



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3586

Introduced 2/22/2021, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/5	
25 ILCS 170/5.5 new	
25 ILCS 170/8	from Ch. 63, par. 178
25 ILCS 170/11.2	

Amends the Lobbyist Registration Act. Provides that it is a violation of the Act to employ or retain any person as a consultant, unless the registrant files an amended registration before any consulting services are performed setting forth specified information. Specifies the information to be disclosed upon employing a consultant. Requires a consultant to register as a lobbyist if he or she communicates with an official on behalf of a lobbying entity employing the consultant for the ultimate purpose of influencing any executive, legislative, or administrative action, or makes an expenditure benefitting an official. Prohibits compensation to consultants that is contingent on the outcome of legislative, executive, or administrative action. Provides for local government regulation of consultant services. Defines "consultant". Makes conforming changes.

LRB102 15502 RJF 20865 b

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 Lobbyist Registration Act is amended by  
5 changing Sections 2, 3, 5, 8, and 11.2 and by adding Section  
6 5.5 as follows:

7 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

10 (a) "Person" means any individual, firm, partnership,  
11 committee, association, corporation, or any other organization  
12 or group of persons.

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

20 (c) "Official" means:

21 (1) the Governor, Lieutenant Governor, Secretary of  
22 State, Attorney General, State Treasurer, and State  
23 Comptroller;

1           (2) Chiefs of Staff for officials described in item  
2           (1);

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

6           (4) Members of the General Assembly; and

7           (5) Members of any board, commission, authority, or  
8           task force of the State authorized or created by State law  
9           or by executive order of the Governor.

10          (d) "Compensation" means any money, thing of value or  
11          financial benefits received or to be received in return for  
12          services rendered or to be rendered, for lobbying as defined  
13          in subsection (e) or for acting as a consultant as defined in  
14          subsection (d-5).

15          Monies paid to members of the General Assembly by the  
16          State as remuneration for performance of their Constitutional  
17          and statutory duties as members of the General Assembly shall  
18          not constitute compensation as defined by this Act.

19          (d-5) "Consultant" means any natural person who is a  
20          current or former official or employee of the State of  
21          Illinois or any of its political subdivisions, and who is now  
22          compensated by a person who is required to register under this  
23          Act for the purpose of providing information, advice, or  
24          guidance with regard to interactions with any State  
25          governmental entity or any State government official or  
26          employee.

1           (e) "Lobby" and "lobbying" means any communication with an  
2 official of the executive or legislative branch of State  
3 government as defined in subsection (c) for the ultimate  
4 purpose of influencing any executive, legislative, or  
5 administrative action.

6           (f) "Influencing" means any communication, action,  
7 reportable expenditure as prescribed in Section 6 or other  
8 means used to promote, support, affect, modify, oppose or  
9 delay any executive, legislative or administrative action or  
10 to promote goodwill with officials as defined in subsection  
11 (c).

12           (g) "Executive action" means the proposal, drafting,  
13 development, consideration, amendment, adoption, approval,  
14 promulgation, issuance, modification, rejection or  
15 postponement by a State entity of a rule, regulation, order,  
16 decision, determination, contractual arrangement, purchasing  
17 agreement or other quasi-legislative or quasi-judicial action  
18 or proceeding.

19           (h) "Legislative action" means the development, drafting,  
20 introduction, consideration, modification, adoption,  
21 rejection, review, enactment, or passage or defeat of any  
22 bill, amendment, resolution, report, nomination,  
23 administrative rule or other matter by either house of the  
24 General Assembly or a committee thereof, or by a legislator.  
25 Legislative action also means the action of the Governor in  
26 approving or vetoing any bill or portion thereof, and the

1 action of the Governor or any agency in the development of a  
2 proposal for introduction in the legislature.

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

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

11 (k) "Lobbying entity" means any entity that hires,  
12 retains, employs, or compensates a natural person to lobby  
13 State government as provided in subsection (e) or for  
14 providing services as a consultant as defined in subsection  
15 (d-5).

