

1 AN ACT concerning ethics.

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

4 Section 5. The State Gift Ban Act is amended by changing
5 Sections 5, 10, 15, 20, 30, 35, 45, 55, 60, 80, 83, and 85 as
6 follows:

7 (5 ILCS 425/5)

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

9 "Commission" means an ethics commission created by this
10 Act.

11 "Employee" means the following of the executive and
12 legislative branches of State government: all full-time,
13 part-time, and contractual employees, appointed and elected
14 officials, and directors of a governmental entity.

15 "Gift" means any gratuity, discount, entertainment,
16 hospitality, loan, forbearance, or other tangible or
17 intangible item having monetary value including, but not
18 limited to, cash, food and drink, and honoraria for speaking
19 engagements related to or attributable to government
20 employment or the official position of an employee, member,
21 or officer~~er~~-judge.

22 "Governmental entity" means each office, board,
23 commission, agency, department, authority, institution,
24 university, body politic and corporate, administrative unit,
25 and corporate outgrowth of the executive and~~er~~, legislative,
26 and-judicial branches of State government, whether created by
27 the Illinois Constitution, by or in accordance with statute,
28 or by executive order of the Governor. "Governmental entity"
29 includes the Health Facilities Planning Board.

30 "Judge"~~--means-judges-and-associate-judges-of-the-Supreme~~
31 Court~~er~~-Appellate-Courts~~er~~-and-Circuit-Courts.

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

2 "Officer" means a State constitutional officer.

3 "Political organization" means a party, committee,
4 association, fund, or other organization (whether or not
5 incorporated) organized and operated primarily for the
6 purpose of directly or indirectly accepting contributions or
7 making expenditures, or both, for the function of influencing
8 or attempting to influence the selection, nomination,
9 election, or appointment of any individual to any federal,
10 state, or local public office or office in a political
11 organization, or the election of Presidential or
12 Vice-Presidential electors, whether or not the individual or
13 electors are selected, nominated, elected, or appointed. The
14 term includes the making of expenditures relating to an
15 office described in the preceding sentence that, if incurred
16 by the individual, would be allowable as a federal income tax
17 deduction for trade or business expenses.

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

19 (1) is seeking official action (i) by the member
20 or officer ~~or~~ judge or (ii) in the case of an employee,
21 by the employee or by the member, officer, judge,
22 governmental entity, or other employee directing the
23 employee;

24 (2) does business or seeks to do business (i) with
25 the member or officer ~~or~~ judge or (ii) in the case of
26 an employee, with the employee or with the member,
27 officer, judge, governmental entity, or other employee
28 directing the employee;

29 (3) conducts activities regulated (i) by the member
30 or officer ~~or~~ judge or (ii) in the case of an employee,
31 by the employee or by the member, officer, judge,
32 governmental entity, or other employee directing the
33 employee;

34 (4) has interests that may be substantially

1 affected by the performance or non-performance of the
2 official duties of the member, officer, or employee, ~~or~~
3 judge; or

4 (5) is registered or required to be registered with
5 the Secretary of State under the Lobbyist Registration
6 Act.

7 "Ultimate jurisdictional authority" means the following:

8 (1) For members, partisan staff, and their
9 secretaries, the appropriate legislative leader:
10 President of the Senate, Minority Leader of the Senate,
11 Speaker of the House of Representatives, or Minority
12 Leader of the House of Representatives.

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

16 (3) For State employees who are professional staff
17 or employees of the House of Representatives and not
18 covered under item (1), the Speaker of the House of
19 Representatives.

20 (4) For State employees who are employees of the
21 legislative support services agencies, the Joint
22 Committee on Legislative Support Services.

23 (5) (Blank). ~~For judges, the Chief Justice of the~~
24 ~~Supreme Court.~~

25 (6) (Blank). ~~For State employees of the judicial~~
26 ~~branch, the Administrative Office of the Illinois Courts.~~

27 (7) For State employees of an executive branch
28 constitutional officer, the appropriate executive branch
29 constitutional officer.

30 (8) For State employees not under the jurisdiction
31 of paragraph (1), (2), (3), (4), ~~(5)~~, ~~(6)~~, or (7), the
32 Governor.

33 (9) For officers, the General Assembly.

34 (Source: P.A. 90-737, eff. 1-1-99; 91-782, eff. 6-9-00.)

(5 ILCS 425/10)

Sec. 10. Gift ban. Except as otherwise provided in this Act, no member, officer, or employee, ~~or~~-judge shall knowingly solicit or accept any gift of more than \$100 per year from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes spouses of and immediate family living with the member, officer, or employee, ~~or~~-judge. No prohibited source shall offer or make a gift that violates this Section.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/15)

Sec. 15. Exceptions. The restriction in Section 10 does not apply to the following:

(1) Opportunities and benefits that are available to the general public. ~~Anything--for--which--the--member,--officer, employee,--or--judge--pays--the--market--value--or--anything--not--used and--promptly--disposed--of--as--provided--in--Section--25.~~

(2) A contribution, as defined in Article 9 of the Election Code that is lawfully made under that Act or attendance at a fundraising event sponsored by a political organization.

(3) Educational materials and missions.

(4) Travel expenses for a meeting to discuss State business.

(5) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the

1 individual's spouse and the individual's fiance or fiancée.

2 ~~(6)~~(4) Anything provided by an individual on the basis
3 of a personal friendship unless the member, officer,
4 employee,~~er~~ judge has reason to believe that, under the
5 circumstances, the gift was provided because of the official
6 position or employment of the member, officer, or employee,
7 ~~er~~ judge and not because of the personal friendship.

8 In determining whether a gift is provided on the basis of
9 personal friendship, the member, officer, or employee,~~er~~
10 judge shall consider the circumstances under which the gift
11 was offered, such as:

12 (i) the history of the relationship between the
13 individual giving the gift and the recipient of the gift,
14 including any previous exchange of gifts between those
15 individuals;

16 (ii) whether to the actual knowledge of the member,
17 officer, or employee,~~er~~ judge the individual who gave
18 the gift personally paid for the gift or sought a tax
19 deduction or business reimbursement for the gift; and

20 (iii) whether to the actual knowledge of the
21 member, officer, or employee,~~er~~ judge the individual who
22 gave the gift also at the same time gave the same or
23 similar gifts to other members, officers, or employees,
24 ~~er~~ judges.

