

1 AN ACT concerning the Office of Secretary of State.

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

4 Section 5. The Secretary of State Act is amended by  
5 adding Section 14 as follows:

6 (15 ILCS 305/14 new)

7 Sec. 14. Inspector General.

8 (a) The Secretary of State must, with the advice and  
9 consent of the Senate, appoint an Inspector General for the  
10 purpose of detection, deterrence, and prevention of fraud,  
11 corruption, and mismanagement in the Office of the Secretary  
12 of State. The Inspector General shall serve a 2-year term.  
13 If no successor is appointed and qualified upon the  
14 expiration of the Inspector General's term, the Office of  
15 Inspector General is deemed vacant and the powers and duties  
16 under this Section may be exercised only by an appointed and  
17 qualified interim Inspector General until a successor  
18 Inspector General is appointed and qualified. If the General  
19 Assembly is not in session when a vacancy in the Office of  
20 Inspector General occurs, the Secretary of State may appoint  
21 an interim Inspector General whose term shall expire 2 weeks  
22 after the next regularly-scheduled session day of the Senate.

23 (b) The Inspector General shall have the following  
24 qualifications:

25 (1) has not been convicted of any felony under the  
26 laws of this State, another State, or the United States;

27 (2) has earned a baccalaureate degree from an  
28 institution of higher education; and

29 (3) has either (A) 5 or more years of service with  
30 a federal, State, or local law enforcement agency, at  
31 least 2 years of which have been in a progressive

1 investigatory capacity; (B) 5 or more years of service as  
2 a federal, State, or local prosecutor; or (C) 5 or more  
3 years of service as a senior manager or executive of a  
4 federal, State, or local law enforcement agency.

5 (c) The Inspector General may review, coordinate, and  
6 recommend methods and procedures to increase the integrity of  
7 the Office of the Secretary of State. The duties of the  
8 Inspector General shall supplement and not supplant the  
9 duties of the Chief Auditor for the Secretary of State's  
10 Office. The Inspector General must report directly to the  
11 Secretary of State.

12 (d) The Secretary of State may designate the Inspector  
13 General and inspectors who are members of the Inspector  
14 General's office as peace officers; however, the Inspector  
15 General and his or her inspectors may not be members of the  
16 Secretary of State's police force. These inspectors shall  
17 have all the powers possessed by police officers in  
18 municipalities and by sheriffs of counties, and the  
19 inspectors may exercise those powers anywhere in the State  
20 but only in the investigation of allegations of misconduct or  
21 criminal behavior by the Secretary of State or employees of  
22 the Office of the Secretary of State.

23 No inspector may have peace officer status or exercise  
24 police powers unless he or she successfully completes the  
25 basic police training mandated and approved by the Illinois  
26 Law Enforcement Training Standards Board or the Board waives  
27 the training requirement by reason of the inspector's prior  
28 law enforcement experience or training, or both.

29 The Board may not waive the training requirement unless  
30 the inspector has had a minimum of 5 years of experience as a  
31 sworn officer of a local, State, or federal law enforcement  
32 agency, 2 of which must have been in an investigatory  
33 capacity.

34 (e) In addition to the authority otherwise provided by

1 this Section, but only when investigating the Office of the  
2 Secretary of State, its employees, or their actions for  
3 fraud, corruption, or mismanagement, the Inspector General is  
4 authorized:

5 (1) To have access to all records, reports, audits,  
6 reviews, documents, papers, recommendations, or other  
7 materials available that relate to programs and  
8 operations with respect to which the Inspector General  
9 has responsibilities under this Section.

10 (2) To make any investigations and reports relating  
11 to the administration of the programs and operations of  
12 the Office of the Secretary of State that are, in the  
13 judgement of the Inspector General, necessary or  
14 desirable.

15 (3) To request any information or assistance that  
16 may be necessary for carrying out the duties and  
17 responsibilities provided by this Section from any local,  
18 State, or federal governmental agency or unit thereof.

19 (4) To require by subpoena the appearance of  
20 witnesses and the production of all information,  
21 documents, reports, answers, records, accounts, papers,  
22 and other data and documentary evidence necessary in the  
23 performance of the functions assigned by this Section,  
24 with the exception of records maintained in the ordinary  
25 course of business, including but not limited to the  
26 representation of employees and the negotiation of  
27 collective bargaining agreements by a labor organization  
28 authorized and recognized under the Illinois Public Labor  
29 Relations Act to be the exclusive bargaining  
30 representative of employees of the Secretary of State and  
31 with the exception of subsection (c). A subpoena may be  
32 issued under this paragraph (4) only by the Inspector  
33 General and not by members of the Inspector General's  
34 staff. Any person subpoenaed by the Inspector General

1 has the same rights as a person subpoenaed by a grand  
2 jury. Any person who knowingly and intentionally (A)  
3 fails to appear in response to a subpoena or (B) fails to  
4 produce any books or papers in his or her possession or  
5 control pertinent to an investigation under this Section  
6 is guilty of a Class A misdemeanor.

7 (5) To have direct and prompt access to the  
8 Secretary of State for any purpose pertaining to the  
9 performance of functions and responsibilities under this  
10 Section.

11 (f) The Inspector General may receive and investigate  
12 complaints or information from an employee of the Secretary  
13 of State concerning the possible existence of an activity  
14 constituting a violation of law, rules, or regulations;  
15 mismanagement; abuse of authority; or substantial and  
16 specific danger to the public health and safety. Any  
17 employee who knowingly files a false complaint or files a  
18 complaint with reckless disregard for the truth or the  
19 falsity of the facts underlying the complaint may be subject  
20 to discipline as set forth in the rules of the Department of  
21 Personnel of the Secretary of State.

