

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 Employees Political Activity Act is
5 amended by changing Section 3 as follows:

6 (5 ILCS 320/3) (from Ch. 24 1/2, par. 38u)

7 Sec. 3. (a) No employee hereunder shall be denied or
8 deprived of employment solely because he is a member or an
9 officer of a political committee, of a political party, or of
10 a political organization or club; nor shall he be required as
11 a condition of his employment or tenure to work or make
12 contributions in behalf of any political party or any
13 candidate for political office.

14 (b) State employees have the right to engage in
15 political work that does not interfere with their official
16 duties, provided that:

17 (1) No political work may be conducted while acting
18 (i) in an official capacity as a State employee, (ii) at
19 the public employment work site, or (iii) using State
20 owned or leased property or equipment;

21 (2) State employees who work part-time for the
22 State while engaging in political work in their non-State
23 time must file weekly time sheets documenting, in
24 quarter-hour increments, the time spent each day on their
25 official State duties. These reports shall be available
26 to the public under the Freedom of Information Act; and

27 (3) State employees who work part-time for the
28 State while engaging in political work in their non-State
29 time may elect to suspend their health insurance
30 coverage, earning of pension credits, accrual of
31 vacations, accrual of seniority, and other fringe

1 benefits during the period they work part-time for the
 2 State. No such part-time employee shall receive these
 3 fringe benefits unless he or she reimburses the State, on
 4 a pro-rated basis, for the time he or she is not engaged
 5 in official duties; and

6 (4) Nothing in this Section shall be interpreted to
 7 allow any activities otherwise prohibited by Illinois or
 8 federal law.

9 (Source: Laws 1957, p. 1868.)

10 Section 10. The Illinois Governmental Ethics Act is
 11 amended by adding Article 4B as follows:

12 (5 ILCS 420/Art. 4B heading new)

13 ARTICLE 4B

14 STATE GOVERNMENTAL ETHICS

15 (5 ILCS 420/4B-5 new)

16 Sec. 4B-5. Public service announcements. No State funds
 17 may be used for the dissemination by any media of any public
 18 service announcement or advertisement that uses the name,
 19 image, voice, or likeness of any State executive branch
 20 constitutional officer during a period starting 30 days
 21 before a general primary election or 60 days before a general
 22 election.

23 For the purposes of this Section, State executive branch
 24 constitutional officer means the Governor, Lieutenant
 25 Governor, Secretary of State, Attorney General, State
 26 Treasurer, and State Comptroller.

27 Section 15. The State Gift Ban Act is amended by
 28 changing Sections 5, 10, 15, 20, 30, 35, 45, 55, 60, 80, 83,
 29 85, and 95 as follows:

1 (5 ILCS 425/5)

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

3 "Commission" means an ethics commission created by this
4 Act.

5 "Employee" means all full-time, part-time, and
6 contractual employees of the executive and legislative
7 branches of State government, appointed and elected
8 officials, and directors of a governmental entity.

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

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

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

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

27 "Officer" means a State constitutional officer.

28 "Political organization" means a party, committee,
29 association, fund, or other organization (whether or not
30 incorporated) organized and operated primarily for the
31 purpose of directly or indirectly accepting contributions or
32 making expenditures, or both, for the function of influencing
33 or attempting to influence the selection, nomination,
34 election, or appointment of any individual to any federal,

1 state, or local public office or office in a political
 2 organization, or the election of Presidential or
 3 Vice-Presidential electors, whether or not the individual or
 4 electors are selected, nominated, elected, or appointed. The
 5 term includes the making of expenditures relating to an
 6 office described in the preceding sentence that, if incurred
 7 by the individual, would be allowable as a federal income tax
 8 deduction for trade or business expenses.

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

10 (1) is seeking official action (i) by the member
 11 or officer ~~or~~ judge or (ii) in the case of an employee,
 12 by the employee or by the member, officer, judge,
 13 governmental entity, or other employee directing the
 14 employee;

15 (2) does business or seeks to do business (i) with
 16 the member or officer ~~or~~ judge or (ii) in the case of
 17 an employee, with the employee or with the member,
 18 officer, judge, governmental entity, or other employee
 19 directing the employee;

20 (3) conducts activities regulated (i) by the member
 21 or officer ~~or~~ judge or (ii) in the case of an employee,
 22 by the employee or by the member, officer, judge,
 23 governmental entity, or other employee directing the
 24 employee;

25 (4) has interests that may be substantially
 26 affected by the performance or non-performance of the
 27 official duties of the member, officer, or employee ~~or~~
 28 judge; or

29 (5) is registered or required to be registered with
 30 the Secretary of State under the Lobbyist Registration
 31 Act.

32 "Ultimate jurisdictional authority" means the following:

33 (1) For members, partisan staff, and their
 34 secretaries, the appropriate legislative leader:

1 President of the Senate, Minority Leader of the Senate,
2 Speaker of the House of Representatives, or Minority
3 Leader of the House of Representatives.

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

7 (3) For State employees who are professional staff
8 or employees of the House of Representatives and not
9 covered under item (1), the Speaker of the House of
10 Representatives.

11 (4) For State employees who are employees of the
12 legislative support services agencies, the Joint
13 Committee on Legislative Support Services.

14 (5) (Blank). ~~For judges, the Chief Justice of the~~
15 ~~Supreme Court.~~

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

18 (7) For State employees of an executive branch
19 constitutional officer, the appropriate executive branch
20 constitutional officer.

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

24 (9) For officers, the General Assembly.

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

26 (5 ILCS 425/10)

27 Sec. 10. Gift ban. Except as otherwise provided in this
28 Act, no member, officer, or employee, ~~or~~ judge shall
29 knowingly solicit or accept any gift from any prohibited
30 source or in violation of any federal or State statute, rule,
31 or regulation. This ban applies to and includes spouses of
32 and immediate family living with the member, officer, or
33 employee, ~~or~~ judge. No prohibited source shall offer or make

1 a gift that violates this Section.

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

3 (5 ILCS 425/15)

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

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

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

14 (3) Educational materials and missions.

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

17 (5) A gift from a relative, meaning those people related
18 to the individual as father, mother, son, daughter, brother,
19 sister, uncle, aunt, great aunt, great uncle, first cousin,
20 nephew, niece, husband, wife, grandfather, grandmother,
21 grandson, granddaughter, father-in-law, mother-in-law,
22 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
23 stepfather, stepmother, stepson, stepdaughter, stepbrother,
24 stepsister, half brother, half sister, and including the
25 father, mother, grandfather, or grandmother of the
26 individual's spouse and the individual's fiance or fiancée.

27 (6) (4) Anything provided by an individual on the basis
28 of a personal friendship unless the member, officer,
29 employee,--or--judge has reason to believe that, under the
30 circumstances, the gift was provided because of the official
31 position or employment of the member, officer, or employee,
32 ~~or~~ judge and not because of the personal friendship.

33 In determining whether a gift is provided on the basis of

1 personal friendship, the member, officer, or employee,--~~or~~
2 judge shall consider the circumstances under which the gift
3 was offered, such as:

4 (i) the history of the relationship between the
5 individual giving the gift and the recipient of the gift,
6 including any previous exchange of gifts between those
7 individuals;

8 (ii) whether to the actual knowledge of the member,
9 officer, or employee,--~~or~~-judge the individual who gave
10 the gift personally paid for the gift or sought a tax
11 deduction or business reimbursement for the gift; and

12 (iii) whether to the actual knowledge of the
13 member, officer, or employee,--~~or~~-judge the individual who
14 gave the gift also at the same time gave the same or
15 similar gifts to other members, officers, or employees,
16 ~~or~~-judges.