16 (l) "Authorized agent" means the person designated by an  
17 entity or lobbyist registered under this Act as the person  
18 responsible for submission and retention of reports required  
19 under this Act.

20 (m) "Client" means any person or entity that provides  
21 compensation to a lobbyist to lobby State government as  
22 provided in subsection (e) of this Section or provides  
23 compensation to a consultant for providing services as set  
24 forth in subsection (d-5).

25 (n) "Client registrant" means a client who is required to  
26 register under this Act.

1           (o) "Unit of local government" has the meaning ascribed to  
2 it in Section 1 of Article VII of the Illinois Constitution and  
3 also includes school districts and community college  
4 districts.

5           (Source: P.A. 101-595, eff. 12-5-19.)

6           (25 ILCS 170/3) (from Ch. 63, par. 173)

7           Sec. 3. Persons required to register.

8           (a) Except as provided in Section 9, any natural person  
9 who, for compensation or otherwise, undertakes to lobby, or  
10 any person or entity who employs or compensates another person  
11 for the purposes of lobbying, shall register with the  
12 Secretary of State as provided in this Act, unless that person  
13 or entity qualifies for one or more of the following  
14 exemptions.

15           (1) Persons or entities who, for the purpose of  
16 influencing any executive, legislative, or administrative  
17 action and who do not make expenditures that are  
18 reportable pursuant to Section 6, appear without  
19 compensation or promise thereof only as witnesses before  
20 committees of the House and Senate for the purpose of  
21 explaining or arguing for or against the passage of or  
22 action upon any legislation then pending before those  
23 committees, or who seek without compensation or promise  
24 thereof the approval or veto of any legislation by the  
25 Governor.

1 (1.4) A unit of local government or a school district.

2 (1.5) An elected or appointed official or an employee  
3 of a unit of local government or school district who, in  
4 the scope of his or her public office or employment, seeks  
5 to influence executive, legislative, or administrative  
6 action exclusively on behalf of that unit of local  
7 government or school district.

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

23 (3) Persons or entities performing professional  
24 services in drafting bills or in advising and rendering  
25 opinions to clients as to the construction and effect of  
26 proposed or pending legislation when those professional

1 services are not otherwise, directly or indirectly,  
2 connected with executive, legislative, or administrative  
3 action.

4 (4) Persons or entities who are employees of  
5 departments, divisions, or agencies of State government  
6 and who appear before committees of the House and Senate  
7 for the purpose of explaining how the passage of or action  
8 upon any legislation then pending before those committees  
9 will affect those departments, divisions, or agencies of  
10 State government.

11 (5) Employees of the General Assembly, legislators,  
12 legislative agencies, and legislative commissions who, in  
13 the course of their official duties only, engage in  
14 activities that otherwise qualify as lobbying.

15 (6) Persons or entities in possession of technical  
16 skills and knowledge relevant to certain areas of  
17 executive, legislative, or administrative actions, whose  
18 skills and knowledge would be helpful to officials when  
19 considering those actions, whose activities are limited to  
20 making occasional appearances for or communicating on  
21 behalf of a registrant, and who do not make expenditures  
22 that are reportable pursuant to Section 6 even though  
23 receiving expense reimbursement for those occasional  
24 appearances.

25 (7) Any full-time employee of a bona fide church or  
26 religious organization who represents that organization



1 solely for the purpose of protecting the right of the  
2 members thereof to practice the religious doctrines of  
3 that church or religious organization, or any such bona  
4 fide church or religious organization.

5 (8) Persons or entities that receive no compensation  
6 other than reimbursement for expenses of up to \$500 per  
7 year while engaged in lobbying State government, unless  
8 those persons make expenditures that are reportable under  
9 Section 6.

10 (9) Any attorney or group or firm of attorneys in the  
11 course of representing a client in any administrative or  
12 judicial proceeding, or any witness providing testimony in  
13 any administrative or judicial proceeding, in which ex  
14 parte communications are not allowed and who does not make  
15 expenditures that are reportable pursuant to Section 6.