22 The Inspector General may not, after receipt of a  
23 complaint or information from an employee, disclose the  
24 identity of the employee without the consent of the employee.

25 Any employee who has the authority to recommend or  
26 approve any personnel action or to direct others to recommend  
27 or approve any personnel action may not, with respect to that  
28 authority, take or threaten to take any action against any  
29 employee as a reprisal for making a complaint or disclosing  
30 information to the Inspector General, unless the complaint  
31 was made or the information disclosed with the knowledge that  
32 it was false or with willful disregard for its truth or  
33 falsity.

34 (g) The Inspector General must adopt rules, in

1 accordance with the provisions of the Illinois Administrative  
2 Procedure Act, establishing minimum requirements for  
3 initiating, conducting, and completing investigations. The  
4 rules must establish criteria for determining, based upon the  
5 nature of the allegation, the appropriate method of  
6 investigation, which may include, but is not limited to, site  
7 visits, telephone contacts, personal interviews, or requests  
8 for written responses. The rules must also clarify how the  
9 Office of the Inspector General shall interact with other  
10 local, State, and federal law enforcement investigations.

11 Any employee of the Secretary of State subject to  
12 investigation or inquiry by the Inspector General or any  
13 agent or representative of the Inspector General shall have  
14 the right to be notified of the right to remain silent during  
15 the investigation or inquiry and the right to be represented  
16 in the investigation or inquiry by a representative of a  
17 labor organization that is the exclusive collective  
18 bargaining representative of employees of the Secretary of  
19 State. Any such investigation or inquiry must be conducted in  
20 compliance with the provisions of a collective bargaining  
21 agreement that applies to the employees of the Secretary of  
22 State. Any recommendation for discipline or any action taken  
23 against any employee by the Inspector General or any  
24 representative or agent of the Inspector General must comply  
25 with the provisions of the collective bargaining agreement  
26 that applies to the employee.

27 (h) On or before January 1 of each year, the Inspector  
28 General shall report to the President of the Senate, the  
29 Minority Leader of the Senate, the Speaker of the House of  
30 Representatives, and the Minority Leader of the House of  
31 Representatives on the types of investigations and the  
32 activities undertaken by the Office of the Inspector General  
33 during the previous calendar year.

1 Section 10. The Secretary of State Merit Employment Code  
2 is amended by changing Section 16 as follows:

3 (15 ILCS 310/16) (from Ch. 124, par. 116)

4 Sec. 16. Status of present employees. Employees holding  
5 positions in the Office of the Secretary of State herein  
6 shall continue under the following conditions:

7 (1) Employees who have been appointed as the result of  
8 having passed examinations in accordance with the provisions  
9 of the "Personnel Code", and who have satisfactorily passed  
10 the probationary period or who have been promoted in  
11 accordance with the rules thereunder, shall be continued  
12 without further examination, but shall be otherwise subject  
13 to provisions of this Act and the rules made pursuant to it.

14 (2) Employees who have been appointed as the result of  
15 having passed examinations pursuant to the provisions of the  
16 "Personnel Code" but have not completed their probationary  
17 period on the effective date of this Act shall be continued  
18 without further examination but shall be otherwise subject to  
19 provisions of this Act and the rules made pursuant to it.  
20 Time served on probation prior to the effective date of this  
21 Act shall count as time served on the probationary period  
22 provided by this Act.

23 (2.5) Persons who, immediately before the effective date  
24 of this amendatory Act of the 93rd General Assembly, were  
25 employees with investigatory functions of the Inspector  
26 General within the Office of the Secretary of State and who  
27 are subject to the Secretary of State Merit Employment Code  
28 shall be appointed to the position of inspector, as described  
29 in Section 14 of the Secretary of State Act, if they: (i)  
30 meet the requirements described in Section 14 of the  
31 Secretary of State Act; (ii) pass a qualifying examination as  
32 prescribed by the Director of Personnel within 6 months after  
33 the effective date of this amendatory Act of the 93rd General

1 Assembly; and (iii) satisfactorily complete their respective  
2 probationary periods. The qualifying examination for  
3 inspectors shall be similar to those required for entrance  
4 examinations for comparable positions in the Office of the  
5 Secretary of State. Inspectors shall be appointed without  
6 regard to eligible lists. Nothing in this subsection  
7 precludes the Office of the Secretary of State from  
8 reclassifying or reallocating employees who would otherwise  
9 qualify as inspectors.

10 (3) All other such employees subject to the provisions  
11 of this Act shall be continued in their respective positions  
12 if they pass a qualifying examination prescribed by the  
13 Director within 9 months from the effective date of this Act,  
14 and satisfactorily complete their respective probationary  
15 periods. Such qualifying examinations shall be similar to  
16 those required for entrance examinations for comparable  
17 positions in the Office of the Secretary of State.  
18 Appointments of such employees shall be without regard to  
19 eligible lists. Nothing herein precludes the  
20 reclassification or reallocation as provided by this Act of  
21 any position held by such incumbent.

22 (4) Nothing in this Act shall be construed to prejudice,  
23 reduce, extinguish or affect the rights or privileges  
24 determined through judicial process to have been conferred on  
25 any present or past employee under the Illinois Personnel  
26 Code. In the event that any court of competent jurisdiction  
27 shall determine that present or past employees of the  
28 Secretary of State have any rights arising from the Illinois  
29 Personnel Code, those rights shall be recognized under this  
30 Act.

31 (5) Any person who, as a result of any court order,  
32 court approved stipulation or settlement, has any employment  
33 or re-employment rights prior to the effective date of this  
34 Act shall continue to have such rights after the effective

1 date of this Act.

2 (Source: P.A. 80-13.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.