17 (7) Food or refreshments not exceeding \$75 per person in
18 value; provided that the food or refreshments are consumed on
19 the premises from which they were served. ~~(5)--A--commercially~~
20 ~~reasonable--loan-evidenced-in-writing-with-repayment-due-by-a~~
21 ~~date-certain-made-in-the--ordinary--course--of--the--lender's~~
22 ~~business.~~

23 ~~(6)--A--contribution-or-other-payments-to-a-legal-defense~~
24 ~~fund-established--for--the--benefit--of--a--member,--officer,~~
25 ~~employee,--or-judge-that-is-otherwise-lawfully-made.~~

26 (8) (7) Intra-office and inter-office gifts. For the
27 purpose of this Act, "intra-office gifts" means:

28 (i) any gift given to a member or employee of the
29 legislative branch from another member or employee of the
30 legislative branch;

31 (ii) (Blank). ~~any-gift-given-to-a-judge-or-employee~~
32 ~~of--the-judicial-branch-from-another-judge-or-employee-of~~
33 ~~the-judicial-branch;~~

34 (iii) any gift given to an officer or employee of

1 the executive branch from another officer or employee of
2 the executive branch;

3 (iv) (Blank). any--gift--given--to--an--officer--or
4 employee--of--a-unit-of-local-government, home-rule-unit,
5 or-school-district,--from-another-employee-of-that-unit-of
6 local-government, home-rule-unit, or-school-district;

7 (v) any gift given to an officer or employee of any
8 other governmental entity not included in item (i) or
9 (ii), (iii),--or--(iv), from another employee of that
10 governmental entity; or

11 (vi) any gift given to a member or employee of the
12 legislative branch, a-judge-or-employee-of-the-judicial
13 branch, an officer or employee of the executive branch,
14 an--officer--or--employee--of-a-unit-of-local-government,
15 home-rule-unit, or-school--district, or an officer or
16 employee of any other governmental entity not included in
17 item (i) or--(ii), (iii),--or--(iv) from a member or
18 employee of the legislative branch, a judge or employee
19 of the judicial branch, an officer or employee of the
20 executive branch, an officer or employee of a unit of
21 local government, home rule unit, or school district, or
22 an officer or employee of any other governmental entity.

23 (8)--Food,--refreshments,--lodging,--transportation,--and
24 other-benefits:

25 (i)--resulting--from--the--outside--business--or
26 employment-activities-(or-outside-activities-that-are-not
27 connected-to-the-duties-of-the-member, officer, employee,
28 or-judge,--as-an-office-holder-or-employee)-of-the-member,
29 officer,--employee,--judge,--or-the-spouse-of-the-member,
30 officer, employee, or-judge, if--the--benefits--have--not
31 been-offered-or-enhanced-because-of-the-official-position
32 or--employment-of-the-member, officer, employee, or-judge
33 and--are--customarily--provided--to--others--in--similar
34 circumstances;

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

3 (iii)--provided---by---a---political---organization---in
4 connection-with-a-fundraising-or-campaign-event-sponsored
5 by-that-organization.

6 (9)--Pension-and-other-benefits-resulting-from--continued
7 participation--in--an--employee--welfare--and--benefits--plan
8 maintained-by-a-former-employer.

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

13 (11)--Awards--or--prizes-that-are-given-to-competitors-in
14 contests-or-events--open--to--the--public,--including--random
15 drawings.

16 (12)--Honorary--degrees--(and--associated--travel,--food,
17 refreshments,--and-entertainment-provided-in-the-presentation
18 of-degrees-and-awards).

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

23 (14)--Educational--missions,--including--meetings--with
24 government--officials-either-foreign-or-domestic,--intended-to
25 educate-public-officials-on--matters--of--public--policy,--to
26 which--the-member,--officer,--employee,--or--judge-may-be-invited
27 to-participate-along-with--other--federal,--state,--or--local
28 public-officials-and-community-leaders.

29 (9) (15) Bequests, inheritances, and other transfers at
30 death.

31 (16)--Anything--that--is--paid---for---by---the---federal
32 government,--the--State,--or-a-governmental-entity,--or-secured
33 by-the-government-or-governmental-entity-under--a--government
34 contract.

1 (17) A gift of personal hospitality of an individual
2 other than a registered lobbyist or agent of a foreign
3 principal, including hospitality extended for a nonbusiness
4 purpose by an individual, not a corporation or organization,
5 at the personal residence of that individual or the
6 individual's family or on property or facilities owned by
7 that individual or the individual's family.

8 (18) Free attendance at a widely attended event
9 permitted under Section 20.

10 (19) Opportunities and benefits that are:

11 (i) available to the public or to a class
12 consisting of all employees, officers, members, or
13 judges, whether or not restricted on the basis of
14 geographic consideration;

15 (ii) offered to members of a group or class in
16 which membership is unrelated to employment or official
17 position;

18 (iii) offered to members of an organization such as
19 an employee's association or credit union, in which
20 membership is related to employment or official position
21 and similar opportunities are available to large segments
22 of the public through organizations of similar size;

23 (iv) offered to any group or class that is not
24 defined in a manner that specifically discriminates among
25 government employees on the basis of branch of government
26 or type of responsibility, or on a basis that favors
27 those of higher rank or rate of pay;

28 (v) in the form of loans from banks and other
29 financial institutions on terms generally available to
30 the public; or

31 (vi) in the form of reduced membership or other
32 fees for participation in organization activities offered
33 to all government employees by professional organizations
34 if the only restrictions on membership relate to

1 professional-qualifications.

2 (20)--A--plaque,--trophy,---or---other---item---that---is
3 substantially--commemorative--in--nature--and--that--is--extended
4 for--presentation.

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

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

12 (10)(23) Any item or items from any one prohibited
13 source during any calendar year having a cumulative total
14 value of less than \$100.

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

16 (5 ILCS 425/20)

17 Sec. 20. Attendance at meetings events.

18 (a) A member, officer, or employee, or judge may accept
19 travel expenses in connection with a meeting to discuss State
20 business, as defined by rules adopted by the appropriate
21 ethics commission. an--offer--of--free--attendance--at--a--widely
22 attended--convention,--conference,--symposium,--forum,--panel
23 discussion,--dinner,--viewing,--reception,--or--similar--event,
24 provided--by--the--sponsor--of--the--event,--if:

25 (1)--the---member,---officer,---employee,--or--judge
26 participates--in--the--event--as--a--speaker--or--a--panel
27 participant,--by--presenting--information--related--to
28 government,--or--by--performing--a--ceremonial--function
29 appropriate--to--the--member's,--officer's,--employee's,--or
30 judge's--official--position--or--employment;--or

31 (2)--attendance--at--the--event--is--appropriate--to--the
32 performance--of--civic--affairs--in--Illinois--or--the--official
33 duties--or--representative--function--of--the--member,--officer,

1 employee, or judge.

2 (b) -- A member, officer, employee, or judge who attends an
3 event described in subsection (a) may accept a sponsor's
4 unsolicited offer of free attendance at the event for an
5 accompanying individual.

6 (c) -- A member, officer, employee, or judge, or the spouse
7 or dependent thereof, may accept a sponsor's unsolicited
8 offer of free attendance at a charity event, except that
9 reimbursement for transportation and lodging may not be
10 accepted in connection with the event.

11 (d) -- For purposes of this Section, the term "free
12 attendance" may include waiver of all or part of a conference
13 or other fee, the provision of transportation, or the
14 provision of food, refreshments, entertainment, and
15 instructional materials furnished to all attendees as an
16 integral part of the event. The term does not include
17 entertainment collateral to the event, nor does it include
18 food or refreshments taken other than in a group setting with
19 all or substantially all other attendees, except as
20 authorized under subsection (21) of Section 15.

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

22 (5 ILCS 425/30)

23 Sec. 30. Reimbursement. (Blank).

24 (a) -- A reimbursement (including payment in kind) to a
25 member, officer, employee, or judge from a private source
26 other than a registered lobbyist or agent of a foreign
27 principal for necessary transportation, lodging, and related
28 expenses for travel to a meeting, speaking engagement, fact
29 finding trip, or similar event in connection with the duties
30 of the member, officer, employee, or judge as an office
31 holder or employee shall be deemed to be a reimbursement to
32 the governmental entity and not a gift prohibited by this Act
33 if the member, officer, employee, or judge:

1 (1) --discloses the expenses reimbursed or to be
2 reimbursed and the authorization to the Clerk of the
3 House of Representatives, the Secretary of the Senate,
4 the State Comptroller, fiscal officer, or similar
5 authority as appropriate, within 30 days after the travel
6 is completed; and

7 (2) --in the case of an employee, receives advance
8 authorization, from the member, officer, judge, or other
9 employee under whose direct supervision the employee
10 works to accept reimbursement.