16 (9.5) Any attorney or group or firm of attorneys in  
17 the course of representing a client in an administrative  
18 or executive action involving a contractual or purchasing  
19 arrangement and who does not make expenditures that are  
20 reportable pursuant to Section 6.

21 (10) Persons or entities who, in the scope of their  
22 employment as a vendor, offer or solicit an official for  
23 the purchase of any goods or services when (1) the  
24 solicitation is limited to either an oral inquiry or  
25 written advertisements and informative literature; or (2)  
26 the goods and services are subject to competitive bidding

1 requirements of the Illinois Procurement Code; or (3) the  
2 goods and services are for sale at a cost not to exceed  
3 \$5,000; and (4) the persons or entities do not make  
4 expenditures that are reportable under Section 6.

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

11 (b-5) It is a violation of this Act to employ or retain any  
12 person as a consultant, unless the registrant files an amended  
13 registration before any consulting services are performed, but  
14 in any event not later than 2 business days after the  
15 consultant is employed or retained, setting forth the  
16 information required in subsection (b-7) of Section 5.

17 (c) The Secretary shall promulgate a rule establishing a  
18 list of the entities required to register under this Act,  
19 including the name of each board, commission, authority, or  
20 task force. The Secretary may require a person or entity  
21 claiming an exemption under this Section to certify the person  
22 or entity is not required to register under this Act. Nothing  
23 prohibits the Secretary from rejecting a certification and  
24 requiring a person or entity to register.

25 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

1 (25 ILCS 170/5)

2 Sec. 5. Lobbyist registration and disclosure. Every  
3 natural person and every entity required to register under  
4 this Act shall before any service is performed which requires  
5 the natural person or entity to register, but in any event not  
6 later than 2 business days after being employed or retained,  
7 file in the Office of the Secretary of State a statement in a  
8 format prescribed by the Secretary of State containing the  
9 following information with respect to each person or entity  
10 employing, retaining, or benefitting from the services of the  
11 natural person or entity required to 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 entity, the information  
17 required under subsection (a) for each natural person  
18 associated with the registrant who will be lobbying,  
19 regardless of whether lobbying is a significant part of  
20 his or her duties.

21 (b) The name and address of the client or clients  
22 employing or retaining the registrant to perform such  
23 services or on whose behalf the registrant appears. If the  
24 client employing or retaining the registrant is a client  
25 registrant, the statement shall also include the name and  
26 address of the client or clients of the client registrant

1 on whose behalf the registrant will be or anticipates  
2 performing services.

3 (b-5) If the registrant employs or retains a  
4 sub-registrant, the statement shall include the name and  
5 address of the sub-registrant and identify the client or  
6 clients of the registrant on whose behalf the  
7 sub-registrant will be or is anticipated to be performing  
8 services.

9 (b-7) If the registrant employs or retains a  
10 consultant as defined in subsection (d-5) of Section 2,  
11 the statement shall include the name and address of the  
12 consultant and identify any governmental entity or  
13 entities or any government officials or employees with  
14 regard to whom the consultant is employed or retained to  
15 provide information, advice, or guidance. When an  
16 individual is otherwise registered as a lobbyist, but is  
17 retained solely for consultant services by the reporting  
18 entity, that individual shall be identified in the report  
19 as a consultant for the reporting entity.

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

23 (c-5) Each executive and legislative branch agency the  
24 registrant expects to lobby during the registration  
25 period.

26 (c-6) The nature of the client's business, by

1           indicating all of the following categories that apply: (1)  
2           banking and financial services, (2) manufacturing, (3)  
3           education, (4) environment, (5) healthcare, (6) insurance,  
4           (7) community interests, (8) labor, (9) public relations  
5           or advertising, (10) marketing or sales, (11) hospitality,  
6           (12) engineering, (13) information or technology products  
7           or services, (14) social services, (15) public utilities,  
8           (16) racing or wagering, (17) real estate or construction,  
9           (18) telecommunications, (19) trade or professional  
10          association, (20) travel or tourism, (21) transportation,  
11          (22) agriculture, and (23) other (setting forth the nature  
12          of that other business).