25 (7) Food or refreshments not exceeding \$75 per person in
26 value; provided that the food or refreshments are (i)
27 consumed on the premises from which they were purchased or
28 prepared or (ii) catered. For the purposes of this Section,
29 "catered" means food or refreshments that are purchased ready
30 to eat and delivered by any means. (5)--A-commercially
31 reasonable-loan-evidenced-in-writing-with-repayment-due-by-a
32 date--certain--made--in--the--ordinary-course-of-the-lender's
33 business-

34 ~~(6)~~--A-contribution-or-other-payments-to-a-legal--defense

1 fund--established--for--the--benefit--of--a--member, officer,
2 employee, or judge that is otherwise lawfully made.

3 ~~(8)(7)~~ Intra-office and inter-office gifts. For the
4 purpose of this Act, "intra-office gifts" means:

5 (i) any gift given to a member or employee of the
6 legislative branch from another member or employee of the
7 legislative branch;

8 (ii) (Blank). any gift given to a judge or employee
9 of the judicial branch from another judge or employee of
10 the judicial branch;

11 (iii) any gift given to an officer or employee of
12 the executive branch from another officer or employee of
13 the executive branch;

14 (iv) (Blank). any gift given to an officer or
15 employee of a unit of local government, home-rule unit,
16 or school district, from another employee of that unit of
17 local government, home-rule unit, or school district;

18 (v) any gift given to an officer or employee of any
19 other governmental entity not included in item (i) or
20 ~~(ii)~~, (iii), ~~or~~ (iv), from another employee of that
21 governmental entity; or

22 (vi) any gift given to a member or employee of the
23 legislative branch, a judge or employee of the judicial
24 branch, an officer or employee of the executive branch,
25 an officer or employee of a unit of local government,
26 home-rule unit, or school district, or an officer or
27 employee of any other governmental entity not included in
28 item (i) or ~~(ii)~~, (iii), ~~or~~ (iv) from a member or
29 employee of the legislative branch, a judge or employee
30 of the judicial branch, an officer or employee of the
31 executive branch, an officer or employee of a unit of
32 local government, home rule unit, or school district, or
33 an officer or employee of any other governmental entity.

34 ~~(8)~~--Feed, refreshments, lodging, transportation, and

1 other-benefits:

2 (i)--resulting---from---the---outside---business---or
3 employment-activities-(or-outside-activities-that-are-not
4 connected-to-the-duties-of-the-member, officer, employee,
5 or-judge, as-an-office-holder-or-employee)-of-the-member,
6 officer, employee, judge, or-the-spouse--of--the--member,
7 officer,--employee,--or--judge,--if-the-benefits-have-not
8 been-offered-or-enhanced-because-of-the-official-position
9 or-employment-of-the-member, officer, employee, or--judge
10 and---are---customarily---provided---to---others---in---similar
11 circumstances;

12 (ii)--customarily-provided-by-a-prospective-employer
13 in-connection-with-bona-fide-employment-discussions; or

14 (iii)--provided--by--a--political--organization---in
15 connection-with-a-fundraising-or-campaign-event-sponsored
16 by-that-organization.

17 (9)--Pension--and-other-benefits-resulting-from-continued
18 participation--in--an--employee--welfare--and--benefits--plan
19 maintained-by-a-former-employer.

20 (10)--Informational-materials-that-are-sent-to-the-office
21 of-the-member, officer, employee, or-judge--in--the--form--of
22 books,---articles,---periodicals,---other--written--materials,
23 audiotapes, videotapes, or-other-forms-of-communication.

24 (11)--Awards-or-prizes-that-are-given-to--competitors--in
25 contests--or--events--open--to--the--public, including-random
26 drawings.

27 (12)--Honorary--degrees--(and--associated--travel,--food,
28 refreshments, and-entertainment-provided-in-the--presentation
29 of-degrees-and-awards).

30 (13)--Training-(including-food-and-refreshments-furnished
31 to--all--attendees--as--an--integral--part--of--the-training)
32 provided-to-a-member, officer, employee,--or--judge,--if--the
33 training-is-in-the-interest-of-the-governmental-entity.

34 (14)--Educational---missions,---including---meetings---with

1 government-officials-either-foreign-or-domestic,-intended--to
 2 educate--public--officials--on--matters--of-public-policy,-to
 3 which-the-member,-officer,-employee,-or-judge-may-be--invited
 4 to--participate--along--with--other--federal,-state,-or-local
 5 public-officials-and-community-leaders.

6 (9)(15) Bequests, inheritances, and other transfers at
 7 death.

8 (16)--Anything---that---is---paid---for---by---the---federal
 9 government,-the-State,-or-a-governmental-entity,-or--secured
 10 by--the--government-or-governmental-entity-under-a-government
 11 contract.

12 (17)--A-gift-of-personal--hospitality--of--an--individual
 13 other--than--a--registered--lobbyist--or--agent--of-a-foreign
 14 principal,-including-hospitality-extended-for--a--nonbusiness
 15 purpose--by-an-individual,-not-a-corporation-or-organization,
 16 at--the--personal--residence--of--that--individual---or---the
 17 individual's--family--or--on--property-or-facilities-owned-by
 18 that-individual-or-the-individual's-family.

19 (18)--Free--attendance--at--a---widely---attended---event
 20 permitted-under-Section-20.