11 (b) --For purposes of subsection (a), events, the
12 activities of which are substantially recreational in nature,
13 shall not be considered to be in connection with the duties
14 of a member, officer, employee, or judge as an office holder
15 or employee.

16 (c) --Each advance authorization to accept reimbursement
17 shall be signed by the member, officer, judge, or other
18 employee under whose direct supervision the employee works
19 and shall include:

20 (1) --the name of the employee;

21 (2) --the name of the person who will make the
22 reimbursement;

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

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

28 (d) --Each disclosure made under subsection (a) of
29 expenses reimbursed or to be reimbursed shall be signed by
30 the member, officer, or judge (in the case of travel by the
31 member, officer, or judge) or by the member, officer, judge,
32 or other employee under whose direct supervision the employee
33 works (in the case of travel by an employee) and shall
34 include:

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

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

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

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

9 (5)--a--determination--that--all--these--expenses--are
10 necessary--transportation,-lodging,-and-related-expenses-

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

12 (5 ILCS 425/35)

13 Sec. 35. Ethics Officer. Each officer and the head of
14 each governmental entity shall designate an Ethics Officer
15 for the office or governmental entity. For the legislative
16 branch, the President and Minority Leader of the Senate and
17 the Speaker and Minority Leader of the House of
18 Representatives shall each appoint an ethics officer for the
19 legislative members of their political party. Ethics Officers
20 shall:

21 (1) review statements of economic interest and
22 disclosure forms of members, officers, judges, senior
23 employees, and contract monitors before they are filed
24 with the Secretary of State; and

25 (2) provide guidance to members, officers, and
26 employees,---and---judges in the interpretation and
27 implementation of this Act. Such guidance shall be based,
28 wherever possible, upon the findings and opinions of the
29 related Ethics Commission.

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

31 (5 ILCS 425/45)

32 Sec. 45. Ethics Commissions.

1 (a) Ethics Commissions are created for the branches of
2 government as provided in this Section. The initial
3 appointments to each commission shall be made within 60 days
4 after the effective date of this Act. The appointing
5 authorities shall appoint commissioners who have experience
6 holding governmental office or employment and shall appoint
7 commissioners from the general public or from within the
8 appointing authority's branch of government. No appointing
9 authority shall appoint anyone who has been convicted of a
10 felony or anyone who is actively engaged in activities that
11 qualify them as a "prohibited source" under Section 10 of the
12 Gift Ban Act (ILCS 425/10). Nor shall any executive branch
13 appointing authority appoint more than 2 people who have been
14 engaged in activities that qualify them as a "prohibited
15 source" under Section 10 of the State Gift Ban Act during the
16 preceding 12 months. Nor shall any legislative branch
17 appointing authority appoint more than one person who has
18 been engaged in activities that qualify that person as a
19 "prohibited source" under Section 10 of the State Gift Ban
20 Act during the preceding 12 months. With respect to each of
21 the ethics commissions designated in item items (1)--(2)--
22 (3)--(4)--and-(5), no more than 4 of the 7 appointees shall
23 be of the same political party. The appointee shall
24 establish his or her political party affiliation by his or
25 her last record of voting in a party primary election.

26 (1) For the ethics commission of the executive
27 branch, there shall be 8 commissioners, 4 appointed by
28 the Governor and 4 appointed by the next highest ranking
29 statewide constitutional officer who is not of the same
30 political party as the Governor. If all statewide
31 constitutional officers are of the same political party,
32 then members appointed to represent another political
33 party must be confirmed by a three-fifths majority of the
34 Senate. This ethics commission shall have jurisdiction

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

8 (2) (Blank). For--the--ethics--commission--of--the
 9 Attorney--General--there--shall--be--7--commissioners--appointed
 10 by--the--Attorney--General.

11 (3) (Blank). For--the--ethics--commission--of--the
 12 Secretary---of--State--there--shall--be--7--commissioners
 13 appointed--by--the--Secretary--of--State.

14 (4) (Blank). For--the--ethics--commission--of--the
 15 Comptroller--there--shall--be--7--commissioners--appointed--by
 16 the--Comptroller.

17 (5) (Blank). For--the--ethics--commission--of--the
 18 Treasurer--there--shall--be--7--commissioners--appointed--by--the
 19 Treasurer.

20 (6) For the ethics commission of the legislative
 21 branch there shall be 8 commissioners. The Speaker and
 22 the Minority Leader of the House of Representatives and
 23 the President and the Minority Leader of the Senate shall
 24 each appoint 2 commissioners.

25 (7) For--the--ethics--commission--of--the--judicial
 26 branch--there--shall--be--6--commissioners.--The--Chief--Justice
 27 of--the--Supreme--Court--shall--appoint--the--commissioners--with
 28 the--concurrence--of--3--other--Supreme--Court--Judges.

29 (b) At the first meeting of each commission, the initial
 30 appointees shall draw lots to divide into 2 groups.
 31 Commissioners of the first group shall serve 2-year terms,
 32 and commissioners of the second group shall serve one-year
 33 terms. Thereafter commissioners shall be appointed to 2-year
 34 terms. Commissioners may be reappointed to serve subsequent

1 terms.

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

12 (d) Each commission must meet, either in person or by
 13 telephone, at least once per month. ~~Each commission shall~~
 14 ~~meet as often as necessary to perform its duties. Except for~~
 15 ~~the ethics commission for the legislative branch,~~ At the
 16 first meeting of the executive branch each commission the
 17 commissioners shall choose a chairperson from their number.
 18 For the ethics commission for the legislative branch, the
 19 President of the Senate and whichever of the Speaker or
 20 Minority Leader of the House is of the same political party
 21 as the President shall jointly designate one member as
 22 co-chair; the other 2 legislative leaders shall jointly
 23 designate the other co-chair. Meetings shall be held at the
 24 call of the chairperson or any 2 commissioners. Official
 25 action by the commission shall require the affirmative vote
 26 of the number of commissioners provided in this subsection,
 27 and a quorum shall consist of the number of commissioners
 28 provided in this subsection. The number of commissioners
 29 required for a quorum and the affirmative vote of each ethics
 30 commission shall be as follows: for the executive branch, 5
 31 ~~Governor, 4; for the Attorney General, 4; for the Secretary~~
 32 ~~of State, 4; for the Treasurer, 4; for the Comptroller, 4;~~
 33 for the legislative branch, 5; ~~for the judicial branch, 4.~~
 34 Commissioners may be reimbursed for their reasonable expenses

1 actually incurred in the performance of their duties.

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

3 (5 ILCS 425/55)

4 Sec. 55. Powers and duties. Each commission shall have
5 the following powers and duties:

6 (1) To promulgate procedures and rules governing the
7 performance of its duties and the exercise of its powers.
8 Rules defining "a meeting to conduct State business", rules
9 concerning the disclosure of reimbursements, and rules
10 concerning where a complaint under Section 60 must be filed
11 must be adopted as soon as possible, but in any case, no
12 later than 120 days after the effective date of this
13 amendatory Act of the 93rd General Assembly. The commissions
14 may adopt emergency rules under Section 5-45 of the Illinois
15 Administrative Procedure Act.

16 (2) Upon receipt of a signed, notarized, written
17 complaint, to investigate, conduct research, conduct closed
18 hearings and deliberations, issue recommendations, and impose
19 a fine.

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

23 (4) To receive information from the public pertaining to
24 its investigations and to require additional information and
25 documents from persons who may have violated the Acts over
26 which it has jurisdiction ~~this Act~~.

27 (5) To subpoena witnesses and compel the production of
28 books and papers pertinent to an investigation authorized by
29 the Acts over which it has jurisdiction ~~this Act~~.

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

32 (7) To prepare and publish manuals and guides explaining
33 the duties of individuals under its jurisdiction ~~covered by~~

1 this-Act.

