**Section 560.210 Persons Not Required to Register**

This Part is not intended and shall not be construed to apply to the following:

a) *Persons or entities who, for the purpose of influencing any executive, legislative or administrative action and who do not make expenditures that are reportable pursuant to Section 6* of the Act*, appear without compensation or promise thereof only as witnesses before committees of the House and Senate for the purpose of explaining or arguing for or against the passage of or action upon any legislation then pending before those committees, or who seek without compensation or promise thereof the approval or veto of any legislation by the Governor.* (Section 3(a)(1) of the Act)

b) *Persons or entities that receive no compensation* from their immediate employer or association *other than reimbursement for expenses of up to $500 per year while engaged in lobbying State government, unless those persons made expenditures that are reportable under Section 6* of the Act. (Section 3(a)(8) of the Act) Volunteers for non-profit registered entities who undertake a direct lobbying communication within the scope of their volunteer activities are not required to register unless they make reportable expenditures. However, this exemption does not apply to non-profit entities engaged in direct lobbying communications.

c) *Persons or entities performing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation when those professional services are not otherwise, directly or indirectly, connected with executive, legislative or administrative action.* (Section 3(a)(3) of the Act) Examples include, but are not limited to, the following:

1) an entity that monitors or drafts legislation on behalf of its members or clients, but does not engage in direct lobbying communications with officials or make reportable expenditures;

2) an individual employed by a registered or non-registered entity who monitors or drafts legislation on behalf of his or her employer or client, but does not engage in direct lobbying communications with officials or make reportable expenditures.

d) *Persons or entities in possession of technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions, whose skills and knowledge would be helpful to officials* regardless of whether the assistance was requested *when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Section 6* of the Act *even though receiving expense reimbursement for those occasional appearances.* (Section 3(a)(6) of the Act) Examples include, but are not limited to the following:

1) A group of physicians (or individual physician if the firm is registered under this Part) that prepares a report on a particular health issue that is used to inform officials on the subject in connection with a hospital's efforts to lobby for additional funding. The physician's or physicians' contact with officials shall be limited to explanation of the medical subject matter and shall not attempt to influence the hospital's funding.

2) An engineering firm (or individual engineer if the firm is registered under this Part) that prepares a technical analysis on structural performance or operational capability that is used in the preparation for, or negotiation of, a bid or any other executive or administrative action. The firm's or engineer's contact with officials shall be limited to the explanation of the analysis and shall not attempt to influence the procurement of the bid.

e) *Employees of the General Assembly, legislators, legislative agencies and legislative commissions who, in the course of their official duties only, engage in activities that otherwise qualify as lobbying.* (Section 3(a)(5) of the Act)

f) *Persons or entities who are employees of departments, divisions, or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before those committees will affect those departments, divisions or agencies of State government.* (Section 3(a)(4) of the Act) No communication by a department, division, agency or employees thereof acting within the scope of their employment regarding any executive, legislative or administrative action shall be construed as lobbying activities requiring a department, division or agency of State government or its employees to register under this Part.

g) *Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of that church or religious organization, or any such bona fide church or religious organization.* (Section 3(a)(7) of the Act)

h) *Persons or entities who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station or other bona fide news medium that in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements that directly urge the passage or defeat of legislation.*

1) *This exemption shall not be applicable to such an individual insofar as he receives additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing executive, legislative or administrative action.*

2) *This exemption does not apply to newspapers and periodicals owned by or published by trade associations and not-for-profit corporations engaged primarily in endeavors other than dissemination of news.* (Section 3(a)(2) of the Act)

i) *Any attorney or group or firm of attorneys in the course of representing a legal client in any administrative or judicial proceeding in which ex parte communications are not allowed and who does not make expenditures that are reportable under Section 6* of the Act*, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make expenditures that are reportable pursuant to Section 6* of the Act. The act of representing a legal client in any administrative or judicial proceeding begins with the retaining of legal counsel for that purpose.

j) *Persons who, in the scope of their employment as a vendor,* regardless of any ownership interest in same, *offer or solicit an official for the purchase* or lease *of any goods or services where:*

1) *the solicitation is limited to either an oral inquiry or written advertisements and informative literature; or*

2) *the goods and services are subject to* pre-qualification or *competitive bidding requirements of the Illinois Procurement Code* [30 ILCS 500]*,* Architectural, Engineering, and Land Surveying Qualifications Based Selections Act [30 ILCS 535], Governmental Joint Purchasing Act [30 ILCS 525], and Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]; or

3) *the goods and services are for sale at a cost not to exceed $5,000; and*

4) *the persons do not make expenditures that are reportable under Section 6* of the Act. (Section (3)(a)(10) of the Act)

k) National, State, or local government units and school districts, and elected or appointed officers or employees thereof, who, within the scope of their public office or employment, lobby exclusively for one of the aforementioned units of government. For purposes of this Part, a "unit of local government" shall mean a unit of local government as defined by Article VII, Section 1 of the Illinois Constitution.

l) Persons who make incidental contacts with officials at business or social functions where executive, legislative or administrative action is discussed and who do not make a reportable expenditure pursuant to Section 6 of the Act. However, the person or entity sponsoring the event or making a reportable expenditure in connection with the event is not exempt from registering under this subsection.

m) Individuals or entities employed by a lobbying entity or other participants in a grass roots lobbying event whose lobbying activity is limited to participation at a grass roots lobbying event, and who report expenditures to the lobbying entity as prescribed by Section 560.325. However, persons or entities performing contractual grass roots lobbying communication services involved in organizing a grass roots lobbying event or communication shall register if there is contact with officials other than the routine communication that is the subject of the contract.

n) Persons who perform ministerial functions in conjunction with an executive, legislative or administrative action that require routine written correspondence or contact with officials shall not subject a person to register pursuant to this Part (for example, an assistant arranging an appointment between a lobbyist and an official).

o) *Any attorney or group or firm of attorneys in the course of representing a client in an administrative or executive action involving a contractual or purchasing arrangement who does not make expenditures that are reportable pursuant to Section 6* of the Act. (Section 3(a)(9.5) of the Act)

p) A person or entity claiming an exemption under Section 3 of the Act shall complete a statement of exemption and shall *certify* under penalties existing under the Act and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] *that the person or entity is not required to register* under the Act. (Section 3(c) of the Act) The statement of exemption shall include the individual's or entity's name, address, phone number, fax number, contact person, and contact person's email address, and shall indicate the particular exemption claimed under Section 3 of the Act.

q) In addition, the individual or entity shall also cite any further statutory authority that provides a basis on which the individual or entity may claim an exemption from registration, such as an enacting statute that designates an entity as a unit of local government.

r) Each lobbying entity shall inform its clients of the requirement to register under the Act or to file a statement of exemption. All individuals or entities claiming an exemption shall utilize the form available on the Secretary of State Index Department website.

s) *Nothing prohibits the Secretary from rejecting* a statement of exemption *and requiring a person or entity to register* should the Secretary determine the individual or entity is not eligible for the claimed exemption. (Section 3(c) of the Act)

(Source: Amended at 35 Ill. Reg. 12761, effective July 18, 2011)