21 (19)--Opportunities-and-benefits-that-are:

22 (i)--available---to---the---public--or--to--a--class
 23 consisting--of--all--employees,-officers,-members,-or
 24 judges,-whether--or--not--restricted--on--the--basis--of
 25 geographic-consideration;

26 (ii)--offered--to--members--of--a--group-or-class-in
 27 which-membership-is-unrelated-to-employment--or--official
 28 position;

29 (iii)--offered-to-members-of-an-organization-such-as
 30 an--employee's--association--or--credit--union,-in-which
 31 membership-is-related-to-employment-or-official--position
 32 and-similar-opportunities-are-available-to-large-segments
 33 of-the-public-through-organizations-of-similar-size;

34 (iv)--offered--to--any--group--or--class-that-is-not

1 defined-in-a-manner-that-specifically-discriminates-among
2 government-employees-on-the-basis-of-branch-of-government
3 or-type-of-responsibility,--or--on--a--basis--that--favors
4 those-of-higher-rank-or-rate-of-pay;

5 (v)--in--the--form--of--loans--from--banks-and-other
6 financial-institutions-on-terms--generally--available--to
7 the-public;-or

8 (vi)--in--the--form--of--reduced-membership-or-other
9 fees-for-participation-in-organization-activities-offered
10 to-all-government-employees-by-professional-organizations
11 if--the--only--restrictions--on--membership--relate---to
12 professional-qualifications.

13 (20)--A---plaque,---trophy,---or---other---item--that--is
14 substantially-commemorative-in-nature-and--that--is--extended
15 for-presentation.

16 (21)--Golf--or--tennis;---food--or--refreshments-of-nominal
17 value-and-eatered-food-or-refreshments;---meals--or--beverages
18 consumed-on-the-premises-from-which-they-were-purchased.

19 (22)--Donations-of-products-from-an-Illinois-company-that
20 are--intended--primarily--for--promotional--purposes,--such-as
21 display-or-free-distribution,--and-are-of-minimal-value-to-any
22 individual-recipient.

23 (10) (23) Any item or items from any one prohibited
24 source during any calendar year having a cumulative total
25 value of less than \$100.

26 (Source: P.A. 92-853, eff. 8-28-02.)

27 (5 ILCS 425/20)

28 Sec. 20. Attendance at meetings events.

29 (a) A member, officer, or employee,--or--judge may accept
30 travel expenses in connection with a meeting to discuss State
31 business, as defined by rules adopted by the appropriate
32 ethics commission. an-offer-of-free-attendance--at--a--widely
33 attended--convention,--conference,--symposium,--forum,--panel

1 discussion, dinner, viewing, reception, or similar event,
2 provided by the sponsor of the event, if:

3 (1) the member, officer, employee, or judge
4 participates in the event as a speaker or a panel
5 participant, by presenting information related to
6 government, or by performing a ceremonial function
7 appropriate to the member's, officer's, employee's, or
8 judge's official position or employment; or

9 (2) attendance at the event is appropriate to the
10 performance of civic affairs in Illinois or the official
11 duties or representative function of the member, officer,
12 employee, or judge.

13 (b) A member, officer, employee, or judge who attends an
14 event described in subsection (a) may accept a sponsor's
15 unsolicited offer of free attendance at the event for an
16 accompanying individual.

17 (c) A member, officer, employee, or judge, or the spouse
18 or dependent thereof, may accept a sponsor's unsolicited
19 offer of free attendance at a charity event, except that
20 reimbursement for transportation and lodging may not be
21 accepted in connection with the event.

22 (d) For purposes of this Section, the term "free
23 attendance" may include waiver of all or part of a conference
24 or other fee, the provision of transportation, or the
25 provision of food, refreshments, entertainment, and
26 instructional materials furnished to all attendees as an
27 integral part of the event. The term does not include
28 entertainment collateral to the event, nor does it include
29 food or refreshments taken other than in a group setting with
30 all or substantially all other attendees, except as
31 authorized under subsection (21) of Section 15.

32 (Source: P.A. 90-737, eff. 1-1-99.)

1 Sec. 30. Reimbursement. (Blank).

2 (a) A reimbursement (including payment in kind) to a
3 member, officer, employee, or judge from a private source
4 other than a registered lobbyist or agent of a foreign
5 principal for necessary transportation, lodging, and related
6 expenses for travel to a meeting, speaking engagement, fact
7 finding trip, or similar event in connection with the duties
8 of the member, officer, employee, or judge as an office
9 holder or employee shall be deemed to be a reimbursement to
10 the governmental entity and not a gift prohibited by this Act
11 if the member, officer, employee, or judge:

12 (1) discloses the expenses reimbursed or to be
13 reimbursed and the authorization to the Clerk of the
14 House of Representatives, the Secretary of the Senate,
15 the State Comptroller, fiscal officer, or similar
16 authority as appropriate, within 30 days after the travel
17 is completed; and

18 (2) in the case of an employee, receives advance
19 authorization from the member, officer, judge, or other
20 employee under whose direct supervision the employee
21 works to accept reimbursement.

22 (b) For purposes of subsection (a), events, the
23 activities of which are substantially recreational in nature,
24 shall not be considered to be in connection with the duties
25 of a member, officer, employee, or judge as an office holder
26 or employee.

27 (c) Each advance authorization to accept reimbursement
28 shall be signed by the member, officer, judge, or other
29 employee under whose direct supervision the employee works
30 and shall include:

31 (1) the name of the employee;

32 (2) the name of the person who will make the
33 reimbursement;

34 (3) the time, place, and purpose of the travel; and

1 (4)---a---determination---that---the---travel---is---in
 2 connection-with-the-duties-of-the-employee-as-an-employee
 3 and-would-not-create-the-appearance-that-the-employee--is
 4 using-public-employment-for-private-gain.

5 (d)---Each---disclosure---made---under---subsection---(a)---of
 6 expenses-reimbursed-or-to-be-reimbursed-shall---be---signed---by
 7 the---member,---officer,---or-judge-(in-the-case-of-travel-by-the
 8 member,---officer,---or-judge)-or-by-the-member,---officer,---judge,
 9 or-other-employee-under-whose-direct-supervision-the-employee
 10 works---(in---the---case---of---travel---by---an-employee)-and-shall
 11 include:

12 (1)---a-good-faith-estimate-of---total---transportation
 13 expenses-reimbursed-or-to-be-reimbursed;

14 (2)---a-good-faith-estimate-of-total-lodging-expenses
 15 reimbursed-or-to-be-reimbursed;

16 (3)---a--good--faith--estimate-of-total-meal-expenses
 17 reimbursed-or-to-be-reimbursed;

18 (4)---a-good-faith-estimate-of---the---total---of---other
 19 expenses-reimbursed-or-to-be-reimbursed;-and

20 (5)---a--determination--that--all--those-expenses-are
 21 necessary-transportation,-lodging,-and-related-expenses.