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

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

13 (10) To make rulings and issue advisory opinions in
14 connection with the implementation and interpretation of the
15 Acts over which it has jurisdiction.

16 The powers and duties of a commission are limited to
17 matters clearly within the purview of the Acts over which it
18 has jurisdiction. The Ethics Commissions may address matters
19 arising under the Gift Ban Act, the State Employees Political
20 Activity Act, General Assembly Staff Assistants Act, Illinois
21 Governmental Ethics Act, and those Sections of the Elections
22 Code dealing with prohibited solicitations by certain State
23 officials, employees, and appointees; prohibited offer or
24 promise, contributions on State property, and disclosure on
25 political literature; those Sections of the Procurement Code
26 dealing with revolving door prohibition; and the Criminal
27 Code dealing with solicitation misconduct this-Act.

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

29 (5 ILCS 425/60)

30 Sec. 60. Complaint procedure.

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

33 (1) If the complaint alleges a violation by an

1 officer or employee of the executive branch of State
2 government, then the complaint shall be filed, as
3 provided by rule, with the executive branch appropriate
4 ethics commission ~~within the executive branch~~.

5 (2) (Blank). ~~If the complaint alleges a violation~~
6 ~~by a judge or employee of the judicial branch of~~
7 ~~government, then the complaint shall be filed with the~~
8 ~~judicial ethics commission.~~

9 (3) If the complaint alleges a violation by a
10 member or employee of the legislative branch of State
11 government ~~or any employee not included within paragraphs~~
12 ~~(1) or (2)~~, then the complaint shall be filed, as
13 provided by rule, with the legislative ethics commission.

14 (4) If an ethics commission receives a complaint
15 that raises allegations about people under the
16 jurisdiction of the other ethics commission, it shall
17 transmit that complaint to the other ethics commission.

18 Any complaint received by or incident reported to a
19 member, officer, employee, judge, or governmental entity
20 alleging the violation of this Act shall be forwarded to the
21 appropriate commission. The complaint shall not be properly
22 filed until submitted to the appropriate commission.

23 (b) Within 3 business days after the receipt of an
24 ethics complaint, the commission shall send by certified
25 mail, return receipt requested, a notice to the respondent
26 that a complaint has been filed against him or her and a copy
27 of the complaint. The commission shall send by certified
28 mail, return receipt requested, a confirmation of the receipt
29 of the complaint to the complainant within 3 business days
30 after the submittal to the commission. The notices to the
31 respondent and the complainant shall also advise them of the
32 date, time, and place of the meeting on the sufficiency of
33 the complaint and probable cause.

34 (c) Upon at least 24 hours' public notice of the

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

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

25 (e) Within 6 weeks after the complaint's receipt, the
26 commission shall (i) dismiss the complaint or (ii) issue a
27 preliminary recommendation to the alleged violator and to the
28 violator's ultimate jurisdictional authority or impose a fine
29 upon the violator, or both. The particular findings in the
30 instant case, the preliminary recommendation, and any fine
31 shall be made public.

32 (f) Within 7 business days after the issuance of the
33 preliminary recommendation or imposition of a fine, or both,
34 the respondent may file a written demand for a public hearing

1 on the complaint. The filing of the demand shall stay the
2 enforcement of the preliminary recommendation or fine.
3 Within 2 weeks after receiving the demand, the commission
4 shall conduct a public hearing on the complaint after at
5 least 24 hours' public notice of the hearing and allow both
6 parties the opportunity to present testimony and evidence.
7 Within 5 business days, the commission shall publicly issue a
8 final recommendation to the alleged violator and to the
9 violator's ultimate jurisdictional authority or impose a fine
10 upon the violator, or both.

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

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

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

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

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

26 (5 ILCS 425/80)

27 Sec. 80. Exemption. Documents generated by an ethics
28 officer under this Act are exempt from the provisions of the
29 Freedom of Information Act. Any complaint and related
30 documents filed with an ethics commission under Section 60
31 are exempt from the provisions of the Freedom of Information
32 Act so long as no finding of probable cause under subsection
33 (c) of Section 60 has been made by the commission with

1 respect to that complaint. Meetings of an ethics commission
 2 under subsection (c) of Section 60 are exempt from the
 3 provisions of the Open Meetings Act. ~~The--proceedings~~
 4 ~~conducted--and--documents-generated-under-this-Act-are-exempt~~
 5 ~~from-the-provisions-of-the-Open-Meetings-Act-and-the--Freedom~~
 6 ~~of-Information-Act.~~

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

8 (5 ILCS 425/83)

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

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

19 (5 ILCS 425/85)

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

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

29 (5 ILCS 425/95)

30 Sec. 95. Effect on Executive Order or similar rule.
 31 This Act supersedes the ethics reforms provided for in (i)

1 Part I (Ban On Gifts To State Employees From Prohibited
2 Sources) contained in Executive Order No. 2 (1997) and (ii)
3 any other executive, administrative, or similar order,
4 policy, or rule promulgated by an officer, member, judge,
5 employee, or governmental entity that conflicts with or is
6 less restrictive than this Act.

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

8 Section 10. The Open Meetings Act is amended by changing
9 Section 1.02 as follows:

10 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

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

12 "Meeting" means any gathering of a majority of a quorum
13 of the members of a public body held for the purpose of
14 discussing public business.

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

1 under the State Gift Ban Act as provided by Section 80 of
2 that Act.

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

4 Section 15. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and
12 regulations adopted under federal or State law.

13 (b) Information that, if disclosed, would
14 constitute a clearly unwarranted invasion of personal
15 privacy, unless the disclosure is consented to in writing
16 by the individual subjects of the information. The
17 disclosure of information that bears on the public duties
18 of public employees and officials, such as time sheets
19 for the time spent working as a public employee or
20 official or applications for reimbursement for expenses
21 incurred in the course of State business, shall not be
22 considered an invasion of personal privacy. Information
23 exempted under this subsection (b) shall include but is
24 not limited to:

25 (i) files and personal information maintained
26 with respect to clients, patients, residents,
27 students or other individuals receiving social,
28 medical, educational, vocational, financial,
29 supervisory or custodial care or services directly
30 or indirectly from federal agencies or public
31 bodies;

32 (ii) personnel files and personal information

1 maintained with respect to employees, appointees or
2 elected officials of any public body or applicants
3 for those positions;

4 (iii) files and personal information
5 maintained with respect to any applicant, registrant
6 or licensee by any public body cooperating with or
7 engaged in professional or occupational
8 registration, licensure or discipline;

9 (iv) information required of any taxpayer in
10 connection with the assessment or collection of any
11 tax unless disclosure is otherwise required by State
12 statute; and

13 (v) information revealing the identity of
14 persons who file complaints with or provide
15 information to administrative, investigative, law
16 enforcement or penal agencies; provided, however,
17 that identification of witnesses to traffic
18 accidents, traffic accident reports, and rescue
19 reports may be provided by agencies of local
20 government, except in a case for which a criminal
21 investigation is ongoing, without constituting a
22 clearly unwarranted per se invasion of personal
23 privacy under this subsection.

24 (c) Records compiled by any public body for
25 administrative enforcement proceedings and any law
26 enforcement or correctional agency for law enforcement
27 purposes or for internal matters of a public body, but
28 only to the extent that disclosure would:

29 (i) interfere with pending or actually and
30 reasonably contemplated law enforcement proceedings
31 conducted by any law enforcement or correctional
32 agency;

33 (ii) interfere with pending administrative
34 enforcement proceedings conducted by any public

1 body;

2 (iii) deprive a person of a fair trial or an
3 impartial hearing;

4 (iv) unavoidably disclose the identity of a
5 confidential source or confidential information
6 furnished only by the confidential source;

7 (v) disclose unique or specialized
8 investigative techniques other than those generally
9 used and known or disclose internal documents of
10 correctional agencies related to detection,
11 observation or investigation of incidents of crime
12 or misconduct;

13 (vi) constitute an invasion of personal
14 privacy under subsection (b) of this Section;

15 (vii) endanger the life or physical safety of
16 law enforcement personnel or any other person; or

17 (viii) obstruct an ongoing criminal
18 investigation.

