor.

18           (9) For employees of Regional Transit Boards, the  
19 appropriate Regional Transit Board.

20           (10) For board members of Regional Transit Boards, the  
21 Governor.

22 (Source: P.A. 96-6, eff. 4-3-09; 96-555, eff. 8-18-09; 96-1528,  
23 eff. 7-1-11; 96-1533, eff. 3-4-11; 97-813, eff. 7-13-12.)

24 (5 ILCS 430/5-47 new)

25 Sec. 5-47. Lobbying restrictions.

1       (a) No former officer and no employee or immediate family  
2 member of a former officer shall, for a period of 2 years after  
3 the last day of the most recent term of office to which the  
4 former officer was elected, engage in lobbying, as that term is  
5 defined in the Lobbyist Registration Act, whether: (i) as a  
6 lobbyist; (ii) as an owner, partner, shareholder, or some other  
7 interest-holder in a business that engages in lobbying; or  
8 (iii) in any other manner in which the officer, employee, or  
9 immediate family member derives salary, compensation, or other  
10 form of payment from an activity that is related in any manner  
11 whatsoever to lobbying.

12       (b) No immediate family member of an officer shall, during  
13 the term of office to which the officer is elected, engage in  
14 lobbying, as that term is defined in the Lobbyist Registration  
15 Act, whether: (i) as a lobbyist; (ii) as an owner, partner,  
16 shareholder, or some other interest-holder in a business that  
17 engages in lobbying; or (iii) in any other manner in which the  
18 immediate family member derives salary, compensation, or other  
19 form of payment from an activity that is related in any manner  
20 whatsoever to lobbying.

21       (5 ILCS 430/50-5)

22       Sec. 50-5. Penalties.

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

1 (a-1) An ethics commission may levy an administrative fine  
2 for a violation of Section 5-45 of this Act of up to 3 times the  
3 total annual compensation that would have been obtained in  
4 violation of Section 5-45.

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

8 (c) A person who intentionally violates any provision of  
9 Article 10 is guilty of a business offense and subject to a  
10 fine of at least \$1,001 and up to \$5,000.

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

16 (e) An ethics commission may levy an administrative fine of  
17 up to \$5,000 against any person who violates this Act, who  
18 intentionally obstructs or interferes with an investigation  
19 conducted under this Act by an inspector general, or who  
20 intentionally makes a false, frivolous, or bad faith  
21 allegation.

22 (f) In addition to any other penalty that may apply,  
23 whether criminal or civil, a State employee who intentionally  
24 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,  
25 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or  
26 25-90 is subject to discipline or discharge by the appropriate

1 ultimate jurisdictional authority.

2 (g) A person who intentionally violates any provision of  
3 Section 5-47 is guilty of a Class 4 felony.

4 (Source: P.A. 96-555, eff. 8-18-09.)

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