22 (Source: P.A. 90-737, eff. 1-1-99.)

23 (5 ILCS 425/35)

24 Sec. 35. Ethics Officer. Each officer and the head of
 25 each governmental entity shall designate an Ethics Officer
 26 for the office or governmental entity. For the legislative
 27 branch, the President and Minority Leader of the Senate and
 28 the Speaker and Minority Leader of the House of
 29 Representatives shall each appoint an ethics officer for the
 30 legislative members of their political party. Ethics Officers
 31 shall:

32 (1) review statements of economic interest and
 33 disclosure forms of members, officers, judges, senior

1 employees, and contract monitors before they are filed
2 with the Secretary of State; and

3 (2) provide guidance to members, officers, and
4 employees, ~~and~~ judges in the interpretation and
5 implementation of this Act. Such guidance shall be based,
6 wherever possible, upon the findings and opinions of the
7 related Ethics Commission.

8 (Source: P.A. 90-737, eff. 1-1-99.)

9 (5 ILCS 425/45)

10 Sec. 45. Ethics Commissions.

11 (a) Ethics Commissions are created for the branches of
12 government as provided in this Section. The initial
13 appointments to each commission shall be made within 60 days
14 after the effective date of this Act. The appointing
15 authorities shall appoint commissioners who have experience
16 holding governmental office or employment and shall appoint
17 commissioners from the general public or from within the
18 appointing authority's branch of government. No appointing
19 authority shall appoint anyone who has been convicted of a
20 felony or anyone who is actively engaged in activities that
21 qualify him or her as a "prohibited source" under Section 5.
22 An appointing authority shall not appoint more than 2 people
23 who have been engaged in activities that qualify them as a
24 "prohibited source" under Section 5 during the preceeding 12
25 months. With respect to each of the ethics commissions
26 designated in item items (1), (2), (3), (4), and (5), no more
27 than 4 ~~of the~~ appointees shall be of the same political
28 party. The appointee shall establish his or her political
29 party affiliation by his or her last record of voting in a
30 party primary election.

31 (1) For the ethics commission of the executive
32 branch, there shall be 8 commissioners, 4 appointed by
33 the Governor and 4 appointed by the next highest ranking

1 statewide constitutional officer who is not of the same
 2 political party as the Governor. If all statewide
 3 constitutional officers are of the same political party,
 4 then members appointed to represent another political
 5 party must be confirmed by a three-fifths majority of the
 6 Senate. This ethics commission shall have jurisdiction
 7 over all of the executive branch of the State government.

8 ~~For--the-ethics-commission-of-the-Governor-there-shall-be~~
 9 ~~7-commissioners-appointed-by-the--Governor.--This--ethics~~
 10 ~~commission--shall--have--jurisdiction--over--all--of--the~~
 11 ~~executive--branch-of-State-government-except-the-officers~~
 12 ~~specified-in-items-(2),--(3),--(4),--and--(5)--and--their~~
 13 ~~employees.~~

14 (2) (Blank). ~~For--the--ethics--commission--of--the~~
 15 ~~Attorney-General-there-shall-be-7-commissioners-appointed~~
 16 ~~by-the-Attorney-General.~~

17 (3) (Blank). ~~For--the--ethics--commission--of--the~~
 18 ~~Secretary---of--State--there--shall--be--7--commissioners~~
 19 ~~appointed-by-the-Secretary-of-State.~~

20 (4) (Blank). ~~For--the--ethics--commission--of--the~~
 21 ~~Comptroller-there-shall-be-7-commissioners--appointed--by~~
 22 ~~the-Comptroller.~~

23 (5) (Blank). ~~For--the--ethics--commission--of--the~~
 24 ~~Treasurer-there-shall-be-7-commissioners-appointed-by-the~~
 25 ~~Treasurer.~~

26 (6) For the ethics commission of the legislative
 27 branch there shall be 8 commissioners. The Speaker and
 28 the Minority Leader of the House of Representatives and
 29 the President and the Minority Leader of the Senate shall
 30 each appoint 2 commissioners.

31 ~~(7)--For--the--ethics--commission--of--the--judicial~~
 32 ~~branch-there-shall-be-6-commissioners.--The-Chief-Justice~~
 33 ~~of-the-Supreme-Court-shall-appoint-the-commissioners-with~~
 34 ~~the-concurrence-of-3-other-Supreme-Court-Judges.~~

1 (b) At the first meeting of each commission, the initial
2 appointees shall draw lots to divide into 2 groups.
3 Commissioners of the first group shall serve 2-year terms,
4 and commissioners of the second group shall serve one-year
5 terms. Thereafter commissioners shall be appointed to 2-year
6 terms. Commissioners may be reappointed to serve subsequent
7 terms.

8 (c) The respective appointing authority or authorities
9 may remove a commissioner appointed by that authority or
10 those authorities in case of incompetency, neglect of duty,
11 or malfeasance in office after service on the commissioner by
12 certified mail, return receipt requested, of a copy of the
13 written charges against the commissioner and an opportunity
14 to be heard in person or by counsel upon not less than 10
15 days' notice. Vacancies shall be filled by the appropriate
16 appointing authority or authorities in accordance with the
17 procedures in subsection (a).

18 (d) Each commission must meet, either in person or by
19 telephone, at least once per month. ~~Each--commission--shall~~
20 ~~meet--as-often-as-necessary-to-perform-its-duties.--Except-for~~
21 ~~the-ethics-commission-for--the--legislative--branch,~~ At the
22 first meeting of the executive branch each commission the
23 commissioners shall choose a chairperson from their number.
24 For the ethics commission for the legislative branch, the
25 President of the Senate and whichever of the Speaker or
26 Minority Leader of the House is of the same political party
27 as the President shall jointly designate one member as
28 co-chair; the other 2 legislative leaders shall jointly
29 designate the other co-chair. Meetings shall be held at the
30 call of the chairperson or any 2 commissioners. Official
31 action by the commission shall require the affirmative vote
32 of the number of commissioners provided in this subsection,
33 and a quorum shall consist of the number of commissioners
34 provided in this subsection. The number of commissioners

1 required for a quorum and the affirmative vote of each ethics
 2 commission shall be as follows: for the executive branch, 5
 3 ~~Governor,--4; for the Attorney-General,--4; for the Secretary~~
 4 ~~of State,--4; for the Treasurer,--4; for--the--Comptroller,--4;~~
 5 for the legislative branch, 5 ~~for the judicial branch,--4.~~
 6 Commissioners may be reimbursed for their reasonable expenses
 7 actually incurred in the performance of their duties.
 8 (Source: P.A. 90-737, eff. 1-1-99.)