19 (d) Criminal history record information maintained
20 by State or local criminal justice agencies, except the
21 following which shall be open for public inspection and
22 copying:

23 (i) chronologically maintained arrest
24 information, such as traditional arrest logs or
25 blotters;

26 (ii) the name of a person in the custody of a
27 law enforcement agency and the charges for which
28 that person is being held;

29 (iii) court records that are public;

30 (iv) records that are otherwise available
31 under State or local law; or

32 (v) records in which the requesting party is
33 the individual identified, except as provided under
34 part (vii) of paragraph (c) of subsection (1) of

1 this Section.

2 "Criminal history record information" means data
3 identifiable to an individual and consisting of
4 descriptions or notations of arrests, detentions,
5 indictments, informations, pre-trial proceedings, trials,
6 or other formal events in the criminal justice system or
7 descriptions or notations of criminal charges (including
8 criminal violations of local municipal ordinances) and
9 the nature of any disposition arising therefrom,
10 including sentencing, court or correctional supervision,
11 rehabilitation and release. The term does not apply to
12 statistical records and reports in which individuals are
13 not identified and from which their identities are not
14 ascertainable, or to information that is for criminal
15 investigative or intelligence purposes.

16 (e) Records that relate to or affect the security
17 of correctional institutions and detention facilities.

18 (f) Preliminary drafts, notes, recommendations,
19 memoranda and other records in which opinions are
20 expressed, or policies or actions are formulated, except
21 that a specific record or relevant portion of a record
22 shall not be exempt when the record is publicly cited and
23 identified by the head of the public body. The exemption
24 provided in this paragraph (f) extends to all those
25 records of officers and agencies of the General Assembly
26 that pertain to the preparation of legislative documents.

27 (g) Trade secrets and commercial or financial
28 information obtained from a person or business where the
29 trade secrets or information are proprietary, privileged
30 or confidential, or where disclosure of the trade secrets
31 or information may cause competitive harm, including all
32 information determined to be confidential under Section
33 4002 of the Technology Advancement and Development Act.
34 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

3 (h) Proposals and bids for any contract, grant, or
4 agreement, including information which if it were
5 disclosed would frustrate procurement or give an
6 advantage to any person proposing to enter into a
7 contractor agreement with the body, until an award or
8 final selection is made. Information prepared by or for
9 the body in preparation of a bid solicitation shall be
10 exempt until an award or final selection is made.

11 (i) Valuable formulae, computer geographic systems,
12 designs, drawings and research data obtained or produced
13 by any public body when disclosure could reasonably be
14 expected to produce private gain or public loss.

15 (j) Test questions, scoring keys and other
16 examination data used to administer an academic
17 examination or determined the qualifications of an
18 applicant for a license or employment.

19 (k) Architects' plans and engineers' technical
20 submissions for projects not constructed or developed in
21 whole or in part with public funds and for projects
22 constructed or developed with public funds, to the extent
23 that disclosure would compromise security.

24 (l) Library circulation and order records
25 identifying library users with specific materials.

26 (m) Minutes of meetings of public bodies closed to
27 the public as provided in the Open Meetings Act until the
28 public body makes the minutes available to the public
29 under Section 2.06 of the Open Meetings Act.

30 (n) Communications between a public body and an
31 attorney or auditor representing the public body that
32 would not be subject to discovery in litigation, and
33 materials prepared or compiled by or for a public body in
34 anticipation of a criminal, civil or administrative

1 proceeding upon the request of an attorney advising the
2 public body, and materials prepared or compiled with
3 respect to internal audits of public bodies.

4 (o) Information received by a primary or secondary
5 school, college or university under its procedures for
6 the evaluation of faculty members by their academic
7 peers.

8 (p) Administrative or technical information
9 associated with automated data processing operations,
10 including but not limited to software, operating
11 protocols, computer program abstracts, file layouts,
12 source listings, object modules, load modules, user
13 guides, documentation pertaining to all logical and
14 physical design of computerized systems, employee
15 manuals, and any other information that, if disclosed,
16 would jeopardize the security of the system or its data
17 or the security of materials exempt under this Section.

18 (q) Documents or materials relating to collective
19 negotiating matters between public bodies and their
20 employees or representatives, except that any final
21 contract or agreement shall be subject to inspection and
22 copying.

23 (r) Drafts, notes, recommendations and memoranda
24 pertaining to the financing and marketing transactions of
25 the public body. The records of ownership, registration,
26 transfer, and exchange of municipal debt obligations, and
27 of persons to whom payment with respect to these
28 obligations is made.

29 (s) The records, documents and information relating
30 to real estate purchase negotiations until those
31 negotiations have been completed or otherwise terminated.
32 With regard to a parcel involved in a pending or actually
33 and reasonably contemplated eminent domain proceeding
34 under Article VII of the Code of Civil Procedure,

1 records, documents and information relating to that
2 parcel shall be exempt except as may be allowed under
3 discovery rules adopted by the Illinois Supreme Court.
4 The records, documents and information relating to a real
5 estate sale shall be exempt until a sale is consummated.

6 (t) Any and all proprietary information and records
7 related to the operation of an intergovernmental risk
8 management association or self-insurance pool or jointly
9 self-administered health and accident cooperative or
10 pool.

11 (u) Information concerning a university's
12 adjudication of student or employee grievance or
13 disciplinary cases, to the extent that disclosure would
14 reveal the identity of the student or employee and
15 information concerning any public body's adjudication of
16 student or employee grievances or disciplinary cases,
17 except for the final outcome of the cases.

18 (v) Course materials or research materials used by
19 faculty members.

20 (w) Information related solely to the internal
21 personnel rules and practices of a public body.

22 (x) Information contained in or related to
23 examination, operating, or condition reports prepared by,
24 on behalf of, or for the use of a public body responsible
25 for the regulation or supervision of financial
26 institutions or insurance companies, unless disclosure is
27 otherwise required by State law.

28 (y) Information the disclosure of which is
29 restricted under Section 5-108 of the Public Utilities
30 Act.

31 (z) Manuals or instruction to staff that relate to
32 establishment or collection of liability for any State
33 tax or that relate to investigations by a public body to
34 determine violation of any criminal law.

1 (aa) Applications, related documents, and medical
2 records received by the Experimental Organ
3 Transplantation Procedures Board and any and all
4 documents or other records prepared by the Experimental
5 Organ Transplantation Procedures Board or its staff
6 relating to applications it has received.

7 (bb) Insurance or self insurance (including any
8 intergovernmental risk management association or self
9 insurance pool) claims, loss or risk management
10 information, records, data, advice or communications.

11 (cc) Information and records held by the Department
12 of Public Health and its authorized representatives
13 relating to known or suspected cases of sexually
14 transmissible disease or any information the disclosure
15 of which is restricted under the Illinois Sexually
16 Transmissible Disease Control Act.

17 (dd) Information the disclosure of which is
18 exempted under Section 30 of the Radon Industry Licensing
19 Act.

20 (ee) Firm performance evaluations under Section 55
21 of the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (ff) Security portions of system safety program
24 plans, investigation reports, surveys, schedules, lists,
25 data, or information compiled, collected, or prepared by
26 or for the Regional Transportation Authority under
27 Section 2.11 of the Regional Transportation Authority Act
28 or the St. Clair County Transit District under the
29 Bi-State Transit Safety Act.

30 (gg) Information the disclosure of which is
31 restricted and exempted under Section 50 of the Illinois
32 Prepaid Tuition Act.

33 (hh) Information the disclosure of which is
34 exempted under Section 80 of the State Gift Ban Act.

1 (ii) Beginning July 1, 1999, information that would
 2 disclose or might lead to the disclosure of secret or
 3 confidential information, codes, algorithms, programs, or
 4 private keys intended to be used to create electronic or
 5 digital signatures under the Electronic Commerce Security
 6 Act.