13           (d) A confirmation that the registrant has a sexual  
14          harassment policy as required by Section 4.7, that such  
15          policy shall be made available to any individual within 2  
16          business days upon written request (including electronic  
17          requests), that any person may contact the authorized  
18          agent of the registrant to report allegations of sexual  
19          harassment, and that the registrant recognizes the  
20          Inspector General has jurisdiction to review any  
21          allegations of sexual harassment alleged against the  
22          registrant or lobbyists hired by the registrant.

23           (e) Each unit of local government in this State for  
24          which the registrant is or expects to be required to  
25          register to lobby the local government during the  
26          registration period. "Lobby" shall have the meaning

1 ascribed to it by the relevant unit of local government.

2 (f) Each elected or appointed public office in this  
3 State to be held by the registrant at any time during the  
4 registration period.

5 Every natural person and every entity required to register  
6 under this Act shall annually submit the registration required  
7 by this Section on or before each January 31. The registrant  
8 has a continuing duty to report any substantial change or  
9 addition to the information contained in the registration.  
10 Registrants registered as of the effective date of this  
11 amendatory Act of the 101st General Assembly shall update  
12 their registration to add the information required under  
13 subsections (b-5), (e), and (f), if applicable, within 30 days  
14 after the effective date of this amendatory Act of the 101st  
15 General Assembly.

16 The Secretary of State shall make all filed statements and  
17 amendments to statements publicly available by means of a  
18 searchable database that is accessible through the World Wide  
19 Web. The Secretary of State shall provide all software  
20 necessary to comply with this provision to all natural persons  
21 and entities required to file. The Secretary of State shall  
22 implement a plan to provide computer access and assistance to  
23 natural persons and entities required to file electronically.

24 All natural persons and entities required to register  
25 under this Act shall remit a single, annual, and nonrefundable  
26 \$300 registration fee. Each natural person required to

1 register under this Act shall submit, on an annual basis, a  
2 picture of the registrant. A registrant may, in lieu of  
3 submitting a picture on an annual basis, authorize the  
4 Secretary of State to use any photo identification available  
5 in any database maintained by the Secretary of State for other  
6 purposes. Each registration fee collected for registrations on  
7 or after January 1, 2010 shall be deposited into the Lobbyist  
8 Registration Administration Fund for administration and  
9 enforcement of this Act.

10 (Source: P.A. 100-554, eff. 11-16-17; 101-595, eff. 12-5-19.)

11 (25 ILCS 170/5.5 new)

12 Sec. 5.5. Consultant registration. If in the course of  
13 providing services as a consultant, the consultant  
14 communicates with an official on behalf of the lobbying entity  
15 employing the consultant for the ultimate purpose of  
16 influencing any executive, legislative, or administrative  
17 action, or makes an expenditure benefitting an official, the  
18 consultant shall register as a lobbyist within 2 business days  
19 after engaging in the communication with an official or making  
20 the expenditure benefitting an official. The expenditures  
21 shall be reported in the lobbying entity's semi-monthly  
22 expenditure report.

23 (25 ILCS 170/8) (from Ch. 63, par. 178)

24 Sec. 8. Contingent fees prohibited. No person shall retain

1 or employ another to lobby or provide consulting services with  
2 respect to any legislative, executive, or administrative  
3 action for compensation contingent in whole or in part upon  
4 the outcome of the action and no person shall accept any such  
5 employment or render any such service for compensation  
6 contingent upon the outcome of the legislative, executive, or  
7 administrative action.

8 (Source: P.A. 93-889, eff. 8-9-04.)

9 (25 ILCS 170/11.2)

10 Sec. 11.2. Local regulation. A unit of local government or  
11 school district may adopt an ordinance or resolution  
12 regulating lobbying activities or consulting services with  
13 that unit of local government or school district that imposes  
14 requirements similar to those imposed by this Act.

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