9 (5 ILCS 425/55)

10 Sec. 55. Powers and duties. Each commission shall have
 11 the following powers and duties:

12 (1) To promulgate procedures and rules governing the
 13 performance of its duties and the exercise of its powers.
 14 Rules defining "a meeting to conduct State business", rules
 15 concerning the disclosure of reimbursements, and rules
 16 concerning where a complaint under Section 60 must be filed
 17 must be adopted as soon as possible, but in any case, no
 18 later than 120 days after appointment of the initial members.
 19 The commissions may adopt emergency rules under Section 5-45
 20 of the Illinois Administrative Procedure Act.

21 (2) Upon receipt of a signed, notarized, written
 22 complaint, to investigate, conduct research, conduct closed
 23 hearings and deliberations, issue recommendations, and impose
 24 a fine.

25 (3) To act only upon the receipt of a written complaint
 26 alleging a violation of the Acts over which it has
 27 jurisdiction of this Act and not upon its own prerogative.

28 (4) To receive information from the public pertaining to
 29 its investigations and to require additional information and
 30 documents from persons who may have violated the Acts over
 31 which it has jurisdiction this Act.

32 (5) To subpoena witnesses and compel the production of
 33 books and papers pertinent to an investigation authorized by

1 the Acts over which it has jurisdiction this-Act.

2 (6) To request that the Attorney General provide legal
3 advice without charge to the commission.

4 (7) To prepare and publish manuals and guides explaining
5 the duties of individuals under its jurisdiction covered-by
6 this-Act.

7 (8) To prepare public information materials to
8 facilitate compliance, implementation, and enforcement of the
9 Acts over which it has jurisdiction this-Act.

10 (9) To submit to each commissioner's respective
11 appointing authority or authorities an annual statistical
12 report for each year consisting of (i) the number of
13 complaints filed, (ii) the number of complaints deemed to
14 sufficiently allege a violation of this Act, (iii) the
15 recommendation, fine, or decision issued for each complaint,
16 (iv) the number of complaints resolved, and (v) the status of
17 pending complaints.

18 (10) To make ruling and issue advisory opinions in
19 connection with the implementation and interpretation of the
20 Acts over which it has jurisdiction.

21 The powers and duties of a commission are limited to
22 matters clearly within the purview of the Acts over which it
23 has jurisdiction. The ethics commission may address matters
24 arising under this Act; the State Employees Political
25 Activity Act; those Sections of the Election Code dealing
26 with prohibited solicitations by certain State officials,
27 employees, and appointees, prohibited offer or promise,
28 contributions on State property, and disclosure on political
29 literature; those Sections of the Illinois Procurement Code
30 dealing with revolving door prohibitions; and those Sections
31 of the Criminal Code of 1961 dealing with solicitation
32 misconduct this-Act.

33 (Source: P.A. 90-737, eff. 1-1-99.)

1 (5 ILCS 425/60)

2 Sec. 60. Complaint procedure.

3 (a) Complaints alleging the violation of this Act shall
4 be filed with the appropriate ethics commission as follows:

5 (1) If the complaint alleges a violation by an
6 officer or employee of the executive branch of State
7 government, then the complaint shall be filed, as
8 provided by rule, with the executive branch appropriate
9 ethics commission ~~within the executive branch~~.

10 (2) (Blank). ~~If the complaint alleges a violation~~
11 ~~by a judge or employee of the judicial branch of~~
12 ~~government, then the complaint shall be filed with the~~
13 ~~judicial ethics commission.~~

14 (3) If the complaint alleges a violation by a
15 member or employee of the legislative branch of State
16 government ~~or any employee not included within paragraphs~~
17 ~~(1) or (2)~~, then the complaint shall be filed, as
18 provided by rule, with the legislative ethics commission.

19 (4) If an ethics commission receives a complaint
20 that raises allegations about people under the
21 jurisdiction of the other ethics commission, it shall
22 transmit that complaint to the other ethics commission.

23 Any complaint received by or incident reported to a
24 member, officer, employee, judge, or governmental entity
25 alleging the violation of this Act shall be forwarded to the
26 appropriate commission. The complaint shall not be properly
27 filed until submitted to the appropriate commission.

28 (b) Within 3 business days after the receipt of an
29 ethics complaint, the commission shall send by certified
30 mail, return receipt requested, a notice to the respondent
31 that a complaint has been filed against him or her and a copy
32 of the complaint. The commission shall send by certified
33 mail, return receipt requested, a confirmation of the receipt
34 of the complaint to the complainant within 3 business days

1 after the submittal to the commission. The notices to the
2 respondent and the complainant shall also advise them of the
3 date, time, and place of the meeting on the sufficiency of
4 the complaint and probable cause.

5 (c) Upon at least 24 hours' public notice of the
6 session, the commission shall meet, either in person or by
7 telephone, in a closed session to review the sufficiency of
8 the complaint and, if the complaint is deemed to sufficiently
9 allege a violation of this Act, to determine if there is
10 probable cause, based on evidence presented by the
11 complainant, to proceed. The commission shall issue notice
12 to the complainant and the respondent of the commission's
13 ruling on the sufficiency of the complaint and, if necessary,
14 on probable cause within 7 business days after receiving the
15 complaint. If the complaint is deemed to sufficiently allege
16 a violation of this Act and there is a determination of
17 probable cause, then the commission's notice to the parties
18 shall include a hearing date scheduled within 4 weeks after
19 the complaint's receipt. If the complaint is deemed not to
20 sufficiently allege a violation or if there is no
21 determination of probable cause, then the commission shall
22 send by certified mail, return receipt requested, a notice to
23 the parties of the decision to dismiss the complaint, and
24 that notice shall be made public.