7 (jj) Information contained in a local emergency
 8 energy plan submitted to a municipality in accordance
 9 with a local emergency energy plan ordinance that is
 10 adopted under Section 11-21.5-5 of the Illinois Municipal
 11 Code.

12 (kk) Information and data concerning the
 13 distribution of surcharge moneys collected and remitted
 14 by wireless carriers under the Wireless Emergency
 15 Telephone Safety Act.

16 (2) This Section does not authorize withholding of
 17 information or limit the availability of records to the
 18 public, except as stated in this Section or otherwise
 19 provided in this Act.

20 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
 21 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
 22 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
 23 eff. 7-11-02.)

24 Section 25. The Election Code is amended by changing
 25 Sections 9-1.5, 9-1.7, 9-1.8, 9-3, 9-8.15, and 9-10 and
 26 adding Sections 9-1.5-5, 9-8.5, and 9-8.7 as follows:

27 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

28 Sec. 9-1.5. "Expenditure" means-

29 (1) A payment, distribution, purchase, loan, advance,
 30 deposit, or gift of money or anything of value, in connection
 31 with the nomination for election, or election, of any person
 32 to public office, in connection with the election of any

1 person as ward or township committeeman in counties of
2 3,000,000 or more population, or in connection with any
3 question of public policy. However, expenditure does not
4 include:

5 (a) the use of real or personal property and the
6 cost of invitations, food, and beverages, voluntarily
7 provided by an individual in rendering voluntary personal
8 services on the individual's residential premises for
9 candidate-related activities; provided the value of the
10 service provided does not exceed an aggregate of \$150 in
11 a reporting period; or

12 (b) the sale of any food or beverage by a vendor
13 for use in a candidate's campaign at a charge less than
14 the normal comparable charge, if such charge for use in a
15 candidate's campaign is at least equal to the cost of
16 such food or beverage to the vendor.

17 (2) A transfer of funds between political committees.

18 (3) A payment for electioneering communications.

19 (Source: P.A. 89-405, eff. 11-8-95.)

20 (10 ILCS 5/9-1.5-5 new)

21 Sec. 9-1.5-5. "Electioneering Communication" means any
22 broadcast, cable, or satellite communication that refers to a
23 clearly identified candidate for public office, that is made
24 within 60 days before a general election for the office
25 sought by the candidate or 30 days before a general primary
26 election for the office sought by the candidate, and that is
27 broadcast to voters in the district where the candidate is on
28 the ballot. "Electioneering communication" does not include
29 a communication appearing in a news story, commentary, or
30 editorial included in the course of regularly scheduled news
31 coverage or a communication that constitutes a candidate
32 debate or forum.

(10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

Sec. 9-1.7. "Local political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or other organization or group of persons which:

(a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the county clerk, or on behalf of or in opposition to a candidate or candidates for election to the office of ward or township committeeman in counties of 3,000,000 or more population;

(b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 in support of or in opposition to any question of public policy to be submitted to the electors of an area encompassing no more than one county; or

(c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the County Clerk or a candidate or candidates for the office of ward or township committeeman in counties of 3,000,000 or more population; or

(d) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 for the purpose of electioneering

1 communications.

2 (Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

3 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

4 Sec. 9-1.8. "State political committee" means the
5 candidate himself or any individual, trust, partnership,
6 committee, association, corporation, or any other
7 organization or group of persons which--

8 (a) accepts contributions or grants or makes
9 expenditures during any 12-month period in an aggregate
10 amount exceeding \$3,000 on behalf of or in opposition to a
11 candidate or candidates for public office who are required by
12 the Illinois Governmental Ethics Act to file statements of
13 economic interests with the Secretary of State,

14 (b) accepts contributions or makes expenditures during
15 any 12-month period in an aggregate amount exceeding \$3,000
16 in support of or in opposition to any question of public
17 policy to be submitted to the electors of an area
18 encompassing more than one county, or

19 (c) accepts contributions or makes expenditures during
20 any 12-month period in an aggregate amount exceeding \$3,000
21 and has as its primary purpose the furtherance of
22 governmental, political or social values, is organized on a
23 not-for-profit basis, and which publicly endorses or publicly
24 opposes a candidate or candidates for public office who are
25 required by the Illinois Governmental Ethics Act to file
26 statements of economic interest with the Secretary of State;
27 or

28 (d) accepts contributions or makes expenditures during
29 any 12-month period in an aggregate amount exceeding \$3,000
30 for the purpose of electioneering communications.

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

32 (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 5/9-8.5 new)

16 Sec. 9-8.5. Prohibited solicitations by certain State
17 officials, employees, and appointees. An executive branch
18 constitutional officer, his or her employees, or a candidate
19 in a general primary election or general election for that
20 constitutional office may not knowingly solicit contributions
21 from that constitutional officer's employees, regardless of
22 the time, place, or manner of solicitation nor may the
23 officer, employee, or candidate ask such employees to raise
24 funds from others.

25 For the purpose of this Section: executive branch
26 constitutional officer means the Governor, Lieutenant
27 Governor, Secretary of State, Attorney General, State
28 Treasurer, and State Comptroller; and employee means a
29 full-time or part-time salaried employee or a salaried
30 appointee of any office, board, commission, agency,
31 department, authority, administrative unit, or corporate
32 outgrowth under the jurisdiction of the applicable officer or
33 entity.

1 Violation of this Section constitutes grounds for
2 disciplinary action, including discharge, against the
3 offending officer or employee to the extent permissible under
4 the Illinois Constitution. In the case of an executive
5 branch constitutional officer, violation of this Section may
6 constitute grounds for his or her impeachment.

7 Nothing in this Section prevents the making or accepting
8 of voluntary contributions otherwise in accordance with law.

9 (10 ILCS 5/9-8.7 new)

10 Sec. 9-8.7. Prohibited offer or promise. An executive
11 branch constitutional officer, an employee of an executive
12 branch constitutional officer, or a candidate in a general
13 primary election or general election for an executive branch
14 constitutional office may not promise anything of value,
15 including but not limited to positions in State government,
16 promotions, salary increases, or preferential treatment of
17 any type, in return for a contribution to a political
18 committee, political party, or other entity that has as one
19 of its purposes the financial support of a candidate for
20 elective office.

21 For the purpose of this Section: executive branch
22 constitutional officer means the Governor, Lieutenant
23 Governor, Secretary of State, Attorney General, State
24 Treasurer, and State Comptroller; and employee means a
25 full-time or part-time salaried employee or a salaried
26 appointee of any office, board, commission, agency,
27 department, authority, administrative unit, or corporate
28 outgrowth under the jurisdiction of the applicable officer or
29 entity.

30 Violation of this Section constitutes grounds for
31 disciplinary action, including discharge, against the
32 offending officer or employee to the extent permissible under
33 the Illinois Constitution. In the case of an executive

1 branch constitutional officer, violation of this Section may
2 constitute grounds for his or her impeachment.

3 Nothing in this Section prevents the making or accepting
4 of voluntary contributions otherwise in accordance with law.

5 (10 ILCS 5/9-8.10)

6 Sec. 9-8.10. Use of political committee and other
7 reporting organization funds.

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

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

14 (2) Defraying the ordinary and necessary expenses
15 of an officeholder or candidate. For the purposes of
16 this paragraph (2), "ordinary and necessary expenses"
17 include, but are not limited to, expenses in relation to
18 the operation of the district office of a member of the
19 General Assembly.

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

22 (4) Transfers to any national, State, or local
23 political committee, subject to the laws governing that
24 political committee. A---political---committee,---or
25 organization--subject--to--Section--9-7.5,--shall--not--make
26 expenditures:

27 {1}--In-violation-of-any-law-of-the-United-States-or
28 of-this-State.

29 {2}--Clearly-in-excess-of-the-fair-market--value--of
30 the--services,--materials,--facilities,--or--other--things--of
31 value-received-in-exchange.