25 (d) On the scheduled date and upon at least 24 hours'
26 public notice of the meeting, the commission shall conduct a
27 closed meeting, either in person or by telephone, on the
28 complaint and allow both parties the opportunity to present
29 testimony and evidence.

30 (e) Within 6 weeks after the complaint's receipt, the
31 commission shall (i) dismiss the complaint or (ii) issue a
32 preliminary recommendation to the alleged violator and to the
33 violator's ultimate jurisdictional authority or impose a fine
34 upon the violator, or both. The particular findings in the

1 instant case, the preliminary recommendation, and any fine
2 shall be made public.

3 (f) Within 7 business days after the issuance of the
4 preliminary recommendation or imposition of a fine, or both,
5 the respondent may file a written demand for a public hearing
6 on the complaint. The filing of the demand shall stay the
7 enforcement of the preliminary recommendation or fine.
8 Within 2 weeks after receiving the demand, the commission
9 shall conduct a public hearing on the complaint after at
10 least 24 hours' public notice of the hearing and allow both
11 parties the opportunity to present testimony and evidence.
12 Within 5 business days, the commission shall publicly issue a
13 final recommendation to the alleged violator and to the
14 violator's ultimate jurisdictional authority or impose a fine
15 upon the violator, or both.

16 (g) If a complaint is filed during the 60 days preceding
17 the date of any election at which the respondent is a
18 candidate, the commission shall render its decision as
19 required under subsection (e) within 7 days after the
20 complaint is filed, and during the 7 days preceding that
21 election, the commission shall render such decision before
22 the date of that election, if possible.

23 (h) A commission may levy a fine of up to \$5,000 against
24 any person who knowingly files a frivolous complaint alleging
25 a violation of this Act.

26 (i) A complaint alleging the violation of this Act must
27 be filed within one year after the alleged violation.

28 (j) The parties to a proceeding under this Section may
29 agree to extend any of the deadlines imposed by this Section.

30 (Source: P.A. 90-737, eff. 1-1-99.)

31 (5 ILCS 425/80)

32 Sec. 80. Exemption. Documents generated by an ethics
33 officer under this Act are exempt from the provisions of the

1 Freedom of Information Act. Any complaint and related
 2 documents filed with an ethics commission under Section 60
 3 are exempt from the provisions of the Freedom of Information
 4 Act so long as no finding of probable cause under subsection
 5 (c) of Section 60 has been made by the commission with
 6 respect to that complaint. The--proceedings--conducted--and
 7 documents--generated--under--this--Act--are--exempt--from--the
 8 provisions--of--the--Open--Meetings--Act--and--the--Freedom--of
 9 Information--Act.

10 (Source: P.A. 90-737, eff. 1-1-99.)

11 (5 ILCS 425/83)

12 Sec. 83. Units of local government; school districts.
 13 (Blank). Within--6--months--after--the--effective--date--of--this
 14 Act, units of local government, home rule units, and school
 15 districts shall prohibit the solicitation and acceptance of
 16 gifts, and shall enforce these prohibitions, in a manner
 17 substantially in accordance with the requirements of this Act
 18 and shall adopt provisions no less restrictive than the
 19 provisions of this Act. Non-salaried appointed or elected
 20 officials may be exempted.

21 (Source: P.A. 90-737, eff. 1-1-99.)

22 (5 ILCS 425/85)

23 Sec. 85. Home rule preemption. (Blank). A home rule unit
 24 may not regulate the prohibition of gifts to members,
 25 officers, employees, or judges or the enforcement of these
 26 provisions in a manner inconsistent with this Act. This
 27 Section is a limitation under subsection (i) of Section 6 of
 28 Article VII of the Illinois Constitution on the concurrent
 29 exercise by home rule units of powers and functions exercised
 30 by the State.

31 (Source: P.A. 90-737, eff. 1-1-99.)

1 Section 10. The Open Meetings Act is amended by changing
2 Section 1.02 as follows:

3 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

4 Sec. 1.02. For the purposes of this Act:

5 "Meeting" means any gathering of a majority of a quorum
6 of the members of a public body held for the purpose of
7 discussing public business.

8 "Public body" includes all legislative, executive,
9 administrative or advisory bodies of the State, counties,
10 townships, cities, villages, incorporated towns, school
11 districts and all other municipal corporations, boards,
12 bureaus, committees or commissions of this State, and any
13 subsidiary bodies of any of the foregoing including but not
14 limited to committees and subcommittees which are supported
15 in whole or in part by tax revenue, or which expend tax
16 revenue, except the General Assembly and committees or
17 commissions thereof. "Public body" includes tourism boards
18 and convention or civic center boards located in counties
19 that are contiguous to the Mississippi River with populations
20 of more than 250,000 but less than 300,000. "Public body"
21 includes the Health Facilities Planning Board. "Public body"
22 does not include a child death review team or the Illinois
23 Child Death Review Teams Executive Council established under
24 the Child Death Review Team Act or an ethics commission,
25 ~~ethics-officer, or-ultimate-jurisdictional--authority~~ acting
26 under the State Gift Ban Act as provided by Section 80 of
27 that Act.

28 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

29 Section 15. The Election Code is amended by changing
30 Sections 9-3, 9-8.10, and 9-10 as follows:

31 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

1 Sec. 9-3. Every state political committee and every
2 local political committee shall file with the State Board of
3 Elections, and every local political committee shall file
4 with the county clerk, a statement of organization within 10
5 business days of the creation of such committee, except any
6 political committee created within the 30 days before an
7 election shall file a statement of organization within 5
8 business days. A political committee that acts as both a
9 state political committee and a local political committee
10 shall file a copy of each statement of organization with the
11 State Board of Elections and the county clerk.