32 {3}--For-satisfaction--or--repayment--of--any--debts
33 other--than-loans-made-to-the--committee-or-to-the-public

1 official-or-candidate--on--behalf--of--the--committee--or
2 repayment---of---goods--and--services--purchased--by--the
3 committee-under-a--credit--agreement.---Nothing--in--this
4 Section--authorizes--the--use--of--campaign-funds-to-repay
5 personal-loans.---The-repayments-shall-be--made--by--check
6 written--to--the--person--who--made--the--loan--or-credit
7 agreement.---The-terms--and--conditions--of--any--loan--or
8 credit--agreement--to-a-committee-shall-be-set-forth-in-a
9 written-agreement,--including--but--not--limited--to--the
10 method-and-amount-of-repayment,--that-shall-be-executed-by
11 the-chairman-or-treasurer-of-the-committee-at-the-time-of
12 the--loan--or--credit--agreement.---The-loan-or-agreement
13 shall-also-set-forth-the-rate-of-interest-for--the--loan,
14 if-any,--which-may-not-substantially-exceed-the-prevailing
15 market--interest--rate--at--the--time--the--agreement--is
16 executed.

17 (4)--For--the-satisfaction-or-repayment-of-any-debts
18 or-for-the-payment-of-any-expenses-relating-to-a-personal
19 residence.-Campaign-funds-may-not-be-used--as--collateral
20 for-home-mortgages.

21 (5)--For--clothing--or--personal--laundry--expenses,
22 except--clothing--items--rented-by-the-public-official-or
23 candidate-for-his--or--her--own--use--exclusively--for--a
24 specific-campaign-related-event,--provided-that-committees
25 may--purchase---costumes,--novelty---items,---or--other
26 accessories-worn-primarily-to-advertise-the-candidacy.

27 (6)--For-the-travel-expenses-of--any--person--unless
28 the--travel--is--necessary--for-fulfillment-of-political,
29 governmental,--or-public--policy--duties,--activities,--or
30 purposes.

31 (7)--For---membership---or---club--dues--charged--by
32 organizations,--clubs,--or-facilities--that--are--primarily
33 engaged--in--providing--health,--exercise,--or-recreational
34 services;-provided,--however,--that--funds--received--under

1 this--Article-may-be-used-to-rent-the-clubs-or-facilities
2 for-a-specific-campaign-related-event.

3 (8)--In--payment--for--anything--of--value--or---for
4 reimbursement-of-any-expenditure-for-which-any-person-has
5 been--reimbursed-by-the-State-or-any-person.-For-purposes
6 of--this--item--(8),--a--per--diem--allowance--is--not--a
7 reimbursement.

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

25 (10)--Directly-for-an-individual's-tuition-or--other
26 educational---expenses,---except---for--governmental--or
27 political-purposes-directly-related-to-a--candidate's--or
28 public-official's-duties-and-responsibilities.

29 (11)--For-payments-to-a-public-official-or-candidate
30 or--his--or-her-family-member-unless-for-compensation-for
31 services-actually-rendered-by-that-person.

32 The provisions of this Section item-(11) do not apply to
33 expenditures by a political committee in an aggregate amount
34 not exceeding the amount of funds reported to and certified

1 by the State Board or county clerk as available as of June
2 30, 1998, in the semi-annual report of contributions and
3 expenditures filed by the political committee for the period
4 concluding June 30, 1998.

5 (b) The Board shall have the authority to investigate,
6 upon receipt of a verified complaint, violations of the
7 provisions of this Section. The Board may levy a fine on any
8 person who knowingly makes expenditures in violation of this
9 Section and on any person who knowingly makes a malicious and
10 false accusation of a violation of this Section. The Board
11 may act under this subsection only upon the affirmative vote
12 of at least 5 of its members. The fine shall not exceed \$500
13 for each expenditure of \$500 or less and shall not exceed the
14 amount of the expenditure plus \$500 for each expenditure
15 greater than \$500. The Board shall also have the authority
16 to render rulings and issue opinions relating to compliance
17 with this Section.

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

19 (10 ILCS 5/9-8.15)

20 Sec. 9-8.15. Contributions on State property.
21 Contributions shall not be knowingly solicited, offered, or
22 accepted ~~en-a--face-to-face--basis~~ by public officials or
23 employees or by candidates on State property except as
24 provided in this Section.

25 Contributions may be solicited, offered, or accepted on
26 State property ~~en-a-face-to-face-basis~~ by public officials or
27 employees or by candidates at a fundraising event for which
28 the State property is leased or rented.

29 Anyone who knowingly solicits, offers, or accepts
30 contributions on State property in violation of this Section
31 is guilty of a business offense subject to a fine of \$5,000,
32 except that for contributions solicited, offered, or accepted
33 for State officers and candidates and political committees

1 formed for statewide office, the fine shall not exceed
 2 \$10,000. For the purpose of this Section, "statewide office"
 3 and "State officer" means the Governor, Lieutenant Governor,
 4 Attorney General, Secretary of State, Comptroller, and
 5 Treasurer.

6 The provisions of this Section do not apply to the
 7 private residences of State officers.

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

9 (10 ILCS 5/9-9.5)

10 Sec. 9-9.5. Disclosure on political literature. Any
 11 political action committee, organized under the Election
 12 Code, that reports an expenditure for a pamphlet, circular,
 13 handbill, advertisement, telephonic communication, or other
 14 communication directed at voters and mentioning the name of a
 15 candidate in the next upcoming election shall ensure that the
 16 name of the political action committee paying for the
 17 communication is identified clearly within the communication
 18 as the payer. This Section shall not apply to items that are
 19 too small to contain the required disclosure. Any--pamphlet,
 20 ircular,---handbill,---advertisement,---or--other--political
 21 literature--that--supports--or--opposes--any--public--official,
 22 candidate--for--public--office,--or--question--of--public--policy,--or
 23 that--would--have--the--effect--of--supporting--or--opposing--any
 24 public--official,--candidate--for--public--office,--or--question--of
 25 public--policy,--shall--contain--the--name--of--the--individual--or
 26 organization--that--authorized,--caused--to--be--authorized,--paid
 27 for,--caused--to--be--paid--for,--or--distributed--the--pamphlet,
 28 ircular,--handbill,--advertisement,---or---other---political
 29 literature.---If--the--individual--or--organization--includes--an
 30 address,--it--must--be--an--actual--personal--or--business--address--of
 31 the--individual--or--business--address--of--the--organization.

32 This Section does not apply to items, the size of which
 33 is not sufficient to contain the required disclosure.

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

2 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

3 Sec. 9-10. Financial reports.

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

17 (b) Reports of campaign contributions shall be filed no
18 later than the 15th day next preceding each election
19 including a primary election in connection with which the
20 political committee has accepted or is accepting
21 contributions or has made or is making expenditures. Such
22 reports shall be complete as of the 30th day next preceding
23 each election including a primary election. The Board shall
24 assess a civil penalty not to exceed \$5,000 for a violation
25 of this subsection, except that for State officers and
26 candidates and political committees formed for statewide
27 office, the civil penalty may not exceed \$10,000. The fine,
28 however, shall not exceed \$500 for a first filing violation
29 for filing less than 10 days after the deadline. There shall
30 be no fine if the report is mailed and postmarked at least 72
31 hours prior to the filing deadline. For the purpose of this
32 subsection, "statewide office" and "State officer" means the
33 Governor, Lieutenant Governor, Attorney General, Secretary of

1 State, Comptroller, and Treasurer. However, a continuing
 2 political committee that neither accepts contributions nor
 3 makes expenditures on behalf of or in opposition to any
 4 candidate or public question on the ballot at an election
 5 shall not be required to file the reports heretofore
 6 prescribed but may file in lieu thereof a Statement of
 7 Nonparticipation in the Election with the Board or the Board
 8 and the county clerk.

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

28 (1) --if-the-political-committee's-or-other-reporting
 29 entity's--total-receipts,-total-expenditures,-and-balance
 30 remaining-at-the-end-of-the-last--reporting--period--were
 31 each--\$5,000--or-less,-then-\$100-per-business-day-for-the
 32 first-violation,-\$200-per-business--day--for--the--second
 33 violation,-and--\$300--per-business-day-for-the-third-and
 34 subsequent-violations-

1 ~~(2) -- if the political committee's or other reporting~~
2 ~~entity's total receipts, total expenditures, and balance~~
3 ~~remaining at the end of the last reporting period were~~
4 ~~each more than \$5,000, then \$200 per business day for the~~
5 ~~first violation, \$400 per business day for the second~~
6 ~~violation, and \$600 per business day for the third and~~
7 ~~subsequent violations.~~

8 (c) In addition to such reports the treasurer of every
9 political committee shall file semi-annual reports of
10 campaign contributions and expenditures no later than July
11 31st, covering the period from January 1st through June 30th
12 immediately preceding, and no later than January 31st,
13 covering the period from July 1st through December 31st of
14 the preceding calendar year. Reports of contributions and
15 expenditures must be filed to cover the prescribed time
16 periods even though no contributions or expenditures may have
17 been received or made during the period. 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.

29 (c-5) A political committee that acts as either (i) a
30 state and local political committee or (ii) a local political
31 committee and that files reports electronically under Section
32 9-28 is not required to file copies of the reports with the
33 appropriate county clerk, if the county clerk has a system
34 that permits access to, and duplication of, reports that are

1 filed with the State Board of Elections.

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

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

6 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

7 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
8 has issued an order, or has approved a written stipulation,
9 agreed settlement or consent order, directing a person
10 determined by the Board to be in violation of any provision
11 of this Article or any regulation adopted thereunder, to
12 cease or correct such violation or otherwise comply with this
13 Article and such person fails or refuses to comply with such
14 order, stipulation, settlement or consent order within the
15 time specified by the Board, the Board, after affording
16 notice and an opportunity for a public hearing, may impose a
17 civil penalty on such person in an amount not to exceed
18 \$5,000; except that for State officers and candidates and
19 political committees formed for statewide office, the civil
20 penalty may not exceed \$10,000. For the purpose of this
21 Section, "statewide office" and "State officer" means the
22 Governor, Lieutenant Governor, Attorney General, Secretary of
23 State, Comptroller, and Treasurer.

24 Civil penalties imposed on any such person by the Board
25 shall be enforceable in the Circuit Court. The Board shall
26 petition the Court for an order to enforce collection of the
27 penalty and, if the Court finds it has jurisdiction over the
28 person against whom the penalty was imposed, the Court shall
29 issue the appropriate order. Any civil penalties collected
30 by the Court shall be forwarded to the State Treasurer.

31 In addition to or in lieu of the imposition of a civil
32 penalty, the board may report such violation and the failure
33 or refusal to comply with the order of the Board to the

1 Attorney General and the appropriate State's Attorney.

2 ~~The--name--of--a--person--who--has--not--paid--a--civil--penalty~~
3 ~~imposed--against--him--or--her--under--this--Section--shall--not~~
4 ~~appear--upon--any--ballot--for--any--office--in--any--election--while~~
5 ~~the--penalty--is--unpaid.~~

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

7 (10 ILCS 5/9-27.5)

8 Sec. 9-27.5. Fundraising in or within 50 miles of the
9 State Capitol building Springfield. Except as provided in
10 this Section, any executive branch constitutional officer,
11 any candidate for an executive branch constitutional office,
12 any member of the General Assembly, any candidate for the
13 General Assembly, any political caucus of the General
14 Assembly, or any political committee on behalf of any of the
15 foregoing may not hold a fundraising function in or within 50
16 miles of the State Capitol building Springfield on any day
17 the legislature is in session (i) during the period beginning
18 90 days before the later of the dates scheduled by either
19 house of the General Assembly for the adjournment of the
20 spring session and ending on the later of the actual
21 adjournment dates of either house of the spring session and
22 (ii) during fall veto session. For purposes of this Section,
23 the legislature is not considered to be in session on a day
24 that is solely a perfunctory session day or on a day when
25 only a committee is meeting.

26 This Section does not apply to members and political
27 committees of members of the General Assembly whose districts
28 are located, in whole or in part, in or within 50 miles of
29 the State Capitol building Springfield and candidates and
30 political committees of candidates for the General Assembly
31 from districts located, in whole or in part, in or within 50
32 miles of the State Capitol building Springfield, provided
33 that the fundraising function takes place within the member's

1 or candidate's district.

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

3 Section 30. The General Assembly Staff Assistants Act is
4 amended by adding Section 3 as follows:

5 (25 ILCS 160/3 new)

6 Sec. 3. Legislative staff assistants have the right to
7 engage in political work that does not interfere with their
8 official duties, provided that:

9 (1) No political work may be conducted while acting
10 (i) in an official capacity as a legislative staff
11 assistant, (ii) at the public employment work site, or
12 (iii) using State owned or leased property or equipment.

13 (2) Staff assistants who work part-time for the
14 General Assembly while engaging in political work in
15 their non-State time shall file weekly time sheets
16 documenting, in quarter-hour increments, the time spent
17 each day on their official duties, which shall be
18 available to the public under the Freedom of Information
19 Act.

20 (3) Staff assistants who work part-time for the
21 State while engaging in political work in their non-State
22 time may elect to suspend their health insurance
23 coverage, earning of pension credits, accrual of
24 vacations, accrual of seniority, and other fringe
25 benefits during the period that they work part-time for
26 the State; provided, that no part-time employee may
27 receive these fringe benefits unless he or she reimburses
28 the State on a pro-rated basis for the time that he or
29 she is not a legislative staff assistant.

30 (4) Nothing in this Section shall be interpreted to
31 allow any activities otherwise prohibited by Illinois or
32 federal law.

1 Section 50. The Illinois Procurement Code is amended by
2 changing Section 50-30 as follows:

3 (30 ILCS 500/50-30)

4 Sec. 50-30. Revolving door prohibition. No former State
5 officer or State employee may, within a period of 2 years
6 immediately after termination of State employment, accept
7 employment or receive compensation from an employer if:

8 (1) The officer or employee, during the 2 years
9 immediately preceding termination of State employment, was
10 engaged in the negotiation or administration on behalf of the
11 State or agency of one or more contracts with that employer
12 and was in a position to make discretionary decisions
13 affecting the outcome of such negotiation or nature of such
14 administration; or

15 (2) The officer or employee was the chief procurement
16 officer, associate procurement officer, State purchasing
17 officer, designee of one of those officers whose principal
18 duties are directly related to State procurement, or
19 executive officer confirmed by the Senate.

20 This prohibition includes but is not limited to: lobbying
21 the procurement process; specifying; bidding; proposing bid,
22 proposal, or contract documents; on his or her own behalf or
23 on behalf of any firm, partnership, association, or
24 corporation. This Section applies only to persons who
25 terminate an affected position on or after the effective date
26 of this amendatory Act of the 93rd General Assembly. Chief
27 procurement--officers,--associate-procurement-officers,--State
28 purchasing-officers,--their-designees-whose--principal--duties
29 are--directly--related--to--State--procurement,--and-executive
30 officers-confirmed-by-the-Senate-are-expressly-prohibited-for
31 a-period-of-2-years-after-terminating--an--affected--position
32 from--engaging--in--any--procurement-activity-relating-to-the
33 State-agency-most-recently--employing--them--in--an--affected

1 position--for-a-period-of-at-least-6-months.--The-prohibition
2 includes-but-is-not--limited--to:--lobbying--the--procurement
3 process;--specifying;--bidding;--proposing--bid,proposal,or
4 contract-documents;--on-their-own-behalf-or-on-behalf--of--any
5 firm,--partnership,association,or-corporation.--This-Section
6 applies-only-to-persons-who-terminate-an-affected-position-on
7 or-after-January-15,1999.

8 (Source: P.A. 90-572, eff. 2-6-98.)

9 Section 90. Severability. The provisions of this Act
10 are severable under Section 1.31 of the Statute on Statutes.

11 Section 95. Because this Act authorizes the legislative
12 ethics commission to meet in closed session in certain
13 circumstances, in order to meet the requirements of
14 subsection (c) of Section 5 of Article IV of the Illinois
15 Constitution, for passage this Act needs a 2/3 vote of the
16 members elected to each house of the General Assembly.

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