12 The statement of organization shall include -

13 (a) the name and address of the political committee (the
14 name of the political committee must include the name of any
15 sponsoring entity);

16 (b) the scope, area of activity, party affiliation,
17 candidate affiliation and his county of residence, and
18 purposes of the political committee;

19 (c) the name, address, and position of each custodian of
20 the committee's books and accounts;

21 (d) the name, address, and position of the committee's
22 principal officers, including the chairman, treasurer, and
23 officers and members of its finance committee, if any;

24 (e) (Blank);

25 (f) a statement of what specific disposition of residual
26 fund will be made in the event of the dissolution or
27 termination of the committee;

28 (g) a listing of all banks or other financial
29 institutions, safety deposit boxes, and any other
30 repositories or custodians of funds used by the committee;

31 (h) the amount of funds available for campaign
32 expenditures as of the filing date of the committee's
33 statement of organization.

34 A political committee that acts as either (i) a state and

1 local political committee or (ii) a local political committee
2 and that files reports electronically under Section 9-28 is
3 not required to file a statement of organization with the
4 appropriate county clerk if the county clerk has a system
5 that permits access to, and duplication of, statements that
6 are filed with the State Board of Elections.

7 For purposes of this Section, a "sponsoring entity" is
8 (i) any person, political committee, organization,
9 corporation, or association that contributes at least 33% of
10 the total funding of the political committee or (ii) any
11 person or other entity that is registered or is required to
12 register under the Lobbyist Registration Act and contributes
13 at least 33% of the total funding of the political committee.
14 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

15 (10 ILCS 5/9-8.10)

16 Sec. 9-8.10. Use of political committee and other
17 reporting organization funds.

18 (a) The funds of (i) a political committee controlled by
19 an officeholder or by a candidate or (ii) an organization
20 subject to Section 9-7.5 may be used only for:

21 (1) Expenditures that would not be included in base
22 income under Section 203 of the Illinois Income Tax Act
23 and the regulations promulgated under that Section.

24 (2) Defraying the ordinary and necessary expenses
25 of an officeholder or candidate. For the purposes of
26 this paragraph (2), "ordinary and necessary expenses"
27 include, but are not limited to, expenses in relation to
28 the operation of the district office of a member of the
29 General Assembly.

30 (3) Donations to organizations exempt from taxation
31 under Section 170(c) of the Internal Revenue Code.

32 (4) Transfers to any national, State, or local
33 political committee, subject to the laws governing that

1 political committee. A---political---committee,---or
2 organization--subject--to--Section--9-7.5,--shall--not--make
3 expenditures:

4 (1)--In-violation-of-any-law-of-the-United-States-or
5 of-this-State.

6 (2)--Clearly-in-excess-of-the-fair-market--value--of
7 the--services,--materials,--facilities,--or--other--things--of
8 value-received-in-exchange.

9 (3)--For-satisfaction--or--repayment--of--any--debts
10 other--than-loans-made-to-the--committee-or-to-the-public
11 official-or-candidate--on--behalf--of--the--committee--or
12 repayment---of---goods--and--services--purchased--by--the
13 committee-under-a--credit--agreement,---Nothing--in--this
14 Section--authorizes--the--use--of-campaign-funds-to-repay
15 personal-loans,--The-repayments-shall-be--made--by--check
16 written--to--the--person--who--made--the--loan--or-credit
17 agreement,--The-terms--and--conditions--of--any--loan--or
18 credit--agreement--to-a-committee-shall-be-set-forth-in-a
19 written-agreement,--including--but--not--limited--to--the
20 method-and-amount-of-repayment,--that-shall-be-executed-by
21 the-chairman-or-treasurer-of-the-committee-at-the-time-of
22 the--loan--or--credit--agreement,---The-loan-or-agreement
23 shall-also-set-forth-the-rate-of-interest-for--the--loan,
24 if-any,--which-may-not-substantially-exceed-the-prevailing
25 market--interest--rate--at--the--time--the--agreement--is
26 executed.

27 (4)--For--the-satisfaction-or-repayment-of-any-debts
28 or-for-the-payment-of-any-expenses-relating-to-a-personal
29 residence,--Campaign-funds-may-not-be-used--as--collateral
30 for-home-mortgages.

31 (5)--For--clothing--or--personal--laundry--expenses,
32 except--clothing--items--rented-by-the-public-official-or
33 candidate-for-his--or--her--own--use--exclusively--for--a
34 specific-campaign-related-event,--provided-that-committees

1 may purchase costumes, novelty items, or other
2 accessories worn primarily to advertise the candidacy.

3 (6) For the travel expenses of any person unless
4 the travel is necessary for fulfillment of political,
5 governmental, or public policy duties, activities, or
6 purposes.

7 (7) For membership or club dues charged by
8 organizations, clubs, or facilities that are primarily
9 engaged in providing health, exercise, or recreational
10 services; provided, however, that funds received under
11 this Article may be used to rent the clubs or facilities
12 for a specific campaign-related event.

13 (8) In payment for anything of value or for
14 reimbursement of any expenditure for which any person has
15 been reimbursed by the State or any person. For purposes
16 of this item (8), a per diem allowance is not a
17 reimbursement.

18 (9) For the purchase of or installment payment for
19 a motor vehicle unless the political committee can
20 demonstrate that purchase of a motor vehicle is more
21 cost-effective than leasing a motor vehicle as permitted
22 under this item (9). A political committee may lease or
23 purchase and insure, maintain, and repair a motor vehicle
24 if the vehicle will be used primarily for campaign
25 purposes or for the performance of governmental duties.
26 A committee shall not make expenditures for use of the
27 vehicle for non-campaign or non-governmental purposes.
28 Persons using vehicles not purchased or leased by a
29 political committee may be reimbursed for actual mileage
30 for the use of the vehicle for campaign purposes or for
31 the performance of governmental duties. The mileage
32 reimbursements shall be made at a rate not to exceed the
33 standard mileage rate method for computation of business
34 expenses under the Internal Revenue Code.

1 ~~{10}--Directly-for-an-individual's-tuition-or--other~~
2 ~~educational---expenses,---except---for---governmental--or~~
3 ~~political-purposes-directly-related-to-a--candidate's--or~~
4 ~~public-official's-duties-and-responsibilities.~~

5 ~~{11}--For-payments-to-a-public-official-or-candidate~~
6 ~~or--his--or-her-family-member-unless-for-compensation-for~~
7 ~~services-actually-rendered-by-that-person.~~

8 The provisions of this Section ~~item-{11}~~ do not apply to
9 expenditures by a political committee in an aggregate amount
10 not exceeding the amount of funds reported to and certified
11 by the State Board or county clerk as available as of June
12 30, 1998, in the semi-annual report of contributions and
13 expenditures filed by the political committee for the period
14 concluding June 30, 1998.

15 (b) The Board shall have the authority to investigate,
16 upon receipt of a verified complaint, violations of the
17 provisions of this Section. The Board may levy a fine on any
18 person who knowingly makes expenditures in violation of this
19 Section and on any person who knowingly makes a malicious and
20 false accusation of a violation of this Section. The Board
21 may act under this subsection only upon the affirmative vote
22 of at least 5 of its members. The fine shall not exceed \$500
23 for each expenditure of \$500 or less and shall not exceed the
24 amount of the expenditure plus \$500 for each expenditure
25 greater than \$500. The Board shall also have the authority
26 to render rulings and issue opinions relating to compliance
27 with this Section.

28 (Source: P.A. 90-737, eff. 1-1-99.)

29 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

30 Sec. 9-10. Financial reports.

31 (a) The treasurer of every state political committee and
32 the treasurer of every local political committee shall file
33 with the Board, and the treasurer of every local political

1 committee shall file with the county clerk, reports of
2 campaign contributions, and semi-annual reports of campaign
3 contributions and expenditures on forms to be prescribed or
4 approved by the Board. The treasurer of every political
5 committee that acts as both a state political committee and a
6 local political committee shall file a copy of each report
7 with the State Board of Elections and the county clerk.
8 Entities subject to Section 9-7.5 shall file reports required
9 by that Section at times provided in this Section and are
10 subject to the penalties provided in this Section.

11 (b) Reports of campaign contributions shall be filed no
12 later than the 15th day next preceding each election
13 including a primary election in connection with which the
14 political committee has accepted or is accepting
15 contributions or has made or is making expenditures. Such
16 reports shall be complete as of the 30th day next preceding
17 each election including a primary election. The Board shall
18 assess a civil penalty not to exceed \$5,000 for a violation
19 of this subsection, except that for State officers and
20 candidates and political committees formed for statewide
21 office, the civil penalty may not exceed \$10,000. The fine,
22 however, shall not exceed \$500 for a first filing violation
23 for filing less than 10 days after the deadline. There shall
24 be no fine if the report is mailed and postmarked at least 72
25 hours prior to the filing deadline. For the purpose of this
26 subsection, "statewide office" and "State officer" means the
27 Governor, Lieutenant Governor, Attorney General, Secretary of
28 State, Comptroller, and Treasurer. However, a continuing
29 political committee that neither accepts contributions nor
30 makes expenditures on behalf of or in opposition to any
31 candidate or public question on the ballot at an election
32 shall not be required to file the reports heretofore
33 prescribed but may file in lieu thereof a Statement of
34 Nonparticipation in the Election with the Board or the Board

1 and the county clerk.

2 (b-5) Notwithstanding the provisions of subsection (b),
3 any contribution of \$500 or more received in the interim
4 between the last date of the period covered by the last
5 report filed under subsection (b) prior to the election and
6 the date of the election shall be reported within 2 business
7 days after its receipt. The State Board shall allow filings
8 under this subsection (b-5) to be made by facsimile
9 transmission. For the purpose of this subsection, a
10 contribution is considered received on the date the public
11 official, candidate, or political committee (or equivalent
12 person in the case of a reporting entity other than a
13 political committee) actually receives it or, in the case of
14 goods or services, 2 days after the date the public official,
15 candidate, committee, or other reporting entity receives the
16 certification required under subsection (b) of Section 9-6.
17 Failure to report each contribution is a separate violation
18 of this subsection. The Board shall impose fines for
19 violations of this subsection as follows:

20 (1) if the political committee's or other reporting
21 entity's total receipts, total expenditures, and balance
22 remaining at the end of the last reporting period were
23 each \$5,000 or less, then \$100 per business day for the
24 first violation, \$200 per business day for the second
25 violation, and \$300 per business day for the third and
26 subsequent violations.

27 (2) if the political committee's or other reporting
28 entity's total receipts, total expenditures, and balance
29 remaining at the end of the last reporting period were
30 each more than \$5,000, then \$200 per business day for the
31 first violation, \$400 per business day for the second
32 violation, and \$600 per business day for the third and
33 subsequent violations.

34 (c) In addition to such reports the treasurer of every

1 political committee shall file semi-annual reports of
2 campaign contributions and expenditures no later than July
3 31st, covering the period from January 1st through June 30th
4 immediately preceding, and no later than January 31st,
5 covering the period from July 1st through December 31st of
6 the preceding calendar year. Reports of contributions and
7 expenditures must be filed to cover the prescribed time
8 periods even though no contributions or expenditures may have
9 been received or made during the period. The Board shall
10 assess a civil penalty not to exceed \$5,000 for a violation
11 of this subsection, except that for State officers and
12 candidates and political committees formed for statewide
13 office, the civil penalty may not exceed \$10,000. The fine,
14 however, shall not exceed \$500 for a first filing violation
15 for filing less than 10 days after the deadline. There shall
16 be no fine if the report is mailed and postmarked at least 72
17 hours prior to the filing deadline. For the purpose of this
18 subsection, "statewide office" and "State officer" means the
19 Governor, Lieutenant Governor, Attorney General, Secretary of
20 State, Comptroller, and Treasurer.

21 (c-5) A political committee that acts as either (i) a
22 state and local political committee or (ii) a local political
23 committee and that files reports electronically under Section
24 9-28 is not required to file copies of the reports with the
25 appropriate county clerk, if the county clerk has a system
26 that permits access to, and duplication of, reports that are
27 filed with the State Board of Elections.

28 (d) A copy of each report or statement filed under this
29 Article shall be preserved by the person filing it for a
30 period of two years from the date of filing.

31 (Source: P.A. 90-737, eff. 1-1-99.)

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17	10 ILCS 5/9-8.10	
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